

## Phylmar Regulatory Roundtable EHS Forum

The Phylmar Regulatory Roundtable (PRR) and EHS Forum appreciates the opportunity to submit the attached comments on the proposed New Mexico Heat Illness and Injury Prevention Rule. PRR is a coalition of Environment, Health, and Safety (EHS) professionals representing more than 50 organizations across a broad range of industries. Many of these organizations operate facilities or have employees working in the state of New Mexico. We share a strong commitment to worker safety and offer the following perspectives aimed at improving the feasibility, clarity, and effectiveness of the proposed regulation.



## **Public Comment: New Mexico Heat Illness and Injury Prevention Rule**

### **Submitted by the Phylmar Regulatory Roundtable (PRR) and EHS Forum**

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New Mexico Heat Illness and Injury Prevention Rule Comments:

- **Acclimatization:** We encourage the Environmental Improvement Board to consider an alternative to acclimatization. In other federal and state jurisdictions, legislative and regulatory heat protection proposals have included an alternative to acclimatization requirements, such as allowing employees to abide by high heat standard requirements during the time they would have had to acclimatize. Acclimatization requirements as written overlook many personal employee factors and would be burdensome for employers with shift workers.
  - We would prefer acclimatization provisions to go into effect after a 14+ day absence from work rather than 7+ days
- **Personal risk factors:** We do not support the disclosure of personal risk factors for heat exposure assessments.
- **Fluids:** The requirement for employers to encourage workers to drink 8 oz of fluids every 15 minutes is overly burdensome and infeasible. Recommend striking.



- **Work/rest chart:** The work/rest chart as written is too prescriptive and should be removed to allow employers and employees to take rest breaks in a flexible manner on an as-needed basis.
- **Work/rest chart:** The Environmental Improvement Board needs to clearly define light, moderate, and heavy work. We encourage clear definitions for each.
- **Effective date:** July 1st effective date is a bit soon for compliance since the comment period ends May 30.
- **Record keeping:** Caution to avoid making record keeping requirements overly prescriptive.

Thank you for considering these comments. We support efforts to protect workers from heat-related risks and encourage the Board to adopt a balanced approach that achieves health and safety goals without creating impractical implementation challenges.