

# Jason Harrington

Dear Members of the New Mexico Environmental Improvement Board,

HB Construction supports the goal of protecting workers from heat-related illness. Alongside many industry peers and partners, we've spent many years working with state OSHA to improve jobsite safety in New Mexico, including through industry group partnerships like the ABC STEP program. It's in that same spirit of collaboration that we raise serious concerns about the feasibility and unintended consequences of the proposed heat stress regulations.

## Unrealistic Rules & Interpretation

The proposed one-size-fits-all rules do not account for the nature of the work, a worker's experience or health status, or whether more appropriate heat mitigation measures are already in place. In addition to relatively low thresholds for mandatory rest, the work/rest schedule relies on heat index and includes modifiers for sun exposure, PPE, and loosely defined activity levels, making them extremely difficult to interpret or apply in a dynamic setting like a construction site. These factors add layers of calculation while micromanaging the workday down to the minute, moving us away from the proven, common-sense safety policies already in use. As demonstrated by the current confusion and questions around the rules, New Mexico will see maximum cost with minimal practical benefit.

## Unintended Consequences

As a general contractor delivering construction projects across the state, we believe the rule in its current form would disrupt operations, inflate costs, and delay delivery of critical projects—from schools and housing to roads and utilities. Reputable companies who seek to comply will have cost increases. Less reputable companies will continue to ignore safety rules and will be unlikely to face any enforcement action. In a time when the industry is already working to contain rising costs, this type of sweeping regulatory change would ultimately hurt the taxpayers and communities relying on timely, cost-effective, and high quality projects.

We urge the Environment Department to pursue a more flexible, common-sense approach. Rather than penalizing responsible employers already implementing heat safety programs, use your authority to investigate specific incidents. That's how we can truly protect workers, without bringing our state's progress to a halt.