ENERGY **WORKFORCE** & **TECHNOLOGY** COUNCIL

New Mexico Environment Department

Proposed Heat Illness and Injury Prevention Rule

Energy Workforce & Technology Council (EWTC) represents over 200 energy services and technology companies operating across the United States. Many of our member companies have highly mobile operations, particularly in New Mexico's oil and gas basins. Field teams and equipment are regularly deployed to multiple, temporary job sites—sometimes on short notice or in rapid succession.

We are concerned that the requirement to maintain a **site-specific heat illness prevention plan** will be unworkable for our members. For mobile crews, developing and updating a site-specific plan for each new location—some of which may be used only briefly—creates an impractical compliance burden. We urge NM OSHA to allow a **generalized mobile-site plan** that outlines protocols applicable across multiple locations, especially for short-term operations.

11.5.7.9 – Heat Exposure Assessment

The 80°F heat index threshold for required heat exposure assessment is overly conservative, especially for New Mexico, where summer heat often exceeds this level for prolonged periods. As written, this rule would trigger regulated conditions during a majority of workdays across large portions of the state.

We recommend raising the threshold to **90–95°F**, which is more consistent with medical research on heat-related illnesses and aligns with common best practices already in place across our industry. Additionally, this adjustment would better reflect actual risk without overwhelming the system with low-impact triggers.

The use of Wet Bulb Globe Temperature (WGBT) is more accurate than the proposed static 13°F for solar radiation. WBGT incorporates the angle of solar rays, ambient temperature, humidity, and wind speed, providing a more dynamic and precise measurement of heat stress.

Many service companies utilize functional testing before working in heat.

The direction at 11.5.7.9 (B) directs the employer to consider personal risk factors for heat illness. Many of the personal risk factors are associated with personal medical conditions that are private medical information and are not shared with the operational management of the company. This stipulation creates a conflict between this standard and standards addressing access to PHI (Personal Health Information).

11.5.7.10 – Heat Illness Prevention Measures

- **(A) Acclimatization:**
  The prescribed acclimatization schedule appears designed for 8-hour shifts and does not reflect the 12-hour shifts that are standard across our industry. Applying the 20% progression model to longer shifts would delay full worker integration and impose operational delays. We recommend a **shift-based acclimatization approach** or an exemption for standby employees who routinely return to similar work environments.
- Acclimatization is an important element in protecting our employees while working in heat, but the restrictions proposed are unnecessary if proper training and observation protocols are in place.
- In the definition for acclimatization, it states that "acclimatization peaks in most people within four to 14 days". It is reasonable to acclimatize new employees at the rate of 25% of the usual duration of work on day one and a 25% increase on additional days. For workers returning from an absence of 10 or more consecutive days the work schedule would be no more than 50% on day one, 75% on day two, and 100% thereafter.
- **(C) Cooling Areas & Breaks:**
  In many remote field operations, workers rely on shaded areas, truck cabs, or semi-cooled environments like frack or wireline trucks to rest. These vehicles may not be fully air-conditioned but do allow for effective cool-down. Requiring designated break areas that can seat multiple employees in a traditional setting is impractical. **Shaded areas and cooled vehicle interiors should qualify as compliant cooling zones.** Additionally, **sedentary workers** (e.g., control trailer personnel) who are not exposed to outdoor heat stress should be exempt or subject to **adjusted break requirements**. (11.5.7.2 (1) (d) i
- **(D) Alternative Cooling Measures:**
  The rule allows employers to provide alternative cooling options in place of shade if they can demonstrate equal effectiveness. However, many items—like cooling towels, wraps, or bandanas—are not regulated by ANSI or NIOSH. Without a minimum performance standard, it would be **unreasonable to expect employers to prove efficacy**. We recommend the state provide a **non-exhaustive list of presumed-effective cooling products** to ease compliance.
- **At mobile worksites, cooling towels, wraps, and bandanas are impacted by reuse to the point that they become soiled. Extended use in a soiled condition can lead to dermatitis and skin infections such as staph infections.**

11.5.7.12 – Training

We note that new worker training and acclimatization under this rule will be difficult to complete for full-day shift workers under the prescribed timeline. We recommend a **modified training protocol for extended shift workers**, or allowing remote or digital training to fulfill acclimatization documentation needs.

11.5.7.13 – Recordkeeping

Many EWTC member companies operate in remote and rugged field conditions where communications and documentation are limited. Workers are often solo or in small groups without immediate administrative support. The recordkeeping burdens proposed in this section—particularly for documenting acclimatization, rest breaks, or cooling access—may not be feasible in such conditions.

We urge NM OSHA to **allow alternative methods of documentation**, including retrospective reporting or verbal confirmation logs, especially for remote or mobile worksites