

## High Maintenance NM LLC

I'm trying to figure out why a state-level heat illness rule is needed. What is proposed largely mirrors OSHA guidelines. Workers are protected at the federal level through the General Duty Clause (Section 5(a)(1)) of the Occupational Safety and Health Act. Heat-related provisions are also addressed in OSHA's Heat Injury and Illness Prevention Guidance and at least four other federal regulations(29 CFR 1910.132, 29 CFR 1910.151, 29 CFR 1926.50, 29 CFR 1910.141).

This proposed rule is redundant. OSHA is developing its own Heat Injury and Illness Prevention Standard (initiated in 2021, with an Advance Notice of Proposed Rulemaking published in October 2021). A Notice of Proposed Rulemaking is expected to come soon. The state would be better served holding off on its own rule, allowing businesses to continue to operate under current guidance, and see how the federal rule plays out. It's doubtful the state can enforce such a rule.