



New Mexico Chamber of Commerce
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On behalf of the New Mexico Chamber of Commerce and our diverse statewide membership, we respectfully submit the following industry concerns and clarification requests regarding the proposed heat illness prevention rules outlined in 11.5.7 NMAC. As a cross-sector coalition committed to workplace safety and economic growth, we fully support thoughtful regulation that safeguards workers while allowing for practical implementation across New Mexico's unique industrial environments.

Below, we detail concerns raised by multiple sectors each facing specific operational challenges in applying the proposed standards.

1. Oil and Gas Operations

Concerns & Questions:

- 11.5.7.10(C): Required paid rest breaks based on the heat index (Table 3) will substantially reduce productive hours for field crews, especially in Southeast New Mexico during prolonged summer heat.
- 11.5.7.10(D): Mandating shade or cooling areas on remote oilfield sites lacking permanent structures poses serious logistical and financial burdens.
- 11.5.7.10(B): The fluid requirement of one quart per hour per employee is difficult to monitor and sustain in remote environments without dedicated staff.
- 11.5.7.10(A)(a–c): The acclimatization schedule, limiting new employees to 20% of a normal workday on day one, delays operational readiness during drilling projects or peak periods.

Requested Clarifications:

How are exemptions under 11.5.7.2(B) ("restoration of essential services") applied to routine oil and gas functions such as maintenance or inspections?

2. Hotels and Restaurants

Concerns & Questions:

- 11.5.7.2(D) exempts indoor spaces with HVAC maintaining heat index below 80°F; however, older kitchens and laundries often exceed this threshold due to poor ventilation. This is a cost small business can't absorb
- 11.5.7.10(C) and 11.5.7.10(D): Rest break and cooling area requirements may be infeasible for small hospitality spaces with physical constraints.
- 11.5.7.12: Annual training in a language “readily understood” adds administrative burden in high-turnover sectors already managing frequent onboarding.

Requested Clarifications:

- Are small kitchens explicitly defined as “indoor heat environments” under 11.5.7.8(E)?
- Can cooling areas include existing staff rooms with fans, or must separate shaded or designated break spaces be created?

3. Construction

Concerns & Questions:

- 11.5.7.10(A–E) outlines extensive mandates—rest breaks, acclimatization, water provision, and monitoring—which are difficult to enforce consistently across mobile or small residential construction sites.
- 11.5.7.8: The required heat illness prevention plan must be accessible and bilingual, posing challenges on fast-moving worksites with multiple subcontractors.
- Table 3 (Page 7): Work/rest cycles at high heat indexes (>95°F) could severely disrupt project timelines during New Mexico’s long summers.

Requested Clarifications:

Can general contractors submit a single master plan covering subcontractors under 11.5.7.8, or must each party submit individual plans?

4. Linemen for Internet & Utility Companies

Concerns & Questions:

- 11.5.7.2(B): It's unclear whether routine utility maintenance qualifies as exempt under “restoration of essential services,” or if only emergency repairs qualify.
- 11.5.7.10(D): Shade/cooling areas “as close as practical” may not be feasible for rural roadside or pole-based operations.
- 11.5.7.10(E): Monitoring (buddy systems, tech, or supervisor check-ins) is difficult with solo linemen in remote areas.

Requested Clarifications:

- Do air-conditioned vehicles qualify as “cooling areas” under 11.5.7.10(D)(b)?

- Are rest and hydration provisions required during routine inspections, or only when heat index thresholds are met?

5. Agriculture

Concerns & Questions:

- 11.5.7.10(B)(a–e): Requiring one quart/hour and frequent fluid breaks is difficult in large, low-density agricultural fields.
- 11.5.7.10(C–D): Providing shaded cooling areas for mobile or mechanized crews would require expensive retrofitting of trailers or transport vehicles.
- 11.5.7.8: The written plan requirement, in English and the majority language, creates challenges for small farms employing seasonal and migrant labor.
- 11.5.7.13(A–C): Recordkeeping for acclimatization, illness reports, and training is burdensome given rotating, short-term crews.

Requested Clarifications:

- Can natural shade sources such as tree cover or irrigation pivots qualify under 11.5.7.10(D)(a)?
- Is it acceptable to use shared water containers, or must each worker's intake be individually tracked?

Outdoor Recreation

- Hunting Fishing, Outfitters and Guides, the areas severed do not have access to internet, how would record keeping work in that case?
- Shade issues, at times there is no access to shade, are there plans to create exemptions?
- This rule provides no guidance for other extreme weather situations such as severe thunderstorms, wind storms and snow.

We urge regulators to reject this rule as there is not sufficient data to justify any of these rules. Good employers protect their employees, but mandating all industries to follow one blanket rule will not work.

Thank you for your time and consideration.