

## AUI, Inc

I own a highway construction company and we have never had a recordable incident where heat stress was involved in our over 35 years in business. We take safety very seriously and provide water, ice, cooling towels, hard hat shades, shade structures, etc. during the hot months. The rule as proposed will hinder our ability to perform our work, creating significant cost and time increases for us and our clients. 100% of our clients are government entities and this trickles down to tax payers. The projects will also be severely delayed and the traveling public will be severely impacted. The increase in project time would also increase the chances of accidents and fatalities on jobsites. Is that a trade off that NMOSHA is willing to stand by?

The rule will also render some of our activities impossible to perform. There is not enough workforce to alternate workers during the mandated breaks during concrete placements and asphalt placements. This also makes no sense as we would only need this additional workforce for half of the year or less. You will not get anyone to work only a summer schedule. This rule has the ability to put us out of business and put hundreds of employees out of work.

I've attached some points that I'm sure you have seen from numerous sources stating the issues I have with the rule.

## **Talking Points: Opposition to Proposed Heat Stress Regulations**

### **1. We Support Worker Safety—But This Rule Misses the Mark**

- We all agree on the importance of protecting workers from extreme heat.
- Our companies already implement proactive measures like hydration stations, acclimatization protocols, and flexible breaks based on actual jobsite conditions.
- But this proposed regulation imposes rigid mandates that may actually undermine jobsite safety and feasibility.

### **2. One-Size-Fits-All Doesn't Work for Construction**

- Every jobsite is different—terrain, workforce, duration, scope, and weather patterns vary.
- Mandating specific rest schedules, shade structures, and administrative protocols leaves no room for real-world flexibility.
- Construction is not an assembly line—policies must reflect the dynamic nature of our industry.

### **3. Operational Disruptions Will Hurt Everyone**

- Forced downtime during peak hours will extend project timelines and raise costs for contractors, clients, and taxpayers.
- Rigid rules can break jobsite momentum and create unnecessary idle time for crews and equipment.
- These delays will jeopardize critical infrastructure work across the state.

### **4. A Cost Burden Small Contractors Can't Absorb**

- Shade structures, mandated recovery zones, and compliance tracking all add up—especially for small and mid-size contractors.
- Many in our industry are already stretched thin due to inflation, material costs, labor shortages, and supply chain delays.
- These mandates could make it harder to keep crews employed and projects on track.

### **5. Potential for Legal and Insurance Complications**

- The rules could open the door to new liabilities if good-faith efforts are second-guessed by enforcement.
- Vague or overly broad standards create uncertainty in how contractors are expected to comply.
- Insurance premiums could rise as carriers adjust to a new layer of regulatory risk.

### **6. Night Work Isn't a Viable Solution**

- Shifting work to nighttime to avoid heat creates new safety risks—fatigue, visibility issues, commuting dangers, and mental health strain.
- Many workers—especially parents and caregivers—can't work odd hours. This could drive even more workers out of the trades.

## **7. We're Already Taking Action Voluntarily**

- Most contractors already provide water, shade, breaks, and training tailored to the jobsite and weather.
- These industry-driven practices are working—and can adapt quickly to changing conditions.
- Let's improve and support these efforts, not replace them with inflexible mandates.

## **8. We Urge NM OSHA to Collaborate With Industry**

- We want to be part of the solution.
- Let's work together to craft a flexible framework that protects workers and supports jobsite realities.
- Input from contractors, foremen, and trade associations is essential to create rules that are practical, enforceable, and effective.