

# International Brotherhood of Electrical Workers

## Local 611

The following outlines IBEW's concerns and suggestions for solutions regarding the proposed Heat Illness and Injury Prevention Rule and offers an alternative approach to addressing worker safety. The draft rule introduces practical, operational, and compliance-related difficulties for employers and regulators.

### Oversight and Accountability Concerns

There are significant concerns about whether the state can effectively enforce this rule. For instance, does the relevant agency have enough staff to review employer-submitted plans and monitor compliance? It is also unclear how the agency would investigate complaints or address violations.

Questions: Bad actors. Are there any penalties for violators? If so, what might they be?

### Implementation Challenges

Employers would be required to create detailed, location-specific Heat Illness and Injury Prevention Plans tailored to site conditions. This would demand expertise in temperature monitoring and weather forecasting—internal skills many employers may lack. Additionally, companies with changing job sites must regularly update these plans based on the new environmental context, creating added complexity and administrative burden.

Thorough assessments of heat exposure must include factors like work effort levels, worker acclimatization, personal protective equipment usage, and environmental conditions. These assessments pose significant logistical challenges, particularly since many factors are unpredictable.

#### Additional Implementation Questions/Considerations:

- o The rule refers to "light, moderate, heavy" work. However, there are no guidelines for who determines whether work is light, moderate, or heavy.
- o Pg. 8 – "With the assumption that workers are acclimated, physically fit, well-rested, fully hydrated, under age 40, and have adequate water intake." This piece is subjective. Who makes these determinations? What if the employee is over 40?
- o Is a brimmed hard hat considered Shade? Some employers will argue, yes.
- o Is water alone sufficient? Shouldn't electrolyte drinks be required also?

### Practical and Economic Limitations

Many employees in sectors such as construction and agriculture are already aware of and accept the risks of working in high heat conditions. Moreover, implementing the required safety measures could impose substantial financial strain on employers, especially during busy periods.

To address the concerns, IBEW recommends that the agency consider the following:

Raise the threshold from 80\* to 90\* or a more reasonable number. 80\* is a very low threshold, especially with the language in Pg. 8: "The effect of direct sunlight, add 7°F to the heat index for partial sun exposure and add 13°F for full sun exposure." Regarding this rulemaking process, IBEW also recommends extending the review process to incorporate more stakeholder input and feedback into the final draft proposal. This seems rushed. Industry, i.e., labor unions and contractors, have not had ample time to consider these and compare them to similar Rules implemented in other parts of the country.

This additional time could also allow for a potential pilot program that could test the rules, its efficacy, and need within State of New Mexico Agencies. During the pilot project, regulators can identify ways to improve the rule, examining its impacts, feasibility, and pros/cons. This could impact its administration before making it a requirement of all employers, public and private.