

# KARL LIVERGOOD

I have worked outdoors in the southwest for approximately 30 out of 42 years since high school. Some of those off years were in college and I'm not stupid, nor are most outdoor workers. Most summer days we worked 10-13 hours a day, usually in full direct sunlight.

These rules are ridiculous. Most of the people writing in favor and indeed the writers of this rule, although well meaning, have probably never worked a full day outdoors in their life. People have worked and survived outdoors for at least thousands of years. I believe in worker safety but this rule would stop most outdoor work in NM in the summer.

There are some very basic problems with the rules as written.

- 1) There is no definitions of "hard, medium and light labor" which isn't surprising as it's very subjective. This is key to enforcing or implementing these rules.
- 2) The heat index table seems like it has limited use in NM. How many days are we above 40% humidity? Is there a negative factor if the humidity is BELOW 40%? (ie does the heat index go down for every 5% below 40%?)
- 3) Where is the index to factor in wind speed? Wind Chill is determined by decreasing the perceived temp by increments of wind speed. It's just as applicable in the summer, and it's often windy in NM.
- 4) These standards are not realistic. If you add 13 degrees for being in direct sunlight, any 90 degree day puts you in a 30/30 or a 20/40 schedule for medium and heavy labor, respectively. Most workers would rebel against this kind of schedule. They would elect to just work 240 or 160 minutes/day consecutively, (for medium and heavy work respectively), and then go home for the rest of the day. Really! Most "good" workers won't want to sit around for 40 minutes (or 30) of every hour.

The real crux of this matter is that heat tolerance is as individual as every worker, and each worker has to know their limits, and be able to regulate themselves. The "Pace" you work is just as important as all these other factors and can't be realistically regulated. Most workers will self regulate. The old workers have to lookout for and be examples to the young (as it has always been).

Most people won't work for an employer that tries to kill them. Most of us aren't stupid. If you keep the illegals out, the American workers have options and will choose an employer that looks out for them.