

Communications Workers of America Local 7076

Subject: EIB 25-11 (R) - Proposed New Regulation, 11.5.7 NMAC - Heat Illness and Injury Prevention

To Whom It May Concern:

The Communications Workers of America (CWA) Local 7076 strongly supports the Heat Illness and Injury Prevention Rule proposed by the New Mexico Environment Department/NM OSHA to protect workers in the state from heat-related illnesses and death, with some modifications as noted in this letter. Heat-related illnesses and death are preventable.

CWA Local 7076 represents approximately 3000 public sector employees across the state of New Mexico. Our members work at various State agencies as groundskeepers, maintenance workers, and other laborers who keep our state buildings, museums, and historic sites beautiful and open to the public. We work at agencies such as NMED, where we conduct field work and site visits across the state to ensure environmental compliance, including in the oil fields in southern NM. Our members at UNM and CNM are plumbers, maintenance workers, and bus drivers that work outside to keep the Universities running. Our members at Albuquerque Community Safety are first responders that work outside everyday assisting the citizens of Albuquerque.

The following are modifications for selected sections of the proposed heat rule.

SCOPE, 1(b):

CWA represents telecommunications workers who may be deployed, on occasion, to engage in emergency response operations that are directly involved in the restoration of essential communications services. Telecommunications emergency operations almost always involve extended hours of work which can significantly increase the risk of heat-related illness and injury under high heat conditions. For this reason, there should only be a partial exemption from the requirements of this standard when engaged in emergency operations in high heat conditions. Telecommunications employers should be required to provide telecommunications workers with adequate hydration and cooling breaks, as well as monitoring of heat-related symptoms when involved in emergency response operations. To stay safe, workers may need some additional time to perform their work. This is necessary and feasible and can be accomplished without disruption of critical operations. Employers should be required to include emergency operations and procedures under high heat conditions in their heat training for telecommunications workers. Emergency procedures should be part of the employer's written heat plan.

Section 11.5.7.8 Heat Illness and Injury Prevention Plan:

The Heat Illness and Injury Prevention Plan is what ensures that the methods and procedures developed to protect the workforce are tailored to the specific needs, work, and work environment of the workforce. Protections from high heat conditions have to be based on the type of work, the environmental conditions, and how the work is performed, including the use of personal protective equipment (PPE). The written "Heat Illness and Injury Prevention Plan" is what ensures this is not a

'one size fits all' plan.

There should be a requirement added to the standard for authorized worker representatives and workers to have input into the development of the Heat Illness and Injury Prevention Plan.

Section 11.5.7.9 Heat Exposure Assessment, Sub-section E. Personal risk factors for heat illness: The employer does not have the ability or the expertise to assess an individual's personal risk factors for heat illness. Workers should not have to disclose personal risk factors or health conditions to their employer. Personal risk factors are not under the control of the employer, nor should they be. Therefore, personal risk factors for heat illness should not be part of the employer's heat exposure assessment. However, personal risk factors for heat illness should be a topic included in the training about heat illness and injury prevention and workers should be encouraged to seek an evaluation from a healthcare provider of their choosing if the worker has concerns about their personal risk for heat-related illness. A healthcare provider can make recommendations for a worker regarding any work restrictions, specific protections, and/or accommodations to be provided to the employer.

11.5.7.10 Control Measures, Sub-section D (h):

Employers should be encouraged to provide enhanced methods for cooling which can be used in combination with cooling areas and/or mechanical ventilation (when available). This can include cooling garments such as cooling towels and bandanas, misting devices, etc., as long as the devices do not pose a safety risk based on the type of work performed. When an employer provides enhanced methods for cooling, the items should be made available to all employees covered by the Heat Illness and Injury Prevention Plan, at no cost to the employee, and without a requirement for a note from a healthcare provider or for a formal accommodation.

In closing, CWA Local 7076 strongly supports the adoption of the Heat Illness and Injury Prevention standard proposed by the New Mexico Environment Department/NM OSHA. With the requested modifications, this standard will provide essential, life-saving protections for workers across the state. We urge its swift adoption to prevent avoidable heat-related illnesses and loss of life, and to affirm New Mexico's commitment to worker safety and health.

Sincerely,

Megan Green

President, CWA Local 7076



5/30/25

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