



May 30, 2025

The Honorable James Kenney
Cabinet Secretary of New Mexico Environment Department
Occupational Health and Safety Bureau
Harold L. Runnels Building
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Re: In the Matter of Proposed New Regulation: 11.5.7 NMAC – Heat Illness and Injury Prevention

The National Safety Council (NSC) is aware of efforts in New Mexico to develop standards addressing the hazards of heat exposure for indoor and outdoor workers. While NSC does not have specific comments on the proposed new state regulation, we strongly support efforts to protect New Mexico workers – and workers nationwide – from the impact of heat exposure and related hazards in the workplace. Accordingly, I write to ensure you consider the points outlined below.

The National Safety Council

NSC is America’s leading nonprofit safety advocate and has been for over 110 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace and roadway. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our 13,000+ member companies represent employees at nearly 41,000 U.S. worksites.

The Growing Problem of Heat Illness and Injury in the Workplace

Heat-related fatalities and injuries are a growing issue across the United States. According to OSHA, heat exposure is responsible for the deaths of dozens of workers and thousands of illnesses every year, both of which are preventable.¹ From 1992 to 2022, 986 U.S. workers died from heat exposure – an average of 34 deaths each year.² Construction workers face the highest risk, accounting about one-third of all occupational heat deaths.³

Heat illness is an occupational safety and health hazard. According to NSC Injury Facts, exposure to environmental heat resulted in 5,770 Days Away from Work, Job Restriction or Transfer (DART) cases, including 4,910 Days Away from Work (DAFW) cases in 2021 and 2022.⁴ While environmental heat exposure affects all industries, reported data indicates both service and goods-producing industries, including transportation, construction, and manufacturing, face these hazards at a high rate.⁵ Additionally, time of day is a factor when workers experience heat-related health hazards, such as heat exhaustion and heat stroke. The hours between 8 a.m. and 8 p.m. account for the times of day when workers experience the most cases of heat illness.⁶

¹ [Protecting Workers from the Effects of Heat](#)

² [A Closer Look: Heat-Related Workplace Deaths | US EPA](#)

³ Ibid.

⁴ [Work Safety: Exposure to Environmental Heat - Injury Facts](#)

⁵ Ibid.

⁶ Ibid.



Out of 242 U.S. locations looked at by Climate Central – 89% saw an increase in the number of annual heat warning days for workers (heat index of 80°F to 94°F).⁷ Further, data from the New Mexico Workers' compensation system indicates a correlation between rising temperatures and workplace injuries. The report states "the number of claims attributable to heat rises progressively with temperature."⁸

Outdoor workers in industries like agriculture and construction are exposed to significant amounts of "exertional and environmental heat stress that may lead to severe illness or death."⁹ Due to these types of risks, the National Institute for Occupational Safety and Health (NIOSH) recommends that employers have a plan in place to prevent heat-related injuries.¹⁰

NSC Support for a Proposed Federal Standard to Address Heat Illness and Injury

NSC supports the enactment of a federal standard addressing these challenges. In January 2025, NSC submitted comments to the Occupational Safety and Health Administration (OSHA) on its *Heat Injury Prevention in Outdoor and Indoor Work Settings* notice of proposed rulemaking, Docket No. OSHA-2021-0009. NSC comments noted that as heat hazards become more commonplace throughout the United States, it is imperative that employers across all industries have a plan for the safety and health of their workforce. NSC supported OSHA's efforts to apply the proposed standard to all employers, with few exceptions. Additionally, NSC supported efforts by OSHA to include indoor occupational settings in the proposed standard. Workers in indoor settings may face severe environmental heat hazards and should be offered protections similar to outdoor workers. NSC believes this proposed standard, when finalized, will ensure robust protections for workers throughout the country. NSC hereby incorporates by reference its formal comments to the federal proposal.

NSC also recognizes the value and importance of state efforts to address this particularly critical issue and would like to emphasize the importance of the application of standards to all employers in all environments, both indoor and outdoor.

Conclusion

NSC appreciates the opportunity to submit its perspective on this important topic, and we invite any opportunity to work together to address hazards in the workplace.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Lorraine M. Martin". The signature is written in a cursive style.

Lorraine M. Martin, CEO
National Safety Council

⁷ [Rising Heat Risks for Workers | Climate Central](#)

⁸ [An Informal Estimate of the Economic Impact of a New Mexico Heat Illness Rule v4.pdf](#)

⁹ [NM-Tracking - Heat Related Illness](#)

¹⁰ Ibid.