

## NM Chapter - CO Nursery and Greenhouse Assn

Nursery, greenhouse and landscape businesses in New Mexico appreciate their employees, and take care of them. To work in New Mexico is to work in challenging temperatures, and most often, owners and managers are working alongside our workers in the same conditions. Many employees are attracted to our businesses because they enjoy working with plants, and working outdoors. The New Mexico Chapter of the Colorado Nursery and Greenhouse Association opposes this new rule as written.

This rule is overly burdensome on business, creating new costs in an already difficult economy: The bill legislates the employer-employee relationship to the literal degree and does not consider New Mexico's climate or how it will impact employers of all sizes and industries. Temperatures vary throughout the day depending on the location of an employer - landscapers move around frequently and are in and out of shade. This makes the rule nearly impossible to comply with. These costs will inherently be passed onto consumers and workers, only worsening New Mexico's cost-of-living crisis.

The rule is preemptive and duplicative of federal law. While NM is a "State Rule" state, the current state rules do not include heat protection. NM employers currently already follow OSHA heat rules which are protective of employees.

The rule will halt infrastructure and other projects: The rule as written would halt much of road, infrastructure and building projects depending on the weather, which employers have no control over. If employers have to cease work or add processes, it will significantly impact how projects are completed.

The rule is a solution in search of a problem: Employers are only as successful as their employees, and it is very much the priority of the business community to keep them safe and healthy. This rule creates an unnecessary framework and overly complex set of requirements that will set up both public and private employers to fail. If there is an issue at hand, allow employers to respond rather than create additional opportunities for lawsuits.