

# Tana Lucero

Dear Occupational Health and Safety Bureau,

I am Tana Lucero, the administrator for and representative of the Food Industry Self-Insurance Fund of NM Workers' Comp program. I am writing to express share information regarding proposed Heat Exposure Rule as it relates to our industry.

In the past five years, out of 4175 claims, only two were verified as heat exposure cases - one outside (a poolside waiter on 06/05/2020, diagnosed with hypovolemia and dehydration while wearing a COVID mask) and one inside (a worker over a fryer on 07/05/2021).

According to the NM Workers' Compensation Administration 2024 Annual Report, the top ten injury causes are: 1. Fall, Slip, or Trip, 2. Lifting 3. Strain or Injury 4. Fall or slip on the same level 5. Fall or slip from a different level 6. Pushing or Pulling 7. Other Miscellaneous 8. Object being lifted or handled 9. Twisting 10. Struck or injured. Heat exposure is not among these top causes, indicating that it is not a prevalent issue in our workplace environment.

Given the low number of heat-related claims and the fact that heat exposure is not a leading cause of injury, it appears that the current safety measures and work conditions in our industry are generally effective in preventing heat-related illnesses. Implementing a new rule would impose unnecessary administrative and financial burdens on businesses in the food industry. These resources could be better spent on addressing the more common causes of workplace injuries.

I urge you to reconsider this proposed rule and focus on evidence-based regulations that target areas with a higher incidence of workplace hazards in the food industry.

Thank you for considering my comments.

Sincerely, Tana Lucero Administrator, Food Industry Self-Insurance Fund of NM Work Comp Program