



### **Environmental Improvement Board**

New Mexico Environment Department  
Occupational Health and Safety Bureau  
1190 St. Francis Drive, Suite N4050  
Santa Fe, NM 87505

### **RE: Opposition to Proposed Heat Illness and Injury Prevention (HIIP) Rule – Conflict with Existing Child Care Regulations**

Dear Members of the Environmental Improvement Board,

On behalf of licensed and registered early child care providers across New Mexico, we write to express strong concern regarding the proposed Heat Illness and Injury Prevention (HIIP) rule. While we share the goal of protecting workers from heat-related illness and injury, this proposed rule creates regulatory conflicts, imposes unworkable requirements, and places a disproportionate burden on an already strained sector.

### **Regulatory Conflicts with New Mexico Early Childhood Education and Care Department (ECECD) Requirements**

Under 8.16.2.22 *NMAC*, child care providers are required to take children outside daily, weather permitting. This includes outdoor time even during summer months—often during hours when the heat index exceeds thresholds outlined in the proposed HIIP rule. Complying with both the HIIP provisions and ECECD regulations simultaneously would create an unavoidable conflict: either violate the HIIP rule to meet ECECD standards, or reduce outdoor activities and risk noncompliance with state licensing regulations for child development.

### **High Job Demands, Staffing Ratio's and Limitations**

The child care profession is already one of high responsibility and strict oversight from the NM ECECD Licensing and Regulatory Bureau. Licensed providers must adhere to strict staff-to-child ratios and group size limits as defined in 8.16.2.23 *NMAC*. These ratio requirements are mandated at all times including while outside on the playground. These regulations ensure children's safety and developmental needs but make it operationally and financially impossible to add "qualified substitute workers" to accommodate HIIP requirements such as acclimatization periods, rest breaks, and job duty rotations. Our field continues to face an acute workforce shortage, leaving no flexibility to reassign staff without violating current licensure requirements.

### **Extensive Training Already Required**

ECECD mandates a substantial set of training hours for all child care professionals, including CPR/First Aid, child growth and development, infectious disease control, and safety and health practices. New staff must complete 24–45 hours of approved training within 90 days for an entry level employee and up to 100+ hours when a Lead Educator in a NM PreK or Nationally Accredited Classroom within the first 6 months and/or first year of employment. All employees **MUST** continue annual professional development either through professional development of 25+ hours or a **MANDATORY** 6 credit hours every semester at a College or University. Adding another mandatory HIIP-specific training module with tracking and documentation requirements increases employee overload and administrative burden without added benefit—especially since heat awareness is already included in emergency preparedness planning.

### **Incident Reporting is Already Voluntary and Monitored**

Licensed child care providers are required by NM ECECD Licensing and Regulatory Bureau to voluntarily report incidents and accidents—including those related to heat—within 24 hours to ECECD's licensing division. We urge the Environmental Improvement Board to consult with ECECD to determine whether there is actual data showing a prevalence of heat-related illnesses among child care staff. To our knowledge, there is no data demonstrating that heat-related incidents among licensed child care professionals represent a significant concern warranting unnecessary and overburdensome, additional rulemaking.

### **Recommendations and Request for Exemption**

At the very least, proposed rules must align with existing state regulations. We respectfully request the Environmental Improvement Board consider the following:

1. **Exempt Licensed Child Care Providers:** Recognize the comprehensive health and safety framework already enforced by ECECD and exempt licensed providers from the HIIP rule.
2. **Develop Child Care-Specific Guidelines:** Work in collaboration with ECECD to draft realistic, child care-specific heat safety guidance rather than impose one-size-fits-all mandates.
3. **Assess Data Before Acting:** Request ECECD data on heat-related incidents before concluding that this rule is necessary or appropriately scoped for early childhood environments.
4. **Provide Financial Assistance:** If modifications are considered, funding must be allocated to ensure centers can make infrastructure or staffing changes without sacrificing financial stability.

We respectfully urge the Board to amend or reconsider this proposal in its current form. Child care providers are already committed to the safety and well-being of children and staff. Imposing redundant or conflicting regulations only undermines our ability to deliver high-quality care.

Thank you for your time and thoughtful consideration.

Sincerely,

Barbara Luna Tedrow

**Barbara Luna Tedrow**  
**Policy Chair, New Mexico Early Childhood Association**  
**[btedrow@nmfamilyservices.org](mailto:btedrow@nmfamilyservices.org)**