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**Public Comment from NECA New Mexico Chapter
Re: Opposition to Proposed NM OSHA Heat Stress Standard**

On behalf of the National Electrical Contractors Association (NECA) New Mexico Chapter and our member contractors statewide, we respectfully submit our strong opposition to the proposed Heat Stress Standard under review by the New Mexico Occupational Health and Safety Bureau (NM OSHA).

We fully support efforts to protect workers from heat-related illnesses. Safety is a core value in the electrical contracting industry. However, the proposed rule as currently written would impose impractical and damaging requirements that threaten the operational stability of our businesses, the wellbeing of our workforce, and the progress of critical infrastructure across New Mexico.

Mandatory Rest Breaks

Under the proposed rule, construction classified as “heavy labor” would be subject to mandatory rest breaks at 90°F, with a required 13°F solar radiation adjustment. Given that New Mexico routinely experiences summer temperatures above 90°F, most outdoor job sites would regularly exceed the 103°F threshold. This would trigger a rest schedule requiring 40 minutes of paid rest for every 20 minutes of work. Such a mandate is logistically and economically unworkable. It would drastically slow job progress, inflate labor costs, and result in widespread scheduling breakdowns especially on sites that already face tight deadlines and coordination with other trades.

Operational and Economic Consequences

The rule’s combination of mandatory cool-down periods, shaded rest areas, acclimatization protocols, and extensive administrative documentation would significantly increase costs and project delays. For electrical contractors particularly small and mid-sized firms, these burdens would limit capacity, delay project delivery, and strain relationships with clients and general contractors. These rules would ultimately drive-up costs for both public and private sector construction across New Mexico.



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Worsening the Skilled Labor Shortage

New Mexico's electrical industry is already experiencing a severe shortage of qualified workers. Forcing contractors to shift work to early morning or nighttime hours to avoid heat exposure will worsen this challenge. Many electricians cannot accommodate non-traditional hours due to family responsibilities or lack of transportation options. This would likely push current workers out of the industry and discourage new entrants.

Risks of Night Work

Using night shifts as a heat mitigation strategy introduces new risks. Fatigue, sleep disruption, and social isolation associated with night work are well-documented contributors to mental health issues, workplace accidents, and long-term health problems. In high-risk trades like electrical work, these effects could have dangerous consequences for workers and the public.

Existing Heat Safety Regulations Already in Place

We question the need for this new rule because protections against heat-related hazards are already established under federal law. Electrical contractors and their workers are held accountable through the Occupational Safety and Health Act's General Duty Clause, and many already follow OSHA's Heat Illness Prevention Campaign guidelines tailored for the trade. These existing standards enable employers and site supervisors to evaluate heat risks and implement effective controls based on the unique conditions of each job site. The proposed New Mexico OSHA heat standard not only duplicates these proven measures but also imposes rigid, one-size-fits-all requirements that limit flexibility and disregard the expertise and judgment of electrical safety professionals and crews working in the field.

Administrative and Logistical Burdens

The proposed rule places significant administrative and logistical challenges on electrical contractors. Mandates like conducting detailed heat exposure assessments, maintaining extensive records, tracking worker acclimatization, and providing shaded rest areas are especially difficult to manage on the dynamic, multi-phase, and often large-scale electrical projects common in our industry. These requirements disproportionately impact small and mid-sized contractors, increasing costs and causing delays that ultimately slow down vital public and private electrical infrastructure projects across New Mexico.



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Flexibility and Collaboration

We urge NM OSHA to reconsider the rule in its current form and instead work in partnership with industry stakeholders to develop practical, flexible guidelines. Employers should have the ability to tailor heat mitigation strategies to the realities of their worksites, using data-driven best practices rather than rigid, one-size-fits-all mandates.

NECA New Mexico remains committed to improving safety outcomes—but we must do so in a way that protects both workers and the sustainability of the industry that supports them.

Thank you for the opportunity to comment.