Flowco, Inc.

As the Vice President of EHS for the Natural Gas Technologies Division of Flowco, Inc., an oilfield service company providing production optimization and emissions management products to E&P companies throughout the United States, I would like to offer my thoughts on the new Heat Injury and Illness Rule proposed by the State of New Mexico.

Providing a safe work environment is the highest priority at Flowco, and my team and I work diligently every day to ensure our employees have the training and tools needed to work safely. I can appreciate the State of New Mexico's concern for its residents and applaud any effort that provides realistic and common-sense safety policies. At Flowco, we are proud of our safety record and are confident our EHS policies protect our employees as they work in increasingly hot temperatures. However, I do have some concerns and questions regarding the proposed rule.

• The Work Rest Schedule contained in the rule requires mandatory breaks at certain temperature readings. Managing this schedule is unrealistic and not necessary. Our Heat Illness and Injury Policy includes hourly breaks when the temperature reaches a certain level, and our employees are educated on the signs and symptoms of heat-related illnesses and can manage the need for a break themselves based on our mandatory hydration breaks. In addition to specific information pertaining to heat-related illnesses, our employees are trained on other contributing factors such as clothing, medications, food, and alcohol and how these factors can affect a person working in heat, and how to plan their days to avoid being at risk by completing more complicated/strenuous jobs at the beginning of the workday when the outside temperature is cooler.

• At the Albuquerque meeting, it was stated that the mandatory break does not go into effect until an employee has been working for two hours. However, that stipulation does not appear in the proposed rule. So when does the mandatory break requirement kick in?

• The rule would require an additional 13 degrees be added to the Work Rest Schedule for those employees who work in direct sunlight making the reading equal to 95 degrees. This directive would only allow our employees to work 45 minutes before taking a 15-minute break. We have a unique situation in our employees who work outside are also traveling in an air-conditioned truck from one well site to another. What if the employee only has a one-hour job to do and arrives in the field from a cool working place such as his truck? Would he have to take a 15-minute break before finishing the last 15 minutes required for the job? It seems highly unlikely this employee will be affected by the heat after being exposed for only 45 minutes. This requirement would lengthen our employees' workdays and keep them out in the field for additional time each day during the hot summer months. As we all know, driving is the most dangerous activity we do as oilfield workers and increasing the amount of time our field service techs are required to be in the field due to a break that is not necessary in our situation needlessly increases risk to our employees.

• The proposed rule would require drinking water to be located near areas where employees are working. We have a field service team that is out in the oilpatch every day installing and servicing our equipment. Many are not located close enough to one of our field offices to stop by daily to get water, so we either supply cases of bottled water/electrolyte type drinks or they acquire it on their

own at the company's expense. In addition, having an employee stop working every 15 minutes to drink 8 ounces of water is not realistic in our business. Our technicians could be involved in testing on our unit and unable to take a break every 15 minutes.

• This rule creates a patchwork of regulations for companies who are also working in nearby states such as Texas. On any given day, our field employees could be back and forth between the New Mexico and Texas border several times as they perform preventive maintenance on our units. Managing a regulation that is only required in New Mexico creates confusion and adds work onto an already busy field service staff.

• Requiring record keeping above and beyond what is required on the OSHA 300 Log creates an environment that is too subjective. An example given at the public meeting in Albuquerque was the recording of an ice bath. OSHA does not require documentation of this practice, but the state of New Mexico now wants that data collected? What is the expectation? What data would the employee be expected to note? Duration of the bath? Temperature of the water? And where would this data be housed? What are the implications if an employee accidentally forgets to note this treatment?

• How will compliance be managed? At the Albuquerque public meeting, it was stated that if a company documented an approved training program is in place and required for employees, the company would be in compliance. Will there be forms to fill out and send to the state documenting the training and who attended? Will the company policy need to be on file with NM OSHA? What about audits?

• Since New Mexico does not have a rest break requirement, it was stated at the Albuquerque public meeting that employers should follow their "normal" rest break schedule. Does that need to be in the policy? Does the state need to approve the company's "normal" rest break schedule?

• For the re-acclimatization of a worker when returning to work after 7 days of being on PTO, does the exposure time of the heat make a difference? If say driving in an air-conditioned vehicle to a job site is 1 1/2 hours away, and then the technician performs 2 1/2 hours of physical work, then drives in the cool vehicle for 1 hour to the next work site and works another 2 1/2 hours, then drives 1 1/2 hours back home, does that still fall into the no more than 50% of working in the heat for the first day? With working 45-minutes and taking 15-minute breaks at 95 degrees by chart rule this equals 4 hours driving, 5 hours working. How would that schedule be altered to lessen the workload to 50%, 60%, and 80%. Is it necessary when the employee is spending half of his day in an air-conditioned truck?

• A return from PTO would require workers to gradually resume work if temperatures are hot. The first day would be 50% of the usual duration of work in the heat, day two would be 60%, and day three would be 80%, so the employee would not be back to 100% of work capacity until day four. This would have an impact on our ability to provide service to our customers and may require our company to add staff to fill the gap this restriction requires thus increasing costs.

• Most of our Technicians work alone, is this data going to be self-reported by the worker recording the required work and rest time? Do they need to log the temperature when they start work? How are these logs managed? Do we need a special software package to manage this data that is available to their manager? Will they be expected to submit the logs daily? Weekly?

• Along those lines, how would a company protect itself from a disgruntled employee who reports that he was required to work longer than required by the rule when in fact, he was provided the appropriate breaks? How does a company ensure the accuracy of logs completed by employees self-reporting?

• Is the wind being considered when looking at conditions? Will wind conditions affect the threshold of heat exposure limits? As you are aware, the Heat Index is calculated based on air temperature and relative humidity and does not take into account the effects of wind.

I would like to thank you for the opportunity to comment. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

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