

Dona Ana County Risk Management

Formal Objection to the Proposed New Mexico Heat Injury and Illness Rule

After thoroughly reviewing the NMED NM OSHA Fact Sheet for the New Mexico Heat Injury and Illness Rule and the referenced ERPB White Paper Series (2025), I find that the statistical justification for implementing this regulation is fundamentally flawed. The available data fails to demonstrate a compelling need for specific regulatory intervention in New Mexico, and the assumptions underpinning Federal OSHA's stance appear overly generalized rather than tailored to our state's distinct environmental and occupational conditions.

Additionally, the classification of dehydration within workplace safety discussions must be carefully distinguished. Dehydration is not an illness, and OSHA's 1904.7(b)(5)(ii) clearly states that providing drinking fluids to a dehydrated worker constitutes first aid, meaning it does not require recordkeeping. While heat exhaustion has medically recognized symptoms that warrant emergency procedures and recordable treatment, dehydration alone does not necessitate regulatory oversight.

OSHA's General Duty Clause (Section 5(a)(1)) already mandates that employers provide a workplace free from recognized hazards, including those posed by excessive heat exposure. This clause allows each organization the flexibility to tailor its heat illness prevention policies according to specific work environments and industry needs. Many employers—including ours—have already implemented effective heat prevention measures without requiring additional regulation that may hinder adaptability and efficiency.

A rigid, one-size-fits-all approach to heat illness prevention may not improve worker safety, but instead burden organizations with excessive regulatory requirements that do not align with actual heat-related risk factors in our region. Rather than enforcing broad mandates, a more effective approach would be enhanced education, industry-specific training resources, and enforcement of existing protections under the General Duty Clause.

Given these considerations, I urge NMED and NM OSHA to reconsider the necessity of this proposed rule and instead focus on strengthening compliance within current frameworks while allowing organizations to maintain flexible, effective worker protections.