

OPPOSE

HEAT ILLNESS AND INJURY PREVENTION STANDARD

Action Needed:

Oppose the proposed Heat Illness Standard, which would impose an unworkable, one-size-fits-all mandate—undermining the practical, common-sense measures already developed collaboratively by OSHA and the contracting community to address heat-related safety.

Conclusion:

Federal law already protects workers from extreme heat, OSHA is actively enforcing it, and employers can be cited under the general duty clause. A one-size-fits-all rule ignores regional climates and individual worker health differences.

Background:

The New Mexico Environment Department has proposed new occupational health and safety standards that would mandate a range of heat illness and injury prevention measures on indoor and outdoor job sites across multiple industries, including construction.

- Requires heat exposure assessments when the heat index exceeds 80°F.
- Mandates employer-provided hydration (1 quart/hour per employee).
- Requires acclimatization schedules for new and returning workers.
- Enforces mandatory paid rest breaks based on temperature and workload.
- Requires cooling areas (shade or mechanical cooling) near work zones.
- Mandates heat illness training and detailed recordkeeping.

Key Concerns

Excessive Burden on Construction Sites:

- Frequent work interruptions will significantly reduce jobsite efficiency.
- The logistics of providing shaded or cooled areas, especially on large or multi-phase sites, is unrealistic and cost-prohibitive.

One-Size-Fits-All Approach:

- The rule applies uniformly across all industries and regions, without accounting for existing safety practices or the varying nature of job sites and regional climates.

Costs and Compliance Challenges:

- Equipment like misters and shade structures require maintenance, sanitation, and replacement.
- Training and record keeping add administrative burdens, particularly for small and mid-sized contractors.

Worker Accountability Not Addressed:

- The rule places full responsibility on employers, even in cases where workers arrive dehydrated due to personal behavior (e.g., alcohol use).

There are existing federal agency efforts and laws that address this matter.

- There are existing federal agency efforts and laws that address this matter. Since 2011, OSHA has raised awareness of the dangers associated with working in extreme temperatures through its Heat Illness Prevention Campaign. Through education sessions, outreach events, information sessions, social media messaging, and more, millions of workers and employers have learned how to protect themselves from extreme heat.

Video Resource: Watch Here – See how NM contractors are already protecting workers