

I write to offer comment on the proposed rule. I write on behalf of the Rio Grande Foundation, the Foundation is a public policy think tank based in Albuquerque, New Mexico. We work to analyze and educate policymakers and the public on a variety of economic issues.

Unfortunately, the proposed rule in its current form is likely to be extremely onerous for businesses. One of the most significant costs involves simply monitoring. In this case, the burden of conducting heat exposure assessments when the heat index meets or exceeds just 80°F is the primary cost. An 80°F heat index is likely in place for half the year or more in many parts of New Mexico. Numerous factors in these assessments are subjective and open to interpretation and (obviously) potential litigation.

We all want workers to be safe in any and all conditions. In a hot place and in direct sun there can be no doubt that water, cooling breaks, and proper skin protection (to name just a few) should be available, but this onerous regulatory tracking mechanism in particular is a problem and it is simply too much at an 80°F threshold. I encourage you to revise these regulations to reflect that reality.