

# **Information Session: New Mexico Occupational Heat Standard April 8, 2025**



# Information Session: New Mexico Occupational Heat Standard

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Conservation Voters New Mexico



# Acknowledgements

- New Mexico workers
- Advocates for worker health and safety
- New Mexico Environment Department (NMED)
- Host Team & Partners
- All of you who want to get involved in this campaign



# Advocacy Partners

- Healthy Climate NM (HCNM)
- Conservation Voters NM (CVNM)
- National Employment Law Project (NELP)
- NM Center on Law and Poverty (NMCLP)
- CAWA
- NM Legal Aid Farmworker Justice Program
- AFL-CIO NM
- AFL-CIO National
- AFT-NM
- Blue Green Alliance
- La Isla Network



# We've been working on a Occupational Heat Standard for a long time!

- **1972, 1986 and 2016:** National Institute for Occupational Safety and Health (NIOSH) recommended Occupational Safety and Health Administration (OSHA) adopt an occupational heat standard
- **2021:** OSHA kicks off the rulemaking process for a heat standard.
- **2022:** Public health advocates urge NM for a standard to protect workers.
- **2023 - 2024:** NMED develops the proposed rule based on state and national data, scientific and other consultations, and OSHA's proposal
- **July 2, 2024:** OSHA releases text of its proposed standard, "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings"
- **Feb. 4, 2025:** Trump administration pauses work on federal standard
- **Mar. 13, 2025:** NMED petitions the Environmental Improvement Board to adopt a state standard

7 States  
have adopted  
Heat  
Standards

## OCCUPATIONAL HEAT SAFETY STANDARDS IN THE UNITED STATES

1. Select State or Federal

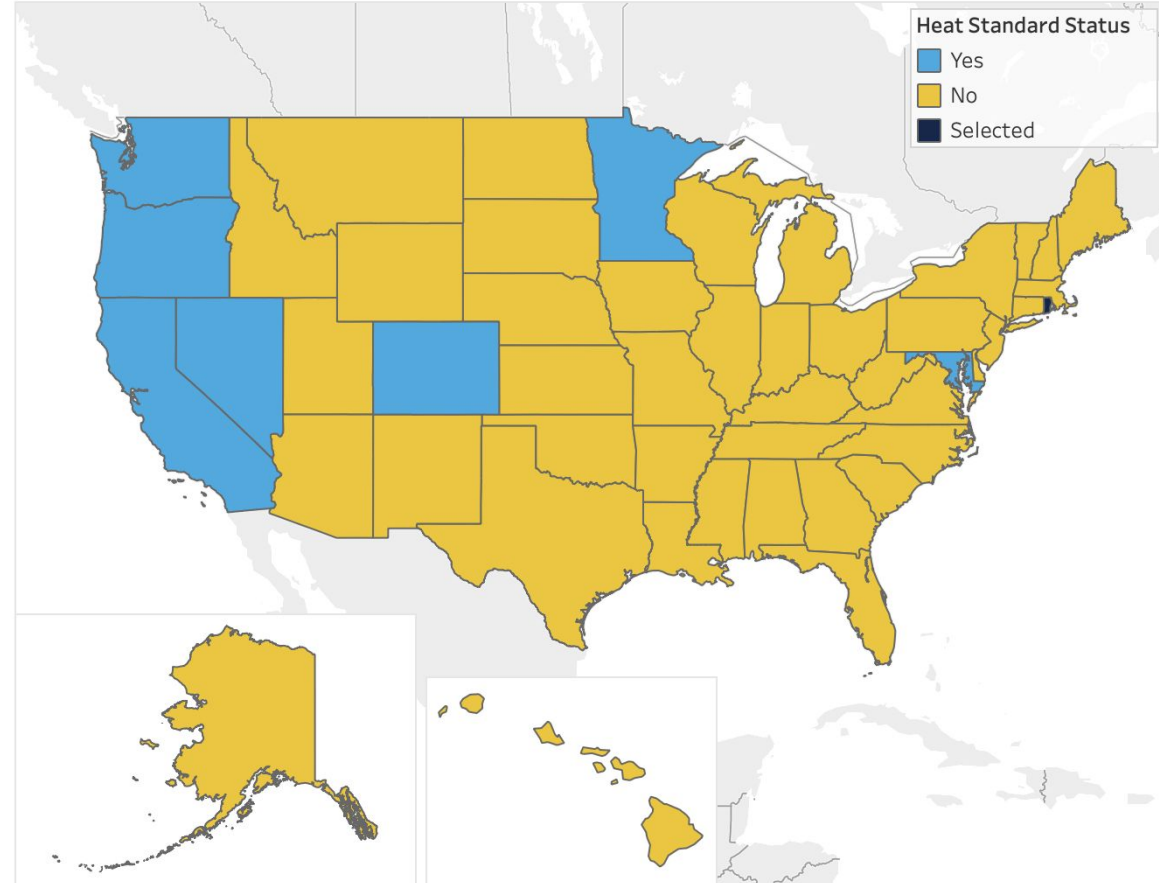
State

1a. If "State" is chosen, click a state

Rhode Island

2. Select a Heat Standard Status

Existing



SAFE WORK **FOR ALL**

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# Today's Agenda

- Introductions
- Impacts of Heat on Workers' Health
- What New Mexico Workers are at Risk?
- Overview of the Proposed Heat Standard
- NMED's Process for Public Input and Timeline
- Call to Action: How to Get Involved
- Q and A



# Video: Heat-Illness Prevention on the Farm Benefits Everyone



<https://youtu.be/35NHjgZ0YuQ>



# Health Impacts of Heat on NM Workers

Fabiano Amorim, PhD.  
Associate Professor  
Exercise Science Program  
University of New Mexico

*Proposed NM Occupational Heat Standard Info Session  
April 8th 2025*

# **DISCLOSURE**

**I have no financial disclosure or conflict of interest  
with the material presented in this presentation.**

# Heat stress and health in workers

1. HEAT is the **leading cause of death among all hazardous weather conditions** in the US ([www.weather.gov/mkx/heatwaves](http://www.weather.gov/mkx/heatwaves)).
2. The Bureau of Labor Statistics (BLS) documented **1,042 U.S. worker deaths** due to environmental heat from 1992-2022.
3. Also, BLS estimates **33,890 work-related heat injuries and illnesses** involving days away from work from 2011-2020 (\*underestimated).



70698

Federal Register / Vol. 89, No. 169 / Friday, August 30, 2024 / Proposed Rules

# Heat Stress in Workers

**Environmental heat**  
+  
**Metabolic heat from muscular work**



- Greater heat strain
- Hyperthermia (\*100.4°F)

Increased risk

- » **Heat-related illnesses (including death)**
- » **AKI and CKD**
- » **Accidents**

Reduced productivity

AKI: Acute Kidney Injury  
CKD: Chronic Kidney Disease

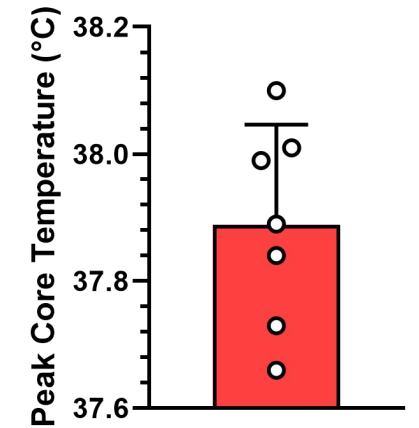
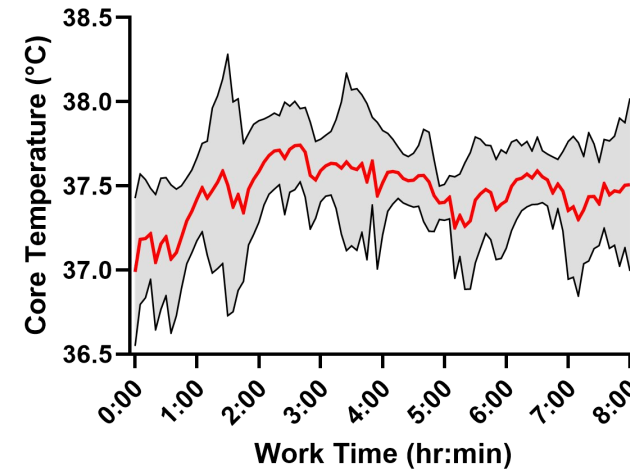
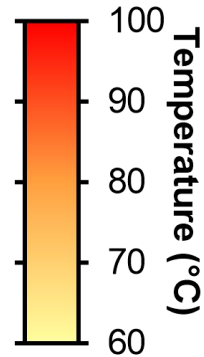
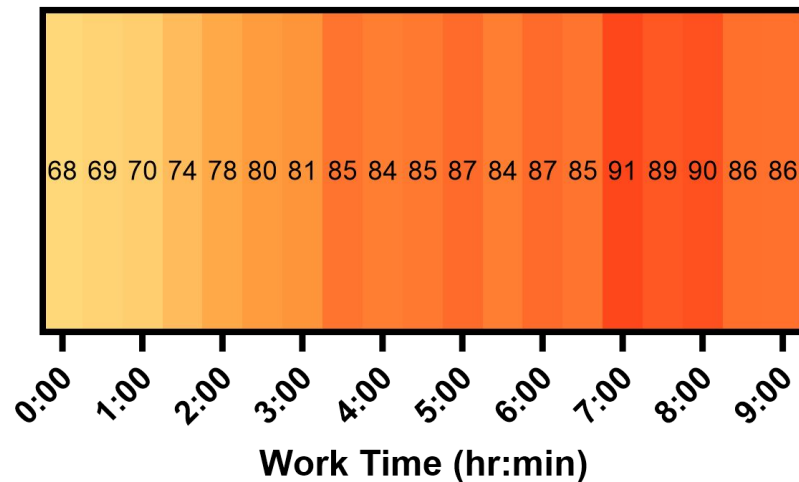




## Heat strain in road construction workers during the summer in New Mexico: a preliminary study

Jonathan W. Specht<sup>1,\*</sup>, Serena Garcia<sup>1</sup>, David H. Wegman<sup>2,3</sup>, Jason Glaser<sup>2</sup>, Zachary J. Schlader<sup>2,4</sup>, Fabiano T. Amorim<sup>1,2</sup>

Heat Index



2 of 7 (29%) of workers reached a core temperature of  $> 38^{\circ}\text{C}$  ( $100.4^{\circ}\text{F}$ )



**Funded by:**



THE CENTER FOR CONSTRUCTION  
RESEARCH AND TRAINING

**Additional support from:**

NIOSH (R01OH011528)



**Contact:**

**amorim@unm.edu**



# Farm Workers, Heat and Productivity: Research

Barrak Alahmad, MD, MPH, PhD  
Harvard School of Public Health



# Sugar Farms in Nicaragua

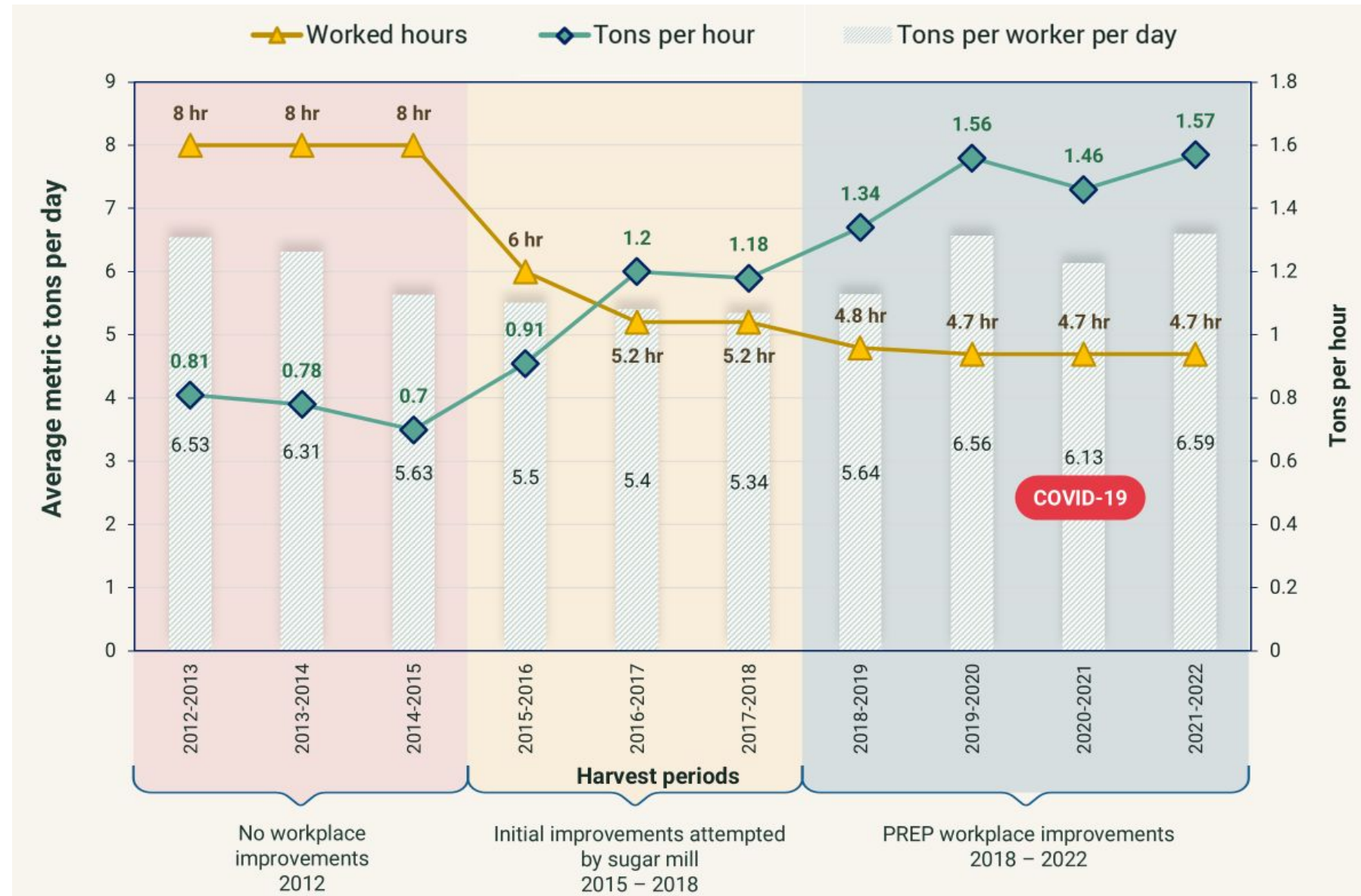


Data driven interventions:

1. Rest (intervals throughout)
2. Shade
3. Water
4. Sanitation



<https://www.laislanetwork.org/>



# New Mexico Workers and Heat: Who's at Risk?

Shelley Mann-Lev, MPH  
Healthy Climate New Mexico



# Heat is impacting many workers

## Classrooms hot, cooling units not working at APS schools

Brittany Costello | KOB  
Updated: August 8, 2024 - 11:07 PM  
Published: August 7, 2024 - 8:31 PM

**‘Sending drivers out to die’: UPS workers demand heat safety amid record temps**  
Union representatives around the country say they’re worried about the number of UPS workers who have needed medical treatment for heat illness this summer.

## Rising Risks: Heat-related Fatalities and Hospitalizations in the U.S. Upstream Oil and Gas Extraction Industry

As summer temperatures rise, the threat of heat-related illness and death to oil and gas workers increases.

BY BRADLEY KING | AUG 01, 2024



## Migrant worker’s death prompts calls for extreme heat labor laws

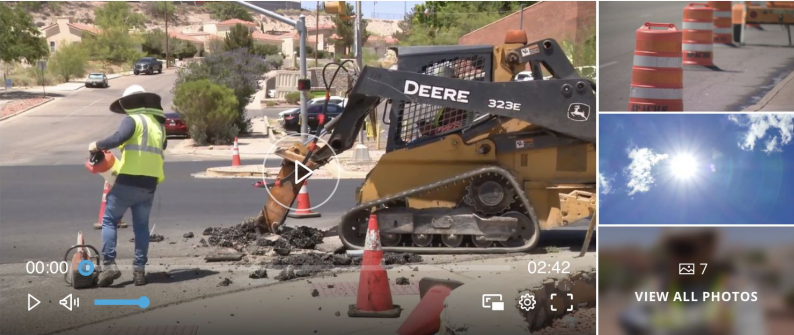
As the climate warms, labor advocates say more protections for workers will help employers too.

## Indoor Workers Need Protection from Extreme Heat Too

Warehouses, restaurant kitchens, factories, and schools can get dangerously hot—but without adequate safety standards, employees are having to just sweat it out.

## El Paso construction workers battle record heat with hydration and sun protection

by Aylin Herrera | Thu, June 6th 2024 at 8:19 PM  
Updated Thu, June 6th 2024 at 10:21 PM



El Paso construction workers battle record heat with hydration and sun protection. Credit: KFOX14/CBS4

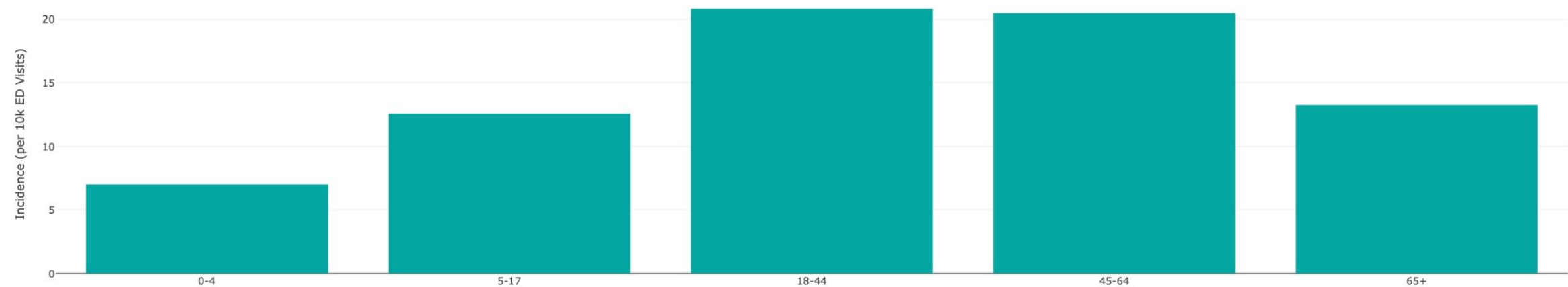
TOPICS: [EL PASO](#) [CONSTRUCTION WORKERS](#) [HEAT](#) [HYDRATION](#) [SUN PROTECTION](#) [TEMPERATURES](#) [WAT](#) >

EL PASO, Texas (KFOX14/CBS4) — Temperatures in the borderland continue to rise, with Thursday’s highs reaching 108 in El Paso and 106 in Las Cruces.

# NM Emergency Department heat related illness visits **show the dangers to workers in NM** (April 1 - September 30, 2024)

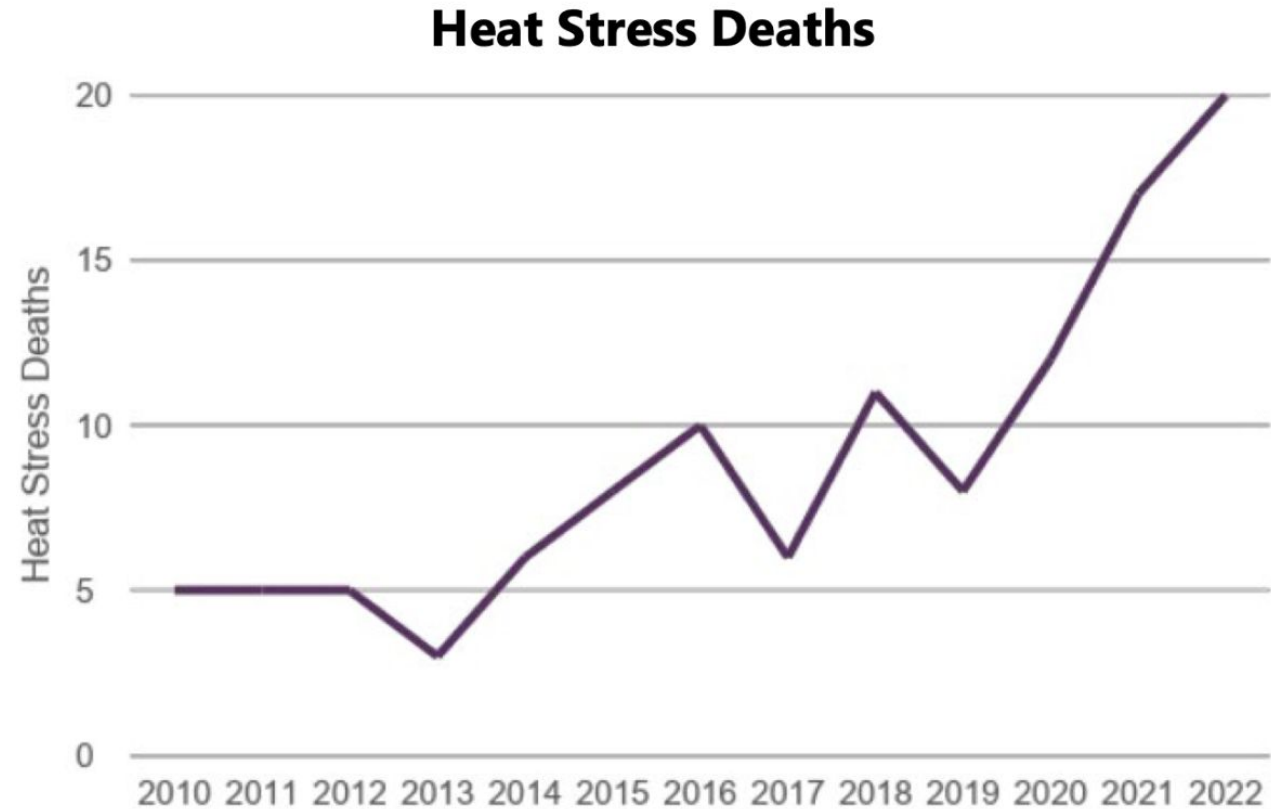
	Age Group	Count	% of HRI visits	Incidence (per 10k ED visits)
1	0-4	24	2.6%	7
2	5-17	70	7.5%	12.58
3	18-44	420	45.1%	20.83
4	45-64	251	26.9%	20.48
5	65+	167	17.9%	13.28

72% of all Heat Related Illness ED visits were among 18-64 year olds



# NM Workforce

- NMED has received 142 heat related complaints from workers since adopting federal OSHA's National Emphasis in May of 2023
- Many more heat exposure ED visits may be work related; majority of visits are patients in the 18-44 age category
- Nationwide, over 30 workers are killed by environmental heat each year, on average



Source: NMHealth

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# Stories from NM OSHA complaints

- Workers in a convenience store went without air conditioning for a month including temperatures of 98 degrees, leaving them dizzy, nauseous, and light-headed.
- Municipal waste workers on site without personal protective equipment or water who were threatened with retaliation if employees reported issues to human resources.
- Eleven agricultural workers exposed to sun and heat while doing their work.
- Construction workers used excavating machines with broken air conditioners, while management failed to order parts to repair them.
- More than 80 high school workers trying to do their jobs in the heat without drinking water available.



247,285  
workers in  
New Mexico  
in high risk  
industries

## OCCUPATIONAL HEAT SAFETY STANDARDS IN THE UNITED STATES

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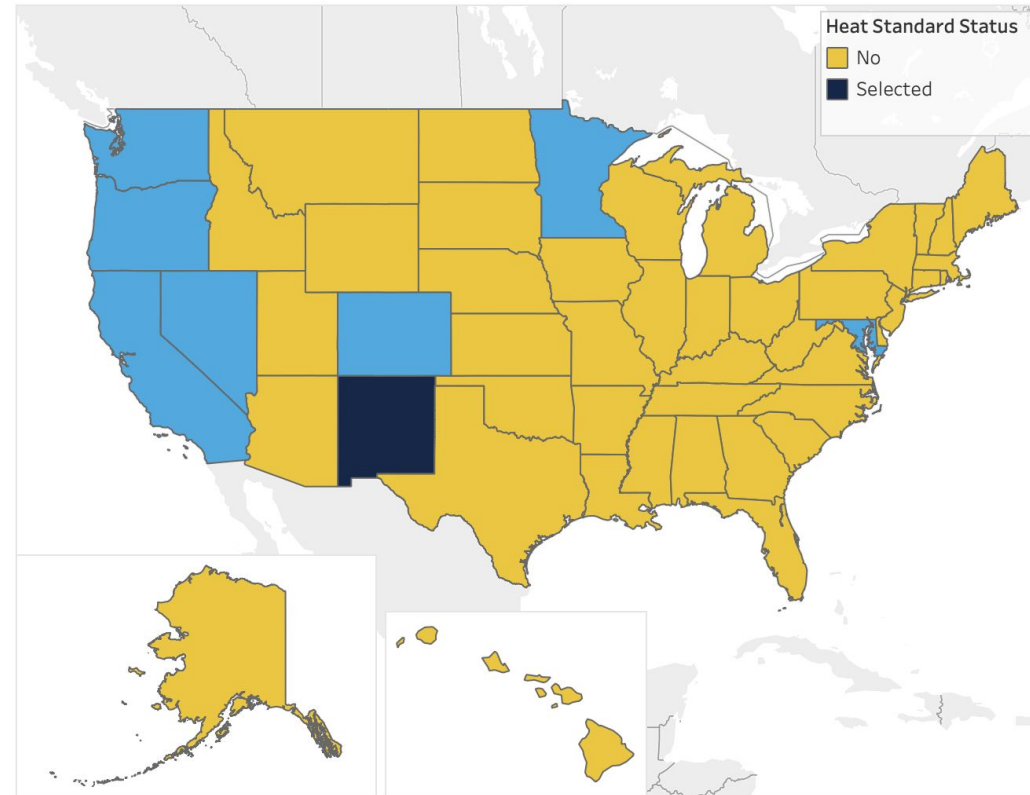
State

1a. If "State" is chosen, click a state

New Mexico

2. Select a Heat Standard Status

Existing



### New Mexico

**247,285**  
workers in high risk industries

Existing Heat Standard:  
No

Covered Workers:  
N/A

Notes:  
N/A

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# NM Workforce

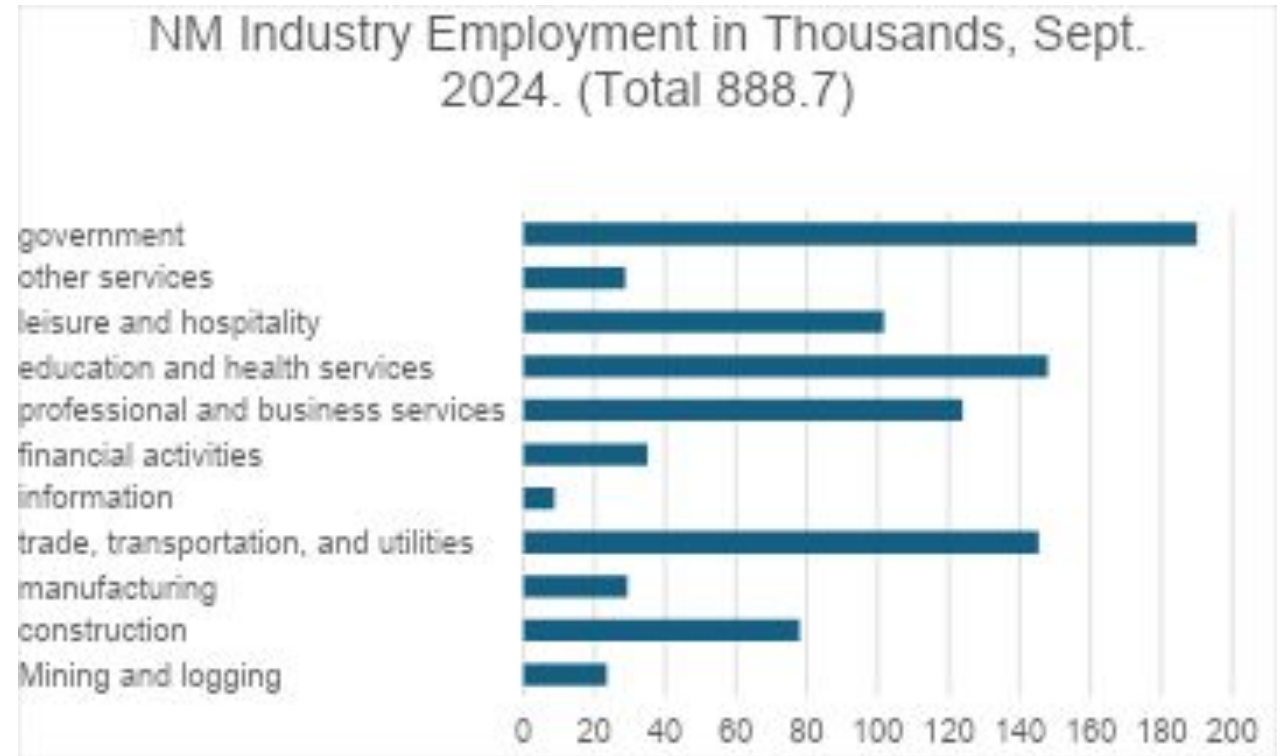
- Exposure to extreme heat conditions, both in short stints and over longer periods, can cause a range of issues, including rashes, exhaustion, dehydration, and heatstroke, which can lead to cardiovascular, respiratory, or kidney failure.
- Increased risk of injuries
- Those with underlying conditions - including lung disease, cardiovascular disease or pregnancy - are especially vulnerable.



# NM Workforce

- Large trade/transportation/utilities sector
- Construction has almost 80K workers
- Oil and gas workers are also at high risk
- Educational workers often don't have adequate access to cooling
- Almost 20K paid farmworkers
- Several key high-risk industries employ significant proportions of BIPOC workers = equity issue

[https://docs.google.com/document/d/1Oc6aQSLUrXfyNVKqU7F5fdmUEqldoQ\\_U/edit](https://docs.google.com/document/d/1Oc6aQSLUrXfyNVKqU7F5fdmUEqldoQ_U/edit)



(US BLS <https://www.bls.gov/charts/state-employment-and-unemployment/industry-employment-by-state.htm> )

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The New Mexico Environment Department's Proposed Heat Illness and Injury Prevention Rule is a strong draft standard that incorporates many best practices.

And with some changes it could be even better!



# Broad coverage to protect virtually all NM workers.

## GOOD:

- Covers indoor and outdoor workers.
- Sets the initial trigger temperature at a heat index of 80 degrees and high heat conditions at a heat index above 95 degrees.
- Only exempts buildings or other structures that have mechanical systems that keep the temperature below 80 degrees F.
- Only exempts emergency workers **while** they are on emergency response operations.

## BETTER:

- Needs to be very clear that exposure to direct sun and use of PPE should be part of calculating the trigger temperature.
- Buildings and other structures should have to comply when their mechanical systems are not functioning.
- Delivery vehicles with A/C should only be exempt if drivers are not in un-cooled cargo areas or delivering packages to doorsteps for more than 15 minutes out of every hour.

# Mandatory written plans and worker training.

## GOOD:

- Plan has to be in languages that workers are comfortable in and easily available onsite.
- Workers must receive annual training on the signs of heat stress, best practices to protect themselves, and workplace emergency procedures.

## BETTER:

- Workers should be part of writing the plan to make sure it addresses real-life workplace conditions.
- Training should have to be in-person and should be given again if there are any serious heat-related illnesses or fatalities on the worksite.
- Training should include vital emergency measures to save a co-worker if they are suffering from heat stroke.
- Training should include know your rights language about freedom from retaliation for reporting heat problems.

# Mandatory use of proven methods to avoid worker heat stress

## GOOD:

- Calls for the provision of water, paid rest breaks, and shade/cooling rooms onsite to protect workers from heat-related illnesses.
- Calls for the gradual introduction of new workers to hot working environments (“acclimatization”).
- Calls for detailed record-keeping to help NM OSHA understand the scope of the problem of heat-related illnesses and to hold employers accountable.

## BETTER:

- More detailed language about these provisions will improve compliance and make sure workers don’t lose income when they protect themselves.
- The rule should clarify how workers with labor agencies, staffing agencies, or temporary agencies get acclimatized.
- Employers should get guidance on what constitutes an HRI that demands reporting, and ALL injuries should be presumed to be heat-related if the workplace is over the heat trigger.

# Calls for emergency medical care when fast action is vital.

## GOOD:

- Calls for employers to have plans for what to do to save a worker from life-threatening heat-stroke until emergency services arrive.
- Calls for workers to recognize heat-related symptoms in themselves and others.

## BETTER:

- The regulation needs much more detail and clarity on what effective emergency response looks like and what supervisors and other workers should do immediately in the case of an emergency.
- Workers need training and information about health conditions that can increase vulnerability to heat, and how PPE can increase vulnerability to heat.

New Mexico is on its way to drafting and implementing a standard that will protect hundreds of thousands of NM workers and that can be a model for other states to learn from.





# New Mexico Environment Department

## Heat Illness and Injury Prevention Rule for New Mexico workers

Kristy Peck  
Occupational Health and Safety Bureau  
April 2025



# Heat Rule Public Participation

How can interested parties and the public participate?

- **Public Comments are open on NMED's Public Comment Portal from 4/1/2025 to 5/30/2025**
- **Download Documents and watch for updates on OHSB's webpage at [https://www.env.nm.gov/occupational\\_health\\_safety/heat-illness-and-injury-prevention/](https://www.env.nm.gov/occupational_health_safety/heat-illness-and-injury-prevention/)**
  - The easiest way to find it is Google: "New Mexico OSHA" and click the link for "Heat Illness and Injury Prevention"
- **Email [heatrule.comments@env.nm.gov](mailto:heatrule.comments@env.nm.gov)**
- **Outreach Week: Target Date Week of May 12<sup>th</sup>, 2025**
  - Business and Industry Stakeholder Town Hall
  - Worker Advocacy and Labor Town Hall
  - General Public Question and Answer Sessions
- **Participate in the Environmental Improvement Board hearing**



# Heat Rule Promulgation



# Timeline for Action

- Mar. 13: NMED petitioned the EIB to adopt the rule
- Mar. 14: NMED issued a Press Release announcing the petition
- Apr. 1: Public comment portal opened
- May 13: Day-long virtual public meeting for comments
- May 30: Public comment period closes
- July 16-18: Public hearing at the EIB
- Aug. 1: Proposed implementation start date

Go to <https://www.climateactionnownm.org/safe-work-for-all>



# How to Get Involved

1. **Everyone:** Sign the petition and get others to sign it
2. **Individuals:** Submit a public comment through [www.SafeWork4All.org](http://www.SafeWork4All.org) or on NMED portal
3. **Organizations:** Join the list of organizations supporting the rule
4. **Impacted workers:** Share worker's stories or recruit workers who are at risk of heat-related illness or harmed by heat to share their stories
5. **Businesses:** Help us find businesses who support protecting workers from heat
6. **Media:** Write an LTE or Op-Ed or post on social media
7. **The Hearing:** Attend the public hearing and share your comments or comment virtually
8. **Outreach:** Recruit other organizations and people to support the proposed rule
9. **Events:** Host outreach events to educate communities about the impacts of heat and how to protect themselves at work and at home



# Thank you!

For more information or to get involved,  
go to [www.SafeWork4All.org](http://www.SafeWork4All.org)

Healthy Climate NM (HCNM)

Conservation Voters NM (CVNM)

NM Center on Law and Poverty (NMCLP)

National Employment Law Program (NELP)

The logo features the text "SAFE WORK FOR ALL" in a bold, sans-serif font. "SAFE WORK" is in white, and "FOR ALL" is in orange. Below this, a thin orange banner contains the text "SET THE STANDARD, BEAT THE HEAT" in white. The background of the logo shows silhouettes of four workers wearing hard hats against a hazy, sunset-like sky.

**SAFE WORK FOR ALL**

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