



NEW MEXICO ENVIRONMENT DEPARTMENT
Occupational Health and Safety Bureau

Public Involvement Plan (PIP)
for the
Proposed Occupational Health and Safety
Heat Illness and Injury Prevention Rules

APPROVAL PAGE

A handwritten signature in blue ink that reads "Kristy Peck".

Kristy Peck

Acting Chief, Occupational Health and Safety Bureau
New Mexico Environment Department

3/31/25

Date

I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Occupational Health and Safety Bureau (Bureau) developed this Public Involvement Plan (PIP) for the Proposed Occupational Health and Safety Heat Illness and Injury Prevention Rule. The Occupational health and Safety Bureau has, with input from experts in the field, developed a draft Heat Illness and Injury Prevention rule to protect workers from heat related illness under New Mexico's *Occupational Health and Safety Act*, codified at New Mexico Administrative Code (NMAC) 50-9-1 through 50-9-25 NMSA 1978 (NM OHS Act). The NM OHS Act requires that employers provide protections for New Mexico workers from recognized hazards in the workplace. The NM OHS Act mirrors the protections established under federal regulations at 29 U.S.C. §§ 651–678 federal Occupational safety and health act (the OSH Act).

The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to engage in the rulemaking process for this action. The Bureau encourages early engagement to inform public comments and participation during the Heat Injury and Illness Prevention rule making process. The designation does not include employers within federal Occupational Health and Safety Administration (OSHA) or tribal jurisdictions. The Bureau will notify directly impacted stakeholders such as private sector employers, employee groups such as unions, and public sector employers, facilities, or operations that could be impacted. Ultimately, the Environmental Improvement Board (EIB) will need to adopt proposed regulatory language after conducting a public hearing for the proposed rule to take effect for state purposes. The Bureau will then send the adopted regulatory language to federal OSHA for review.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities.

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements and underscores the provision of adequate public access to information about the proposed Heat Injury and Illness Prevention rule.

The proposed Heat Illness and Injury Rule will likely impact a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, newspapers, fact sheets, etc.), as necessary. During public comment periods, hardcopies of relevant documents may be reviewed at the information repositories listed in "Public Participation and Outreach Activities" – Section V.F.

More detailed information about planned Bureau outreach is available in this PIP.

Table 1. Schedule of Public Participation and Stakeholder Outreach Activities

Activity	Dates
Petition EIB for Hearing	March 13, 2025
Public Notice for the proposed Heat Injury and Illness Prevention Rule	April 2025
Public Comment Period	April 1, 2025 – May 30, 2025
Publish hearing notice in the New Mexico Register, in one newspaper of statewide general circulation, in one newspaper in the affected area.	April 2025
Stakeholder identification and outreach to gather information and identify potential updates.	April 2025
Stakeholder Outreach and Engagement	April 2025 – June 2025
Public and Stakeholder Meetings	May 2025
Post rulemaking information on State’s Sunshine Portal (State Rules Act)	May 2025
Consider Comments, Regulation Amendments, if necessary	May 2025 - June 2025
Provide notice of hearing to the New Mexico legislative council for distribution to appropriate legislative committees (State Rules Act)	June 2025
Send rulemaking information and notice of hearing by electronic mail (if provided) to persons who have identified as a stakeholder, participated in the rulemaking, or specifically made a request for notice (State Rules Act)	June 2025
Send written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address (State Rules Act)	June 2025
Provide electronic mail notification of hearing notice with links to supporting documentation for proposed rulemaking to the Department’s district managers to make available at Department field offices (State Rules Act)	June 2025
File Notice of Intent – Technical Testimony (20 days before hearing)	June 2025
Public Hearing before EIB	July 16, 2025 – July 17, 2025
Publication of approved regulation in the New Mexico Register with effective date of rule (1.24.10 NMAC) (Within 15 days after hearing)	August 2025
If adopted, submit Heat Illness and Injury Prevention rule to federal OSHA for review	August 2025
If adopted the Heat Illness and Injury Prevention rule takes effect	August 2025

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

II. Contacts

Bureau contacts for questions regarding the proposed Heat Illness and Injury Prevention Rule, the Bureau's website, or this PIP, are listed below:

Kristy Peck, Acting Bureau Chief Occupational Health and Safety Bureau 525 Camino de los Marquez Santa Fe, NM 87505 Phone: (505) 476-8712 Email: Kristy.Peck@env.nm.gov	Robert Genoway, Acting Deputy Director Compliance and Enforcement Division 1190 S St. Francis Dr. Santa Fe, NM 87505 Phone: (505) 470-7620 Email: Robert.Genoway@env.nm.gov
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If you need to contact the Bureau regarding the proposed Heat Illness and Injury Prevention rule, please call or email the bureau contacts listed above. Contacts will record voicemail message in both English and Spanish. Callers with limited English proficiency will be accommodated according to the bureau Limited English Proficiency plan.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the proposed Heat Illness and Injury Prevention rule.

When engaging initial contact with members of the public in languages other than Spanish, where communication cannot be effectively conducted in English, OHSB staff will use the US Census Bureau "Language Identification Flashcard" to identify the speaker's language if the contact is in person; if the contact is by phone staff will record a call-back number and inform the caller that they will receive a return call as soon as an interpreter is available. If an appropriate interpretation service vendor is already funded under a Bureau purchase order, OHSB will use that vendor for interpretation services; if there is no open purchase order, or if resources do not permit use of a Bureau vendor, OHSB will use the NMED contracted Language Link interpretation services (888-338-7394) and complete a merged call with the interpreter and LEP member of the public.

B. Department and Bureau Websites

The Department maintains a website and webpages for information regarding its activities, programs, boards, and commissions.

New Mexico Environment Department

<https://www.env.nm.gov/>

Occupational Health and Safety Bureau

https://www.env.nm.gov/occupational_health_safety/

OHSB Regulations and Announcements

https://www.env.nm.gov/occupational_health_safety/nm-announcements/

OHSB Heat Illness and Injury Prevention Rule

https://www-q.env.nm.gov/occupational_health_safety/heat-illness-and-injury-prevention/

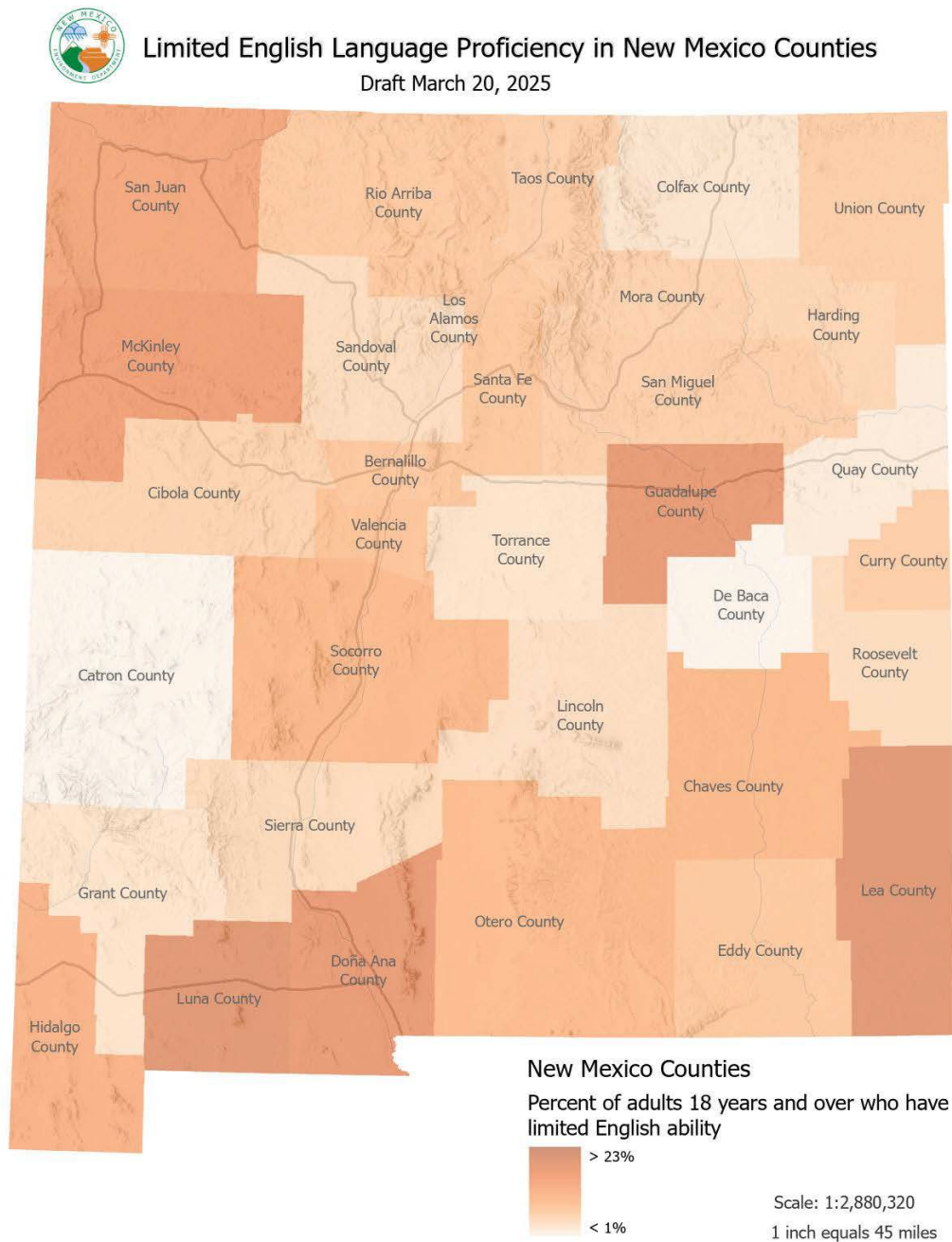
III. Regulatory Framework

The New Mexico Environment Department, Occupational Health and Safety Bureau is a state plan under Section 18 of the federal Occupational Safety and Health Act, which allows for the promulgation of state health and safety regulations and standards that are at least as effective as those enforced under federal OSHA.

Section 50-9-8 and 50-9-12 NMSA 1978 of the New Mexico Occupational Health and Safety Act allows the EIB to promulgate regulations and standards that are at least as effective as standards promulgated pursuant to the federal Occupational Safety and Health Act of 1970 to prevent or abate detriment to the health and safety of employees.

IV. Location and Demographics

The proposed Heat Illness and Injury Prevention Rule is a statewide rulemaking because public and private sector employers within the Bureau's jurisdiction across the state will be affected.



Data Sources: Texas Parks & Wildlife, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS, Esri, USGS,USCB

Demographic Summary

Using U.S. Census Bureau 2016-2020 American Community Survey (ACS) Report for the State of New Mexico has an estimated population of **2,097,021**; 49% identify as Hispanic or Latino (which may be of mixed race). The percent of persons that communicate in a language other than English (non-English) at home is 34%, compared to 21.5% for the United States. There are 5.1% of households in New Mexico that

are linguistically isolated, of which 81% speak Spanish, 13% speak “other” languages that include Native American languages, and 6% speak various other Indo-European, Asian, and Pacific Island languages. The per capita income for New Mexico is \$27,945 as compared to the national per capita income of \$35,384, with 18.4% of the population living in poverty. These results indicate that for the area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency, Linguistically Isolated Households, etc.) that may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices and other announcements. All public notices will include information about how persons may request non-English speaker language assistance and accommodations for persons with disabilities (i.e., deaf and/or non-English language interpreters) at least 5 days in advance for public meetings and 14 days in advance for hearings related to the Heat Illness and Injury Prevention rule development. Specific information repositories that may be used depending on the need are provided in Section V.F of this PIP.

V. Public Participation & Outreach Activities

The public may ask questions about the proposed Heat Illness and Injury rule, at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the designation must be submitted during the noticed public comment period, and in accordance with the public notice.

Specific outreach activities related to the proposed Heat Illness and Injury Prevention rule include:

- Conducting stakeholder outreach and meetings to gather information and identify potential updates,
 - Stakeholder outreach meetings will be in the form of hybrid meetings consisting of an in-person meeting combined with the ability to attend virtually from any location within the state
 - Identified stakeholders include New Mexico employers and professional associations, unions and employee advocacy organizations, and New Mexico workers and community members statewide,
- Developing public notices announcing public comment periods for the proposed Heat Illness and Injury Prevention rule,
- Posting notices to the Department’s websites and the New Mexico Sunshine Portal,
- Publishing notices in a newspaper of general circulation. The publication will be published in the Albuquerque Journal in both English and Spanish
- Emailing public notices to stakeholders including tribes, permittees, state and federal agencies, the Legislative Services Council, the Small Business Regulatory Advisory Council, and the Bureau’s extensive listserv through the GovDelivery e-mail delivery service
- Sending this public notice to the Department’s public relations officer for a press release and social media posts.

The most direct way to learn about and be involved in the decision-making process for this Plan revision is to submit a comment to the Bureau during the public comment period and/or attend the rulemaking hearing when the Bureau presents the rule to the EIB for adoption.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for

this activity are outlined below.

A. Postal Mailing or E-Mailing of Notices to Persons on the Heat Injury and Illness Prevention Rule Bureau's Email List

The Bureau maintains an extensive email list that includes individuals and employers interested in worker health and safety issues and activities. The list is maintained through a professional email messaging platform with standard options for users to maintain, modify, or cancel subscriptions. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties are added to the email list as requested.

B. Public Notices – Comments, Meetings, Hearings, and Other Notices

Based on the Bureau's evaluation of the community, public notices and messaging will be translated into Spanish. In addition, the Bureau will post notices, in English and Spanish, with participation details, access to supporting information, and communication instructions on the Department's Events Calendar at <https://www.env.nm.gov/events/>, the Department's Smart Comment Website and the Bureau's webpages, as appropriate. Sections II.B and II.C list website addresses where information and notices will be posted.

C. Public Comment Period and Hearing.

The Bureau will hold a 60-day public comment period on the proposed Heat Illness and Injury Prevention rule from April 2025 to May 2025. The public comment period will be announced through publishing in newspapers and direct emails. The public comment opportunity will start with publishing the notice of rulemaking in the New Mexico Register and will continue through the close of the administrative record. Interested parties may also provide technical testimony at the hearing by filing a Notice of Intent prior to the hearing. Details for participating in the hearing, submitting comments, providing technical testimony, and deadlines will be outlined in each public notice.

D. Other Outreach

Other means of outreach such as flyers, radio advertisements, or hard copy postings are not anticipated at this time. However, any updates to the material or rulemaking process will be posted on the Department's website.

E. Information Repositories

Copies of the proposed Heat Illness and Injury Prevention rule will be available to download from the OHSB website the following link ([Heat Illness and Injury Prevention](#)) or by contacting Bureau contacts listed above in Section II.

The Bureau will post the proposed Heat Illness and Injury Prevention rule, proposed regulatory language and supporting information at all Department offices until the completion of the hearing. The Bureau emphasizes that individuals can access the Heat Illness and Injury Prevention rule documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the Heat Illness and Injury Prevention rule, please contact Kristy Peck at (505) 476-8712 or Kristy.Peck@env.nm.gov

F. Heat Illness and Injury Prevention Rule Response to Comments, Amendments, and Participating in the Rulemaking Hearing.

To address stakeholder and community members input, the Bureau will consider and respond to public comments received within the public comment period. OHSB will prepare a "Response to Comments"

document and include it as an appendix to the proposed Heat Illness and Injury Prevention rule EIB petition. If appropriate, the associated regulatory language will be amended to incorporate feedback prior to filing a petition with the EIB. The final rule language, supporting information for the Heat Illness and Injury Prevention rule will be presented to EIB for approval and adoption into NMAC 50-9-1 through 50-9-28 by the Bureau at an EIB hearing is scheduled for July 16 and 17, 2025. Once approved by the EIB, the Bureau will submit the adopted Heat Illness and Injury Prevention rules to federal OSHA for review and approval.