

## **ATTACHMENT**

### **Limited English Proficiency (LEP) Assessment**

#### **Heat Illness and Injury Prevention Rulemaking**

##### **Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in Community of Concern**

See Public Involvement Plan Public Involvement Plan (PIP) for the Proposed Occupational Health and Safety Heat Illness and Injury Prevention Rule Section IV for the Affected Community.

##### Conclusions:

1. The percentage of total non-English languages spoken at home is 31.6%
2. The percentage of limited English households is 26.5%, which is equal to the statewide average.
3. Spanish is the predominant non-English language spoken by LEP persons.
4. Historical participation: OHSB ensures that all consultation and compliance and enforcement activities account for LEP employee and representative involvement during unprogrammed activities including complainant and referral intake, and when conducting workplace inspections and consultation visits. Compliance and Enforcement and Consultation staff must routinely communicate with Spanish-speaking LEP workers during complaint and inspection activities.

##### **Factor 2: Frequency with which LEP Individuals Might Come in Contact with the Program**

OHSB does not routinely conduct public meetings affecting the LEP public; however, Bureau staff must communicate with LEP workers on a regular basis when fielding public questions, receiving workplace complaints, conducting inspections, and holding post-inspection proceedings in enforcement cases. OHSB predominantly interacts with Spanish-speakers among workplace and community LEP individuals.

##### Conclusion:

LEP participation and overall public interest in this rulemaking has included the Consulate of Mexico and Spanish language worker advocacy groups. LEP participation is likely to be high due to the number of LEP employees likely to be impacted by the rulemaking. The Bureau considers the potential for LEP contact with the rulemaking process to be "frequent."

##### **Factor 3: Nature and Importance of the Activity or Service Provided by the Program**

The Heat Illness and Injury Prevention rule is deemed by the OHSB to be "important" to NMED, the impacted community, and the State of New Mexico. The Heat Illness and Injury Prevention

Rule is important to NMED because the rule establishes specific requirements that must be met by employers to ensure the health and safety of employees exposed to high temperature environments and provides a means to enforce those requirements. The Heat Illness and Injury Prevention rule is important to the impacted community because employee work in high heat environments have the potential to pose health risk and adversely affect the quality of life of employees. The Heat Illness and Injury Prevention rule is important to the State of New Mexico because establishment of effective and enforceable standards ensures that OHSB personnel will be able to provide effective guidance, and accountability for employers to provide their employees with a safe and health working environment.

Conclusion:

OHSB considers the Heat Illness and Injury Prevention rule important to NMED, to the state as a whole, and to the impacted community.

**Factor 4: Resources Available to NMED for LEP Services and Associated Costs**

For outreach to LEP communities associated with this rulemaking, NMED employs a certified Spanish translator and utilizes a phone interpretation service to assist during direct communication between LEP individuals and NMED staff. The costs of newspaper publication and of interpretive services for a public meeting or hearing are being incorporated into the budget, to the extent possible.

Conclusion:

The Bureau can accommodate the costs of the LEP services identified in this plan. If additional services are requested, the budgetary implications will be reviewed.

**LEP Services Plan:**

To accommodate the needs of the LEP individuals who may be interested in this rulemaking process, the Bureau plans to:

1. Provide interpretive services at any public meeting or public hearing, if requested.
2. Interact with members of the LEP community using certified interpreters, when needed and feasible.

The Bureau will consider requests from members of the affected community for additional LEP services.