

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PROPOSED RULEMAKING HEARING TO
CONSIDER ADOPTION OF PROPOSED HEAT ILLNESS AND
INJURY PREVENTION RULE 11.5.7 NMAC
EIB 25- 11(R)**

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing beginning on July 16, 2025, at 9:00 a.m. to consider EIB 25-11(R) - In the Matter of Proposed New Regulation 11.5.7 NMAC – Heat Illness and Injury Prevention. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days. The Board may make a decision on the proposed Heat Illness and Injury rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the New Mexico State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, New Mexico 87507. Detailed information concerning the time and location and instructions on how to join the hearing virtually is available on the New Mexico Environment Department (“NMED”) events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. From now until the conclusion of the hearing, comments may be submitted via the NMED public comment portal at <https://nmed.commentinput.com/?id=4PbpDC9rG> or via email to heatrule.comments@env.nm.gov or in paper format by mailing comments to NMED-OHSB, Attn: Heat Illness and Injury Prevention, P.O. Box 5469, Santa Fe, NM, 87502.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by NMED requesting the Board to adopt a proposed occupational health and safety regulation concerning the prevention of heat illness and injury. The proposed regulation adds 11.5.7 NMAC, Heat Illness and Injury Prevention.

The proposed rule will set forth standards for New Mexico employers to prevent injury or illness to workers from exposure to high heat environments in the workplace. These standards include implementing a Heat Illness and Injury and Prevention Plan (HIPP), taking time to acclimate workers to hot environments, providing access to clean, cool drinking water throughout the workday, and mandating frequent rest periods in the shade. This regulation is part of a broader state effort to address worker health and safety in the state through the Occupational Health and Safety Act.

The Petition, Statement of Reasons, Amended Rule, and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown menu, in the section for EIB 25- 11(R) - In the Matter of Proposed Rulemaking 11.5.7 NMAC – Heat Illness and Injury Prevention. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on NMED's Occupational Health and Safety Bureau webpage at https://www.env.nm.gov/occupational_health_safety/heat-illness-and-injury-prevention/. Paper copies of the petition, the statement of reasons, and the proposed rule are available at all NMED's offices statewide. Interested persons may contact Kristy Peck at (505) 476-8712 or Robert Genoway at (505) 470-7627 or Heatrule.Comments@env.nm.gov with questions.

The hearing will be conducted in accordance with the Board's rulemaking procedures at 20.1.1 NMAC; the Environmental Improvement Act, Section 74-1-9 NMSA 1978; the Occupational Health and Safety Act, Section 50-9-7 NMSA 1978; and other applicable procedures. The Board is authorized to adopt this rule pursuant to the Occupational Health and Safety Act, NMSA 1978, Sections 50-9-7 and 50-9-12 and the Environmental Improvement Act, NMSA 1978, Section 74-1-8-(A)(9).

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Persons wishing to present technical testimony must file a written Notice of Intent to Present Technical Testimony ("NOI") with the Board. The NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Notices of Intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 p.m. on June 26, 2025, and should reference the docket number, EIB-25-11(R) and the date of the hearing. Notices of intent to present technical testimony shall be submitted to: Pamela Jones, Board Administrator, Environmental Improvement Board, P.O. Box 5496, Santa Fe, NM 87502, email: pamela.jones@env.nm.gov.

Any member of the general public may testify at the hearing. No prior notification is required to present nontechnical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing.

Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.