



# Fact Sheet for the New Mexico Heat Injury and Illness Rule

## Why does New Mexico need a Heat Illness and Injury Prevention Rule?

Heat has impacted New Mexico workers. Between 2022 and 2024, 1,150 workers' compensation claims were likely related to heat, costing the system an estimated \$7.4 million in claims (ERPB White Paper Series, 2025).

Heat is the number one cause of weather-related deaths in the United States. In 2023 and in 2024, New Mexico Emergency Rooms had over 50 work-related heat stress visits. Many were from industries where workers are outside in the heat doing hard manual labor, such as construction. Some of these turn into hospitalizations. These numbers do not account for the well-known underreporting of heat illnesses and injuries, and they do not account for workers who are taken to border states or federal healthcare facilities for treatment. (NM DOH Syndromic Surveillance Program)

Federal OSHA estimates that there is under-reporting of all heat related illnesses and injuries by a factor of 7.5 and under reporting of heat related fatalities by a factor of 14. If we apply that factor, it is likely that New Mexico had over 390 heat-related illnesses and injuries in 2023 alone. Many workers do not go to the hospital, and many are never reported as happening while at work. (<https://www.federalregister.gov/d/2024-14824/p-1515>)

Heat is a known hazard affecting workers in most industry sectors. High heat conditions in the workplace can result in heat exhaustion and heat stroke, as well as long term conditions such as heart and kidney damage, and death. Implementing protective measures against heat exposure in New Mexico will reduce heat illnesses and injuries and save lives of workers. The key is this rule is proactive, not reactive.

In the United States, agricultural workers are 35 times more likely to have heat illnesses and injuries and construction workers are 13 times more likely to have heat illnesses and injuries than those working in other industries. Of all heat-related illness deaths, 36.8% occurred in the construction industry and 21.0% occurred in the agriculture industry. (<https://doi.org/10.1002/ajim.22381>)

Well-rested and hydrated workers are more productive and make fewer mistakes resulting in higher profits for companies. A heat rule will reduce heat-related illness and injuries which have financial impacts to companies including costs of healthcare and time lost, and protected employees are less likely to leave their jobs resulting in cost savings for employers by reducing turnover and vacancy rates.

The Bureau of Labor Statistics (BLS) Survey of Occupational Illnesses and Injuries reports there have been 33,890 work-related heat injuries and illnesses causing days away from work from 2011–2020. This is an average of 3,389 injuries and illnesses happening each year.

Federal OSHA has recognized that heat is an important hazard for workers. In September 2021, Federal OSHA created a National Emphasis Program (NEP) on heat inspections and in 2023, launched the rulemaking process to develop a heat related standard.

New Mexico OSHA has received over 230 heat related complaints from workers since adopting federal OSHA's NEP for heat related illness and injuries in May of 2023. Rules provide guidance that employers can rely on to reduce the number of complaints by providing protections before employees get injured.

A heat wave in July of 2023 broke records for the most days in a row with high temperatures above 95 degrees Fahrenheit. The National Oceanic and Atmospheric Administration recently published their prediction for the Summer of 2025, and New Mexico will have above average summer temperatures for the tenth year in a row.

Summers in New Mexico are hot and getting hotter. In 2023, the New Mexico Department of Health reported the state had over 900 heat-related emergency room visits between April and September - more than double the number recorded during that same time in 2019. (NM DOH Syndromic Surveillance Program)

In New Mexico, there is a connection between rising temperature and the number of work-related injuries according to data from the New Mexico workers' compensation system.

## How will this rule affect employers operating in New Mexico?

New Mexico employers will take basic actions to protect workers from heat related illness and injury on the job, such as provide cool drinking water, shade, and time for rest breaks.

The rule will save employers money by reducing lost worker hours due to illness, as the average cost per workers compensation claim in 2023 was \$9,517.00. Studies indicate that workers compensation claim cases are reduced by one-third when heat protection measures are implemented. ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3892588](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3892588))

Recent studies have shown that scheduled rest breaks — like those included in the proposed rule — can significantly increase worker productivity. (<https://doi.org/10.1093/annweh/wxae007>)

When the heat index is at or above 80 degrees Fahrenheit:

- Employers will implement a heat illness prevention plan in English and the language understood by most employees and make it available to employees.
- Employers will conduct a heat exposure assessment to determine work-site specific heat hazards.
- Employers will have plans for access to water and shade, rest breaks, getting used to working in the heat, and watching employees.

All training must be conducted by the employer in a language understood by all employees. All employees shall be trained on:

- Risk factors for heat illness.
- Procedures for controlling exposures to heat.
- Procedures for access to water and rest breaks.
- Procedures for new and returning workers getting used to working in the heat.
- The signs and symptoms of heat illness.
- Procedures for observing, reporting, and responding to symptoms of heat illness.
- Procedures for communicating with 911 or the Fire Department.

Supervisors will have additional training on monitoring weather reports and heat advisories.

## When will this rule effect?

The Heat Illness and Injury Prevention rule hearing date is on July 16 and 17, 2025. Once adopted, the rule will take effect in mid-August 2025 or later.

## How can you make comments or leave suggestions?

From now through May 30, 2025, you can leave a comment at <https://nmed.commentinput.com/comment/search> under EIB 25-11 (R) Proposed New Regulation, 11.5.7 NMAC – Heat Illness and Injury Prevention.

Full text of the rule is available on the Occupational Health and Safety Bureau Heat Illness and Injury Prevention website 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/).

Please take the time to give your comments and suggestions for the rule.