Environmental Improvement Board
RECEIVED
August 28, 2026
Pamela Jones

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED NEW REGULATION.
11.5.7 NMAC – *Heat Illness and Injury Prevention*

No. EIB 25-11(R)

Occupational Health and Safety Bureau
Environmental Health Division
New Mexico Environment Department,

Petitioner.

ORDER VACATING RULEMAKING HEARING DATE

Petitioner NMED filed a Fourth Motion to Vacate and Reschedule Rulemaking Hearing Date, noting that they desired more time for additional evaluation and to engage with stakeholders prior to hearing. Intervenor Wetherbee filed an objection to the Motion, noting that the hearing has already been substantially postponed since the Petition was filed, that it is not necessary for the Department to reach complete consensus on the proposed rule prior to hearing, and that the known hazards of high heat conditions will continue to put workers at risk.

The Hearing Officer does not dispute Wetherbee's points, but the motion must be granted given the legal relationship between the Department and the Board. The Board does serve as the rulemaking authority for most of the regulations enforced by the Department, but that authority does not extend to ordering the Department (or any other Petitioner) to go to hearing before they are ready to present their petition.

The hearing scheduled to begin on September 21, 2026 is vacated. The hearing will begin on March 22, 2027.

-original signed by-
FELICIA ORTH, HEARING OFFICER

Certificate of Service

I hereby certify that on August 28, 2026 a copy of the foregoing was sent via electronic mail to the persons listed below. A hard copy will be mailed upon request.

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