

APRIL 2, 2025 | OSHA RULEMAKINGS & STANDARDS

New Mexico Becomes the Latest State to Propose Heat Illness Prevention Rule

By [Hema Steele](#) and [Beeta Lashkari](#)

On March 13, 2025, the New Mexico Environment Department's (NMED) Occupational Health and Safety Bureau (OHS Bureau) petitioned the state's Environmental Improvement Board (EI Board) to adopt a [proposed rule](#) to address occupational heat hazards, particularly where the heat index equals or exceeds 80°F.

The American southwest is among the fastest warming regions in the United States, and Acting Occupational Health and Safety Bureau Chief Kristy Peck confirmed that "New Mexico is both hotter and dryer than in years past." In 2024 alone, the state's health department reported more than 800 heat-related emergency room visits. As a result, New Mexico now seeks to regulate employers to ensure employees are protected from the hazards associated with hot working conditions.

The goal of the proposed rule is to prevent heat illnesses and secondary injuries caused by heat exposure (e.g., falls due to heat-induced dizziness). As such, it will cover all indoor and outdoor workplaces already subject to the state's health and safety standards for general industry, construction, agriculture, and convenience stores, with limited exemptions for incidental heat exposures, emergency response operations, telework sites, and mechanically ventilated work areas.

The proposed rule describes employers' responsibilities related to heat exposure assessments; control measures; training; recordkeeping; and implementation of a heat illness and injury prevention plan (HIIP Plan).

Heat Assessments. When the heat index is 80°F or higher, employers will be required to conduct a heat exposure assessment by analyzing, among other things: exposure to direct sunlight, intensity of the work, acclimatization of each employee, and the heat-retaining effects of required clothing and PPE.

Control Measures. When the heat index is 80°F or higher, employers will need to acclimatize employees, provide fluids and cooling areas, provide paid rest breaks, and monitor heat illness symptoms.

Training. Employers will be required to train employees (upon hiring, then annually) on:

- The employer's HIIP Plan;
- Relevant risk factors for heat illness;

- How to identify, evaluate, and control exposures to those risk factors;
- Rest breaks and consumption of fluids;
- Acclimatization;
- Identifying, observing, reporting, and responding to signs of heat illness; and
- Communicating with emergency personnel.

Notably, supervisors must also be trained in monitoring weather reports and advisories.

Recordkeeping. Employers would need to maintain – for 5 years – records of heat acclimatization schedules and procedures for new/returning employees, trainings, and heat illnesses (or related injuries). Employers will also be required to record all heat illnesses and injuries (including those only requiring first aid) and must record the heat index and working conditions at the time of the illness/injury.

HIIP Plan. Lastly, employers would be required to create, implement, and maintain a heat illness and injury prevention plan that incorporates their plan for addressing the foregoing requirements related to heat assessments, control measures, training, and recordkeeping.

The OHS Bureau anticipates that the online portal will begin accepting public comments on the proposed rule in April 2025 and remain open for 60 days. NMED will review the public comments and submit a final rule to the EI Board. The OHS Bureau has proposed public hearing dates of June 24 and 25, 2025, at which time the EI Board will accept written statements and testimony. If the EI Board adopts the rule, it will likely go into effect July 1, 2025.

If the EIB adopts the rule, New Mexico will become the 8th state (after [California](#), Colorado, Minnesota, Oregon, [Maryland](#), [Nevada](#), and Washington) to promulgate its own rules on heat protection.

Meanwhile, federal OSHA had published its own [Notice of Proposed Rulemaking](#) for heat injury illness and prevention in August 2024, and the public comment period closed in [January 2025](#). The Department of Labor under this second Trump administration has not released a regulatory agenda, and it has not indicated whether it intends to proceed with promulgation of the federal rule. But in a March 19, 2025 letter, the House Committee on Education and Workforce recommended that the DOL rescind or withdraw the proposed federal rule. (Other OSHA rules “on the chopping block” include those addressing emergency response, the worker representative designation process (aka [“the worker walkaround rule,”](#) and recordkeeping.) Nonetheless, as of the date of this post, the DOL’s public rulemaking hearing on this proposed rule is still scheduled to begin on June 16, 2025.