

HB25-1286 Hurts Western Slope Businesses

March 14, 2025

Colorado House of Representatives
Delivered Electronically

Dear Speaker McCluskie and members of the House of Representatives,

On behalf of the **Grand Junction Area Chamber of Commerce**, an organization of over 800 mostly small businesses employing over 45,000 people in Mesa County, and the **undersigned coalition of Western Slope business leaders**, we **strongly oppose HB25-1286**, "Protecting Workers from Extreme Temperatures."

While we fully support the safety and well-being of Colorado's workforce, the mandates outlined in this bill would place **severe and unnecessary burdens** on industries **critical to the economic success of Mesa County and Western Colorado**, including **agriculture, construction, outdoor recreation, restaurants, and oil and gas**. These industries already operate under challenging conditions, and HB25-1286 would impose **extreme compliance costs and workforce disruptions** that are **nearly impossible to manage** given Colorado's ever-fluctuating temperatures.

The proposed legislation demands extensive temperature monitoring, mandatory unlimited rest breaks, and additional mitigation measures that would significantly strain workforce capacity. These requirements create operational difficulties for businesses that rely on outdoor labor, seasonal work, and time-sensitive service delivery. For example, in **agriculture**, delaying work due to rigid temperature restrictions could **jeopardize crops and livestock, leading to devastating financial losses**. In **construction**, mandatory pauses could **disrupt project timelines and drive up costs, making critical infrastructure development less feasible**. **Outdoor recreation, oil and gas, and restaurant businesses**, which are already operating on tight margins, would be forced to **absorb additional costs or pass them on to consumers, reducing competitiveness and affordability**.

Furthermore, compliance with these mandates would not only **raise the cost of doing business** but also create an **almost unworkable regulatory framework**. **Colorado's climate varies widely within a single day**—temperatures that are high in the afternoon can drop significantly by evening. The **impracticality of adjusting business operations** to meet an **inflexible, one-size-fits-all rule** will ultimately **stifle economic growth, deter business investment, and threaten job stability** across multiple sectors.

Existing federal Occupational Safety and Health Administration (OSHA) regulations already provide extensive protections for workers, making HB25-1286 duplicative and unnecessary. Additionally, the **U.S. Supreme Court has ruled that federal law preempts state efforts** to create separate workplace safety rules, meaning this legislation is **not only redundant but also legally questionable**. Employers

prioritize worker safety because their businesses **depend on a healthy workforce**, and they are **already implementing industry best practices** without excessive **government overreach**.

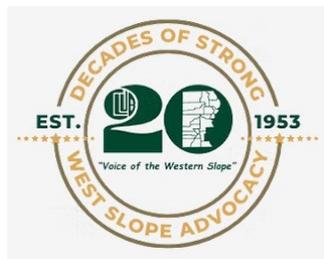
Mesa County and Western Colorado's businesses and workers deserve policies that foster economic growth, not regulatory overreach that threatens our livelihoods. This bill is an **unnecessary burden on our economy**, and we **strongly oppose its passage**.

Sincerely,



President & CEO

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HB25-1286: What Western Slope Employers Need to Know

A New Statewide Mandate Affecting All Employers – Very Few Exemptions

HB25-1286 introduces **broad new temperature regulation requirements** that apply to **all Colorado employers**, including those in **outdoor recreation, agriculture, construction, and other industries with outdoor workers**. Few employers are exempt from these requirements, which **increase operational costs and compliance burdens** for businesses of all sizes.

What Triggers Compliance?

Employers must implement new temperature safety measures when workers are exposed to:

- **Cold Conditions:** Wind chill reaches **30°F with 20 mph winds**.
- **Hot Conditions:**
 - Heat index reaches **80°F** OR
 - Wet Bulb Globe Temperature (WBGT) reaches the **NIOSH alert limit** OR
 - **Humidity exceeds 65%**.

What Employers Must Do

- **Monitor & Plan** – Develop a temperature monitoring plan and track conditions at work sites.
- **Provide Relief Areas** – Ensure shaded or air-conditioned spaces are available for breaks, away from heat sources.
- **Hydration & Breaks** – Provide cool, sanitary drinking water (32 oz per hour per worker) and allow paid cool-down breaks anytime without penalty.
- **Job Adjustments** – Modify quotas and workloads to accommodate heat-related safety measures.
- **Acclimatization** – Limit heat exposure for new and returning workers over their first week, gradually reintroducing them to work.
- **Heat Illness Monitoring** – Use a buddy system, supervisor oversight, or two-way communication to check on workers every 2 hours.

Consequences for Non-Compliance

Employers who **fail to comply** face:

- **Lawsuits and court-ordered mandates** (policy changes, training).
- **Compensatory and punitive damages** for affected employees.
- **Fines based on business size and violation severity**—larger businesses face higher penalties.

The Bottom Line for Western Slope Employers

This bill is **not limited to certain industries**—it applies to **every employer in Colorado, regardless of size or location.**

- **The bill is overly burdensome on businesses, creating new costs in an already difficult economy.** It dictates the **employer-employee relationship to the literal degree** without considering Colorado's **variable climate**. Compliance is nearly **impossible** as temperatures change throughout the day, leading to **massive legal and compliance costs** that will ultimately be passed on to **consumers and workers**, worsening the state's **cost-of-living crisis**.
- **The bill is preemptive and duplicative of federal law.** Workplace safety is **already regulated by OSHA**, and the **U.S. Supreme Court has ruled that federal law preempts state efforts** to create separate workplace safety rules. If Colorado wants to regulate workplace conditions, it **must apply to the U.S. Department of Labor** to create a state OSHA program rather than implement a standalone, conflicting law.
- **The bill will halt infrastructure and other projects.** Weather conditions **cannot be controlled**, and the bill's rigid mandates will **shut down** roadwork, construction, and building projects in both summer and winter. **Delays and added processes will make project completion significantly harder and more expensive.**
- **The bill is a solution in search of a problem.** Employers **prioritize worker safety** because their **business depends on a healthy workforce**. This bill **ignores industry best practices** and **creates an unnecessary and complex regulatory framework** that sets **both public and private employers up for failure**. If an issue exists, **allow businesses to respond rather than legislate additional opportunities for lawsuits.**