

SPEAK OUT FOR CLEAN AIR, HEALTH, AND CLIMATE ACTION IN NEW MEXICO!

[Join Virtual Meeting Starting at 4 PM, August 6, 2020](#)

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On August 6, join us in speaking up for clean air, climate, and health in New Mexico! Tune in to virtual public meeting and demand that new rules for fracking and the oil and gas industry ensure that people, health, and safety come first!

Background

On August 6, the New Mexico Departments of Environment (NMED) and Energy, Minerals and Natural Resources (EMNRD) will hold a public meeting to present recently released draft rules regulating air pollution from the fracking industry, including emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

The agenda for the meeting is as follows:

- 4 – 4:45 p.m.: Introductions, overview of proposed rules from NMED and EMNRD
- 4:45 – 6 p.m.: Opportunity for the public to ask questions and make statements. Statements must be kept to two minutes

Participants must [register here](#) to attend online. Participants can also participate via call-in only: +1-408-418-9388 access code: 146 984 0772. Please note the link to attend the listening session sent out last week is no longer operational. To sign up to make a statement during the meeting, please email your name and affiliation, if applicable, to susan.torres@state.nm.us.

Click here for more info, <https://content.govdelivery.com/accounts/NMED/bulletins/2989dee>.

Tips for commenting:

- Introduce yourself. State your name and where you live and if you are affiliated with any organization or entity.
- Personalize your testimony, which will make it more compelling. Describe how you and your family are impacted by unhealthy air, climate change, or other impacts of oil and gas development.
- Keep your comments or questions brief. Participants are limited to 2 minutes.

For more information contact Jeremy Nichols with WildEarth Guardians, (303) 437-7663, jnichols@wildearthguardians.org. www.wildearthguardians.org

Topline message

Thank you for the opportunity to testify today.

The New Mexico Environment Department has failed to put forward a proposal that protects the health of New Mexico families and our climate. The NMED rule would exempt the vast majority of oil and gas wells from oversight including leak detection and repair requirements. The rules also fail to take any steps to confront toxic emissions produced during drilling and fracking. This is unacceptable, and Sec. Jim Kenney should direct his agency to remove these loopholes.

I am especially disappointed that the Environment Department continues to rubberstamp permits for more oil and gas pollution even in the midst of serious air quality problems and health threats. I call on the Department to take a timeout on permitting so it can focus on developing meaningful and effective rules.

The Oil Conservation Division has similarly failed to put forward a rule that truly confronts unchecked climate pollution. While claiming to limit venting and flaring of gases at well sites, the rule is riddled with loopholes and condones, more than confronts, flaring and venting.

Overall, it is concerning that no consideration of environmental justice seems to have been made in the development of these proposed regulations. As written, these rules fail to address the disproportionate impact of the oil and gas industry's air pollution to people of Colorado, Tribal and Indigenous communities, and economically disadvantaged areas.

Gov. Lujan Grisham has committed to adopting nation-leading oil and gas rules to cut methane and air pollution. Sadly, these rules fail to live up to that commitment. While we appreciate the hard work that the agencies have done to date, these rules simply don't cut the pollution. Please strengthen these rules to ensure that venting and flaring is outright prohibited and ensure that these rules are informed by modeling to ensure air quality standards and public health are fully protected.

Key "asks"

New Mexico Environment Department air pollution rule

- As written, the rules allow the oil and gas industry to disproportionately impact Navajo and Latino communities, as well as low income communities. The rules must ensure that air pollution from all oil and gas wells and facilities in proximity to homes, schools, churches, businesses, and other gathering places are fully controlled and that new wells are prohibited near these places.
- It is critical that exemptions for stripper wells and the 15 tons per year pollution threshold for volatile organic compounds be removed. These two exemptions combined would exempt 95% of all wells in the New Mexico. This is unacceptable.

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- The rules must address emissions from oil and gas drilling and fracking. These “pre-production” emissions are a serious health, clean air, and climate threat.
- NMED should adopt zero emission pneumatics regardless of whether a site has access to electricity. Oil and gas operators in Canada are already using solar to power these devices.
- NMED should consider monthly inspections for high producing well sites just as Colorado has adopted

Oil Conservation Division methane waste rule

- The Oil Conservation Division’s must eliminate loopholes, exceptions, and other provisions that continue to allow unnecessary venting or flaring.
- The rules must reflect a consideration of whether they prohibit waste consistent with the need to prevent production when there is no reasonable market demand.
- It is especially concerning that the proposed rules would exempt flaring for air pollution control purposes. Emission controls can be used that don’t require flaring. This is a wasteful loophole that should be removed.
- The rules must reflect consideration of environmental justice. To this end, gas capture requirements must be set by locality to ensure effective pollution controls in or near disproportionately impacted communities and areas.
- OCD should create an open and transparent process for involving the public by adopting an annual reporting requirement on progress towards implementing the rule and providing more opportunities for the public to engage on OCD decision-making regionally such as on gas capture planning, well density and spacing.
- The rule’s current approach to enforcement is unacceptable. It says the OCD may pursue a set of general actions against any company that is not meeting the capture requirements. That’s not good enough since prior administrations fail to enforce rules for decades. The rule must create automatic triggers for OCD to take meaningful action to motivate companies to comply.
- OCD should deny drilling permits for applications without firm agreements for pipeline capacity, and sanctions like revoking a permit or forcing a well to shut in if a company doesn’t follow through and down the road seeks permission to flare.
- While the rules apply a 98% capture requirement to midstream pipeline and processing companies, the rules still allows companies to vent or flare methane during routine operations like maintenance, blowdowns, and pigging (cleaning the pipeline). This is unacceptable and instead the rule needs to require gas to be routed around the work and reinjected back into the pipeline

Public Health and Climate

- ***Protecting public health and our climate go hand in hand.*** To build a healthier and better future for all New Mexicans, we need action at the state level to reduce air and climate pollution.
- ***Unfortunately, New Mexicans are witnessing firsthand the price of inaction on methane and climate,*** including hotter, longer summers that affect ground-level ozone and more frequent and severe drought. In counties with active oil and gas operations, [New Mexico's air quality is deteriorating](#) with rising levels of ozone pollution, and our state is [home to some of the worst methane pollution](#) in the nation. Adding insult to injury, the Trump administration is using the pandemic as an excuse to accelerate its campaign against environmental and health regulation. Oil and gas pollution constitutes an immediate health threat to New Mexicans and demands state action to protect our communities.
- ***The COVID-19 crisis shines an even brighter light on our air quality.*** Air pollution exacerbates lung disease such as asthma and emphysema and can lead to heart disease. Moreover, the [Centers for Disease Control](#) warns that people with underlying health conditions are most at risk for serious complications and adverse outcomes from COVID-19. We must protect our health and our climate in this time of crisis.
- ***Methane is a potent climate pollutant that is accelerating climate change*** and is released alongside toxic air pollution during oil and gas production that can worsen respiratory illness.
- ***Pollution emitted alongside methane, such as benzene, worsens asthma and affects lung development in children,*** and increases the risk of cancer, immune system damage, and neurological, reproductive, and developmental problems.
- ***The five New Mexico counties home to 97 percent of the state's oil and gas wells – including San Juan and Rio Arriba counties – are all violating federal ozone standards.*** During development, volatile organic compounds and nitrogen oxides are released that form ozone or smog. Right now, San Juan, Rio Arriba, Lea, and Eddy Counties in New Mexico, where the vast majority of oil and gas extraction occurs, are violating federal health standards for ozone. That means public health is already at serious risk and without action, will only worsen.
- ***Ozone pollution, made worse by climate change, poses a serious threat to the health of all New Mexicans, but disproportionately impacts children, Native Americans and those living in poor, rural communities.*** In fact, more than half of all Native Americans in San Juan County – about 24,600 people – live within a mile of a wellsite. A strong, comprehensive methane rule is critical for climate and environmental justice for the Navajo Nation and for all New Mexicans.