



TOXIC OIL & GAS SPILLS OVERWHELM NEW MEXICO

In 2022, the oil and gas industry reported over 1,450 liquid spills of toxic pollutants across New Mexico, which include *acid, brine water, chemicals, condensate, crude oil, diesel, drilling mud/fluid, gelled brine (frac fluid), glycol, lube oil, motor oil, and produced water*.¹ **An average 4 spills per day occurred on public, tribal, and private lands totalling over 5,400,000 gallons of contaminants spilled in 2022 alone.**

The most commonly spilled material is produced water, a toxic liquid waste produced by the extraction and production of oil and gas. Produced water contains materials that harm human and environmental health, such as dangerous chemicals, including per- and polyfluoroalkyl “forever chemicals” that can break down into PFAS, heavy metals, and radioactive material. The vast majority of spills occurred in Eddy and Lea Counties. **Equipment failure is the leading cause for nearly half of all spills, and corrosion is the second leading cause.** These incidents are preventable by routine maintenance.

To ensure communities, ecosystems, and the climate are being protected amid New Mexico’s increasing oil and gas extraction, regulators must be resourced and encouraged to uphold accountability and enforcement standards. Unfortunately, this is not happening.

ACCOUNTABILITY – Accountability begins with good accounting. However, **the exact number of spills and types of contaminants involved are uncertain due to incomplete and ambiguous reporting.** For example, operators can report spills and leave the details as “other,” “unknown,” or blank. Photo evidence, which could easily be captured by the camera phones in everyone’s pocket, is also not required.

ENFORCEMENT – In 2020, the OCD regained its authority to assess civil penalties for violations of the Oil and Gas Act.² In 2021, the Oil Conservation Commission finally prohibited spills of liquid waste.³ **OCD has the authority to issue penalties to discourage future spills but has failed to issue any notices of violation or penalties** for any oil and gas contaminants spilled.⁴

RECOMMENDATIONS

- The OCD must enforce the rule prohibiting spills and assess strict penalties against polluters.
- The legislature must adequately fund OCD so the agency can inspect all oil and gas operations, exercise their full enforcement authority, and ensure remediation for all spills.
- New Mexico must stop permitting new operations until it can properly regulate industry and enforce the law.

In Spring 2023, WildEarth Guardians will release a full analysis of oil and gas spills, management, and enforcement from 2022. For questions, contact Melissa Troutman, WildEarth Guardians Climate & Energy Advocate, mtroutman@wildearthguardians.org.

¹ New Mexico Oil & Gas Conservation Division Permitting [Incident search](#), accessed January 31, 2023.

² 19.15.5.10 NMAC

³ 19.15.29.6, 19.15.29.8, 19.15.29.9 NMAC

⁴ See OCD’s [compliance website](#). Instead, OCD has only issued a handful of violations for failure to report spills in a timely fashion. This approach does not prevent spills or hold operators accountable for contaminating New Mexico’s land, air, and water.