

May 25, 2023

Governor Michelle Lujan Grisham
490 Old Santa Fe Trail, Room 400
Santa Fe, NM 87501

Re: The Need for Rules to Address the Oil and Gas Industry's Use of Toxic "Forever Chemicals"

Dear Governor Lujan Grisham:

We, the undersigned, write to you in support of the following application to adopt rules that address the use of toxic perfluoroalkyl and polyfluoroalkyl substances, otherwise known as PFAS, in the drilling, development, and production of oil and natural gas. WildEarth Guardians submitted the rulemaking application to the Oil Conservation Division on May 25th.

This effort follows a letter delivered to you April 12th concerning the use of PFAS in oil and gas operations. The letter was accompanied by a report released by Physicians for Social Responsibility called *Fracking with "Forever Chemicals" in New Mexico*, which revealed the use of PFAS in hundreds of oil and gas wells across the state over the last decade or more. Thousands more oil and gas wells have been injected with "trade secrets" that may also include undisclosed PFAS.

We thank you for your petition to the U.S. Environmental Protection Agency to restrict PFAS use under federal hazardous waste law. However, oil and gas exploration and production waste is exempt from both federal and state hazardous waste law. Your call for "uniform" regulation of PFAS, which you describe as "an imminent and substantial endangerment to human health and the environment," signals an urgent need for the reform to critical rules governing PFAS in the oil and gas industry in New Mexico. This rulemaking proposal aims to close these PFAS regulatory gaps by both prohibiting the use of PFAS in downhole oil and gas operations and enhancing disclosure rules to ensure compliance and transparency around the chemicals used by industry.

We urge you to support the rulemaking application submitted by WildEarth Guardians and advise the Oil Conservation Commission to set a rulemaking hearing in September.

We look forward to engaging further on this issue. We met with the State Land Office on May 24th to discuss oversight of PFAS and other chemicals used in oil and gas. We hope to meet with you as well.

Sincerely,

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WildEarth Guardians

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