



## **FOR IMMEDIATE RELEASE**

Monday, August 16, 2010

### **NEW MEXICO ENVIRONMENTAL LAW CENTER RESUMES ITS ROLE REPRESENTING COMMUNITIES MOST THREATENED BY CLIMATE CHANGE**

*SANTA FE, N.M.*— The New Mexico Environmental Law Center (NMELC) has spent over 20 years assisting low-income communities and communities of color protect their environmental health, so when New Energy Economy approached the group with a proposal to cap greenhouse gas emissions in New Mexico, the NMELC jumped at the chance to address the growing threat that climate change and global warming has on many residents of the state. Today, the NMELC resumes its role presenting technical testimony in front of the Environmental Improvement Board during the week long hearing on the proposed emission cap.

“These communities we represent are likely to be disproportionately affected by climate change,” says Douglas Meiklejohn, NMELC Executive Director. “They generally have fewer resources with which to address impacts of climate change such as water shortages, extreme weather events, and increased rates of disease. In addition, residents of those communities generally are less able to adapt to climate change because of their limited resources and because in some instances (such as Native Americans) they are not able to avoid the effects of climate change by moving.”

The proposal, brought forward by New Energy Economy, (a Santa Fe based nonprofit and NMELC client), would reduce carbon dioxide emissions from oil and gas sources (such as refineries, treatment and processing plants) and electricity generating sources (like coal-fired power plants) by 3% per year, if adopted. “In essence, the cost of the cap on pollution is about 1% a year,” says John Fogarty, President. “The flip side is that it will spur clean energy development, which means jobs. By acting now to cap carbon, New Mexico will show the world that we care about our people and are open for renewable energy business.”

“The overwhelming scientific consensus is that man made emissions of carbon dioxide and other greenhouse gases are causing the current alarming trend in global warming,” states Bruce Frederick, NMELC staff attorney and lead counsel on the case. “If the trend is not stopped or at least slowed, there will be catastrophic consequences for New Mexico, especially for those who are already at an economic disadvantage.”

During today’s hearing, Steve Michel, Chief Counsel for the Energy Program of Western Resource Advocates, testified for the Board’s adoption of the emission cap. He compared industry’s opposition to the proposal as the equivalent of protecting your breakfast while sitting in the dining hall of the Titanic, and ignoring the fact that the ship is sinking.

“This is the most pressing environmental problem in the world and we have to act soon,” says Frederick, “and it makes no sense to wait for others to act first.”

The Board has scheduled hearings on the proposed regulations to continue throughout the week from 8:00 am to 8:30 pm daily. Public comment is being accepted at the hearings between 7:00 pm and 8:00 pm every night. Written comments can be sent to the attention of Joyce Medina at the NM Environment Department., Runnels Bldg. Rm. 2150 N, 1190 St. Francis Drive, Santa Fe, NM 87505.

## **Background**

In December 2008, the New Mexico Environmental Law Center filed a Petition to the Board on behalf of New Energy Economy. The petition requests statewide limits on greenhouse gas emissions, calling on oil and gas operators and power plants emitting over 25,000 tons per year of carbon dioxide to reduce their greenhouse gas emissions by 3% per year, beginning in 2012. The Board initially heard public comment on the petition and scheduled scientific and expert testimony to begin in June 2010.

However, on January 13, 2010, industry groups, utilities, and four state legislators filed a lawsuit in Lea County to stop the Board from hearing the Petition, arguing that the Board had no authority to even consider the Petition. On April 13th, District Judge Shoobridge adopted all of the industry groups' arguments and ordered the Board to halt consideration of the Petition.

The NMELC appealed to the New Mexico Supreme Court on behalf of New Energy Economy. On June 7, 2010 the court overruled Judge Shoobridge's decision and ordered him to dissolve the preliminary injunction that halted the Board's proceedings and to dismiss the case.

[www.nmelc.org](http://www.nmelc.org)

*The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education. The NMELC's effective legal advocacy and representation on environmental and environmental justice issues will protect New Mexico's communities and cultures, and ensure clean air, land and water for all. The NMELC charges few, if any, fees to its clients, most of who are from Hispanic and Native American communities. The NMELC celebrated its 20<sup>th</sup> anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution. Contact: Sebia Hawkins, Director of Development 505-989-9022, ext. 27.*

## **INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST**

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