



FOR IMMEDIATE RELEASE

Monday, August 09, 2010

LOCAL ENVIRONMENTAL GROUP FILES REBUTTAL TECHNICAL TESTIMONY IN GREENHOUSE GAS CAPS CASE

SANTA FE, N.M.— On Friday, August 6th, in response to industry opposition, the New Mexico Environmental Law Center (NMELC) filed hundreds of pages of documentation and testimony with the New Mexico Environmental Improvement Board, which will hear New Energy Economy’s regulatory proposal to cap greenhouse gases emitted by the oil and gas industry and electric utilities. New Energy Economy, a Santa Fe based non-profit, is NMELC’s client and the “Petitioner” in this contentious proceeding.

“This regulation is simple and very straightforward, especially compared to proposed federal legislation that is now stalled,” says Bruce Frederick, NMELC Staff Attorney and lead counsel on the case. “The Board is in a position to help prevent catastrophic global warming by adopting our proposed regulations, which could serve as a model for other states or even other countries.”

Opponents of the proposed regulation, including industry and some state legislators, argue that if the Board adopts the new plan it will drive major industry out of the state. Frederick disagrees, “Our opponents exaggerate the impact of the cap. Their profits are affected more by the fluctuating global price of oil and gas, rather than our regulations. An industry’s decision to leave is far more complicated and depends on multiple factors, including the location of oil and gas reserves. Our client’s proposal will actually create jobs; advance the inevitable switch to renewables and make New Mexico a leader in the green energy sector.”

“The long-term health of our economy is contingent on the environment,” states Mariel Nanasi, Senior Policy Advisor for New Energy Economy. “And although industry may tout that this regulation will have astoundingly negative economic impacts, the long-term impacts of corporate degradation to the land will have much broader implications. In essence, the cost of the cap on pollution is about 1% a year - 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 scientific consensus is clear on climate change and global warming,” says Frederick. “Scientists overwhelmingly agree that we have to act soon, and it makes no sense to wait for others to act first.”

The New Mexico Environmental Improvement Board, having the authority to regulate greenhouse gas emissions, has scheduled hearings on the proposed regulation. The hearings will begin Monday, August 16th, in Santa Fe and will continue all week. The hearings are open to the public and public comment is being accepted between 7 pm and 8 pm every night. Written comments can be sent to the attention of

Joyce Medina at 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

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 New Mexico Environmental Law Center's attorneys have handled over 100 critical cases in low-income and minority communities fighting pollution and environmental degradation. The NMELC charges few, if any, fees to its clients, most of who are from Hispanic and Native American communities. The NMELC celebrated its 20th anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution, the degrading effects of growth and liabilities created by irresponsible mining. Contact: Sebia Hawkins, Director of Development 505-989-9022, ext. 27.

INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST

Contacts:

Bruce Frederick
Staff Attorney
New Mexico Environmental Law Center
bfrederick@nmelc.org
505-989-9022, ext. 26

Juana Colón
Communications and Public Education
New Mexico Environmental Law Center
jcolon@nmelc.org
505-989-9022, ext. 21

###