

GreenFireReport

Summer 2009

A publication of the New Mexico Environmental Law Center, a non-profit, public interest law firm dedicated to protecting New Mexico's environment and communities.

nmelc.org

Major Hurdle Cleared in New Mexico Climate Change Case

“The threat to public health from mercury, sulfur dioxide, and nitrogen oxides is serious enough to warrant immediate action. Yet this threat pales in comparison to the financial and health costs from unchecked global warming. With American coal plants alone adding over two billion tons of carbon dioxide to the atmosphere each year, we must ask ourselves: what are the costs of not quickly enacting climate change legislation and investing in a new energy economy?”



Coal Power Plant Chimney – Black and White © Danicek | Dreamstime.com

Dr. John Fogarty, Director of New Energy Economy (NEE), wrote these words in an editorial to the New Mexico *Independent* in December 2008. His article ran after we petitioned the State on behalf of NEE to adopt the country's most significant limits on carbon emissions.

In April, we and the NM Environment Department (NMED) both argued – and won – an important decision from the New Mexico Environmental Improvement Board that the Board can regulate greenhouse gases as air pollutants. We were opposed by many of New Mexico's biggest corporations and trade groups, including PNM, the NM Oil and Gas Association, and the Dairy Producers of New Mexico; their experts testified that greenhouse gases fall outside of the Board's jurisdiction.

As a result of this decision, the Board will hold a public hearing in late 2009 or 2010 to determine whether to impose a cap on greenhouse gas emissions, and if so, what that cap should be. At that hearing, we will

argue that New Mexico must take the route dictated by nearly all of the world's climate scientists: we must reduce our greenhouse gas emissions by at least 25% below 1990 levels by 2020 or face catastrophic impacts. NMED will likely argue that the State should adopt the carbon caps recommended by the Western Climate Initiative, which would lower our state's emissions by 15% below 2005 levels by 2020.

“We've reached a point where we can no longer take half-measures,” says Bruce Frederick, counsel on the case. “Our job at the hearing will be to advocate that New Mexico must adopt the carbon caps championed by 1,200 of the world's leading scientists; if we don't, we face catastrophic problems such as prolonged drought, new diseases and massive wildfires, to name a few. Granted, New Mexico is a small fish in a global pond of carbon emitters, but if New Mexico can do what is scientifically necessary, other states can do it as well. Our leadership on this issue will help our country become part of the climate solution, instead of a big part of the climate problem.”

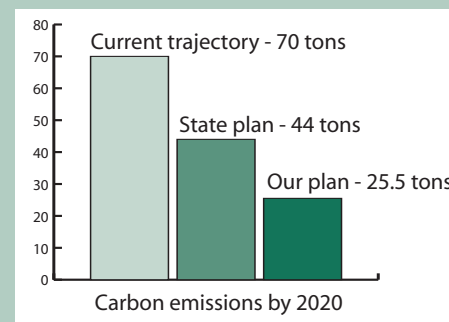


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“So if you can shape your renewables, you don't need fossil fuel or nuclear plants to run all the time. And, in fact, most plants running all the time in your system are an impediment because they're very inflexible. You can't ramp up and ramp down a nuclear plant. And if you have instead the ability to ramp up and ramp down loads in ways that can shape the entire system, then the old concept of [coal and nuclear power] becomes an anachronism.”

– Jon Wellinghoff, Chair of the Federal Energy Regulation Commission, to the U.S. Energy Association, April 21, 2009.



“We reached the old wolf in time to watch a fierce green fire dying in her eyes.”

– Aldo Leopold
A Sand County Almanac