



October 13, 2020

Dear Honorable Governor Lujan-Grisham,

We are writing to commend you for your leadership on the COVID-19 crisis - for your prioritization of the health of New Mexicans and your decisive leadership to identify, adopt, and enforce protective measures based on science to save lives. **We need you to take this same science and public-health based approach when it comes to the regulation of oil and gas waste in New Mexico.**

Attached please find a [new report on Oil and Gas Waste in New Mexico](#), published by the Earthworks Institute in partnership with our local organizations.

This report documents the environmental and public health crisis created by the state's failure to adequately regulate the oil and gas industry and hold polluters accountable. According to the report **“more than 1.4 million gallons of produced wastewater have ended up running over the surface of the earth from 327 spills in the first eight months of 2020 alone.¹ The total volume spilled would cover 4.4 acres with one foot of liquid oil and gas toxic wastewater.”** Only 40% of contaminants spilled into the environment were recovered. According to experts cited in the report these spills are largely preventable² with the most frequently cited cause of discharges being equipment failure. According to your own state records, these toxic spills are being inflicted upon New Mexico's landscape by repeat offenders with almost no recourse.

The volume of toxic waste generated from oil and gas exploitation as well as its reckless handling and improper disposal poses a serious threat to the environment, worker safety, and public health. Daily spills are not the exception in New Mexico but a predictable outcome of an alarming trend of oil and gas negligence due to a lack of oversight. We are calling on you to stop the routine poisoning of our state's precious land, water, and communities. We call on your administration, NMED and EMNRD, to regulate oil and gas waste in a manner that protects public health, starting with prohibiting the preventable leaks, spills, and explosions that are happening daily in New Mexican communities.

Clearly, the mismanagement of oil and gas waste poses a dangerous public health risk *right now*. You have stated again and again that when faced with public health emergencies swift decisive action is necessary to mitigate the risks and that the deployment of science-based measures is the “best thing we can do to protect ourselves and our loved ones.” We call on you to do your job: to regulate, supervise, monitor, control, penalize and enforce against oil and gas pollution “[t]o protect human health and the environment from the effects of development of the state's oil [and] gas ... resources”.^[1]

¹ As of August 2020 produced water spills Excel spreadsheet downloaded from <http://www.emnrd.state.nm.us/OCD/statistics.html>

² Gaume, Norm, expert testimony at Oil Conservation Commission rulemaking hearing, case no. 21281, July 31, 2020.