

GREEN FIRE REPORT



Dear Friends,

At this moment in time, it seems like the world is exceptionally unsettled. Our nation is undergoing a long overdue reckoning with systemic racism that has oppressed and marginalized communities of color since this country's inception. Black Lives Matter and others are forcing White America to confront its past and the status quo. This is just the beginning of the hard process of building a truly equitable and inclusive society.

We're still in the grip of a global pandemic that has changed everyone's "normal." What under the best of circumstances would be a very difficult situation is made exponentially worse by inept federal leadership.

And alarmingly – although predictably - the pandemic has provided an opening for profiteering and wide ranging corruption. The Trump administration has used the pandemic as an excuse to suspend enforcement of environmental laws and to give away our tax dollars to corporate cronies.

Events at the New Mexico Environmental Law Center are paralleling national and global events. We continue our internal work to make the Law Center a more equitable, diverse and inclusive organization.

We are also adapting to a new "normal" at the office. Law Center staff has adapted to virtual meetings and a remote work environment. We will continue to adapt as New Mexico and the country slowly begin to re-open.

Despite all the turmoil around us, our commitment to New Mexico remains constant. The Law Center continues to work with communities to ensure that all New Mexicans have the clean air, land and water that we are entitled to. Our staff and members stepped up to get supplies to communities in McKinley County hit hard by COVID. We continue to work with communities to hold state and federal governments accountable to their commitments to protect natural resources and public health. And we will continue to fight any efforts to use the pandemic to further oppress and marginalize communities that are already disproportionately impacted by pollution.

We thank all our members, supporters and partners for standing with us during these difficult times and look forward to continuing our work for environmental and social justice.

In solidarity,

Eric Jantz, *Interim Executive Director*

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New Mexico
Environmental Law Center

"THE CLEANEST AIR, THE CLEANEST WATER": TRUMP'S ASSAULT ON THE ENVIRONMENT

When Donald Trump announced in January that he wanted the "cleanest air" and "cleanest water" no one really believed him. But the breathtaking cynicism of his comments cannot truly be appreciated until his administration's record is reviewed. During Trump's first 100 days, 23 environmental rules were rolled back. Since 2017, there have been a total of 64 environmental policy rollbacks with 34 still pending as documented by *The New York Times*. It's staggering to contemplate the immense and, in some cases, irreversible damage done to the environment by these actions.

Rollbacks Affecting New Mexico:

- > Revoked a rule that prevented coal mining companies from dumping debris into local streams.
- > Canceled a requirement for reporting methane emissions.
- > Revoked an update to public land use planning process.
- > Rejected a ban on a potentially harmful insecticide, Chlorpyrifos.
- > Withdrew guidance for federal agencies to include greenhouse gas emissions in environmental reviews.
- > Ordered review and "elimination" of rule that protected tributaries and wetlands under the Clean Water Act.
- > Rolled back limits on toxic discharge from power plants into public waterways.
- > Ordered review of rule limiting methane emissions at new oil and gas drilling sites.
- > Revoked limits on methane emissions on public lands.
- > Delayed a lawsuit over a rule regulating airborne mercury emissions from power plants.



GREEN BUSINESS PARTNERS



JOIN US IN WELCOMING STAFF ATTORNEY, GAIL EVANS



Throughout her career, Gail has been devoted to fighting for the rights of low income individuals and families through impact litigation, lobbying and policy work as well as defending clients facing the death penalty.

She served as the New Mexico Center on Law and Poverty's Legal Director where she led successful campaigns and lawsuits to improve the administration of New Mexico's benefits programs—especially for immigrant families; increase access to healthcare for low-income New Mexicans; improve language access services in the state's largest hospitals and state agencies; create a loan-repayment assistance program for public interest attorneys; win a constitutional lawsuit ordering that agricultural laborers are entitled to workers' compensation; and win a landmark education lawsuit, *Yazzie v. State of New Mexico*, in which the court ruled

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that the State of New Mexico is violating the constitutional rights of students to a sufficient education.

She earned a B.A. from Johns Hopkins University; J.D. from the University of New Mexico School of Law; and L.L.M. from Georgetown University Law School. We are very honored to have Gail join our team at NMELC.

UPDATES ON OUR ESSENTIAL WORK FOR ENVIRONMENTAL JUSTICE

The Law Center currently has 25 cases on the docket.

Red Water Pond Road

Because the U.S. EPA has suspended all field operations during the pandemic, uranium mine cleanup at the Red Water Pond Road community has stalled. However, both the EPA and Nuclear Regulatory Commission continue to evaluate General Electric's plan to dispose of waste from the Northeast Churchrock mine at another GE owned superfund site less than a mile away from the community.

Copper Flat Mine

In an unexpected but welcome development, the Mining and Minerals Division rescinded its earlier approval of the Copper Flat mine permit application. MMD determined that before New Mexico Copper Corp.'s mine permit could be considered complete, it must show that it has sufficient water rights to support production and complete mine reclamation. Mine development will not go forward until the operator can prove the necessary water rights.

Kirtland AFB

On February 4, the Law Center sued the U.S. Air Force on behalf of our clients seeking to force cleanup of a

groundwater contamination plume that is threatening several of Albuquerque's municipal drinking water wells. The U.S. Air Force filed a motion to dismiss our clients' federal lawsuit. On our clients' behalf, we opposed the motion to dismiss and the motion will be heard by Judge William Browning on July 21.

Albuquerque South Valley

Due to the pandemic, progress on the mediation with the City of Albuquerque Environmental Health Department and Albuquerque/Bernalillo County Air Quality Control Board on the disparate treatment of communities of color with respect to air pollution has stalled. Law Center staff is currently discussing ways forward with our clients.

IN MEMORY OF

PAUL RUDD, 47, passed away suddenly in New York in April.

Son of Mark Rudd and step-son of Marla Painter, Paul was very committed to justice which he demonstrated in his life and work. Mark and Marla, who are steadfast Law Center supporters, said Paul would want his work carried on. We will honor Paul's memory by continuing to support and work with communities struggling for equality and justice. Paul was co-chair at the Roosevelt Institute, working alongside the granddaughter of Eleanor and Franklin.

DALE PONTIUS, 1940-2020

Dale passed away on February 3, 2020 after a long and courageous battle with Alzheimer's disease. Dale never boasted of his amazing accomplishments, of which there were many. His desire to preserve and protect the environment through political process was unwavering and inspiring.

Dale was particularly proud of his work on developing the groundwater law for the state of Arizona in an effort to curb overuse, and on the Land Use and Resource Conservation Act of 1975, co-sponsored by Congressman Morris Udall. Dale retired from public service as an Associate Solicitor for the Department of the Interior in Santa Fe, New Mexico.

Dale served as president of the Board of the Law Center in 2007. "When I came to the Law Center as a young lawyer, Dale was a huge source of encouragement and guidance. I'll always be grateful for that," Eric Jantz, Interim Executive Director.

THE PUBLIC HEALTH CRISIS OF SYSTEMIC RACISM

On June 2nd, the New Mexico Public Health Association issued a statement calling on its members and supporters to act to address the "public health crisis of systemic racism." As an organization that routinely sees how disparate implementation and enforcement of environmental laws impact communities of color, the Law Center without reservation endorses and supports the NMPHA's announcement.

Dear NMPHA Members and
Supporters,

We write to you today in sorrow, anger, and heartbreak. As many of you already know, George Floyd was murdered by police officers in Minneapolis on May 25, 2020. The New Mexico Public Health Association (NMPHA) offers our sincerest condolences to the family and friends of George Floyd. Again, we see the devastating impact of violence perpetrated by law enforcement upon the lives and well-being of people of color.

As the leading independent voice for public health in New Mexico, we cannot and will not remain silent. We will say their names. George Floyd, Ahmaud Arbery, Breonna Taylor, Sandra Bland, Eric Garner, Trayvon Martin, Philando Castile, Tony McDade, Freddie Gray, Michael Brown, and so many more. Countless people of color in the United States are killed at the hands of police officers every year. This is a public health crisis and the time to act is now.

We join with the American Public Health Association in recognizing that, "Racism is a longstanding systemic structure in this country that must be dismantled, through brutally honest conversations,

policy changes and practices. Racism attacks people's physical and mental health....We see discrimination every day in all aspects of life, including housing, education, the criminal justice system and employment. And it is amplified during this pandemic as communities of color face inequities in everything from a greater burden of COVID-19 cases to less access to testing, treatment and care."

We call on our members and supporters -- students, doctors, nurses, community health workers, community organizers, professors -- health experts from across the Land of Enchantment to rise up and act today to address the public health crisis of systemic racism. We have the power and the tools necessary to transform New Mexico into a place where health equity is the norm. Regardless of the color of our skin, our gender and sexuality, our immigration status, or the places we call home, each of us must have the opportunity to be as healthy as possible. We must act today because our lives depend on it.

You can find resources we have compiled on racism's detrimental impact on health, police violence, and so much more on our website, nmpha.org. Join us in working to ensure the safety and well-being of our fellow New Mexicans.

Sincerely,
Shelley Mann-Lev &
Justin Garoutte
Policy Committee Co-Chairs

On behalf of the NMPHA Board of
Directors



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