



Stop the City Council's Naked Power Grab that Would Abolish the Air Board's Authority to Protect Public Health in Bernalillo County

What's Happening?

Albuquerque City Councilor Dan Lewis has proposed one resolution and one ordinance (the Bills) to be considered and voted on by the Albuquerque City Council on Wednesday, November 8, 2023. The Bills seek to, among other things, abolish the current Albuquerque-Bernalillo County Air Quality Control Board (Air Board) and allow the City Council to re-establish the Air Board with members of its choosing, while simultaneously ridding the Air Board of its authority to promulgate regulations addressing quality of life impacts, such as noise and odor, caused by air pollution. The Bills also aim to enact a moratorium on any Air Board action addressing quality of life impacts of air pollution through February 1st 2024.

Both Bills, if passed, will result in harm to the health and well-being of every resident in Bernalillo County by ridding the Air Board of its authority to prevent and abate air pollution as it impacts public health.

What do the Bills Say?

Ordinance No. O-23-88: Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; **Abolishing the Current Albuquerque-Bernalillo County Air Quality Control Board**; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance, Creating the Albuquerque-Bernalillo County Air Quality Control Board.

- Abolishes the current Air Board;
- Gives the City Council the authority to appoint a new Air Board consisting of members hand-picked by polluting industries that the Board is required by law to regulate;
- Gives the City Council, whose members have no air quality or public health expertise, the ability to veto Board decisions to support industry interests;
- Strips the Air Board of its authority to:
 - Promulgate regulations addressing quality of life impacts from air pollution;
 - Provide advice and recommendations on air quality matters to other governmental entities;
 - Oversee the Environmental Health Department

- Advise the Mayor, the Environmental Health Department, the City Council or the County Commission on air quality matters, despite being the governing body expressly charged with doing so under the NM Air Quality Control Act.
- Ensures that the financial burden of petitioning the Air Board for a regulatory change falls exclusively on the petitioner, creating a system that will shut the doors to the Air Board for low-income and working class community members and groups in Bernalillo County;
- Divests the Bernalillo County Commission of its authority over the Air Board by usurping the County Commission's power to establish advisory boards.

Resolution No. R-23-176: Establishing a Moratorium for the Albuquerque-Bernalillo County Air Quality Control Board to Act Under Chapter 9, Article 5, Part 1 ROA 1994, the Joint Air Quality Control Board Ordinance Until February 1, 2024.

- Establishes a moratorium on the Air Board's ability to promulgate any regulation or standard addressing quality of life impacts until February 1, 2024.
- Restricts the City of Albuquerque's ability to support the Air Board's action on any regulation addressing quality of life impacts until February 1, 2024.

Why Does this Matter?

The City Council, through the Bills, is **inappropriately targeting the community-driven effort** to pass the Health, Environment and Equity Impacts (HEEI) regulation filed by the **Mountain View Coalition** on November 22, 2022. The HEEI regulation, if passed, would require the City of Albuquerque Environmental Health Department to consider **social determinants of health** and quality of life impacts when issuing air pollution permits in already overburdened communities.

A hearing on the proposed HEEI regulation is currently scheduled before the Air Board to take place December 4-8, 2023 at the Albuquerque Convention Center. Councilor Lewis's Bills, if passed, will rob the Air Board of any opportunity to consider the proposed HEEI regulation and, more important, will rob all residents of Albuquerque and Bernalillo County of any chance to ensure their health and well-being are protected.

The Bills proposed by the Council, if approved, would not only abolish the current Air Board, consisting of highly qualified members with advanced degrees and extensive experience in the fields of public health, law, and environmental sciences, and replace the Air Board with members hand-picked by the polluting industries the Air Board must regulate, but would also directly impact the possible passage of the HEEI regulation. This is a blatant attempt by the City Council to intimidate the Air Board and protect industry interests, regardless of the needs of its constituents. This year, Albuquerque was named as one of the top 25 most-polluted metro areas

in the United States by the American Lung Association – now is not the time for the City Council to disempower the Air Board and put Bernalillo County residents' health at risk.

What to Do?

- Call your **City Councilor** and demand they vote against Council Bills No. O-23-88 and No. R-23-176.
- Call your **State Representative and Senator** and urge them to make public comment against both Bills on November 8.
- Call your **County Commissioner** and demand they stand with the community in opposing both Bills. Ask your County Commissioner to make public comment against both Bills.
- Call **Mayor Keller** and demand that Mayor Keller and his Environmental Health Department take a strong and public stand against Councilor Lewis's dangerous and undemocratic Bills. Urge him to veto these harmful Bills if the City Council chooses to side with polluting industry.
- **Show up at the Albuquerque City Council meeting on Wednesday, November 8 at 5pm and make public comment demanding that the City Council listen to community voices and let the Air Board do its job by voting down Council Bill No. O-23-88 and Council Bill No. R-23-176.**
- Follow us on social media for updates and action alerts. Sign up for our e-blasts [here](#).

It's Time for the Community to Raise Our Voices for Equity and Environmental Justice