



Talking Points Re: ABQ City Councilor Dan Lewis' Bills to Abolish the Air Quality Control Board (AQCB)—vote is on Nov. 8th

Oct. 23, 2023

- These bills specifically target the AQCB's rulemaking process as the Air Board seeks to hold a hearing on the Community-initiated Health, Environment & Equity Impacts (HEEI) regulation which seeks to address the concentration of polluting industries in low-income and working class communities and communities of color.
- The Air Board has not heard any evidence on the proposed HEEI rule—that will happen in December—so any claim by industry that the rule will negatively impact the Bernalillo County economy is pure speculation without any factual support.
- Industrial interests have had and will have the opportunity to present their views and facts allegedly supporting their views in the hearing before the Air Board – presentation to the City Council is not appropriate.
- Nor is the claim that it will harm the economy true – the rule will allow for innovation by polluting industry and promote clean development
- The bills are intended to re-write the NM Air Quality Control Act which was passed by the New Mexico legislature; if the Council passes these bills, it will be re-writing state law, without the permission or input from the state legislature.
- Councilor Lewis has not consulted with the Bernalillo County Commission about his and Industry's plan to rewrite state law about a joint City and County Board, effectively usurping the authority of the Bernalillo County Commission.
- The current Air Board already consists of highly qualified professionals including members with decades of experience working to protect public health, working in environmental regulation and science, and law.
- We know the current air pollution regulations are not strong enough: Bernalillo County recently received poor grades for air quality from the American Lung Association, ranging from "D" to "F," giving Albuquerque a spot on the top 25 list of most polluted metro areas in the nation.
- The Air Board has the authority to prevent and abate air pollution pursuant to the NM Air Quality Control Act and the Clean Air Act. The Council has no legal authority to rid the Air Board of this authority or to take on the responsibility conferred upon the Air Board.
- The City Council has the authority to remove city-appointed Board members, only for cause, but cannot purge the Air Board in its entirety simply because it is unhappy with statements made by the Air Board's attorney.

- The Bernalillo County Commission is responsible for appointing three of the seven members of the Air Quality Control Board and would lose the authority to do so if these bills pass.