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## **ALBUQUERQUE MAYOR TIM KELLER VETOES TWO CITY COUNCIL BILLS THAT WOULD HAVE PURGED CURRENT AIR QUALITY CONTROL BOARD**

### **Vetoed Mean Mountain View Coalition's Cumulative Impacts Regulation Can Proceed to Dec. 4th Public Hearing**

ALBUQUERQUE, NM—Albuquerque Mayor Tim Keller vetoed **two controversial bills** today that would have purged the Albuquerque-Bernalillo County Joint Air Quality Control Board and established a moratorium on action until February.

The Mayor cited a lack of cooperation with Bernalillo County, a lack of consultation with the Office of the Mayor, and that the bills were premature and an attempt to pre-empt the Air Quality Control Board's upcoming public hearing on the Mountain View Coalition's community-driven and historic Health, Environment & Equity Impacts regulation scheduled to begin in 12 days.

The mayor's vetoes (see attached) also noted that the bills sponsored by City Councilor Dan Lewis inappropriately "denigrated" current Air Board members who were duly appointed and approved by this City Council.

Mayor Keller stated the importance of environmental justice principles to current and future generations for whom we have a responsibility: **"Environmental justice is core to preserving and protecting our community for generations to come. Rules should work to reduce the decades-long institutional practice of consolidating air quality-detracting industries in certain sections of the metro area, particularly in the South Valley. It is imperative that cumulative effects of pollution be considered and that any discrimination against the same low-income historic neighborhoods of color be reversed. These issues should also be addressed through the City and County zoning procedures."**

The vetoes of both bills means the HEEI hearing scheduled for December 4-8th at the Albuquerque Convention City and online should proceed as scheduled.

Mountain View Coalition members and representatives from the New Mexico Environmental Law Center were pleased to learn about the vetoes:

**Marla Painter, President of Mountain View Community Action**, said, “We are pleased with Mayor Keller’s veto of the City Council’s two misguided pieces of legislation to abolish the City/County Air Board. In vetoing, the Mayor has been compelled by the principles of jurisdiction and the law as well as the ethical responsibility to allow the community’s concerns to be heard, as in the case of the Health, Environment and Equity Impacts regulation set for public hearings the first week of December.”

**Dr. Virginia Necochea, Executive Director of NMELC** said, “Mayor Tim Keller’s veto of both egregious bills that were attempting to stop our historic HEEI regulation from even being heard by the AQCB, demonstrates a leader willing to take a strong stand in upholding fair, democratic processes for the people in our city. Today, I feel hopeful that our clients and communities most impacted by environmental harm caused by polluting industries, are a step closer to finally seeing justice for their families and neighborhoods.”

**Maslyn Locke, NMELC Senior Staff Attorney**, said, “We’re glad to see the Mayor taking air quality, public health, and the welfare of all residents of the City of Albuquerque and Bernalillo County seriously. Councilor Lewis’s continued dangerous rhetoric only promotes misinformation and claims that are a baseless attempt to intimidate, scare and distract from the issue at hand. It’s hard to comprehend how fighting for clean air for all can be considered an act of environmental extremism—poor air quality negatively impacts everyone, and I sincerely hope the City Council respects the Mayor’s veto so that the Mountain View Coalition and those that bear the disproportionate burden of air pollution have the opportunity to present evidence that proves this on December 4th.”

Meanwhile, City Councilor Dan Lewis, who sponsored both bills that were vetoed today, issued a [statement](#) that includes egregious claims and references to community members that are completely irrelevant to the current rulemaking procedure. It is morally wrong, unethical and harmful for any City Councilor to target individuals in such a manner. Such language puts residents in a situation where their safety is compromised. Councilor Lewis should retract that statement immediately.

Regardless, the Mountain View Coalition and our partners will remain steadfast in pushing forward our environmental justice rulemaking. Our HEEI regulation is intended to improve air quality in the county and to reduce harm to frontline and fenceline communities who bear the brunt of health impacts and reduced life expectancy from emissions and air pollution. We look forward to the HEEI regulation having a fair hearing in front of the current, highly qualified Albuquerque-Bernalillo County Air Quality Control Board beginning Dec. 4, 2023 and expected to run through December 8th. We urge community members to participate in this historic [hearing](#), by making public testimony which will be at 5:30 pm each evening, either in person at the Albuquerque Convention Center or online. The Hearing Officer has limited public comment

to 3 minutes each. Written testimony can be emailed until the hearing adjourns to [airboard@cabq.gov](mailto:airboard@cabq.gov).

Hundreds of community members called or emailed Mayor Keller urging him to veto both bills and to support the Health, Environment & Equity Impacts rulemaking that was the real target of these undemocratic bills.

The current Air Board has been unfairly targeted and criticized at City Council meetings and in a local [editorial](#) published in the *Albuquerque Journal*. The Mountain View Coalition submitted the regulation to address decades of concentrated polluting industry in low income neighborhoods of color. Five City Councilors and their industry backers are putting Bernalillo County at risk for harmful chemicals in the air that we all breathe regardless of zip code.

- **Everyone should support the cumulative impacts regulation because it will protect the air we all breathe.**
- The purpose of the Air Board is to “**prevent or abate air pollution.**” The Albuquerque-Bernalillo County Air Quality Program, administered by the City of Albuquerque Environmental Health Department, serves as the local agency partner to the Air Board. Thus it makes sense for the Air Board to be comprised of environmental health professionals, which it currently is, and not people connected with the industries that are to be regulated. From the Air Board website: “**Board members are selected for their concerns about, and commitment to, local ambient air quality.**”
- **The current Air Board is comprised of highly qualified professionals with decades of relevant experience.** Their [biographies](#) reveal advanced degrees such as Masters in Public Health and Masters in Environmental Policy, and experience such as founding the Environmental Health program at UNM, expertise in Environmental and Economic Development, a degree in Engineering Technology, an environmental scientist and a geophysicist.
- From their website: “The Air Quality Control Board is an independent appointed, volunteer citizen led agency created to carry out duties to prevent or abate air pollution under the New Mexico Air Quality Control Act and the federal Clean Air Act. The Air Board serves as a joint local authority acting on behalf of both the City of Albuquerque and Bernalillo County.” The Bernalillo County Commission passed a resolution at their last meeting urging the City Council to defer these bills and authorizing their attorneys to pursue litigation if necessary to protect County interests that are at risk.
- **The City Council should let the current rulemaking process move forward without undue political interference,** and let the professionals do their jobs. City Councilors are not air pollution experts.
- Community members have brought forth the Health, Environment & Equity Impacts regulation in order to **protect public health** in Bernalillo County, but especially in communities that have been **disproportionately targeted with toxic and polluting industry** for decades.

**Lauro Silva, President of Mountain View Neighborhood Association**, said, “It is extremely ludicrous to compare Zozobra and hot air balloons to toxic, hazardous, and carcinogenic chemicals which are currently impacting the health and welfare of specific overburdened communities of color. The recent [editorial](#) depicting such a comparison is an insult to the reading public and the latest form of “yellow journalism.” Health, environment and equity does matter to all of Bernalillo county. Wood and paper burning cannot compare to industrial emissions being released into our air. And the hot gasses from air balloons are no more equivalent than morning crosstown traffic. This editorial is an odiferous attempt to silence public concern for a clean and healthy air quality environment.”

**Eric Jantz, Legal Director for NMELC**, said, “If Councilor Lewis had read his own bill he would know this isn’t really about transparency—it’s about picking and choosing who is on the Air Board. **The City Council has no authority to tell the Air Board when to conduct rulemakings and when not to.**”

The Mountain View Coalition is encouraging their supporters to contact the four councilors (Tammy Fiebelkorn, Ike Benton, Pat Davis and Klarissa Peña) who voted against Dan Lewis’ bills to thank them for standing up for equity and to letting the current Air Board do its job and to sustain the Mayor’s veto of both bills. The City Council would need 6 votes to override the veto. The next City Council meeting is December 4, which is also the first day of the HEEI hearing.

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