

Mountain View Coalition

Mountain View Neighborhood Association • Mountain View Community Action •
Friends of Valle de Oro National Wildlife Refuge



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ABQ City Council to Vote on Controversial Bill Sponsored by Dan Lewis that would Abolish Current City/County Air Board & Replace It with an Industry-Friendly Board

****** See attached memo from Mayor Tim Keller to Albuquerque City Council expressing opposition to Dan Lewis bills.******

Albuquerque, NM—The Albuquerque City Council is expected to vote on a controversial bill ([O-23-88](#)) on Wednesday, November 8th introduced by Councilor Dan Lewis, District 5, that if passed would abolish the current Albuquerque-Bernalillo County Air Quality Control Board and create a new Air Board with members hand-picked by the very industry the board is mandated to regulate.

Lewis also introduced a bill, [R-23-176](#), to establish a moratorium on actions the Board could take through February 1, 2024.

These bills are seen as a last-ditch, desperate attempt to prevent the Air Board from hearing and passing a regulation that would address cumulative impacts from toxic and polluting industry when the City's Environmental Health Department (EHD) makes air pollution permitting decisions in Bernalillo County.

Eric Jantz, NMELC Legal Director, said, "Councilor Lewis's proposed purge of the Air Board is a gross overreach, obviously targeting the Health, Environment and Equity Impact rule. It's very troubling that a member of City Council is willing to interfere with an independent regulatory agency's legal process, based solely on the bidding of polluting industry."

The Health, Environment & Equity Impacts (HEEI) regulation was submitted by the Mountain View Coalition in November 2022 and is scheduled for a public hearing next month at the

Albuquerque Convention Center. The New Mexico Environmental Law Center (NMELC) represents the Coalition, which is made up of three local organizations: Mountain View Neighborhood Association, Mountain View Community Action, and Friends of Valle de Oro National Wildlife Refuge.

The HEEI regulation would require EHD to deny air pollution permits in neighborhoods already overburdened with polluting industry.

It is unclear whether the Albuquerque City Council has the legal authority to abolish the Air Board, since the board is a regulatory body authorized under state law, the Air Quality Control Act.

In fact, the Bernalillo County Commission on October 24 passed a [resolution](#) 4 votes to 1, to recommend that the Albuquerque City Council defer both of Lewis's bills until the County has had "meaningful engagement and consultation" on this "unilateral" legislation. The Commission also authorized the County Attorney to pursue litigation against the City if necessary.

Marla Painter, President of Mountain View Community Action, asked, "By what authority can the City Council throw out a state-mandated and empowered public board of County and City volunteers, all experts, for unscrupulous political reasons? Lewis and his cronies are not interested in the public good. They are interested in business contributions to their campaigns and are simply stooges for those who do not care about working people, low-income people, and the right of us all to breathe clean air and live in healthy neighborhoods."

Supporters of the HEEI regulation have put out a [Call to Action](#) urging residents to contact City Councilors about the highly controversial bills, calling the regulation historic, precedent-setting and an important way to address decades of inequitable treatment by the City when locating polluting facilities in Bernalillo County. Community members have cited public health concerns, life expectancy disparities, and environmental racism in their petition to the Air Board.

Some of the more than a dozen parties opposed to the HEEI regulation include asphalt companies, the Chamber of Commerce, Kirtland Air Force Base, the National Nuclear Safety Administration, and concrete manufacturers. Supporters of the HEEI regulation include South Valley neighborhood associations, Los Jardines Institute, the UNM Law Clinic, the Pueblo of Isleta, and more than 50 nonprofit organizations concerned with social justice.

Opponents falsely claim that the HEEI regulation will stymie economic growth, while supporters argue that the new rule will spur innovation and attract environmentally friendly businesses to the County.

Lauro Silva, President of the Mountain View Neighborhood Association, said, "Industry's argument that there is no oversight of the Air Quality Control Board is ridiculous because their members are appointed by the City Council and the County Commission, and the City Council appoints the majority of board members. We want the environmental pollution burden lifted. We have been carrying the burden on our backs for many decades in the South Valley and in Mountain View. There's nothing equitable or fair about it. When they are shoving industry and

pollution into the South Valley and particularly into Mountain View it's highly inequitable and totally unfair racist policy. The South Valley is a community historically made up of a majority of Spanish surname families that go further back than 400 years. We have been historically discriminated against and marginalized on a whole series of fronts by local policy decision makers.”

The HEEI regulation will allow EHD and the Air Board to address the disparate impacts of air pollution negatively impacting the health and quality of life of Bernalillo County residents by denying air pollution permits to sources proposed in communities already bearing the disproportionate burden of air pollution. This will contribute to better air quality county-wide and provide for a healthier Bernalillo County overall. Additionally, the regulation will have the effect of attracting clean industries to Bernalillo County, stimulating pollution control technology innovation and businesses, and saving the County many millions of dollars in health care costs related to air pollution.

To sign up to speak during public comment at the Nov. 8th Albuquerque City Council meeting, go to this [link](#).

For more information:

- [FAQs on the HEEI regulation](#)
- [Statement on Dan Lewis bills](#)
- Other [documents](#) relating to the HEEI regulation can be accessed on the NMELC website nmelc.org

Media coverage:

[KUNM](#) “ABQ City Council Considers Abolition of Air Quality Board Authority” Oct. 23, 2023

[The Paper](#). “Boarding Up: New Legislation would Stifle Albuquerque’s Current Air Quality Board and Replace it With A New One” Nov. 4, 2023

[ABQ Journal](#) CVNM OpEd “Let the Air Quality Control Board Do Its Job, Nov. 5, 2023

[Mercury Messenger](#) “A Cruel Movida Against Environmental Justice” Nov. 6, 2023

[ABQ Business Journal](#) “ABQ City Council, Bernalillo County Spar over Air Board” Nov. 6, 2023

[ABQ Journal](#), “City Council to vote on legislation that could remove Air Quality Control Board members, stop December hearing on environmental justice rule” Nov. 7, 2023

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