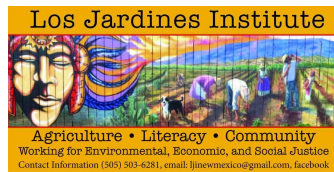


Mountain View Coalition

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



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AIR QUALITY CONTROL BOARD CONCLUDES HISTORIC PUBLIC HEARING ON HEALTH, ENVIRONMENT & EQUITY IMPACTS REGULATION

Questions Remain Over What Impact New Revised Rule Will Have

ALBUQUERQUE, NM—A historic public hearing in front of the Joint ABQ-Bernalillo County Air Quality Control Board concluded last night, Monday, December 11th, at which the Board heard evidence and requests from the Mountain View Coalition, Pro-Se Parties, Dr. Sofia Martinez and Manuel Criollo represented by the UNM Natural Resources Law Clinic, and Pueblo of Isleta, along with countless community partners to address decades of environmental racism.

The hearing began on Monday December 4th and concluded on December 11. The Board heard testimony from legal experts as well as over 100 public comments from community members, overwhelmingly in support of the Health, Environment & Equity Impacts (HEEI) regulation.

Deliberations began Monday, December 11th during the afternoon, and wrapped up at nearly 8pm Monday evening. **The Board adjourned after adopting a rule, though it is not clear whether the rule the Board adopted represents the logic reflected in the original regulation presented by environmental justice communities and whether it will adequately address Community concerns.**

During last night's deliberations, board members debated about how to define overburdened areas and other topics. At this time, no rule in writing has been made available, so it remains unclear how the rule passed by the Board better protects Bernalillo County, especially areas that have been historically overburdened and harmed by air pollution.

While we wait to see the rule in writing, and to evaluate which parts of Bernalillo County, if any, will be protected from disproportionate environmental, health and social impacts by the new rule, the Mountain View Coalition is incredibly grateful to the attorneys, the experts, and the community members who have stood strong and raised their voices so poignantly over the previous week.

Even though we were disappointed and frustrated with the hearing process and remain unclear of the rule passed by the board and its impact, the Public Hearing was a major step forward for frontline, impacted community members, as this was the first time a regulatory agency has responded after years of raising their voices to the Environmental Health Department to stop rubber stamping air permits for toxic, polluting industry in their overburdened neighborhood.

It should be highlighted that from every side, including from opposing parties, we heard agreement on multiple principles: recognition that there is a problem that needs to be addressed, the need for environmental justice, and the fact that **there are overburdened communities in Bernalillo County.**

Lauro Silva, President, Mountain View Neighborhood Association, said, “Comments by industry and their attorneys that they were not contacted by petitioners for the HEEI cumulative impacts regulation were total untruths. Petitioners met at least 8 times with ‘stakeholders’ and the city’s Environmental Health Department to present, discuss, and solicit suggestions and recommendations from them and their attorneys. In their attempt to wreck the petitioners’ regulation, they resorted to multiple distortions of our attempts to reach a collaborative regulation with their ten attorneys.”

Marla Painter, President, Mountain View Community Action, said, “Last night’s deliberations by the Air Board were a debacle. The Board was forced to deliberate under pressure of a false and artificially imposed deadline with insufficient administrative support and a cold-hearted attitude toward due process. This civil liberties fiasco must be remedied. The people of Mountain View and other low-income neighborhoods will not stop fighting for equal protection under the law.”

Katie Dix, Executive Director, Friends of Valle de Oro National Wildlife Refuge, a member of the Mountain View Coalition, said, “It was a disappointing end to the hearing. The deliberation process felt rushed and as a result, we are left anxious for clarity on the rule the Air Quality Board actually passed. There was overwhelming public support for the HEEI Regulation expressed throughout this hearing. I hope the City Council, the Board, and all present are haunted by the cries of our communities to pass a rule that would protect us, and make our collective health a priority. This was a chance to assert the right to clean air and health for everyone, to meaningfully acknowledge residents of Albuquerque and Bernalillo County as major stakeholders in regulatory decisions; we hope this effort does not fall short.”

Dr. Sofia Martinez, Co-coordinator, Los Jardines Institute, a party to the proceedings represented by the UNM Natural Resources & Environmental Law Clinic, said, “The overburdening of the working class and communities of color with air pollution, and frankly all pollution, are now evident in Albuquerque. This rulemaking’s record proves the decades of neglect and willful disregard of our communities by the City to favor corporate interests rather than their own citizens. As well as the manipulation of policy against the public will and the

stifling of democratic due process to silence the just efforts of communities to secure their safety, health and wellbeing.”

Maslyn Locke, Senior Staff Attorney, NMELC, said, “What happened last week was incredibly important. For the first time, we saw a regulatory body seriously consider the needs of those most impacted by their decisions. While we don’t yet know in detail the end result, what we do know is that the Air Quality Board understands that there are certain areas in Bernalillo County and Albuquerque that bear a disproportionate impact of air pollution and that the existing regulatory scheme does not meaningfully protect public health.”

Dr. Virginia Necochea, Executive Director, NMELC, said, “I am saddened to say that despite the amount of time and energy spent on working on a strong regulation, we find ourselves in a state of uncertainty and remain unclear how the new rule passed by the Air Quality Control Board will better protect communities who have for far too long been overburdened and harmed by industrial pollution. What I do want to recognize is the outpouring of support we witnessed for our HEEI regulation from the public. The people of Albuquerque spoke loud and clear about what they want for our city – justice and putting a stop to the norm of overburdening the same neighborhoods with toxic and harmful air from industries who have been given the green light over decades to set up shop in their backyards. Although the hearing concluded, our work to demand what is right for our clients and communities will not end.”

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