

Understanding HB 6 – “Clean Future Act”

Major concerns:

1. ***Justice Delayed is Justice Denied: this bill doesn't require any carbon reductions.*** It requires the environment department no later than **June 30, 2025**, to *petition* the environmental improvement board to promulgate rules to reduce greenhouse gas emissions from sources subject to the Air Quality Control Act. (§6 B) There is no required time deadline for the petition, which could take years, and may take even more years to resolve an appeal. It is highly unlikely that the State can meet the goal of “by 2030, statewide direct emissions of greenhouse gases shall not exceed fifty percent of 2005 levels” if the administration is not even petitioning for action until 3.5 years from now. (§3 A)
2. The “net zero” concept is inconsistent with science and best practices to the address climate crisis.
3. The “net zero” concept is inconsistent with the Governor’s own Executive Order on Addressing Climate Change and Energy Waste Prevention, Executive Order 2019-003, including, but not limited to, the cite to the United Nations and World Meteorological Organization Intergovernmental Panel on Climate Change (“IPCC”) that found “that the planet has as little as *12 years* to take meaningful climate action in order to limit the increase in global average temperature to 1.5°C – the level necessary to forestall dramatic climatic changes that will further imperil our water supplies.”¹ (Emphasis supplied.)
4. Carbon trading and offset projects are hollow schemes to address climate – the overwhelming majority of projects have failed to reduce carbon emissions.² Some are hoaxes, resulting in the *increase* in emissions. Eligible successful programs demand strict: accounting rules with robust frameworks and mitigation mechanisms that require certification of emission reductions. All of this is dependent on actual enforcement. The

¹ No date or cite is provided in the Executive Order to which this quote refers. We believe that the Governor was relying on that statement from 2018, which means that essentially four years have been wasted and emissions have risen in that time period, and we only have 8 years left to dramatically reduce carbon emissions.

² The European Commission published a 2017 study revealing that 85% of carbon offset projects under the UN’s Clean Development Mechanism failed to reduce emissions. These findings demonstrate the pressing need of oversight and regulation in this field.

Lujan Grisham administration has evidenced regulatory failure including, but not limited to the failure of her agencies to supervise, control, manage, and enforce.³

When the government chooses to act it can do so quickly and with specificity.⁴ The urgency of the climate crisis requires this kind of decisive leadership. HB 6 contains no mechanism or standards to reach climate goals, and does not even require that the mechanism be initiated, via rule-making, until 2025. That means that the rules will not be implemented or enforced until 2026 or later, all to supposedly reach a goal in 2030. It is simply not feasible, and therefore, meaningless.

The bill also does not explicitly mention the pollution caused by oil and gas development, even though oil and gas production creates most of the greenhouse gas emissions in our state. (§2 A) Moreover, the bill opens the door to carbon trading and offsets, promoting the establishment of a framework for this false solution. All language referring to offsets should be deleted: §2 E, §6 - 74-2-5.4. A (4) (5) D (1) and (2).

The bill sets up a “climate” fund but no appropriations are made and there are no specifics about what the fund is suppose to do except “administering and enforcing the greenhouse gas emissions rules.” Like the regulatory scheme that funds OCD oversight of spills through fees and penalties charged to the O&G industry, the funding mechanism represents a conflict of interest, leaving an agency dependent on industry money to fund industry oversight.

Finally, the State shall take effective measures to ensure that mitigation of pollution and contamination that impact the health, welfare, and lands of Pueblo peoples include meaningful consultation and that without their free, prior and informed consent these actions are contrary to the rights of Native people in the State.

We need a law in place, now, that calls for the direct reduction of pollution caused by oil and gas development in order to protect the health, homes, land and cultural resources of frontline community members, and our environment, and the climate.

³ On 11/11, 2021, the State Engineer announced that he will step down due to “persistent lack of financial resources” and inadequate staffing (“67 fewer employees now than it did under then-Gov. Bill Richardson a decade ago”). “NM’s top water official to step down, citing understaffing,” *Albuquerque Journal*, 11/11/2021, <https://www.abqjournal.com/2445533/nms-top-water-official-to-step-down-citing-understaffing.html>
See also, “PRC needs full funding to do its job,” *Santa Fe New Mexican*, 11/14/2021, https://www.santafenewmexican.com/opinion/my_view/prc-needs-full-funding-to-do-its-job/article_4629f488-4364-11ec-a8bc-a380bf240fa0.html (“Unfortunately, recent budgets have proved insufficient to hire and retain staff and outside experts to help guide the commission in an ever-increasingly complex global energy and regulatory environment. ... [T]he National Regulatory Research Institute [concluded]: This death-spiral-type condition [of increasing demands and shrinking resources] ... has seriously jeopardized the capability of the PRC to protect the public interest.”) Lastly, the Oil Conservation Division has failed to curtail or penalize the rampant and constant discharges of “produced water” (toxic waste flowback from oil and gas wells) and since the Lujan Grisham administration has been office these discharges have *increased* and are occurring at a rate of approximately 4 per day, contaminating the Earth and water supplies on and off Pueblo lands.

⁴ For instance, the Energy Transition Act (ETA) was extremely detailed and binding requirements were set without a hearing of any sort in most instances.