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## **New Mexico Joins 12 States In Lawsuit Against EPA's New Soot Standards**

New Mexico joined a lawsuit with New York and 11 other states Friday against the U.S. Environmental Protection Agency for failing to tighten standards for airborne soot that leads to thousands of premature deaths a year in the U.S.

The states, which also include California, Connecticut, Delaware, Illinois, Maine, New Hampshire, New Jersey, Oregon, Pennsylvania, Rhode Island and Vermont, petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review EPA's new ambient air quality standards for particulate matter. The New Mexico Attorney General's Office, The New Mexico Environment Department and the other states allege the EPA ignored overwhelming scientific evidence that fine particulate matter, a form of microscopic air pollution, leads to premature death, chronic respiratory disease and asthma attacks.

The standards, which EPA announced Sept. 21, go into effect today.

"I am concerned that the EPA ignored a review of its own Clean Air Scientific Advisory Committee that agreed the annual federal standard for fine particles should be more stringent," said NMED Secretary Ron Curry. "It's disturbing that EPA disregarded clear evidence that showed thousands of lives could be saved each year if it increased standards for particulate matter pollution."

"The EPA has once again used the absence of complete scientific certainty to err on the side of less strict standards for air pollution," said New Mexico Attorney General Patricia Madrid. "This is a matter of public health protection, and we don't want a precedent being set by national air quality standards that fail to provide adequate protection."

The New Mexico Environment Department submitted comments to EPA that criticized revisions to the standards as originally proposed. New Mexico's concerns focused on a proposed change to standards for coarse particulate matter that would have eliminated those standards across most of New Mexico. Although EPA abandoned that proposal, NMED does not agree with the process EPA followed in revising the standards, particularly with the way EPA ignored for the first time its own expert science panel.

Emissions from motor vehicles, power plants, factories and wood fires create airborne soot, which is composed of microscopic particles about 1/30<sup>th</sup> the diameter of a human hair.

Although EPA lowered the daily standard for fine particles, it did not change the yearly standards for fine particles. That standard is an annual average of 15 micrograms per cubic meter of air.

EPA failed to embrace scientific evidence that showed lowering the annual standard of fine particulate matter from the current level to 13 or 14 micrograms per cubic meter of air would prevent thousands of deaths a year in the U.S. EPA scientists found that lowering the standard for particulate matter by one microgram per cubic meter of air would save between 1,000 and 11,000 lives a year. Lowering that standard an additional microgram per cubic meter of air – or to 13 – would save 24,000 lives.

EPA also left in place the daily standard of 150 micrograms per cubic meter for coarse particles but revoked the annual standard for coarse particles of 50 micrograms per cubic meter.

The federal Clean Air Act requires the EPA to review the science behind existing standards five years. The act requires EPA to set standards that provide an adequate margin of safety to protect public health.

If the states win the lawsuit, EPA would be required to revise the yearly standard for fine particles.

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