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Mercury Regulations Adopted to Help Protect New Mexico Children from Dangerous Neurotoxin

(Santa Fe, NM) The New Mexico Environmental Improvement Board recently adopted new mercury regulations proposed by the New Mexico Environment Department. These new regulations will allow the state to continue to protect its residents from harmful mercury pollution and forgo a less protective federal cap and trade program for mercury emissions.

“New Mexico has been a leader on protecting our residents, and especially our children, from exposure to mercury,” Governor Richardson said. “This action, as well as my support for mercury emission control during the last legislative session, and legal efforts at the federal level, will help limit children’s exposure to this damaging pollutant.”

Mercury, emitted when coal is burned, is a dangerous neurotoxin proven to cause a variety of developmental neurological abnormalities in babies and young children, including delayed developmental milestones, cerebral palsy, reduced neurological test scores and delays and deficits in learning abilities.

“New Mexico — along with other states — insisted that the federal EPA’s trading program allows mercury emissions from power plants that are harmful to human health and the environment,” said New Mexico Environment Department Secretary Ron Curry. “The Environment Department’s regulations put in place protections so New Mexico residents do not have to breathe in harmful neurotoxins that pose great health risks for residents, especially children.”

The state Department of Health estimated in 2004 that 30,000 women of childbearing age in New Mexico had elevated levels of mercury in their blood and that 4,000 newborns are at risk for neurological deficits in New Mexico annually.

“I believe Mercury in our environment is at crisis levels and is unacceptable,” said Gay Dillingham, Chairwoman of the New Mexico Environmental Improvement Board. “With these new regulations, the state Environment Department, the EIB and industry have done a valiant job to protect New Mexicans to the best of our ability.”

Many lakes and rivers in New Mexico also have posted warnings not to eat certain fish.

EPA's program allows power plants to purchase emissions credits from other plants that reduce emissions below targeted levels, rather than reducing their own mercury emissions. EPA's approach therefore does not address hot spots of mercury contamination created in the vicinity of power plants that elect not to reduce emissions.

States have the option to opt out of the federal trading program. States opposed to the program asserted it would result in hot spots of mercury contamination around many power plants, which would not be required to install additional pollution controls. Instead of following that program, New Mexico set caps on the amount of mercury power plants can emit. Those caps lower mercury amounts over time.

Power plants in New Mexico emit about 14,000 ounces of mercury per year now. Because of the caps put in place by the EIB, from 2010 to 2017, that amount must be reduced to 9,568 ounces of mercury per year. From 2018 on, plants in New Mexico must only emit 3,776 ounces of mercury per year.

Governor Richardson has been vigilant in reducing mercury emissions. New Mexico filed comments on the federal proposal, filed a lawsuit with other states against the federal trading program and pursued legislation to allow us to be more stringent than the federal program. Governor Richardson signed House Bill 318 on April 3 that will allow the EIB to adopt stricter mercury regulations for new power plants.

Fifteen states filed a lawsuit challenging the federal cap and trade program for mercury. The U.S. Environment Protection Agency received half a million comments opposed to that program. EPA nevertheless put in place the trading program.

In 2000, the Clinton Administration found it was necessary and appropriate to require Maximum Achievable Control Technology from coal fired power plants. The Bush Administration reversed that decision and proposed instead the emissions trading program.

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