



Environment Department

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NEWS RELEASE

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NMED's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

New Mexico Environment Department joins Arkansas, Oklahoma, Arizona, and North Dakota to Challenge EPA's Ozone Rule Change

Santa Fe – The New Mexico Environment Department with the States of Arizona, Arkansas, North Dakota, and Oklahoma are challenging the U.S. Environmental Protection Agency's decision to set more stringent, one-size-fits-all federal air quality standards for ozone (Arizona v. EPA, D.C. Cir., No. 15-1392, 10/27/15). The five states filed the lawsuit Oct. 27 in the U.S. Court of Appeals for the District of Columbia Circuit.

"The Environmental Protection Agency is again engaging in rulemaking behind closed doors. Although state level input was sought, very little of it was incorporated into their one-size-fits-all template for ozone reduction," said New Mexico's Environment Secretary Ryan Flynn. "For example, New Mexico is not New Jersey. At altitudes of 3,000 – 13,000 feet and neighboring the country of Mexico with their emissions, our state has background ozone conditions which are not effectively and equally addressed by the EPA's new and autocratic ozone standards."

"Unnecessary regulatory burdens imposed by officials in Washington D.C. on New Mexico's business community create undue economic hardships on job creators," said New Mexico Economic Development Cabinet Secretary Jon Barela. "The EPA's new ozone rule places uncertainty upon New Mexico's energy industry and will cost jobs and decrease revenue for our state."

The District of Columbia Circuit Court will receive arguments in support of the five-state petition for review in the coming weeks. The EPA is required to reviews its ozone standards every five years, but is not required to change the standards. It published its final rule in the Federal Register Oct. 26, setting the national ambient air quality standards for ozone at 70 parts per billion, from the former 75 parts per billion established in 2008.

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