



**new energy economy**

Opportunity for New Mexico  
Energy Independence for America

**FOR IMMEDIATE RELEASE**

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**NEW ENERGY ECONOMY RESPONSE TO PNM FILING**

*Santa Fe, NM* -- Despite legal authority to the contrary, Public Service Company of New Mexico (PNM) and other utilities, conservative legislators, and the oil and gas industry filed a lawsuit today challenging the NM Environmental Improvement Board's (EIB) authority to regulate greenhouse gas emissions in New Mexico in a court in Lovington, NM.

In a series of hearings over the last year, the EIB has agreed to hear the petition and has ruled that it has jurisdiction to decide the case. The NM legislature created the EIB to be responsible for the promulgation of rules and standards for food protection, safe water supply, air quality management, and to avoid public nuisances. Public hearings about setting a state cap on global warming pollution will begin March 1, 2010 in Santa Fe, and expert testimony will start June 16, 2010.

"The lawsuit filed today has absolutely no merit," says Dr. John Fogarty, Executive Director of New Energy Economy. "This is like saying that a doctor doesn't have the ability to treat asthma."

"The EIB has the authority under existing law to implement statewide limits on global warming pollution, and we have asked them to exercise that authority in a manner consistent with the latest scientific consensus on climate change," says Bruce Frederick, an attorney from the New Mexico Environmental Law Center, which is the legal team supporting the petition.

The New Mexico based non-profit organization, New Energy Economy, filed a petition with the EIB in December 2008 asking the state to reduce emissions based on the best available science. The Intergovernmental Panel on Climate Change (IPCC), composed of more than 1,200 leading international scientists, has concluded that developed nations must reduce global warming pollution by at least 25% below 1990 levels by 2020 to avoid catastrophic changes. Should the petition be passed, New Mexico would lead the nation with the strongest regulations in the United States.

An impressive group of co-petitioners and businesses have joined the petition pending before the EIB calling for a cap on global warming pollution in New Mexico. The organizations include the New Mexico Pediatric Society, NM Physicians for Social Responsibility, Amigos Bravos, Center of Southwest Culture, League of Women Voters (NM), Center Advancing Sustainable Architecture, Earth Care International, NM Interfaith Power & Light, Conference of Churches, Sierra Club, Western Resource Advocates, and Wild Earth Guardians. The co-petitioners will show that replacing fossil fuels with clean energy sources is not only essential to addressing climate change but can stimulate a lagging economy.

The US Supreme Court has ruled that the Environmental Protection Agency has the authority to regulate greenhouse gas emissions under the Clean Air Act. The Federal Appellate Court has granted states the right to sue fossil fuel industries for carbon emissions that have caused public harm. In December, 2009 the Environmental Protection Agency's endangerment finding declared that greenhouse gas emissions constitute a threat to public health and must be regulated.

Public Service Company of New Mexico (PNM) has led an effort to oppose the petition and has argued for a “business-as-usual” approach that includes more development of coal, oil and gas.

Co-petitioners in the case will show that if no action is taken to curb global warming emissions, the economic effects from climate change will be dire. Researchers in the Program on Climate Economics of the Climate Leadership Initiative estimate the minimum annual cost to each New Mexican household will be \$3,430 by 2020 and could rise as high as \$12,000 per household per year in 2080. The total costs for New Mexico would be \$3.2 billion in 2020 and \$18.4 billion in 2080.

Scientists have shown that climate change will lead to hotter temperatures throughout New Mexico – increasing heat related illnesses and asthma. Public-health related costs will be one of the largest contributors to the costs of climate change to New Mexico.

John Ratmeyer, M.D., from the New Mexico Pediatric Society, said "climate change is real. Our children need us to act now, to protect their future health and preserve our air and water quality in New Mexico. Without action to mitigate climate change, we risk crop failures, water shortages, worsening natural disasters, and more infectious and respiratory diseases, all of which disproportionately affect children."

Rising temperatures in New Mexico will reduce water resources and increase the frequency of wildfires throughout the state. Thomas Fingar, the U.S. intelligence community's top analyst, highlighted in a security report earlier this year that the southwestern U.S. will face “dust bowl” conditions, if global warming is not slowed.

To view the list of co-petitioners for New Energy Economy’s petition to the Environmental Improvement Board, go to <http://newenergyeconomy.org/EIB>.

*New Energy Economy is dedicated to creating green jobs, boosting the economy and solving global warming.*

[www.newenergyeconomy.org](http://www.newenergyeconomy.org)

**INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST**

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