

## Overview

- In the last decade, oil production in New Mexico has increased nearly 10-fold, making New Mexico the country's second largest producer of crude oil and seventh largest producer of fossil gas.
- With this explosion in oil and gas *production* comes an explosion in oil and gas *pollution*.
- Each stage of oil and gas production emits dangerous air and climate pollution, along with thousands of gallons of toxic liquid waste.
- Many stages of production use and/or emit toxic substances that can cause cancer, respiratory and neurological damage, headaches, nausea, or other negative health effects.
- Air quality in the state in areas with heavy oil and gas production is very poor and, in the Permian Basin, does not comply with federal health standards.
- Spills and leaks of toxic liquid waste contaminate soil and water. There are about 4 toxic liquid waste spills happening every day in our state – and many of these are millions of gallons.
- Oil and gas production, authorized by the State, has devastated the Greater Chaco Landscape, which is sacred to Indigenous peoples.
- The State has failed to clean up thousands of inactive, unplugged wells across the State. These wells continue to emit dangerous pollutants even though they are not producing oil or gas.
- The State allows the use of millions of gallons of precious freshwater resources for fracking, depleting our already scarce water.
- Greenhouse gas emissions in NM have a significant impact on the global climate crisis, with the Permian Basin containing the world's largest carbon climate bomb.
- All New Mexicans are harmed by the State's failure to control oil and gas pollution.
- Frontline communities (people who live near oil and gas production sites), Indigenous peoples, and youth are disproportionately harmed – since their health, safety, land, environment, climate, and ancestral landscapes and sacred places and practices are the most heavily damaged by the virtually unregulated extraction and use of fossil fuels.

## The New Mexico Constitution

- The New Mexico Constitution guarantees New Mexicans a healthful and beautiful environment and mandates that the State control pollution to avoid despoiling its air, water, and other natural resources. Article XX, § 21.
- The New Mexico Constitution also guarantees New Mexicans fundamental rights: enjoying and defending life and liberty; acquiring, possessing, and protecting property; and seeking and obtaining safety and happiness, as well as equal protection under the law. Article II, §§ 4 and 18.

## The Case

- Despite its constitutional duty to protect New Mexicans’ air, water, environment and other natural resources, and fundamental rights, the State continues to authorize and promote oil and gas extraction, without establishing and implementing a statutory, regulatory and enforcement scheme that ensures the protection of New Mexico’s beautiful and healthful environment.
- In fact, the State exempts the oil and gas industry from most environmental protection statutes and regulations and fails to enforce the pollution control measures that are in place.
- The State’s actions authorizing oil and gas extraction lead to premature death, widespread damage to property, food insecurity, and damage to the climate, ecosystems, and Indigenous ancestral landscapes, sacred places and traditional resources.
- Plaintiffs seek a ruling that the State’s actions have violated the rights of New Mexicans under the State Constitution. They are asking the court to require the State to suspend additional permitting of oil and gas wells until it complies with its constitutional duty to control oil and gas pollution.
- Plaintiffs also seek a ruling from the Court that requires the State to create a statutory, regulatory, and enforcement structure that complies with the State’s constitutional mandate to protect our beautiful and healthful environment, air, water and other natural resources from pollution, and protects Plaintiffs fundamental rights to health, safety, life, liberty, property and equal protection under the law.

## Plaintiffs, Defendants and Venue

- Plaintiffs are frontline community members, Indigenous peoples, youth, and non-profit organizations that advocate for environmental justice and conservation. They have come together as NM LAWS (New Mexico Land, Air, Water and the Sacred).
- Defendants are the State of New Mexico, the New Mexico State Legislature, Governor Michele Lujan Grisham, the New Mexico Environment Department, Secretary James Kenney (in his official capacity), the Energy Minerals Natural Resource Department, Secretary Sarah Cottrell Propst (in her official capacity), the Environmental Improvement Board, and the Oil Conservation Commission.
- Plaintiffs are represented by attorneys at the Center for Biological Diversity, WildEarth Guardians and Daniel Yohalem.
- Plaintiffs filed their constitutional case in the First Judicial District of New Mexico on May 10, 2023.

For more information, including a copy of the full complaint, see:

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