

Approved by SPARC 2024 Sept 3, **2024 Fall 05**

**THE DEMOCRATIC PARTY OF BERNALILLO COUNTY RESOLUTIONS COMMITTEE  
APPROVED AND REFERRED TO THE DEMOCRATIC PARTY OF NEW MEXICO  
STATE PLATFORM AND RESOLUTIONS COMMITTEE AND  
STATE CENTRAL COMMITTEE  
on August 29, 2024**

**Resolution Title:**

**Emergency Methane Emission Reduction through Enforced NM Compliance**

**Submitted by:**

**Kathleen Moseley and Athena Christodoulou**

**Email:**

[kathleenmoseley45@gmail.com](mailto:kathleenmoseley45@gmail.com)

**City, County:**

**Albuquerque, Bernalillo County**

**Whereas**, data from the U.S. National Oceanic and Atmospheric Administration’s National Centers for Environmental Information (NCEI) shows warming for all 50 states since 1970, with an average increase of 2.50°F (1.4°C) between 1970 and 2018; in addition, Southwestern states are among the fastest-warming, with one analysis showing New Mexico outpacing all but Alaska during this period, with an increase of 3.32°F (1.84°C);<sup>1</sup> and

**Whereas**, according to interdisciplinary research from the Penn State College of Health and Human Development, “if global temperatures increase by 1.00 C or more than current levels, each year billions of people will be exposed to heat and humidity so extreme they will be unable to naturally cool themselves;” and furthermore, warming of the planet beyond 1.5°C above pre-industrial levels will be increasingly devastating for human health across the planet;<sup>2</sup> and

**Whereas**, methane (CH<sub>4</sub>) is a potent greenhouse gas that has more than 80 times the warming power of carbon dioxide in the first 20 years after emission, methane produced by human actions accounts for about 30 percent of today’s global warming and reducing its emissions would reduce the rate of global warming;<sup>3</sup> and

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<sup>1</sup> Willem Roper, “Fastest Warming States in the U.S.,” Statista, Feb. 19, 2020, <https://www.statista.com/chart/20882/us-states-warming-the-fastest>

<sup>2</sup> Aaron Wagner, “[Climate-driven extreme heat may make parts of Earth too hot for humans.](#)” | Penn State University, Health and Human Development, Oct. 9, 2023; and Daniel Vecelillo, *et al.*, [Greatly enhanced risk to humans as a consequence of ... lower moist heat stress tolerance | PNAS](#) [Proceedings of the National Academy of Sciences], Oct. 9, 2023.

<sup>3</sup> Environmental Defense Fund (EDF), [Methane: A crucial opportunity in the climate fight - Environmental Defense Fund](#); see also IPCC, 2013: *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth*

**Whereas**, methane is also a key precursor gas of the harmful air pollutant, tropospheric ozone, which is responsible for about one million premature respiratory deaths globally;<sup>4</sup> and

**Whereas**, methane is the main component of natural gas used for fuel and New Mexico is among the top ten natural gas producing states in the United States,<sup>5</sup> with the U.S. itself, the world's leading producer of natural gas,<sup>6</sup> further, the Texas and New Mexico Permian Basin produces more oil than all but five countries;<sup>7</sup> and

**Whereas**, oil and natural gas operations emit methane waste through venting, flaring, and leaking throughout the production process that directly contributes to global warming; and such waste emissions account for as much as ten percent of the total methane load;<sup>8</sup> and

**Whereas**, the New Mexico oil and gas industry provides revenues to our state based on net sales, and thus methane waste directly diminishes our state government's ability to fund important public goods and services such as schools;<sup>9</sup> and

**Whereas**, New Mexico Permian Basin methane waste emissions have been estimated to be as much as 9.63 percent of the natural gas produced and associated with lost revenues of approximately \$365 million annually through 2019;<sup>10</sup> and

**Whereas**, in the first half of 2024, a joint inspection effort by the New Mexico Environment Department and the United States Environmental Protection Agency found that 75 out of 124 facilities (60%) had emissions potentially exceeding lawful limits;<sup>11</sup> and

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*Assessment Report of the Intergovernmental Panel on Climate Change*, Stocker, T.F., *et al.* (eds.)], Ch. 8, pp. 698 and 714, found at [https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5\\_Chapter08\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf) (this is a foundational report which establishes the methodology and data assumptions upon which subsequent studies have been based).

<sup>4</sup> Climate and Clean Air Coalition, [Methane | Climate & Clean Air Coalition](#), the CCAC is a UN Environment Programme (UNEP) convened initiative.

<sup>5</sup> U.S. Energy Information Administration (EIA), "New Mexico State Energy Profile," last updated June 20, 2024 at <https://www.eia.gov/state/print.php?sid=NM>

<sup>6</sup> Plumer and Popovich, "How the U.S. Became the World's Biggest Gas Supplier," NY Times, Feb. 3, 2024 at <https://www.nytimes.com/interactive/2024/02/03/climate/us-lng-natural-gas-leader.html>

<sup>7</sup> Chen, Sherwin *et al.*, "Quantifying Regional Methane Emissions in the New Mexico Permian Basin with a ... Aerial Survey," *Env.Sci.Technol.*, 56, 4317, <https://pubs.acs.org/action/showCitFormats?doi=10.1021/acs.est.1c06458&ref=pdf>

<sup>8</sup> Stanford Report, "Methane emissions from U.S. oil and gas operations cost the nation \$10 billion per year," Mar. 13, 2024, <https://news.stanford.edu/stories/2024/03/methane-emissions-major-u-s-oil-gas-operations-higher-government-predictions>; Sherwin, [US Oil and Gas System Emissions From Nearly One Million Aerial Site Measurements | Nature](#), Mar. 13, 2024.

<sup>9</sup> N.M. EMNRD, Overview of Rulemaking [re: NMSA 1978, §70-2-2, prohibition of waste in production of oil and natural gas], <https://www.emnrd.nm.gov/ocd/wp-content/uploads/sites/6/OCDExhibit4A-RevisedPowerpointPresentation.pdf>

<sup>10</sup> Chen, Sherwin, "Quantifying Regional Methane Emissions ...," n. 7, supplementary information, S28, *see also*, Sherwin, "US Oil and Gas System Emissions ...," *Nature*, Mar. 13, 2024 at 328-329, and 331. Chen and Sherwin conclude that aerial surveys show that government data consistently underestimate the amount of methane emissions.

<sup>11</sup> Regulators analyzed data from satellites, regulatory reports, and site inspections and found among other things that "air pollution violations at most Permian facilities inspected, Scott Wyland, [Regulators find air pollution violations at most Permian facilities inspected | Local News | santafenewmexican.com](#), Santa Fe New Mexican, July 5, 2024.

**Whereas**, while some waste is unavoidable, current New Mexico regulations, created with input from the industry, have established 2.0% waste as the legal limit per well, and other state regulations limit the emissions of pollutants from oil and gas facilities;<sup>12</sup> and

**Whereas**, technology to comply with existing limits is readily available;<sup>13</sup> and

**Whereas**, New Mexico regulatory enforcement agencies have been severely underfunded and understaffed, leaving noncompliance largely unaddressed and as of July 2024, NM Environment Department (NMED) currently regulates over 55,000 facilities with 30 permitting staff and six enforcement staff;<sup>14</sup> and

**Whereas**, at current staffing and procedures, it would take NMED anywhere from 6.5 to 9.6 years to inspect all existing permitted sources in New Mexico;<sup>15</sup> and

**Whereas**, NMED Director James Kenny has stated, “With the impacts of climate change ravaging our state and air quality degrading, we have no choice but to increase sanctions on polluters until we see a commitment to change behavior;”<sup>16</sup> and

**Whereas**, current NMED processes and regulations undermine enforcement capacity by requiring permit applications to be approved within mandated timeframes without requiring similar deadlines for inspections;<sup>17</sup> and

**Whereas**, in Executive Order 2019-003, signed by Governor Michelle Lujan Grisham on January 29, 2019, states that “efforts to reduce methane emissions throughout New Mexico will have a significant climate benefit as well as prevent the waste of energy resources.”

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<sup>12</sup> NMAC 19.15.27.9 [Oil and Gas, Venting and Flaring of Natural Gas, Oil Conservation Commission], effective 2021; and adopted pursuant to the Oil and Gas Act, Section 70-2-6, Section 70-2-11 and Section 70-2-12 NMSA 1978; and NMAC 20.2.50 [NMED Ozone Precursor Pollutants], effective 2022, pursuant to Air Quality Control Act, NMSA 1978, §§ 74-2-1 to 74-2-22; see also, NMED Compliance and Enforcement, “[i]t is estimated that the rule will result in a reduction of 260 million pounds of oxides of nitrogen and volatile organic compounds, along with a co-benefit of reducing methane emissions by over 851 million pounds annually ....” at <https://www.env.nm.gov/air-quality/compliance-and-enforcement/>

<sup>13</sup> See e.g., IEA (International Energy Agency), “Urgent Action to Cut Methane Emissions from Fossil Fuel Operations is Essential to Achieve Global Climate Targets,” Oct. 11, 2023, noting “More than three-quarters of methane emissions from oil and gas operations ... can be abated with existing technology, often at low cost. Tackling methane emissions is one of the most cost-effective ways to reduce greenhouse gas emissions. [Costs amount to] less than 2% of [industry’s] income .....” <https://www.iea.org/news/urgent-action-to-cut-methane-emissions-from-fossil-fuel-operations-essential-to-achieve-global-climate-targets>

<sup>14</sup> NMED, News Release, “EPA and the NMED Find Potential Air Quality Violations at 60% of Permian Basin Oil and Gas Facilities Inspected,” July 3, 2024, <https://www.env.nm.gov/wp-content/uploads/2024/07/2024-07-03-COMMS-EPA-and-the-NMED-find-potential-air-quality-violations-at-60-of-Permian-Basin-oil-and-gas-facilities-inspect.pdf>

<sup>15</sup> *Id.*, NMED, Office of Strategic Initiatives, “Performance Assessment,” FY23, Dec. 2023.

<sup>16</sup> NMED, News Release, “EPA and the NMED Find Potential Air Quality Violations ...”

<sup>17</sup> KRQE, Interview with NMED Secretary James Kenney who explained that “for the most part, there’s no legal requirement from the state for the Environment Department to do inspections within a set time. But there is a statutory requirement for the department to issue permits for various activities. So, issuing permits takes up a lot of the department’s time at the expense of completing inspections.”

<sup>18</sup>**Therefore, be it resolved,** that DPNM urges the New Mexico Legislature to correct in the 2025 60-day session, by new legislation the imbalance in new permits, inspections, and corrective action. The new legislation shall require that:

1) all new permits applied for by a company be paused until inspections are done on a company's existing wells and compliance is demonstrated ( i.e., no company may have new permits approved until all of their existing wells have been inspected and necessary mitigations and re-inspections showing compliance are completed);

2) initial and follow-up inspections be completed by NMED onsite or by EXOatmospheric measurements generated by methaneSAT;

3) any necessary budgetary increases for additional staff and technology be levied on the gas and oil companies through an increase in permitting fees;

4) increased royalty fees be levied; and

5) **AND until the new regulation or regulations can be chaptered, the Governor issue an emergency executive order to this effect.**

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<sup>18</sup> Executive Order 2019-003, "Addressing Climate Change and Energy Waste Prevention," signed Governor Michelle Lujan Grisham, Jan. 29, 2019, [https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO\\_2019-003.pdf](https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO_2019-003.pdf)