

New Mexico launches Environmental Crimes Task Force

Written by Staff Reports

Thursday, 24 November 2022 23:11



ALBUQUERQUE — The New Mexico Environment Department and the U.S. Environmental Protection Agency convened New Mexico’s first Environmental Crimes Task Force on Nov. 9.

The goal of the Environmental Crimes Task Force is to increase federal, tribal and state cooperation in investigating and prosecuting criminal violations of environmental laws. In pursuit of this goal, the Task Force will meet regularly with members from agencies to disseminate actionable intelligence and coordinate responses to address those individuals and entities who threaten the nation’s health and environment by violating such laws.

Violating environmental laws—including, but not limited to, the federal and state air, water, and hazardous waste laws—is a crime and can be punishable by incarceration and/or monetary fines.

“If you circumvent New Mexico’s environmental laws – we will find you and we will prosecute you,” Environment Department Cabinet Secretary James Kenney said. “The Environmental Crimes Task Force will bring much needed investigation and prosecution resources and coordination to New Mexico, which will serve to level the playing field and increase environmental compliance in our communities.”

The Environmental Crimes Task Force will also focus on advancing civil rights and environmental justice through timely and effective remedies for systemic environmental violations in underserved communities that have been historically marginalized and

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overburdened, including low-income communities and communities of color.

“This task force is being created to curb environmental crime in the state of New Mexico and neighboring tribal territories,” Kim Bahney, Special Agent in Charge of EPA’s Criminal Investigation Division for the Southwest Area Branch, said. “Public health and the environment should not suffer at the hands of deliberate polluters.”

Alexander M.M. Uballez, United States Attorney for the District of New Mexico, explained that the task force would be looking out for marginalized groups.

“Low-income communities and communities of color have disproportionately borne the burden of environmental crime,” Uballez said. “Through the Environmental Crimes Task Force, we will bring fair treatment and meaningful involvement of underserved communities that have been historically marginalized and overburdened by systemic environmental violations, pollutions, climate change and abuse of natural resources.”

Commissioner of Public Lands Stephanie Garcia Richard said that the task force would hold companies responsible.

“As Land Commissioner, I’ve prioritized the protection of our natural resources. Under our Accountability and Enforcement program, we’ve successfully persuaded companies to comply with their environmental obligations,” Richard said. “Many companies do the right thing, but when companies don’t and they break the law, there should be consequences for those actions. We’re proud to be a part of this task force and look forward to working with other agencies to safeguard New Mexico’s natural resources,” Garcia Richard said.

NMED and EPA will coordinate the Task Force among the participating agencies. This includes continuing to expand its membership, convening trainings and meetings, and leading efforts to coordinate criminal enforcement of environmental laws. The Task Force partners include the following state and federal agencies that will coordinate on the investigation and criminal

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prosecution of individuals and organizations who commit environmental crimes:

New Mexico Attorney General

New Mexico Department of Public Safety

New Mexico Energy, Minerals and Natural Resources

New Mexico Environment Department

New Mexico Game and Fish Department

New Mexico State Land Office

Federal Bureau of Investigation's Albuquerque Field Office

U.S. Attorney's Office

U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service

Navajo Nation Department of Justice

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In New Mexico, the U.S. Attorney's Office and the New Mexico Attorney General's Office prosecute individuals and organizations that conduct criminal activities that violate federal and state laws enacted to protect environmental quality, human health, and wildlife throughout the State of New Mexico. On Navajo Nation and depending on the nature of the crime, both the Navajo Nation and the U.S. Attorney's Office may have jurisdiction.

Examples of criminal environmental violations include:

A chop-shop where stolen vehicles are dismantled and used oil is dumped;

An oil and gas operator who fabricates records to show they looked for leaking components but never did so or conceals oil spills;

Industries that fail to follow safety protocols as outlined in its risk management plan, which can put its workers and the public at risk;

A wastewater treatment plant operator or industrial user who changes sample results to show compliance of non-compliant discharges to surface water or groundwater, including instances of public official misusing their authority for personal gain or benefit;

A company that illegally discharges pollutants into a river or channel which leads to a river due to intentional or negligent maintenance of equipment and/or properly trained staff with or without a permit;

Demolition and construction activities involving removal of asbestos without following proper worker safety practice standards or illegal disposal; both causing potential exposure and creating health risks for workers and the public;

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Illegal storage, transportation or disposal of hazardous or radiological wastes;

Importation of illegal pesticides, refrigerants, or wildlife;

Use of pesticides and refrigerants that are not EPA-approved;

Oil spills, releases or discharges; some of which compromise the fishing rights or practices of indigenous or disadvantaged communities;

False reporting of air emissions resulting from inadequate, under design or nonexistent pollution control devices;

Companies and individuals that tamper with emissions devices or write and install tunes in road vehicles;

False statements to the EPA, NMED, or other regulatory agencies that undermine the integrity of environmental protection programs or permits.

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