

Good morning comrades, fellow community members, and decision-makers. We, YUCCA, youth of New Mexico, are here today to call attention to the dangers of the proposed rule changes by the Oil Conservation Division regarding “produced water” and voice our strong opposition. Inside this building the administration is convening a hearing at the behest of industry - we, along with our fellow New Mexicans from all walks of life, are present here at this circus of a hearing to let the administration know they cannot dump their poison fracking water on us. We are here outside to make perfectly clear -- fracking waste is toxic waste.



As always, we need to call attention to the fact that the fracking that is generating this toxic waste, threatening our health, and destabilizing our climate is being conducted on stolen Indigenous lands and has disproportionately impacted Indigenous communities. We stand here today, in front of the Oil and Conservation Division state building on stolen Tewa land. Neither the OCD or any agency within the administration nor the legislators who passed the Produced Water Act that gave way to this rule-making adequately consulted the Indigenous communities whose unceded territories these government agencies operate within. We stand in solidarity with Indigenous and other

communities on the frontlines of fracking. We give thanks to our Tewa hosts whose land we stand on and who have taught us that we must always stand up against the poisoning of our Mother Earth and our precious waters -- whether its when the Los Alamos Laboratories dump radioactive waste in our canyons or the fracking industry attempts to dump radioactive waste on our roadways, fields, and waterways.

And that's what this proposed rule is setting the groundwork to make possible -- if passed this proposed rule will congeal the first step in an industry-driven plan to commodify their toxic fracking waste and sell it in new fracking markets -- for road construction and maintenance, for irrigation, and to meet our interstate water compact obligations.

This would come at enormous public health and environmental cost.

We cannot let that happen. We are here to remind the OCD and the administration that despite their Orwellian euphemisms -- New Mexicans know "produced water" is radioactive & toxic fracking waste and we will not accept its use on our roads, on our fields, or in our waterways.

In New Mexico -- we have already suffered long enough because of our abusive dependency on the oil and gas industry. We have also suffered long enough as a dumping ground for toxic waste. Now, at a time when the fracking industry's bankruptcy is exposed, the OCD, Environmental Department, Department of Energy and Natural Resources, and this administration are providing a parachute for industry -- rather than being held accountable for **the billions of gallons** of waste they are producing every year -- they are being allowed to pursue a path toward commodification -- at our expense.

"Produced Water" is the rebranding of fluids created during the hydraulic fracturing process and fluids separated from oil and gas during production. As has been heavily documented in numerous reports, this "water" is actually made up of radioactive materials, heavy metals, proprietary fracking chemicals, and other contaminants known to threaten human health with cancer, respiratory & neurological and developmental

diseases, “Produced Water” is a chemical cocktail deemed “to toxic to treat”, but thanks to oil lobbyists is exempt from New Mexico’s State Hazardous Waste Law. The industry is trying to figure out to do with the expensive and toxic waste they are producing in mass -- cause they’ve run out of options. In 2018, New Mexico’s share of the Permian Basin generated [42 billion gallons of oil and gas wastewater](#), according to the New Mexico Environment Department. So they are looking to offload their toxic waste onto us.

Today marks another moment in which the state is attempting to forfeit the health and safety of its citizens, to appease oil lobbyists and prop up a failing industry.

- The rules under consideration would allow oil and gas (O&G) companies to use and transport “produced water” when drilling and fracking, provided that public health, the environment, and fresh water are protected. **Unfortunately, there exist no standards or safeguards to actually protect public health, the environment, and fresh water from “produced water.”**
- The rules would allow the oil and gas industry to discharge or otherwise dump its toxic waste outside of oil and gas producing areas. Although the rules would allow this only where approved by the NM Water Quality Control Commission, **they explicitly imply that the Commission will at some point adopt rules that actually allow the dumping of “produced water” onto lands and in streams. This is a scary proposition considering that there are no known methods to safely treat this waste.**

The Oil Conservation Division's rules appear to set the stage for a more insidious plan to allow companies to discharge toxic waste into our environment and communities. In a time when the oil industry has proven to be a threat to both public health and the state economy, these rules expand fracking.

The youth of YUCCA stands with 42 tribal government representatives, groups, and businesses representing Indigenous and minority voices across New Mexico, Texas, Colorado and Arizona, who filed a joint [letter](#) in the proceedings - calling on New Mexico’s Oil Conservation Division to put peoples’ health first and put the brakes on plans to adopt new rules governing the use of the toxic oil and gas waste, known as “produced water.”

YUCCA is publicly demanding that the Oil Conservation Commission suspend all current rulemaking. There has been no meaningful outreach or engagement with the public or impacted communities. As a result, we recognize the state's authority in these proceedings as illegitimate.

We demand future rulemaking by the OCD acknowledges the untreatable nature of produced water, and protects our environment and citizens from it's associated dangers.

The health of New Mexican's cannot be risked so that the oil industry can offload the hazardous material they create. The commodification of fracking waste will serve to prolong the racist and intergenerational violence of fracking. We are standing against any and all efforts to bailout the industry and expand the extraction-based economy. We are facing budget austerity measures because we've relied on an industry that is fundamentally unsustainable and that is killing our people, poisoning our land and water, and destroying the planet. It's time to wake up and hold industry accountable. We demand research and investment in a just transition and a moratorium on fracking within the state of New Mexico. We demand justice.