

May 25, 2023

New Mexico Oil Conservation Commission  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

**Re: The Need for Rules to Address the Oil and Gas Industry's Use of Toxic "Forever Chemicals"**

Dear Commissioners:

We, the undersigned, write to you in support of the following application to adopt rules that address the use of toxic perfluoroalkyl and polyfluoroalkyl substances, otherwise known as PFAS, in the drilling, development, and production of oil and natural gas.

PFAS are a class of chemicals known for their toxicity at extraordinarily low levels, their multiple negative health effects including cancer, and their persistence in the environment, leading to their nickname "forever chemicals." Using these chemicals is particularly risky in New Mexico where most of the population depends on groundwater for drinking. Oil and gas production, waste disposal operations, and spills can contaminate groundwater with toxic chemicals including PFAS – and, once contaminated, groundwater is especially difficult to clean up.

Although Governor Michelle Lujan Grisham has petitioned the U.S. Environmental Protection Agency to restrict PFAS use under federal hazardous waste law, oil and gas exploration and production waste is exempt from both federal and state hazardous waste law. The Governor's petition calls for "uniform" regulation of PFAS, which she describes as "an imminent and substantial endangerment to human health and the environment." There is an urgent need for the Oil Conservation Commission to ensure that the oil and gas industry is held accountable to the same public health, welfare, and safety standards as other chemical industries.

The proposal before you addresses the very real threat that dangerous chemicals like PFAS pose to New Mexico communities and clean water by both prohibiting the use of PFAS in downhole oil and gas operations and enhancing disclosure rules to ensure compliance and transparency around the chemicals used by industry.

We urge you to grant the rulemaking application submitted by WildEarth Guardians and set a rulemaking hearing. We support the request that a hearing be held in September 2023.

We look forward to further engaging in this process before the Commission. Thank you.

Sincerely,

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