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Groups to EPA: Act Now to Control New Mexico's Dairy Pollution Problem

Majority of all state's dairies are contaminating local groundwater resources; only 1 in 10 mega-dairies are regulated under current waste guidelines

SANTA FE, NM—MARCH 5, 2015—A coalition of eight local, state and national organizations are calling on the U.S. Environmental Protection Agency Region 6, Water Quality Protection Division (EPA) to increase its involvement in controlling the environmental and community health impacts of New Mexico's dairy industry. Led by Socially Responsible Agriculture Project (SRAP), the groups have submitted scientific, technical and legal comments on the EPA's proposed federal Clean Water Act General Permit for New Mexico's concentrated animal feeding operations (CAFOs) to encourage direct action for improving regulation of the industry.

In addition to SRAP, members of the coalition include New Mexico Environmental Law Center, Animal Legal Defense Fund, Sierra Club (Rio Grande Chapter), Amigos Bravos, Rio Valle Concerned Citizens, Lea County Concerned Citizens and Mesquite Community Action Committee.

Currently, the EPA's permitting program only regulates 22 of New Mexico's more than 200 CAFO dairies, leaving approximately 90% of the state's CAFO dairy animal waste unregulated. The proposed new permit is expected to increase the number of covered dairies to just 25. On average, New Mexico's mega-dairies are three times greater than the EPA's standard definition of a "large" CAFOs, making the state's dairy CAFOs excessively large both in scale and in the amount of pollution they produce.

"The EPA has the opportunity here to steer New Mexico's dairies away from a pollution pandemic and toward pollution prevention," said SRAP legal consultant, Elisabeth Holmes of Blue River Law, P.C. "We are asking EPA to use its permitting authority to fill the void where the state has abandoned the people of New Mexico."

The coalition's joint comments to EPA also highlight New Mexico's own data showing that nearly 60% of the state's dairies are groundwater polluters, raising dangerous nitrate levels in local drinking water, threatening long-term environmental damage and putting public health at risk across the state. Communities in the vicinity of polluting dairy operations are subject to intense, foul manure odors, swarms of flies in and around their homes, and airborne animal waste, all of which result in a downward spiral of their health and quality of life.

"The industry-proposed dairy rule will completely gut current state regulations in New Mexico," said Jon Block, an attorney with the New Mexico Environmental Law Center and legal counsel for five of the coalition member organizations. "Already neglected state water resource protection will continue to collapse under the new rule, making a reasonable and responsible federal push from the EPA crucial to the preservation of New Mexico's environment and public health."

The General Permit regulates how CAFOs operate -- including regulations set to prevent manure from polluting local and regional water sources. According to U.S. Department of Agriculture statistics, New Mexico is the ninth largest producer of dairy manure in the nation. A 2,500-head dairy operation produces the waste of more than 400,000 people annually, meaning the state's 355,000 dairy cows produce about the same amount of waste as more than 58 million people per year.

"The dairy cows in New Mexico produce the same amount of waste that is produced by all the people in California and Texas combined," said Rachel Conn, Interim Executive Director for Amigos Bravos. "The difference is most of it goes untreated, leading to disastrous impacts on New Mexico's water resources."

Given that 90% of New Mexicans rely on ground water for drinking water, the connection between massive amounts of unregulated manure, fragile groundwater resources and surface water pollution highlights the risks associated with the state's dairy industry.

"Whether they know it or not, the people of New Mexico are losing their health, living standards and lifestyles to the dirty and dangerous advance of industrial-sized dairy facilities," said Sierra Club's, Dan Lorimier. "The EPA needs to get off the sidelines and issue a federal permit that protects the land, resources and citizens of this state before the damage cannot be undone."

A copy of the submission *Public Comments on EPA Region 6's Draft National Pollutant Discharge Elimination System General Permit for Discharges from Concentrated Animal Feeding Operations in New Mexico* is available upon request.

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About Socially Responsible Agricultural Project (SRAP)

Socially Responsible Agricultural Project provides free, professional assistance to communities working to protect themselves from factory farms and their impact on local communities and populations, and to those who are trying to reclaim agriculture by producing and marketing sustainable agricultural goods. More information can be found at www.sraproject.org.

About The Sierra Club (Rio Grande Chapter)

The Sierra Club Rio Grande Chapter has more than 8,000 members in New Mexico and West Texas who contribute to our mission to explore, enjoy and protect the planet. More information can be found at www.riograndesierraclub.org.

About New Mexico Environmental Law Center (NMELC)

New Mexico Environmental Law Center's mission is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education. Since 1987, NMELC's attorneys have handled over 250 critical cases in low-income and minority communities fighting pollution and environmental degradation. NMELC charges few, if any, fees to its clients, most of who are from Hispanic and Native American communities. For more information, please go to www.nmenvirolaw.org.

About Amigos Bravos

Formed in 1988, Amigos Bravos is a statewide river conservation organization guided by social justice principles and dedicated to preserving and restoring the ecological and cultural integrity of New Mexico's water and the communities that depend on it. Visit www.amigosbravos.org.