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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/12  
 LAST UPDATED 02/06/12

SPONSOR Wirth HB \_\_\_\_\_

SHORT TITLE Mercury Warning Signs at Lakes & Rivers SB 39/aSCONC

ANALYST van Moorsel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	\$100.0	Nonrecurring	Game Protection Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Game and Fish (DGF)  
 Environment Department (ED)  
 Department of Health (DOH)

### SUMMARY

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to Senate Bill 39 changes the source of the appropriation from the general fund to the game protection fund.

#### Synopsis of Original Bill

Senate Bill 39 appropriates \$100,000 from the general fund to the Department of Game and Fish (DGF) for expenditure in fiscal year 2013 to post warning signs on lakes and rivers where mercury levels may pose a risk to children or pregnant women.

### FISCAL IMPLICATIONS

The DGF cites possible future costs to replace damaged signs, change signs based on new information, and post additional signs at other waters if information warrants. The DGF adds that current advisories are based on limited numbers of samples, and they can change as additional samples are collected and analyzed, which could make static signs inaccurate, requiring regular changes.

The appropriation of contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY13 shall revert to the general fund.

### **SIGNIFICANT ISSUES**

The Department of Environment reports that Fish consumption advisories for mercury are the most common advisories in New Mexico. The DGF, the Department of Health (DOH), and the New Mexico Environment Department (NMED) collaborate in the development of such advisories. NMED analyzes fish tissue to determine mercury levels and potential risk, and crafts the advisories for DOH and DGF review. All three agencies take responsibility for dissemination of the information; NMED maintains a website, DOH maintains toll-free numbers for the public to call with questions, and DGF publishes fish consumption advisories in the fishing proclamation. At present there is no effort to disseminate this information at the actual waters that may be contaminated, including any signage.

The DGF reports that information to be posted on the signs can be complex, as it requires explanations for different species, different sizes, and different amounts that may be consumed for each species. This information is better conveyed in a written document or on the internet where space is less limited.

The DGF adds that posting generic warning signs might have a negative impact on visitation, sales of fishing licensees, and therefore on income to local economies by unnecessarily scaring people away. While it may be possible to reduce this impact by providing enough information on the sign to inform the public, as noted above this level of information is difficult to convey on a sign and may not be thoroughly read and understood by the public.

### **ALTERNATIVES**

The DGF states that the Environment Department and the DOH are the technical experts with regard to human mercury consumption impacts and providing the public with health information regarding consumption risks, and suggests that one of these agencies would be a more appropriate recipient of the appropriation.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The public would continue to be provided consumption advisory information on one of three state agency websites and in the fishing rules and information booklet.

PvM/lj:svb