

CONSOLIDATED ENVIRONMENTAL REVIEW ACT

FACT SHEET August 31, 2010

Balancing Public Health, Environmental, and Economic Concerns

PROBLEM

- Researchers believe that a neighborhood's physical conditions are responsible for much of the poor health that we witness today (Williams & Collins, 2001).
- Disease is costly in terms of health care and loss of human talent, particularly for low-income and minority groups – nearly \$1.24 trillion dollars from 2003 – 2006 (Joint Center for Political and Economic Studies, 2009).
- Ill health is especially prevalent in poor neighborhoods where residents not only experience fewer opportunities for economic mobility, but also experience a disproportionate burden of pollution. In fact, poor communities face a cumulative exposure rate to hazardous sites that is nearly nine times greater (Faber & Krieg, 2002).

DIMENSIONS OF THE PROBLEM

- Currently, New Mexico regulations set limits for individual pollutants in air, water, soil and other sources of exposure; they do not account for exposure to multiple pollutants from a single facility or multiple facilities and do not require an assessment of a project's overall impact to the environment or public's health.
- This approach underestimates a project's total impact to our community's health and the environment.

CASE STUDY

Mountain View, located in the South Valley of Bernalillo County, is a largely Hispanic, low-income community with high asthma rates. Mountain View is home to many of Bernalillo County's heavy industries. In 2007, residents learned that Vulcan, an international corporation, had received an air quality permit and had plans to locate a concrete batch plant across the street from Mountain View's community center, which serves approximately 300 children in before and after school programs. As part of the hearing process, residents were told that testimony on their children's health, traffic safety, and environmental quality issues, other than air, could not be considered. In response, community members worked with other communities facing similar circumstances to propose a policy that would require an overarching environmental assessment as part of the permitting process.

THE SOLUTION

- The Consolidated Environmental Review Act (CERA) requires an environmental assessment for all projects that require permitting under the federal Clean Air Act, Clean Water Act, and Hazardous Waste Act in order to identify, early on, impacts to the environment or the community's health through a 1-2 page environmental assessment.

- Environmental assessments include descriptions of: 1) the affected environment, 2) possible alternatives to the proposed actions, and 3) mitigating measures to reduce the project's impact to the environment and community's health.
- Sixteen states have enacted a similar policy, they are: Arkansas, California, Connecticut, Florida, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, New York, North Carolina, South Dakota, Virginia, Washington, and Wisconsin.

CERA WILL:

- Provide environmental protection across all communities, regardless of demographic or socioeconomic status, and ensure permitting decisions do not harm communities.
- Use evidence based science for the permit decision-making process by considering pollution sources, population exposures, environmental effects, and public health effects.
- Result in a consistent and predictable permitting process because projects will be vetted by the lead agency during the early project planning stages.
- Save millions in tax payer dollars for environmental clean-up and health care costs because assessment of potential environmental and health impacts will be conducted early in the project planning stages.
- Increase transparency of government actions that may adversely impact communities because of enhanced public notification and participation requirements.

CERA WILL NOT:

- Require longer permit processing times.
 - The policy will decrease, not increase, permitting times because project assessment will be conducted by a lead agency and potential problems, identified by stakeholders and agency staff, will be identified early in the project planning stages.
 - Staff from other states report on average it takes applicants from 1-5 days to complete an environmental assessment. Approximately 98% of permit applicants complete an environmental assessment, while only 2% are required to complete an environmental impact statement.
- Create job loss because of greater regulatory oversight.
 - Staff from other states report policy implementation did not hinder job growth. In fact, literature suggests the opposite is true; many business owners seek communities that offer natural resource amenities, a clean environment, and a good quality of life in order to attract a well educated and qualified workforce (Lorah, P., R. Southwick, et al., 2003).
 - Tourism is New Mexico's second largest industry, grossing \$5.7 billion annually (New Mexico Department of Tourism, 2010). Absent a clean environment, tourism, along with state revenue, is likely to decrease.

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