

Don't be Fooled: New Mexico Proposal Would Open Door for Toxic Frack Waste Dumping

New Oil Conservation Commission Regulations Would Allow Use and Discharge of Oil and Gas Industry's Toxic Waste, Threatening New Mexico's Clean Water

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We've highlighted before how [New Mexico's plan to let the oil and gas industry dump their toxic waste onto crops and into the state's streams is a horrible idea that threatens to undermine climate progress](#).

Sadly, [despite calls for Governor Michelle Lujan Grisham to put the brakes on these plans](#), her administration has decided to kick things into high gear.

At the end of June, the state's Oil Conservation Commission announced it [intends to amend its regulations to make it easier for the oil and gas industry to transport and use its toxic waste while drilling and fracking](#).

Worse, the proposed regulations would even authorize the dumping and discharge of this waste outside of oil and gas producing regions.

While billed as regulating "produced water," the fluids that would be regulated under the Commission's proposed rules are anything but water. As reports across the U.S. have found, this "water" is [actually a toxic cocktail of radioactive materials, heavy metals, proprietary fracking chemicals, and other contaminants that is known to be dangerous](#).

PRODUCED WATER

KEEP OUT OF REACH OF CHILDREN. FOR INDUSTRIAL USE ONLY
SEE MATERIAL SAFETY DATA SHEET FOR ADDITIONAL INFORMATION

EMERGENCY TELEPHONE (24 Hours)
800-424-9300 (CHEMTREC)

WARNING

MAY CAUSE EYE AND SKIN IRRITATION
MAY BE HARMFUL IF SWALLOWED
MAY CONTAIN HIGHLY TOXIC AND
FLAMMABLE HYDROGEN SULFIDE (H₂S)
GAS IN HEADSPACE OF TANK,
TANK CAR, OR TANK TRUCK



PRECAUTIONS

- PROTECT EYES, SKIN AND CLOTHING FROM CONTACT WITH PRODUCT
- WEAR RECOMMENDED PROTECTIVE EQUIPMENT
- USE WITH ADEQUATE VENTILATION
- KEEP CONTAINER TIGHTLY CLOSED WHEN NOT IN USE
- WASH THOROUGHLY AFTER HANDLING

FIRST AID

- EYES: IMMEDIATELY FLUSH EYES WITH PLENTY OF CLEAR WATER FOR 15 MINUTES. IF IRRITATION PERSISTS, CALL PHYSICIAN.
- SKIN: IN CASE OF CONTACT, IMMEDIATELY WASH SKIN WITH SOAP AND WATER. IN CASE OF INJECTION INTO OR UNDER THE SKIN, OR INTO ANY PART OF THE BODY, INDIVIDUAL SHOULD BE EVALUATED IMMEDIATELY BY A PHYSICIAN.
- INHALATION: IF OVERCOME BY VAPOR, IMMEDIATELY MOVE TO FRESH AIR AND CALL A PHYSICIAN. IF BREATHING IS IRREGULAR OR HAS STOPPED, START RESUSCITATION, ADMINISTER OXYGEN, IF AVAILABLE.

FIRE

FOAM, WATER SPRAY (FOG), DRY CHEMICAL, CARBON DIOXIDE AND VAPOR IZING LIQUID TYPE EXTINGUISHING AGENTS MAY ALL BE SUITABLE FOR EXTINGUISHING FIRES INVOLVING THE TYPE OF PRODUCT.

SPILLS

SHUT OFF AND ELIMINATE ALL IGNITION SOURCES. KEEP PEOPLE AWAY. RECOVER FREE PRODUCT. ADD SAND EARTH OR OTHER SUITABLE ABSORBENT TO SPILL AREA. MINIMIZE SKIN CONTACT. VENTILATE CONFINED SPACES. OPEN ALL WINDOWS AND DOORS. KEEP PRODUCT OUT OF SEWERS AND WATERCOURSES BY DIKING OR IMPOUNDING. ADVISE AUTHORITIES IF PRODUCT HAS ENTERED OR MAY ENTER SEWERS, WATERCOURSES, OR EXTENSIVE LAND AREA.

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The Oil Conservation Commission's proposed regulations seem benign, but within the details lurks a disturbing devil. For example:

- The rules would allow oil and gas 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." In fact, this [waste is considered too toxic to treat](#). There is no way for the Commission to ensure that the use and transport of the oil and gas industry's toxic waste will protect workers, groundwater, surface waters, and otherwise ensure the environment is not contaminated.
- 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 New Mexico Water Quality Control Commission, they explicitly imply that the Commission will at some point adopt rules that will 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 Commission's rules appear to set the stage for a more insidious plan to allow companies to dump their toxic waste into our environment.

Overall, the Oil Conservation Commission's rules would set a dangerous precedent. Rather than help New Mexico transition away from reliance on oil and gas, they would further entrench and enshrine the industry, jeopardizing the state's health, environment, and its

ability to confront the climate crisis.

The [Oil Conservation Commission is holding a virtual public hearing on July 30 on their proposed regulations](#). Stay tuned for more information as we continue to dig in to protect New Mexico's clean water.

We can't afford to let New Mexico get fracked! [TAKE ACTION: Don't let the oil and gas industry dump its toxic fracking waste in New Mexico](#).

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