



**NEW MEXICO  
BUSINESS COALITION**

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**RE: Oppose HB 242 Private Right of Action for Certain Statutes**

Mr./Madame Chair and Committee Members:

The New Mexico Business Coalition (NMBC) is an organization of hundreds of businesses and thousands of New Mexicans. Its focus is to make New Mexico a better place to live, work, and run a business so that New Mexicans have jobs and can provide for their families.

We respectfully oppose House Bill 242 (HB242) amends the Air Quality Control Act, Hazardous Waste Act, Solid Waste Act, and Water Quality Act to create a private right of action to seek enforcement against a person regulated by and alleged to be in violation of the act, rule, permit, or order issued under the act. We currently have four agencies (New Mexico Environment Department (NMED) Office of Natural Resources Trustee (ONRT) New Mexico Attorney General (NMAG) Energy, Minerals and Natural Resources Department (EMNRD)) which have been created and funded with taxpayer dollars to handle environmental issues of concern.

Individuals should have the right to bring concerns or issues to one of the four agencies for investigation and/or prosecution. But HB 242 creates a new environmental private right of action, which will upend any sense of regulatory structure or certainty in New Mexico – making it even harder to recruit and retain businesses to grow and diversify the state's economy. While a waiting period after notice is required to NMED or the NMAG, there is an exception for what an individual considers an immediate threat to health, safety, or of irreparable legal injury, in which case the action may be brought immediately after providing notice. This is what opens the door for potentially frivolous lawsuits to be filed and fast tracked.

In addition to creating an unfriendly business environment, the potential for outside lawsuits creates undue hardship on the four agencies charged with taking care of our environment.

We urge you to say 'NO' to HB 242 Private Right of Action for Certain Statutes and vote against putting this additional burden on businesses and our state agencies.

Thank you,

A handwritten signature in blue ink that reads "Carla J. Sonntag".

Carla J. Sonntag  
President/CEO