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FISCAL IMPACT REPORT

SPONSOR Martinez DATE TYPED 2/12/04 HB _____

SHORT TITLE Health Value of Precautionary Principle SB SJM 71

ANALYST Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

Duplicates HJM 89

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)
NM Environment Department (NMED)
Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 71 encourages implementation of the precautionary principle in public and environmental health assessment in New Mexico. The principle holds that when an activity raises threats of harm to human health or the environment, even if some cause and effect relationships are not fully scientifically established, mitigation or abatement measures should still be taken. The premise of the bill is that all New Mexicans have an equal right to live in a healthy and safe environment, and implementation of the precautionary principle could promote that as well as reduce the ever-increasing impact on public health resulting from exposure to environmental toxins.

Significant Issues

There is increasing awareness about the fragility of the environment and its impact on many health and social indicators. There is now an active Health and Environmental Coalition in New Mexico that is advocating on behalf of this precautionary principle.

This principle has been adopted by the City of San Francisco and is being considered by other jurisdictions across the country.

The memorial cites significant increases in the rates of various diseases and chronic conditions and presumes that they are attributable to environmental toxicants to which people are exposed and which damage the environment. Examples of these diseases and conditions include: cancer, asthma, Alzheimer's & Parkinson's diseases, birth defects, autism, diabetes, multiple chemical sensitivities, endometriosis, developmental disabilities and learning disorders. The memorial asserts that increases in the rates of these diseases can be reduced and public health improved if the precautionary principle is adopted as the basis for guiding regulatory and health policy. It also will promote economic opportunities and promote environmental justice.

The memorial further requests that the assessment involve testimony from members of the public, organizations and agencies, such as Environment Department (ED) and the Department of Health (DOH) who are concerned about environmental public health and the effects of implementing the precautionary principle. Finally, it requires that a report of the committee's findings be sent to the Governor and legislature no later than December 2004 and that copies of this memorial be transmitted to the committee and Departments of Health and Environment.

OTHER SUBSTANTIVE ISSUES

In the last few years, environmental health advocates and other organizations have formed an Environment and Health Coalition in New Mexico. This Coalition is aware of numerous efforts nationally to implement this principle and is working to bring its perceived benefits to New Mexico.

While the mission of both the Environment Department and the DOH are to protect and promote the public health and the environment, implementation of the precautionary principle could mean significant changes in various policies and regulations, including the permitting processes.

HPC reports that the principle of precautionary action holds that people, in response to proposed technological innovations, have a duty to take anticipatory action to prevent harm, an obligation to examine alternatives, and the right to stop the implementation of technological innovations in an open democratic process. The burden of proof of harmlessness for any proposed technological innovation must lie with the proponent of the innovation, not the general public. (Environmental Re-search Foundation, "The Precautionary Principle", www.monitor.net/rachel/r586.html)

The principle is a controversial paradigm shift in the societal approach to decisions to allow, implement, monitor and assess the impact of technological innovations, and, as such, has the potential to influence a wide range of public regulatory and legal procedures.

BD/lg