HOUSE JOINT MEMORIAL 24

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Antonio Lujan

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE

TO DEVELOP A LONG-TERM PLAN TO IMPLEMENT PRECAUTIONARY

PRINCIPLES IN DEPARTMENTS OF STATE GOVERNMENT.

WHEREAS, every New Mexican has an equal right to a healthy

and safe environment; and

WHEREAS, Article 20, Section 21 of the constitution of New

Mexico affirms that "the protection of the state's beautiful

and healthful environment is hereby declared to be of

fundamental importance to the public interest, health, safety

and the general welfare", and that "the legislature shall

provide for control of pollution and control of despoilment of

the air, water and other natural resources of this state,

consistent with the use and development of these resources for

the maximum benefit of the people"; and

.153551.1
WHEREAS, a principle for guiding activities to prevent harm to the environment and harm to human health has been emerging during the last fifteen years and is known as the precautionary principle; and

WHEREAS, the precautionary principle holds that when an activity threatens harm to human health or to the environment, precautionary measures should be taken, even if cause and effect relationships are not fully established scientifically; and

WHEREAS, precaution is the common sense idea behind many adages, such as "be careful", "better safe than sorry" and "look before you leap" and is inherent in the understanding of the Hippocratic oath of "first, do no harm"; and

WHEREAS, the concepts of precaution are the basis of many activities designed to protect the health and safety of United States citizens, such as requirements of the federal food and drug administration that call for new drugs to be tested before they are placed on the market and requirements of the federal Occupational Safety and Health Act of 1970 that requires employers to provide safe workplaces and working conditions; and

WHEREAS, the precautionary principle has been incorporated in international environmental treaties and in health, environment and educational policies of numerous governmental entities in the United States, including the city of San...
Francisco and the state of Massachusetts; and

WHEREAS, many New Mexicans are exposed to hazardous toxins in their homes, schools, workplaces and communities and suffer negative health impacts as a result; and

WHEREAS, the precautionary principle is a highly effective decision-making tool for reducing negative and costly long-term effects on public health resulting from exposure to environmental toxins; and

WHEREAS, there are approximately eighty-five thousand industrial chemicals in use today, most of which have not been adequately tested for toxicity; and

WHEREAS, many conditions, including asthma, cancer, Alzheimer's disease, Parkinson's disease and birth defects, have been linked to environmental toxins; and

WHEREAS, the precautionary principle should become the basis for reforming environmental laws and rules and should also be applied as a general principle governing industrial practices, maintenance of public buildings and the safety of schools and students;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the department of health be requested to establish a task force to develop a long-term plan to implement selected precautionary principles in departments of state government; and

BE IT FURTHER RESOLVED that the task force include
representation from the department of environment, the public education department and the general services department and representation from hospital and health care systems, businesses, consumers and municipalities; and

BE IT FURTHER RESOLVED that the plan developed by the task force pay strict attention to methods of implementing the federal environmental protection agency's program known as "tools for schools" to promote a safe environment for children in the public school system; and

BE IT FURTHER RESOLVED that the plan provide for ways to implement a safe products and safe practices program in public buildings and health care facilities, including the appropriate use of pest management products; and

BE IT FURTHER RESOLVED that the task force identify and assess the benefits of implementing precautionary principle ordinances and policies in areas such as land use, vehicle fleet choices and maintenance and purchasing of cleaners, building and remodeling materials, office supplies and electronic equipment for public buildings; and

BE IT FURTHER RESOLVED that the task force report its progress to the legislative health and human services committee at its October 2005 meeting; and

BE IT FURTHER RESOLVED that the final report of the task force be presented to the legislative health and human services committee, the legislative education study committee and the
legislative finance committee by October 2006; and

BE IT FURTHER RESOLVED that copies of this memorial be
sent to the secretaries of health, environment, public
education and general services.

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