



ANIMAL PROTECTION NEW MEXICO
ANIMAL PROTECTION VOTERS

Friday, October 10, 2025

New Mexico Environment Department
Environmental Improvement Board
1190 St. Francis Drive
Suite N4050
Santa Fe, NM 87505

Delivered via public comment form at <https://nmed.commentinput.com/?id=Q7EpmKPeC>

RE: Public Comment on Proposed Adoption of 20.2.92 NMAC Clean Transportation Fuel Program

Dear Environmental Improvement Board,

On behalf of Animal Protection New Mexico (APNM), we thank the New Mexico Environment Department and the Environmental Improvement Board for your work on the proposed rule to implement the New Mexico Clean Transportation Fuel Program (CTFP). We are grateful to Governor Michelle Lujan Grisham for her incredibly important leadership in this effort to address climate change. Animal Protection New Mexico is supportive of the CTFP, and we encourage the Board to avoid delaying implementation of the rule. However, we must also raise a serious concern over the avoided methane crediting for biogas sourced from large animal agriculture operations. We urge the Board to adequately address this concern in the final rule.

APNM is a statewide 501(c)(3) nonprofit organization, founded 45 years ago, that advocates for the protection and humane treatment of animals by effecting systemic change. APNM creates policies, infrastructure, and services that protect animals and strengthen our communities, and we design and implement humane and pragmatic solutions to seemingly intractable problems involving animals. We also engage in issues and policies that indirectly impact the welfare of animals, like many environmental and climate policies do.

New Mexico's CTFP creates a market of credits in our state that fossil fuel companies can purchase to meet a carbon intensity standard. APNM's concern lies in the part of the program where methane is assigned negative carbon intensity values in order to generate lucrative credits (avoided methane crediting). The producers of methane can sell these credits to their financial benefit. The US Environmental Protection Agency reports that 37% of global methane emissions from human activity are the direct result of livestock and agricultural practices.

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Small family farms, with pastured animals, produce little to no methane. Therefore, small family farmers will not benefit from the CTFP. Instead, the financial benefits will be enjoyed solely by big factory farms and mega-dairies—where thousands of cows are tightly confined inside facilities for their entire lives, and their waste accumulates under their feet and is scraped or flushed into giant manure lagoons. The waste is largely untreated before being moved to the lagoons, where the waste breaks down in an anaerobic environment, producing methane gas as a byproduct.

Large numbers of animals confined in small areas produce large, highly concentrated volumes of urine and manure. In addition to organic matter and nutrients such as nitrogen and phosphorus, manure can contain and produce hazardous substances including ammonia, hydrogen sulfide, heavy metals, antibiotics, hormones, pesticides, microorganisms, and methane. Methane is an extremely potent greenhouse gas with a planet-warming potential 23 times that of carbon dioxide. When factory farms and mega-dairies extract methane from the waste produced, the waste is not eliminated; substantial waste byproduct remains.

While it may be inadvertent, nonetheless the current proposal encourages—with financial incentives—large industrial mega-dairies to grow and multiply, with as many cows as possible, to create as much manure and methane as possible. This would constitute very harmful public policy.

New Mexico already has the largest average dairy herd size in the country, according to the latest data available, our mega-dairies generate 11.5 billion pounds of manure each year—four times more than New Mexico’s human population generates.

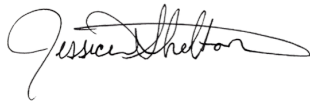
Mega-dairies use enormous amounts of New Mexico’s precious water as part of their standard operations. APNM’s [recent study](#) on the economic impact of New Mexico dairies found that NM’s dairies consume 1.63 million acre-feet of water per year. The resulting manure and urine are notorious for polluting groundwater and drinking water. Mega-dairies are environmental justice disaster areas, subjecting local communities to dangerous public health threats and nuisances.

Mega-dairies and factory farms are also the site of some of the worst large-scale animal cruelty found in the state. Most recently, in 2025, the New Mexico Livestock Board undertook a felony animal cruelty investigation of a mega-dairy in Roswell with approximately 6,000 dairy cows and calves, after footage showed cows being brutally beaten and pregnant cows having calves prematurely and violently extracted, resulting in injury and death.

For reasons of clean water and air, available water in a drought-stricken climate, healthy communities, and humane treatment of animals—the *last* thing New Mexico should do is adopt a policy that gives factory farms and mega-dairies a green light to get bigger and create even bigger problems for our community than they already do.

We strongly urge the Board to craft the proposed rule such that the State of New Mexico is not paying polluters—such as those operating mega-dairies—to create even more pollution and other harms that accompany their business. Instead, New Mexico should focus on rewarding true reductions in greenhouse gas emissions, which will create a real impact in the fight against climate change. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Jessica Shelton", with a stylized, flowing script.

Jessica Shelton
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Animal Protection New Mexico
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