

“THE MAKING OF MODERN NEW MEXICO: THE ROLE OF GOVERNOR KING”

Environmental Health and Protection Memories

by

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My last presentation a few weeks ago was in a room at the Museum of Natural History decorated with sketches of dinosaurs where I felt completely in place. I am slightly younger than Bruce King, but I also feel very comfortable here.

A few years ago that I learned that I am considerably smarter than Governor King. I have never attempted to kick a rattle-snake as he did, but have always managed to hasten their journeys over the Great Divide with the aid of a 12 gauge shotgun conveniently cradled in my arm.

The request to briefly discuss a few of the environmental health and protection contributions of Governor King brought back memories of Camelot. I kept a few papers dealing with the Bruce King era, and numerous are available online. I recalled some of the past in a manuscript entitled “**Environmental Health and Protection Adventures**” http://www.larryjgordon.com/Environmental_Health_and_Protection_Adventures.htm that I developed in 1994 while a Professor of Public Administration at UNM and is available by Googling the title – for any student or researcher interested in the 1950 to 1988 era of public health and environmental health and protection.

Governor King had many advisors and was receptive to all. Caryl Cagle of his staff had great influence, as did State Engineer Steve Reynolds, Sandia Corporation Vice President Ray Powell, his son Gary King (now Attorney General), DFA Secretary Kay Marr, legislative liaison Franklin Jones, State Planning Officer David King, economic advisor Lee Zink, as well as my brother Game and Fish Director Ladd Gordon. Ray Powell, Jr. served as King’s Environmental Advisor during his third term. And, most importantly of course, his wife and political partner Alice King. I had opportunity to provide input as necessary, and some of my recommendations resulted in important policy.

Bruce King’s first term as Governor was during an era of change in environmental health and protection policies. The creation of EPA affected environmental health and protection policy throughout the Nation.

Following Bruce King’s election, I observed him n O’Hare Airport one evening. He had campaigned to develop a new organization for environmental protection. I introduced myself and asked if he would be receptive to a detailed recommendation regarding the scope, functions, staffing and budget for a new Agency. He was positive in his response, and indicated that “*We just want to do a good job.*” His willingness to accept input was among Governor King’s strengths.

Following meeting Governor Elect King at O’Hare Airport, I submitted a lengthy recommendation as we had discussed when I met him.

http://www.ncleha.org/larrygordon/papers/1970/Creating_NM_EIA.pdf

I noted that he had favored creating a new agency designed to retain New Mexico's environmental quality and that New Mexico could still act to prevent serious environmental degradation.

And I wrote that the President and the Congress had recently created the Environmental Protection Agency to combine some fragmented programs at the federal level.

http://www.sanitarrians.org/Gordon/EPA_creation.pdf

My letter requested that any environmental health and protection effort provide for surveillance, research, promulgating standards and regulations, public information, analyses, data processing, and enforcement. The Department should address such problems as water pollution, water supply, air quality, radiation protection, environmental chemicals, food protection, solid waste management, and land-use.

And I closed the lengthy paper by writing that, "I recall your words to the effect that '*We just want to do a good job!*' If the decision is made to create a separate agency, I am taking this opportunity to apply for the position of Director."

Early in his term, the Governor asked Representative Jamie Koch to meet with me to discuss legislation for the proposed New Mexico Environmental Protection Agency. Jamie thought the "Program Guide" we had developed provided the proper scope for the new Agency. The bill Jamie developed also provided for a Board to develop all regulations and standards as authorized in the bill. During the Legislative process, the title of the new agency was changed to New Mexico Environmental Improvement Agency. New Mexico subsequently had the most comprehensive environmental health and protection agency in the Nation. During Governor King's third term, he led in changing the agency's title and status to New Mexico Environment Department headed by a Cabinet Secretary.

New Mexicans should be grateful to Governor King for this major achievement in "The Making of Modern New Mexico" to ensure a healthful environment for this and future generations of New Mexicans.

And a few other examples:

The Agent Orange Caper

Following the Vietnam War, the Department of Defense (DOD) was desperately looking for a place to dispose of huge quantities of the defoliant Agent Orange.

New Mexico may have appeared to be an unpopulated desert to someone sitting in a cubicle on the banks of the Potomac. DOD decided that its Agent Orange could be injected into deep wells in the area southeast of Roswell on the Caprock. Agent Orange contains dioxins, and I could just imagine the dioxins getting into the underground petroleum, and ultimately being spewed into the atmosphere from combustion of fuels in transportation vehicles.

Finally, a Colonel from the Pentagon called me to advise me that DOD was going to implement the plan. I told him we would take steps to require an Environmental Impact Statement if they proceeded. We never heard from DOD again.

State Engineer Steve Reynolds charged that I had I acted without authority (I probably did), but New Mexico didn't get the Agent Orange!

Bruce King steadfastly supported my stance.

Occupational Health and Safety

In 1971, Governor King approved my request to designate the EIA as the State OSHA agency. The Legislature, with some prodding by Senator Tibo Chavez, subsequently authorized the state administered OSHA program.

Another King achievement.

Mercury Hysteria

We determined that many of our lakes and reservoirs had always contained mercury from natural sources. Ingestion of sufficient amounts of certain species and sizes of fish taken from these waters could be dangerous. Caution, not banning of fishing and ingestion of reasonable amounts of fish, was dictated.

When we determined the mercury problem in Navajo Lake in the early 1970s, we issued appropriate warnings. Realistically, it would be unheard of for someone to catch, and subsequently ingest, enough large fish to cause harm.

This approach didn't satisfy a few activists who demanded that Governor Bruce King dismiss me.

I don't think he dignified their request by responding.

The New Mexico Council on Environmental Quality

The 1971 Legislature also created a Council on Environmental Quality (CEQ) supported by Governor King. The CEQ had responsibilities similar to the President's Council on Environmental Quality and those in some twenty other states. The CEQ was to be responsible for environmental studies, recommending programs, identifying environmental program needs, identifying program duplications, and developing reports on the status of the environment.

The Legislature stripped the proposed CEQ of funding, the responsibility for staffing was assigned to the Environmental Improvement Agency, and the CEQ was administratively attached to EIA. This was a fatal organizational error. The CEQ should have been attached to the Governor's Office, as its powers and scope of responsibilities affected numerous agencies. Other agency directors viewed CEQ as being a part of EIA and having jurisdiction over their operations. Authorization for the NM CEQ was finally repealed in a subsequent session of the Legislature.

The Scientific Laboratory System

In 1972, HSSD Executive Director Dick Heim and Governor King approved my proposal for the New Mexico Scientific Laboratory System.

http://www.ncleha.org/larrygordon/papers/1991/Creating_NM_Sci_Lab.pdf

The State Medical Investigator then requested that the facility be designed to provide space for the Office of the Medical Investigator.

In the 1973 Legislature, Governor King requested a capital appropriation for the facility. The legislative process was difficult, but thanks to the support of Governor King, Jamie Koch, Legislative Analyst Kay Marr, and Senator Aubrey Dunn (for a supplemental appropriation), funding was approved. This resulted in our Nation's most comprehensive State laboratory support for numerous State, Federal, and voluntary agencies.

The SLS was a major achievement during Governor King's tenure.

I remain deeply appreciative of Governor King's support, including numerous opportunities to testify regarding various national environmental health and protection issues and thereby protect the environmental quality of New Mexico.

Governor King sat the gubernatorial saddle comfortably, guided government with a light rein, and used the reins or spurs of power only when necessary. He desired to hire qualified personnel and delegated authority easily. He was interested in the big picture, not the details. This provided great opportunity for the State of New Mexico to profit from the vision and leadership of most appointees. Regrettably, this admirable trait also backfired in a few cases when personnel did not live up to his expectations.

During Governor King's first Legislative session as Governor, he requested I submit a short statement to be included in his "**State of the State**" address. He closed his address by exhorting the Legislature to "***Head 'um up and move 'um out.***"

That's still good advice!