



New Mexico Governor's Task Force Recommends Rule Changes to Foster Business Friendly Environment

By: [Carol Leach](#)

The "Small Business-Friendly Task Force" created by New Mexico Governor Susana Martinez recommends numerous changes to existing state agency rules, including those of the Oil Conservation Division, to develop a more positive business environment in the state.

The task force members represented over 10,000 small businesses through individuals and associations. They made specific, priority recommendations for a number of state agencies to change or eliminate rules ranging from greenhouse gas emission caps to not allowing hand sanitizers in child care facilities.

The Task Force focused specific recommendations on four rules or practices of the Oil Conservation Division:

1. Enforcement and Compliance – Review the rule to ensure the requirements are enforced fairly and reasonably;
2. Pits, Closed Loop Systems, Below Grade Tanks, and Sumps – Review the changes made to the Pit Rule in recent years to determine if the new requirements are creating costly burdens to the industry without significantly improving environmental protection;
3. Surface Waste Management Facilities – Conduct the same review as for the Pit Rule, above; and
4. Requests for Allowable and Authorization to Transport – The Task Force recommends the Form C-104 for these requests by provisionally approved when filed so that production can start more quickly, because the delay in waiting for approval hurts profitability and job creation and can damage certain types of wells.

The Task Force made four overall recommendations for state regulatory agencies. The Task Force proposed that state rules across the board be no more stringent than federal standards and correct any rule that requires more than the federal standard.

The Task Force also recommends full implementation of the Small Business Regulatory Advisory Commission, created by statute in 2005, to review rules and their impact on small businesses and to hear the concerns of businesses with existing and proposed rules. The Task Force seeks an economic review of a proposed rule by a neutral party, such as the Department of Workforce Solutions, rather than by the agency proposing the rule.

Finally, the Task Force wrestled with the difficulties small businesses find in working with mid-level managers at the Environment Department and other agencies who have an anti-business agenda despite the changes in the policy makers within each agency as a result of the change in administration on January 1, 2011. Its recommendation is that businesses facing problems with agencies contact the Office of Business Advocacy.

The Task Force believes the recommendations will benefit New Mexico's small businesses so they may create jobs and keep the state competitive.

For more information, please contact [Carol Leach](#).

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