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## NEW MEXICO STATE EMERGENCY RESPONSE COMMISSION

### Policy for Confirmation of LEPC Committee Members

**Effective: June 14<sup>th</sup>, 2024**

#### **Purpose**

To establish a standardized procedure for the confirmation of Local Emergency Planning Committee (LEPC) members by the New Mexico State Emergency Response Commission (SERC) in accordance with the Emergency Planning and Community Right-to-Know Act (EPCRA) and to ensure that appointments inspire public trust and confidence.

#### **Authority**

This policy is established under the authority granted to the SERC by the EPCRA, specifically under Section 301(c), which empowers the SERC to appoint LEPC members for each emergency planning district within the state.

#### **Policy Statement**

The SERC shall have the authority to confirm LEPC members brought forward by each planning district. This policy reserves the right for the SERC to make appointments if the planning district fails to bring forward candidates. The SERC also reserves the right to not confirm a suggested committee member if the person's appointment would fail to inspire public trust and confidence.

#### **Procedure**

##### **1. Nomination Process**

- Each planning district shall nominate individuals to serve on the LEPC.
- Nominations must be submitted to the SERC for confirmation.
- Nominees may serve on an interim basis until such time that the SERC is able to convene a regular meeting and confirm or reject their appointment.
- Nominations should include representatives from the groups listed under Section 301 of EPCRA, which include but are not limited to:
  - Elected State or Local Officials
  - Local Emergency and Health Personnel (e.g., law enforcement, emergency management, firefighters, emergency medical personnel, health officials)
  - Broadcast, Print, and Internet Media
  - Community and Citizen Groups
  - Owners and Operators of Covered Facilities

##### **2. Evaluation Criteria**

- The SERC shall evaluate each nominee based on their qualifications, experience, and ability to contribute to emergency planning and community right-to-know activities.
- Nominations should ideally include members who are interested in emergency planning and preparedness programs.

##### **3. Confirmation or Rejection of Nominees**

- The SERC shall confirm or reject nominees within 30 days of receiving nominations.

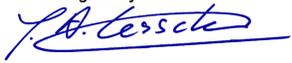
- The SERC reserves the right to reject any nominee if their appointment would fail to inspire public trust and confidence.
  - The SERC shall provide written justification for any rejection of a nominee.
4. **Appointment by the SERC**
- If a planning district fails to nominate candidates, the SERC shall have the authority to appoint members to the LEPC.
  - The SERC may appoint individuals from the specified groups under EPCRA Section 301 to ensure broad representation.
5. **Annual Review**
- The SERC shall conduct an annual review of LEPC memberships to ensure continued compliance with EPCRA requirements and this policy.
  - Adjustments or reappointments may be made as necessary based on the review.

**References**

- **EPCRA Section 301(c):** Establishes the SERC's authority to appoint LEPC members.
- **EPA LEPC Handbook:** Provides guidance on LEPC and TEPC organization, including recommended representatives.

**Policy Implementation**

This policy shall be implemented immediately upon approval by the New Mexico State Emergency Response Commission and shall be reviewed annually for effectiveness and compliance.

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6/25/2024