DRAFT – Rationale for NM National Guard Testing

Testing Protocol Question: What is the rationale and validity of the proposed test?

Consolidated Rationale for Testing:

Intel is regulated by the New Mexico Environment Department under an Air Quality Permit that requires annual stack testing that must follow the specified EPA test methods and protocols. This testing is required on each thermal oxidizer and scrubber stack and is conducted by a testing consultant that is hired by Intel. Annual stack testing has been conducted since 2000 and prior to that the permit required other testing at various frequencies. Between 2001 and 2004, the New Mexico Environment Department completed a Health Evaluation that included 140 canister samples at 18 locations and 36 days of Open Path FTIR data at 3 locations. Testing was conducted between July 2001 and Aug 2003 and was done by citizens, NMED consultants, and Intel consultants.

Historically, the CEWG has vigorously pursued more independent testing of air emissions on behalf of local residents. Community concerns about crystalline silica from Intel ("Boiling Frogs," Rockwell, 2005, pp. 199-203) led the CEWG in 2010 and 2011 to organize and implement a community-led plan to do independent testing for crystalline silica. An appropriate test protocol was devised in collaboration with a silica specialist at the National Institute for Occupational Safety and Health (NIOSH); sample analyses were done for free by the NIOSH laboratory, which reported results only to the citizens committee. The protocol included two-person teams of citizen volunteers, several of them nominees of then Mayor Gasteyer of Corrales, who observed the work of taking, labeling and shipping stack samples on round-the-clock shifts.

Residents living near the Intel plant continue to desire independent verification of the testing that has been completed. There is distrust of Intel's process because it is completed by an Intel contractor, concern that Intel could be prepared and adjust emissions levels, and concern about the legitimacy of the NMED Health Evaluation.

Sampling and testing by the New Mexico National Guard has the possibility of providing unexpected information at little cost, as this process can be completed at unspecified times and can coincide with equipment and skills testing already possessed by the National Guard. It also provides an independent provider of testing and facilitates community discussion. Further, it could provide additional information about air sampling technology and techniques that may be used to measure at the levels and over the time periods desired.

The primary limitation of this process is that the New Mexico National Guard testing procedures are designed to measure short-term, very high concentrations typical of emergency situations, rather than the much lower concentrations typical of normally operating facilities. Since the National Guard's procedures measure at high concentrations, their processes might not identify emissions from the Intel facility. Nonetheless, testing by the National Guard is a new opportunity to complete more independent testing, which continues to be a major pursuit of the CEWG.