

**NEWS RELEASE***For Immediate Release***June 23, 2021**

*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

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**Environment Department reaches settlement with Lovelace Biomedical Research Institute**

**ALBUQUERQUE** — The New Mexico Environment Department (NMED) reached a settlement agreement with Lovelace Biomedical Research Institute (LBRI) for alleged violations of New Mexico's Radiation Protection Act dating back to 2017. LBRI is located in Albuquerque on property accessed through Kirtland Air Force Base. NMED alleged the facility failed to provide financial assurance sufficient to cover the cost of decommissioning radioactive materials at the facility. In addition, NMED alleged LBRI failed to maintain critical radioactive material inventory records.

In April 2019, NMED issued a Notice of Violation to the facility and in October of 2020, NMED issued an administrative order requiring compliance along with a civil penalty for continued non-compliance. The facility houses radioactive materials that could pose a threat to the public health and the environment if managed incorrectly or if LBRI stopped operating. Financial assurance ensures the company – not New Mexicans – will pay for the proper management, disposal and/or clean-up of these radioactive materials and the decommissioning of the facility.

“Skirting financial assurance requirements with the expectation that New Mexicans will bear the cost of decommissioning or cleaning up radioactive materials is unconscionable,” said NMED Cabinet Secretary James Kenney. “We continue to be tough on those who violate the law so we create a fair and level playing field for those businesses that play by the rules.”

As part of the settlement terms, LBRI must increase its financial assurance from \$1.5 million to \$3.6 million. LBRI must also be audited by a third party to determine if additional financial assurance is necessary. If that is the case, LBRI must secure the additional financial assurance within 30 days or face a \$5,000 per day stipulated penalty. Finally, LBRI must pay a civil penalty of \$100,000 which is remitted by NMED to the state's general fund. The general fund is the primary state fund from which the ongoing expenses of state government are paid.

The settlement agreement is available [here](#).

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*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. Throughout the COVID-19 pandemic, NMED's Occupational Health and Safety Bureau kept nearly 9,000 businesses open, 300,000 employees protected and countless New Mexico families safe by conducting more than 30,000 COVID-19 rapid responses.*

*The agency oversees more than 1,000 public drinking water systems serving nearly all 2 million New Mexicans, in addition to programs that protect our land, air and water.*

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Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502  
(505) 827-2855 or [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us)

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

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