

HB140: PFAS Firefighting Foams As "Hazardous Waste"

Allows New Mexico to regulate discarded firefighting foams containing PFAS as hazardous wastes, right-sized address current PFAS contamination related to AFFF – putting New Mexicans in charge of protecting New Mexicans.



Why is this bill important?

The answer is simple: New Mexico Environment Department is better than the federal government at protecting our state's public health and the environment from hazardous wastes.

This bill grants New Mexico the authority to designate discarded Firefighting Foams called aqueous film-forming foams (AFFF) that contain PFAS chemicals as hazardous waste.

The Environment Department will then enforce the cleanup of discarded AFFF as a hazardous waste that are not federally listed as hazardous wastes.

Any new AFFF hazardous waste identified by the NMED still requires the review and adoption by the Environmental Improvement Board through a public process, which is granted in this Bill.

With these amendments, New Mexico will join 21 other states legislatures that sought greater protections from unlisted hazardous wastes.

When signed into law, New Mexico will have clear authority to regulate the management and cleanup of discarded AFFF by the polluter – shifting the financial burden from taxpayers to the responsible party.

How will it benefit New Mexico?



Saves Taxpayer Money

- ✓ Places the cost of managing and cleaning up discarded AFFF on polluters – not taxpayers.
- ✓ Allows the Environment Department to proactively prevent pollution before it happens, versus responding to it.



Protects Communities

- ✓ Reduces the accumulation of toxic chemicals in your body.
- ✓ Prevents hazardous wastes from contaminating our land and water.



Creates Legal Certainty

- ✓ Allows New Mexico to create clear standards to address the most acutely toxic pollutants.
- ✓ Affirms New Mexico's authority to regulate toxic PFAS pollution from federal polluters.

Sponsors: Representative Christine Chandler and Senator Jeff Steinborn

Contact: Rick.Shean@env.nm.gov or JD.Nance@env.nm.gov