



STATE OF NEW MEXICO

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NEWS RELEASE

For Immediate Release

June 27, 2025

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New Mexico PFAS claim filed as federal bellwether case

Case could establish precedent for similar cases in national PFAS lawsuit

CHARLESTON, S.C. — A federal judge last week opened the door to New Mexico’s pursuit of its ongoing civil case against Cannon Air Force Base for environmental and public health damage near Clovis.

The judge’s statements pave the way for New Mexico’s [July 2024 lawsuit](#) to serve as a national bellwether case for PFAS claims under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly referred to as the federal Superfund law.

With this filing, New Mexico moves to the front of the line among states seeking compensation for damages to their natural resources resulting from the U.S. Air Force’s decades-long use of toxic PFAS-laden firefighting foam. The foam leaked into nearby groundwater and caused devastating damage to Clovis residents’ health and local agriculture.

New Mexico’s case is one of hundreds that are part of multi-district litigation in a South Carolina federal court that aims to hold producers and users of PFAS-laden firefighting foam accountable for contamination at both military and civilian sites across the country. As such, any judgement in the New Mexico case will set a new precedent for states to hold polluters accountable across the United States.

“When I arrive at the federal courthouse in Charleston, I’ll carry with me the heart-wrenching kitchen table conversations I had with families in Clovis about cancers and other health problems inflicted on them by the Air Force’s reckless discharge of PFAS,” said **Environment Department Secretary James Kenney**. “We’re fighting for families who lost loved ones or the family farm, who worry about letting their children drink contaminated water, or who are now upside down on a mortgage because PFAS contamination caused their property values to crater. We will make these New Mexican voices heard until they are made whole by the United States.”

“For too long, the federal government has ignored its responsibility to clean up the toxic legacy it left behind in communities like Clovis,” said **Attorney General Raúl Torrez**. “This case gives

us the opportunity to establish once and for all that the United States can and will be held accountable for poisoning our water, harming our residents, and threatening our agricultural economy. We are proud to lead this fight — not just for New Mexico, but for every community impacted by PFAS contamination.”

“The residents of Eastern New Mexico will benefit from today’s action because there is a great urgency to the State’s natural resources damage claim,” said **Natural Resources Trustee Maggie Hart Stebbins**. “We all know that the Ogallala Aquifer — the historic sole water source for Cannon Air Force Base, the City of Clovis, and surrounding communities — is being depleted at an alarming rate and we have no time to waste. The U.S. Air Force’s delay in taking responsibility for their groundwater contamination is making it harder and harder to find solutions that will preserve and protect groundwater resources and ensure the viability of our communities in Eastern New Mexico.”

A decision that the United States is liable for natural resource damages under the Superfund law will force the federal government to compensate the state for ongoing contamination of its groundwater by paying the costs of projects that restore, protect, conserve, or replace groundwater. A declaration of liability will force the United States to work with New Mexico to address the PFAS contamination crisis around Cannon AFB.

This development in the federal litigation is in addition to the [lawsuit filed earlier this week](#) by the State of New Mexico. While the federal court claims focus on monetary damages and restoring the environment to pre-contamination levels, the state court claims focus on civil penalties and actions the U.S. Air Force must take to comply with state hazardous waste requirements.

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