

# Overview of Product Labeling

NEW MEXICO HB 212:  
THE PER- AND POLY-FLUOROALKYL  
SUBSTANCES PROTECTION ACT



# **Introduction by Secretary James Kenney**



# Agenda

- Overview of the PFAS Protection Act
- Overview of the Rule Implementing the PFAS Protection Act
- Applicability of Label Requirements to Product Categories
- Overview of Labeling Requirements and Potential Label Symbols/Language
- Consistency with Other States
- Next Steps
- Questions and Answers

# Meeting Objectives



Introduce stakeholders to product labeling requirements under development by the New Mexico Environment Department (NMED).



Communicate the intended broad applicability of labeling requirements to a wide range of product categories, including product categories “exempted” from other aspects of the PFAS Protection Act.



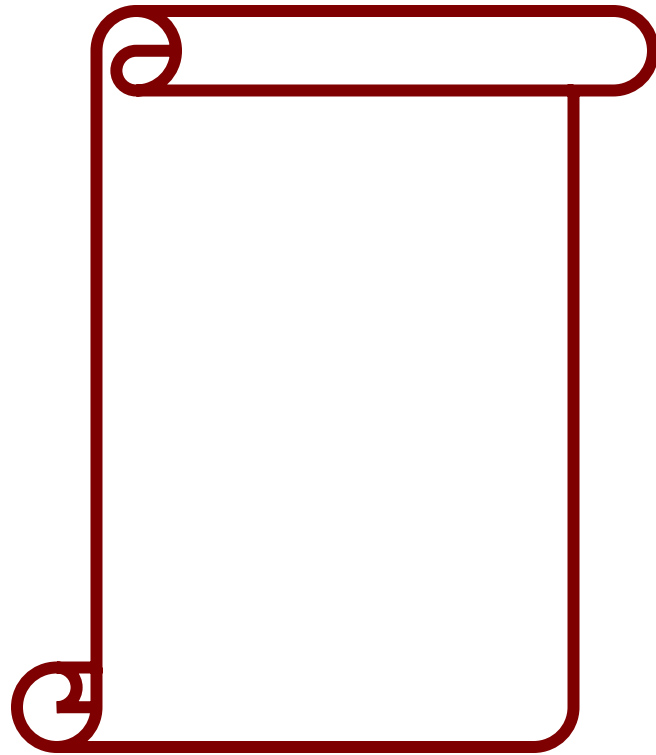
Summarize product labeling requirements and answer clarifying questions from stakeholders.



Outline opportunities to submit additional questions/feedback to NMED.

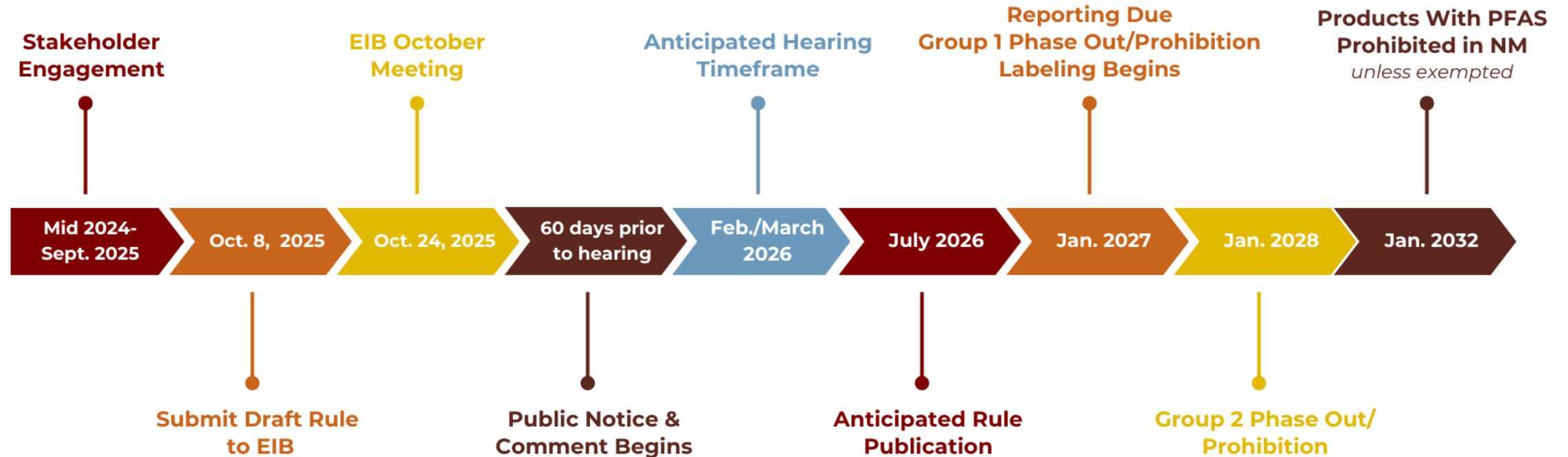
# **Overview of the PFAS Protection Act and Proposed Rule**

# PFAS Protection Act



- Phases out/prohibits certain products that contain intentionally added PFAS
- Requires reporting of specified information for products containing intentionally added PFAS
- Identifies categories exempt from reporting requirements (which may still be subject to labeling requirements)
- Provides for product testing
- Authorizes the Environmental Improvement Board to require the labeling of products in English and Spanish

# Rule Implementation Timeline



# Implementing the PFAS Protection Act

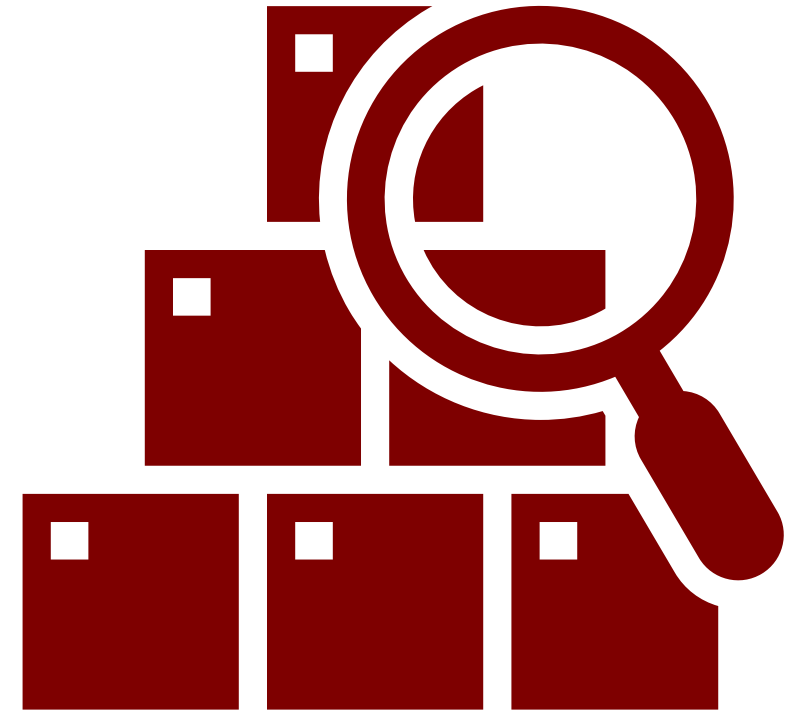
- Scope
- Objective
- Definitions
- Prohibitions on Products Containing Per- or Poly-fluoroalkyl substances
- Exemptions
- Currently Unavoidable Use
- Reporting Requirement
- Labeling
- Testing
- Fees
- Enforcement



# **Applicability of Labeling Requirements**

# Labeling Requirements by Product Category

- Labeling requirements will apply to **all products that contain intentionally added PFAS sold, offered for sale, or distributed in New Mexico**, including:
  - Product categories included in sales phase outs/prohibitions
  - Product categories exempted from reporting requirements of the PFAS Protection Act
  - Products where PFAS is determined to be a Currently Unavoidable Use
- Used products are exempted from labeling requirements



# Possible Exemptions from Labeling Requirements

- Manufacturers of products falling into product categories exempt from prohibition and reporting in Section 3(A)(1)-(16) of HB212 are eligible to request an exemption from labeling requirements
- A manufacturer will need to demonstrate that consumers of the product will not come into direct contact with intentionally added PFAS while the product is being used as intended and throughout the useful life of the product
- Motor vehicle example:
  - Intentionally added PFAS is likely included in many components of a motor vehicle
  - If intentionally added PFAS is limited to internal components (e.g., internal engine components, electronics), then manufacturer can request an exemption
  - However, if intentionally added PFAS is used on surfaces that a consumer is likely to contact during routine use and operation of the vehicle (e.g., seats, floormats, seatbelt, steering wheel, dashboard controls), then labeling is still required

# Product Categories Eligible for Exemption from Labeling



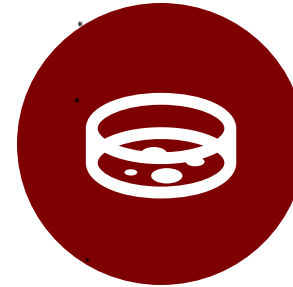
Medical



Heating, Cooling, Ventilation,  
Air-Conditioning, Refrigeration



Veterinary



Public Health, Environmental  
& Water Testing Equipment



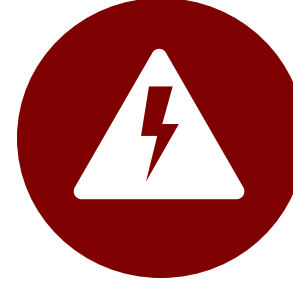
Motor Vehicles



Other Motor Vehicles



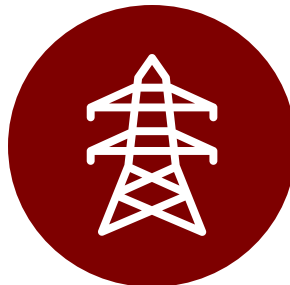
Watercraft & Aircraft



Semiconductors



Non-consumer Electronics  
& Lab Equipment



Electricity Generation,  
Distribution & Storage



Currently Unavoidable  
Uses



Products Containing  
Fluoropolymers

# **Labeling Requirements and Proposed Symbols/Language**

# Definitions Related to Labeling

- **Complex durable good** means a product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of five (5) or more years, where the product is typically not consumed, destroyed, or discarded after a single use.
- **Consumer information** means warnings, directions for use, ingredients lists, and nutritional information. “Consumer information” does not include the brand name, product name, company name, location of manufacturer, or product advertising.
- **Consumer packaging** means packaging constituting, with its contents, a sales unit to the final user or consumer at the point of retail. Also referred to as retail packaging, sales packaging, or primary packaging.
- **Labeling** means any written, printed, graphic, or electronically provided communication that accompanies a product, such as a package insert.
- **Legible** means capable of being read by a person with normal vision.
- **Product label** means a display of written, printed, or graphic material that appears on, or is affixed to, the exterior of a product, or its exterior container or wrapper that is visible to a consumer, if the product has an exterior container or wrapper.

# Overview of Labeling Requirements for Products

## As of January 1, 2027:

- A product must be labeled to inform consumers that a product contains intentionally added PFAS, using words and symbols provided by NMED
- Must be legible prior to sale and displayed with such conspicuousness as compared with other words to render it likely to be seen, read, and understood
- Must be affixed using materials and methods that are sufficiently durable to remain legible for the useful life of the product
- Not applicable to complex durable goods; other requirements apply to those products
- Used products are exempted

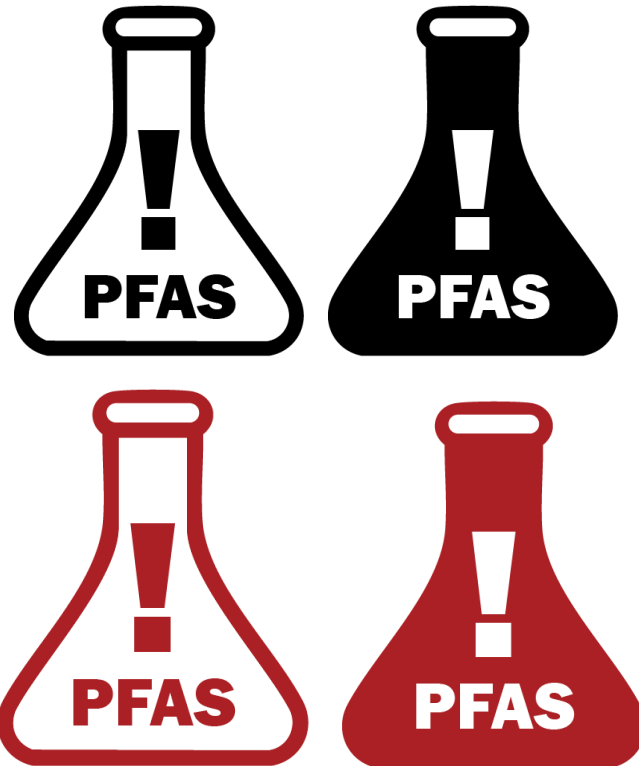
# Additional Labeling Requirements for Products

- Where label is obscured: If packaging obscures the label, the packaging must be labeled in a compliant manner
- Link to website: Packaging shall include a website address or QR code to a NMED website with information on PFAS use in products
- Consumer unable to view item at point of sale (e.g., online, catalog): Label and disclosure shall be included on sales literature, webpages, product specification sheets, and marketing materials, as applicable
- English and Spanish: Label text must be in English and Spanish
- Federal preemption: Nothing in these requirements shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law

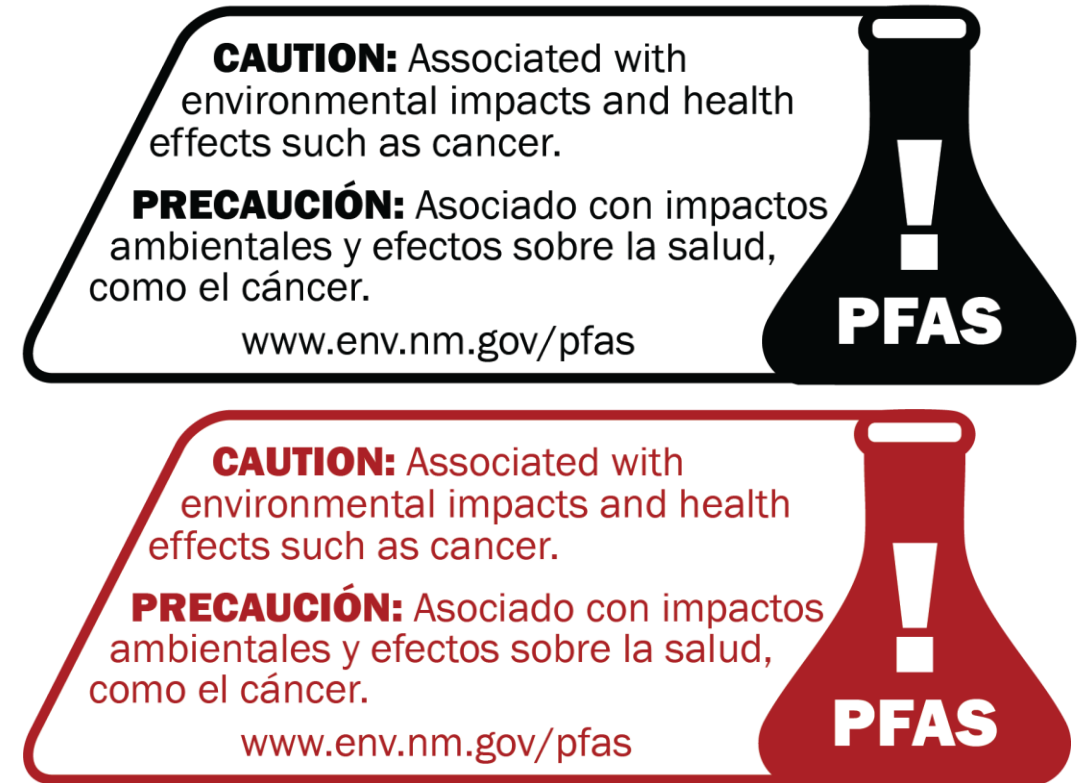


# Example Label Symbols and Language for Products

Labels for Products



Label for Product Packaging



*Please note: graphics and language have not been finalized.*

# Example Label Use on Products and Packaging



Please note: graphics and language have not been finalized.

# Example Label Use in Online and Other Marketing Materials

## Retailer Website



## Specification Sheet

<b>Application</b> <p>Prior to staining, ensure you have enough product to complete an entire section. In can color may differ from the final dried finish, therefore it is recommended to test a small area for color acceptance. When using multiple containers, intermix stain to ensure color uniformity. Stir thoroughly before and occasionally during use. This stain can be applied by brush, roller, pad applicator, or by using a pump sprayer. For roller, pad, or spray application, follow with back brushing for greater penetration.</p> <p>Apply one uniform coat of stain at the recommended coverage rates listed. Applying multiple coats or applying the finish too heavily stain can potentially cause premature failure, affect the opacity of the final finish and obscure more of the natural color of the wood. When used as a deck stain, allow to dry for 48 hours before putting furniture back and returning to service. Temperature and humidity may affect drying time. In can color may differ from the final dried finish. Apply evenly, allowing the stain to penetrate into the wood. Brush from dry into wet areas, stopping at natural breaks, i.e., stairs or edges. To minimize lapping, always maintain a wet edge. On siding or decking, apply the stain on a section of 2 or 3 boards completely across the length of the boards. Continue by coating the next section of boards in the same manner until the area is completed. Vertical siding is coated using the same principle from top to bottom. Never stop staining in the middle of the board; continue until a natural break is reached. Avoid staining in direct sunlight as this will prevent the product from penetrating properly and causing lap marks. Apply when air and surface temperatures are between 40 °F and 90 °F.</p>	<b>Environmental Health &amp; Safety Information</b> <p>Use only with adequate ventilation. Do not breathe spray mist or sanding dust. Ensure fresh air entry during application and drying. Avoid contact with eyes and prolonged or repeated contact with skin. Avoid exposure to dust and spray mist by wearing a NIOSH approved respirator during application, sanding and clean up. Follow respirator manufacturer's directions for respirator use. Close container after each use. Wash thoroughly after handling.</p> <p><b>WARNING</b> Cancer and Reproductive Harm—<a href="#">www.P65Warnings.ca.gov</a> Refer to the product label &amp; Safety Data Sheet for product specific information.</p> <p><b>FIRST AID:</b> In case of eye contact, flush immediately with plenty of water for at least 15 minutes; for skin, wash thoroughly with soap and water. If symptoms persist, seek medical attention. If you experience difficulty breathing, leave the area to obtain fresh air. If continued difficulty is experienced, get medical attention immediately.</p> <p><b>IN CASE OF SPILL:</b> Absorb with inert material and dispose of as specified under "Clean up".</p> <p><b>KEEP OUT OF REACH OF CHILDREN PROTECT FROM FREEZING</b></p> <p>Refer to Safety Data Sheet for additional health and safety information.</p> <p><b>CAUTION:</b> Associated with environmental impacts and health effects such as cancer. <b>PRECAUTION:</b> Associated with environmental impacts and health effects such as cancer. <a href="#">www.dhs.com.gov/pfas</a></p> <p><b>PFAS</b></p>
<b>Thinning/Cleaning</b> <p>Thinning is not necessary. Never add other stains, paints, or solvents to this product.</p> <p><b>Clean Up:</b> Wash brushes, rollers, and other painting tools in warm soapy water immediately after use. Spray equipment should be given a final rinse with mineral spirits to prevent rusting.</p> <p><b>USE COMPLETELY OR DISPOSE OF PROPERLY.</b> Dry, empty containers may be recycled in a can recycling program. Local disposal requirements vary; consult your sanitation department or state-designated environmental agency on disposal options.</p>	

*Please note: graphics and language have not been finalized.*

# Label Requirements for Complex Durable Goods

*Applies to complex durable goods with intentionally added PFAS or components that contain intentionally added PFAS.*

- Include a symbol provided by NMED accompanied by a disclosure statement on the product specification sheet or other product labeling information available to potential consumers prior to purchase.
- Must also include an internet website address or QR code that directs to a NMED website with information on PFAS use in products.
- Operation and maintenance manual shall include statement indicating the presence of intentionally added PFAS, followed by a complete list of components with intentionally added PFAS in sufficient detail such that they can be readily located.

# Additional Labeling Requirements for Complex Durable Goods

- **Other Languages:** Where product information and labeling includes consumer information about a product in a language other than English or Spanish, the labeling requirements shall also be met in that language in addition to English and Spanish.
- **Federal preemption:** Nothing in these requirements shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law.

# Example Label Symbols and Language for Complex Durable Goods



This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS, review the product's operation and maintenance manual.

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Para obtener más información sobre la ubicación de los componentes fabricados con PFAS, consulte el manual de operación y mantenimiento del producto.

[www.env.nm.gov/pfas](http://www.env.nm.gov/pfas)

*Please note: graphics and language have not been finalized.*



# Example Uses for Complex Durable Goods

**Optimized performance**

- Designed for optimal performance in northern US and Canadian regions
- High-efficiency microchannel aluminum coil provides reliable performance and small unit size
- Designed for operation with new low GWP R-454B refrigerant

**One of the industry's most serviceable units**

- Swing-out control panels and removable fan guard for quick and easy access to components
- Straight-Pipe Line Sets - coming soon - eliminate swedging and provide flexibility for every installation
- Easy-to-follow, color-coded wiring diagrams for quick and easy installation and servicing
- Comes with standard cylinder filter drier

**High-quality construction**

- Small footprint**
  - Minimum footprint makes the unit easy to store and transport, and fits easily through standard fence gates
- Durable and sleek new finish**
  - The coated steel wire fan guard, coated external fasteners and pretreated G90 equivalent galvanized-steel chassis components resist corrosion and rust-creep
  - Automotive-grade, powdercoat finish is salt-spray rated at 1,000 hours for extra durability under the harshest of conditions
- Low operating sound levels**
  - The sturdy cabinet and top design provides sound performance of 77 dBA or lower

**Lower cost of ownership**  
13.4 SEER2 cooling efficiency can save energy costs compared to older units, and quality engineering reduces repairs to save you money.

**Quiet operation**  
Sturdy cabinet and top design provides sound performance of 77 dBA or lower.

**Confidence guaranteed**  
Industry-leading warranties ensure years of dependability.

**Small footprint**  
Minimum footprint for easier handling, transportation and installation.

SKU	Tonnage	Weight (lb)	Dimensions (in.)			Liquid Connections (in.)	Vapor Connection (in.)
			H	W	D		
KC318E2511	1.5	120	26-3/4	24	24	3/8	3/4
KC324E2511	2	135	33-1/4	24	24	3/8	3/4
KC330E2511	2.5	140	36-1/4	24	24	3/8	3/4
KC336E2511	3	150	36-1/4	24	24	3/8	3/4
KC342E2511	3.5	195	36-1/4	26-1/4	26-1/4	3/8	7/8
KC348E2511	4	210	39-1/4	35-1/4	31-3/4	3/8	7/8
KC360E2511	5	238	36-1/4	36	34-1/4	3/8	7/8

\* All dimensions are in inches and are subject to change without notice.  
\* The overall height is from the bottom of the base pan to the top of the fan guard.  
\* The overall length and width include access hoods.

**10 YEAR LIMITED WARRANTY**  
All limited warranties are subject to terms, conditions and exclusions set forth in the product's limited warranty statement. See applicable limited warranty statement for details.

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All limited warranties are subject to terms, conditions and exclusions set forth in the product's limited warranty statement. See applicable limited warranty statement for details.

Pair with an efficient Champion gas furnace for optimal performance.

This product is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the locations of components made with PFAS chemicals, review the product's operation and maintenance manual.  
Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Para obtener más información sobre la ubicación de los componentes fabricados con PFAS, consulte el manual de operación y mantenimiento del producto.  
www.amc.com/pfas

## Car Maker XYZ Model 123 Owner's Manual

### California Proposition 65 Warning

**WARNING:** Operating, servicing and maintaining a passenger vehicle or off-highway motor vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm.

To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to [www.P65Warnings.ca.gov/passenger-vehicle](http://www.P65Warnings.ca.gov/passenger-vehicle).

### Event Data Recorders

This vehicle is equipped with an event data recorder (EDR).

The main purpose of an EDR is to record, in certain crash or near crash-like situations, such as an air bag deployment or hitting a road obstacle, data that will assist in understanding how a vehicle's systems performed. The EDR is designed to record data related to vehicle dynamics and safety systems for a short period of time, typically 30 seconds or less. The EDR in this vehicle is designed to record such data as:

- How various systems in your vehicle were operating;
- Whether or not the driver and passenger safety belts were buckled/fastened;
- How far (if at all) the driver was depressing the accelerator and/or brake pedal; and,
- How fast the vehicle was traveling.

**PFAS** This vehicle is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. The following components of this vehicle contain PFAS:

- AAA
- BBB
- CCC

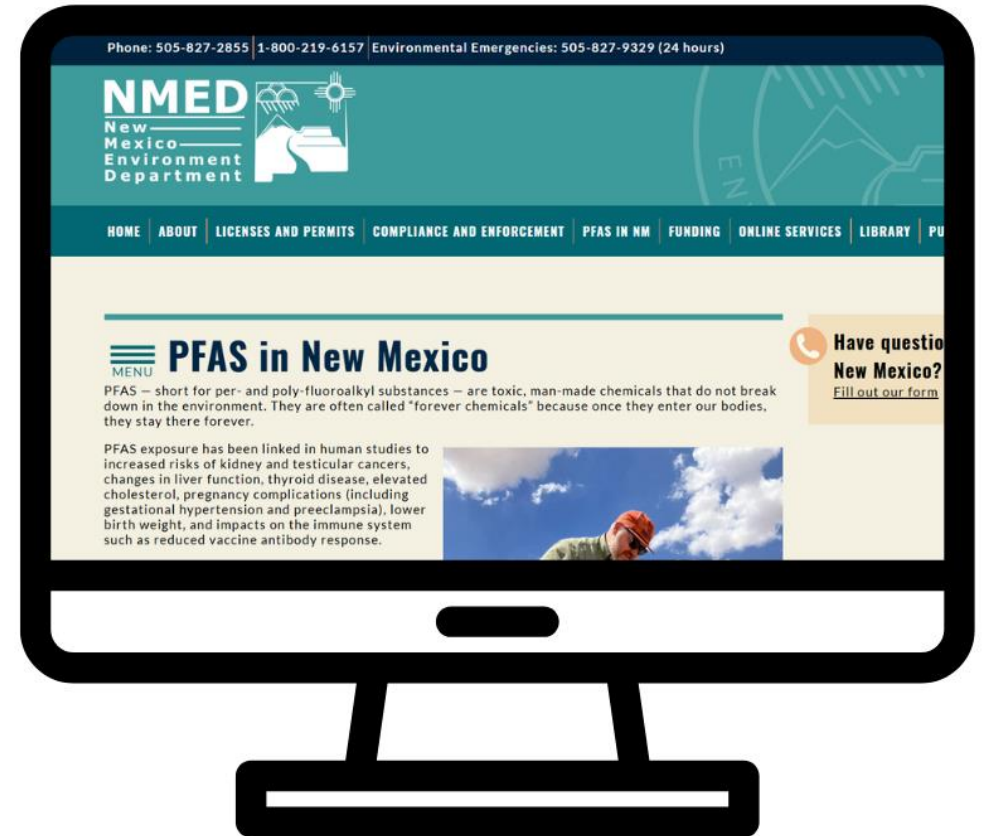
Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Los siguientes componentes de este vehículo contienen PFAS:

- AAA
- BBB
- CCC

Please note: graphics and language have not been finalized.

# NMED PFAS Web Page

- Some requirements include a reference to a NMED web page related to PFAS in New Mexico: [www.env.nm.gov/pfas/](http://www.env.nm.gov/pfas/)
- Web page includes information about a variety of activities in New Mexico related to PFAS, including the PFAS Protection Act
- NMED will develop additional information and resources to:
  - Help consumers understand the meaning of the product label or disclosed information
  - Help industry understand the rule and related labeling requirements





# **Consistency with Other States**

# Consistency with Other State Labeling

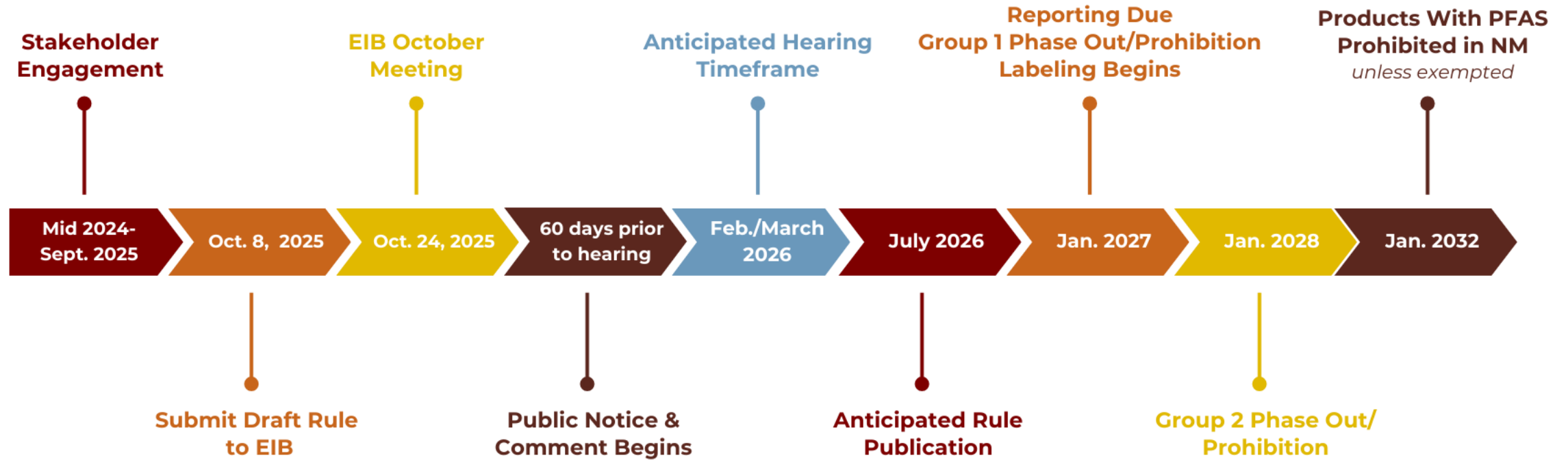
- Manufacturers may comply with the New Mexico labeling requirements by complying with corresponding requirements adopted by another state.
- A manufacturer may comply by providing NMED:
  - A copy of the label as it will appear on products and consumer packaging and an explanation of how it fulfills the intent of the New Mexico labeling requirements.
  - A description of any modifications needed to include New Mexico-specific information (e.g., inclusion of NMED web address).

# Next Steps

# Manufacturer Support Tools

- Label Use Guidelines will include:
  - Overview of different words/symbols and their intended uses
  - Information on requirements for legibility and durability
  - Information on requirements for placement
- NMED will also develop a series of downloadable labeling graphics

# Anticipated Regulatory Schedule



Environmental Improvement Board  
Responsible for conducting public hearings to adopt many of the regulations administered by the New Mexico Environment Department.

# Public Input Opportunities

Date	Activity
September 25, 2025	Public comment portal opens for the rulemaking effort through the start of the hearing
October 8, 2025	Proposed rule to EIB
October 22, 2025	Virtual public meeting on proposed rule
October 24, 2025	EIB October meeting; determines whether a hearing will be granted
60 Days Prior to Hearing	Public notice of hearing
February/March 2026 (tentative)	Hearing (if granted by EIB)

# Thank You

For additional information or to request a meeting, email:

[nmed-pfas@env.nm.gov](mailto:nmed-pfas@env.nm.gov)

To submit a public comment:

[nmed.commentinput.com](https://nmed.commentinput.com)

Review the PFAS Protection Act at:

<https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0212.pdf>

# **Questions from the Audience**