PFAS Protection Act Labeling Requirements Frequently Asked Questions

Question	Answer
When do labeling requirements go into effect?	*Labeling of products containing intentionally added PFAS begins January 1, 2027.*
Is the labeling requirement for products manufactured after 1/1/2027? What if we have inventory from before 1/1/2027 that's still on the market in retailers?	*The proposed rule states that when a product is phased out for containing intentionally added PFAS, "a manufacturer may not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries."*
We cannot meet labeling requirement deadlines. Does NMED plan to extend that date?	*Currently, there is no plan to extend the labeling requirement deadline.*
If my product is exempt from reporting requirements in the PFAS Protection Act, why does it need to be labeled?	*Labeling provides consumers with the ability to make informed choices about the products that they choose to buy.*
Do labels need to be submitted to NMED for advance approval? Does NMED need copies/samples of labels that appear on products?	*The proposed rule specifies labeling requirements and NMED will provide approved labels and language for manufacturer use. NMED does not need to pre-approve label use on products, product packaging, or other product literature.*
When will final label graphics be available for manufacturers to download?	*NMED will provide final label graphics following the rulemaking process. Graphics will be available for download on our website.*
What about products with a "private label" that are made by a manufacturer but branded by a retailer—who is responsible for labeling the product?	*The manufacturer of the product containing intentionally added PFAS is the party responsible for labeling the product unless the retailer agrees to accept responsibility for labeling.*
How is NMED going to explain the label to New Mexicans? Will there be an education campaign and/or PFAS "hotline" for manufacturer and consumer questions?	*As part of the PFAS Protection Act implementation, NMED will be engaging the public in education campaigns that highlight environmental and human health harms of PFAS, how consumers can minimize their exposure to PFAS, and the law is designed to protect consumers from products that contain PFAS.*

My product is too small to include a legible and permanent label. How would you suggest that my product be labeled?	*The PFAS Protection Act specifies that a label of a product containing intentionally added PFAS must be conspicuous at the time of product purchase. In the case of a product that is too small for a legible and permanent label, the product packaging must be labeled with an approved and conspicuous label indicating that the product contains intentionally added PFAS.*
Can you explain the labeling exemption for an exempt product? For example, for motor vehicles? If PFAS is in interiors, buttons, etc...	*If the only intentionally added PFAS are on an internal component of a product that a consumer will not interact with when the product is used as intended, then the product is eligible for a labeling exemption. However, If PFAS was used in the interior which a consumer may interact with, labeling would be required on the vehicle.*
Does exemption eligibility depend on location of PFAS in the product?	*Generally, yes. Labeling is to inform consumers if they would come into contact with material containing intentionally added PFAS while using the product as intended.*
For requesting an exemption from labeling, does NMED intend to offer a streamlined form/template? How long does NMED anticipate that the turnaround time will be to process a request for exemption from labelling?	*NMED plans to implement this rule electronically (i.e., paperless process) which will improve implementation. Intake of such requests and responses will be electronic. NMED is currently developing this functionality.*
Will labeling webinar slides be shared with participants?	*Yes, they are currently on env.nm.gov/PFAS.*
Will the stakeholder webinar recording be posted?	*Yes, on NMED's YouTube channel and website.*
Do other states have labeling requirements?	*NMED is aware of states developing labeling requirements and they are in various stages of legislation or rulemaking. CO, NY, MN, and others require the labeling of certain products.*
Are products required to have potentially additional labeling in Spanish, even if in compliance with other states' labeling requirements?	*Yes, the PFAS Protection Act stipulates that manufacturers must have labeling in both English and Spanish.*

When will the proposed rule be available?	*The proposed rule became available when NMED petitioned the EIB on October 8, 2025, and can be found under docketed matters on NMED's website*
For currently unavoidable use (CUU) decisions, when will industry know what use cases will be exempted from the prohibition?	*Manufacturers may submit proposals for NMED review to have products with intentionally added PFAS considered a CUU. Any proposal received by October 2026 will be considered CUU for January 1, 2027 product phaseout. CUU proposals will be evaluated upon receipt*
Would the labeling requirement apply for products sold from online marketplace websites; and if so, how?	*The PFAS Protection Act specifies that a label of a product containing intentionally added PFAS must be conspicuous at the time of product purchase. This can include product specification sheets, photographs of the product, etc.*
How may I contact at NMED to find out more information on product labeling requirements?	*To find out more information on product labeling requirements for PFAS Protection Act please visit our website at* env.nm.gov/PFAS.