

THE PER- AND POLY- FLUOROALKYL SUBSTANCES PROTECTION ACT & RULEMAKING

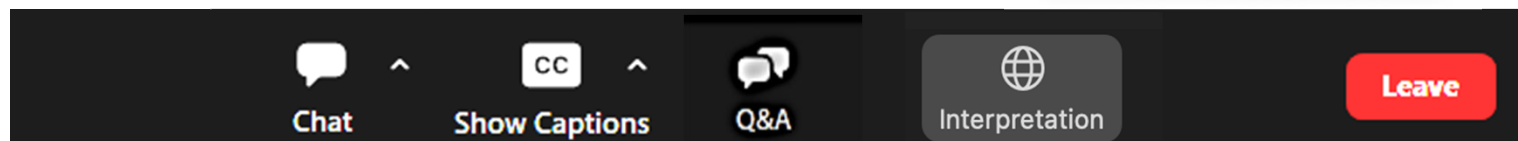
New Mexico Environment Department

Public Meeting | October 22, 2025



Zoom Interpretation

- Welcome! Please select your preferred language by clicking on the interpretation icon on at the bottom of your screen. (English speakers must also select English.)
- ¡Bienvenido! Si necesita interpretación, seleccione el idioma que prefiera haciendo clic en el botón de interpretación situado en la parte inferior de la pantalla.
- Toll-free call-in number: 833-568-8864
- Webinar ID: 161 008 3668.



Introduction by NMED



Agenda

- Background on PFAS
- Overview of the PFAS Protection Act
- Overview of the Proposed Rule Implementing the Act
- Next Steps
- Questions and Answers

Public Meeting Objectives



Provide an overview of New Mexico's PFAS Protection Act, as well as PFAS impacts on human health and the environment.



Introduce requirements for PFAS-containing products under development by NMED, including a consumer label.



Summarize next steps in the regulatory timeline and outline opportunities to submit formal feedback to NMED.



Answer clarifying questions from meeting participants.

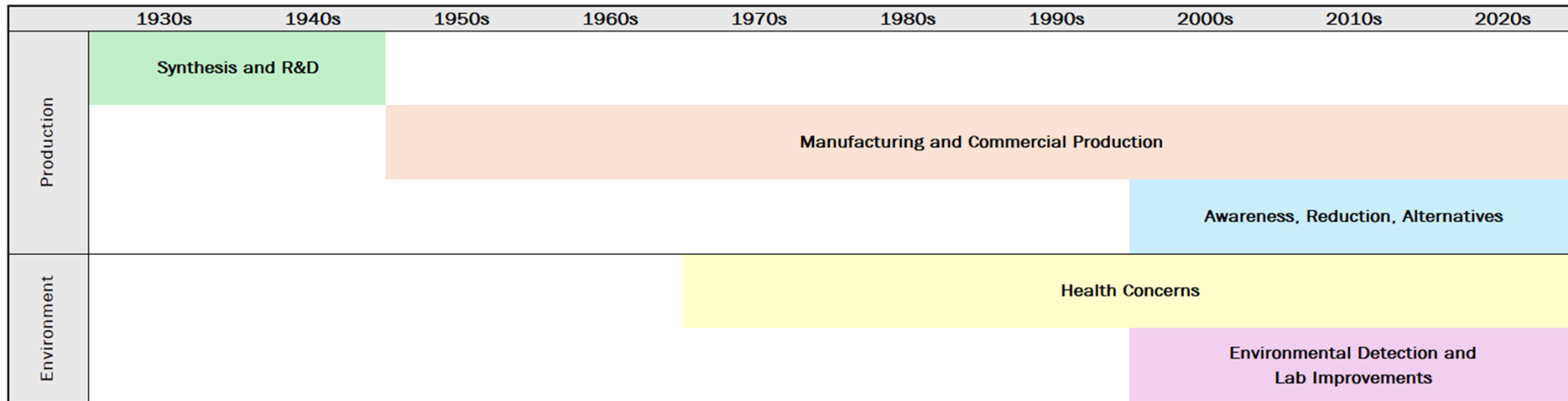
Background on PFAS

What are PFAS?

A class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom
(New Mexico PFAS Protection Act of 2025).

- Per- and Polyfluoroalkyl Substances
- Thousands of synthesized compounds
- Used in industrial processes and consumer products since the 1950s
- Break down very slowly over time ("forever chemicals")
- Degradation products can also persist

PFAS Timeline



What Products Contain PFAS?

Common Industrial Uses

- Firefighting foam
- Friction reduction in oil and gas
- Fume suppressant in metal plating

Common Consumer Product Uses

- Paper and packaging
- Stain resistance (clothing, furniture, carpet, etc.)
- Cosmetics and personal care products
- Non-stick cookware, adhesives, and other household products
- Coatings



Image: <https://pinellas.gov/per-and-polyfluoroalkyl-substances-pfas> 9

What's Unique About PFAS?

The same properties that are beneficial for product applications have created significant challenges for human health and the environment.

- Surfactant properties
 - Repel water, oil, grease
 - Make self-forming films



How PFAS Affect Human Health

Exposure to PFAS is associated with health risks in humans:

- Some cancers including kidney and testicular
- Liver disease
- Thyroid disease
- Elevated cholesterol
- Pregnancy complications, lower birth weight
- Impacts on the immune system such as reduced vaccine antibody response



How PFAS Impact the Environment

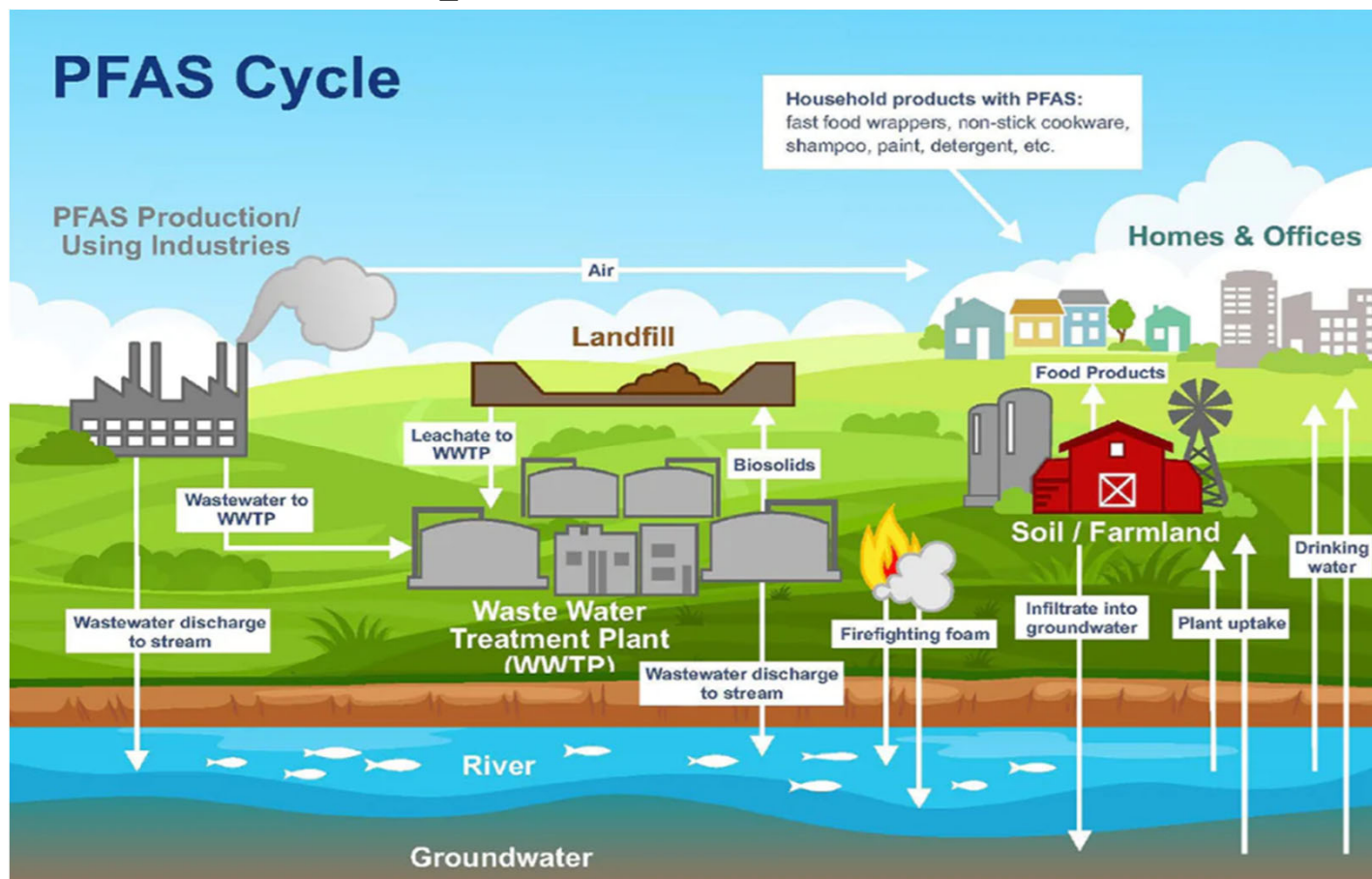


Image: www.dep.pa.gov/pfas 12

NMED Activities to Understand and Reduce PFAS Contamination

- AFFF as hazardous waste
- Landfill study
- Cannon AFB and blood study
- Holloman AFB/Holloman Lake
 - Survey about community recreation and PFAS exposure
- Emerging contaminants program



Overview of the PFAS Protection Act

Development of House Bill 212: The PFAS Protection Act (April 2025)



Saves Money

- Costs millions to remove and destroy one lb. of PFAS from our water
- Protects property values of homes and businesses



Public Health

- PFAS accumulate in plants, animals and humans
- Linked to thyroid disease, cancer, liver disease, birth defects, and increased risk of miscarriage



Environment

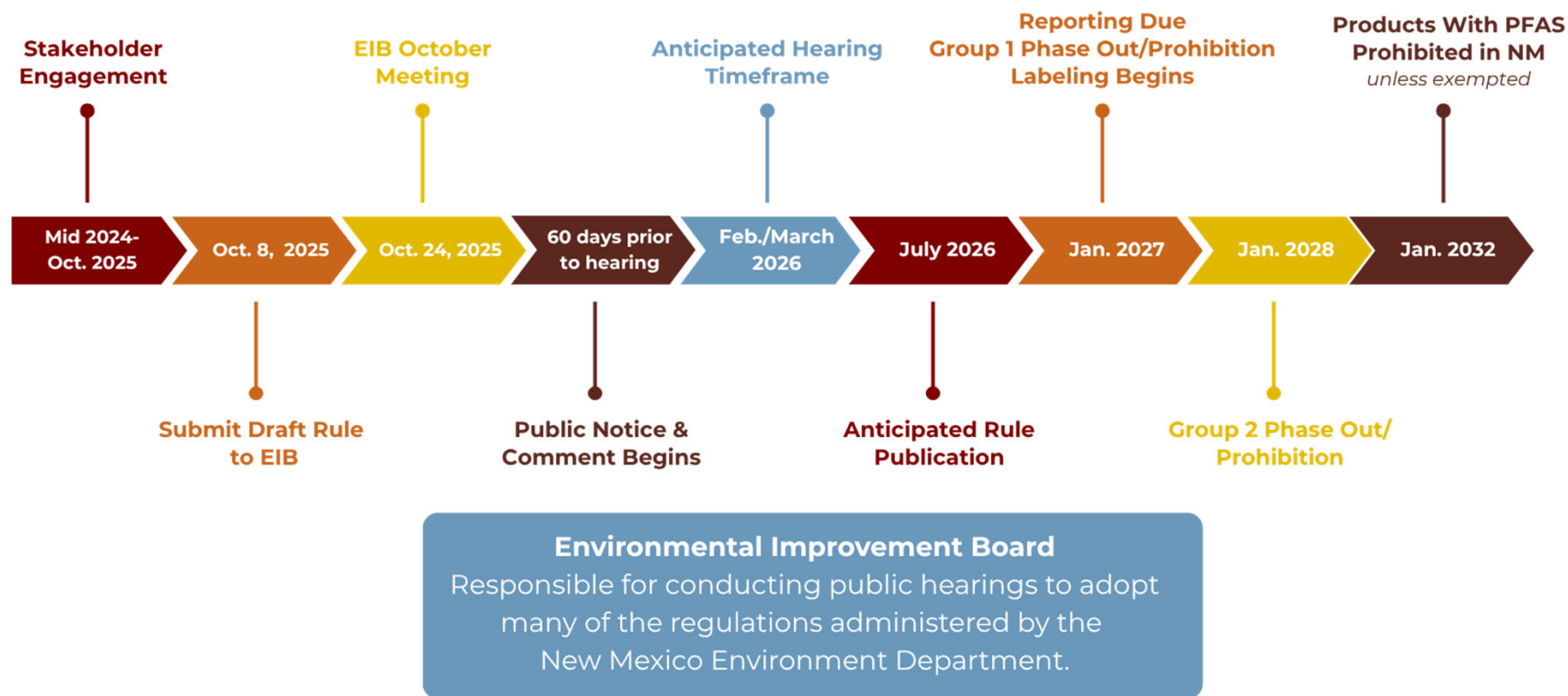
- Protects our water – our state's most precious resource
- Safeguards our land

PFAS Protection Act

- Passed in 2025 by NM Legislature, signed by Governor
- Phases out/prohibits certain products that contain intentionally added PFAS
 - Names specific product categories for phase out/prohibition
 - Some exemptions apply
- Provides for the ability to identify additional products for phase out/prohibition
- Requires reporting of specified information for products containing intentionally added PFAS
- Identifies categories exempt from reporting requirements (exempt product categories may still be subject to labeling requirements)
- Department may require product testing
- Authorizes the Environmental Improvement Board to require the labeling of products in English and Spanish

Overview of the Proposed Rule

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

<https://www.env.nm.gov/wp-content/uploads/2025/10/2025-10-06-PFAS-Protection-Act-Proposed-Rules.pdf>



Definitions



Definitions will be used for terms used in the rule that are not already identified in the PFAS Protection Act.

Phaseouts/Prohibitions

Phaseouts/Prohibitions

Phased Out January 1, 2027

- Cookware
- Food packaging
- Dental floss
- Juvenile products
- Firefighting foam

Phased Out January 1, 2028

- Carpets and rugs
- Cleaning products
- Cosmetics
- Fabric treatments
- Textiles/textile furnishing
- Feminine hygiene
- Ski wax
- Upholstered furniture

Phased Out January 1, 2032

- All products not otherwise exempt and not designated a “Currently Unavoidable Use”

Exemptions and Currently Unavoidable Use

Product Categories Eligible for Exemptions



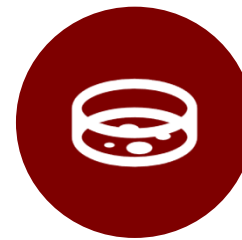
Medical



Heating, Cooling, Ventilation,
Air-Conditioning, Refrigeration



Veterinary



Public Health, Environmental
& Water Testing Equipment



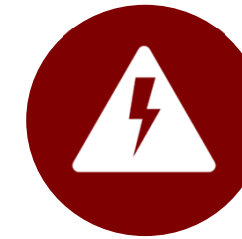
Motor Vehicles



Other Motor Vehicles



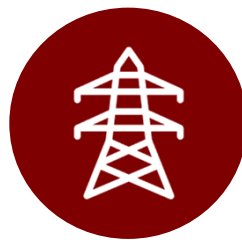
Watercraft & Aircraft



Semiconductors



Non-consumer Electronics
& Lab Equipment



Electricity Generation,
Distribution & Storage



Currently Unavoidable
Uses



Products Containing
Fluoropolymers

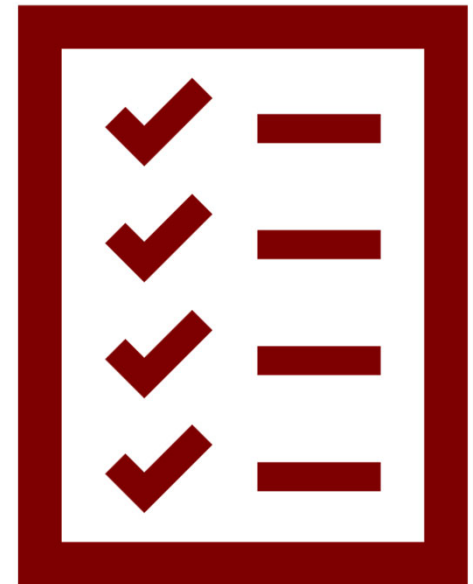
Current Unavoidable Use (CUU)

- “Currently Unavoidable Use” (CUU) means a use of PFAS that the board has determined by rule to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available
- Manufacturer must submit CUU proposal for determination
- A list of approved CUUs will be made available to the public and posted on the NMED website

Reporting Requirements

Reporting Requirements

- A manufacturer of a product sold, offered for sale, distributed or distributed for sale in the state must submit a report for each product or component that contains intentionally added PFAS.
- Reporting due by January 1, 2027
- Products containing intentionally added PFAS for which a report haven't been submitted are prohibited from sale as of January 1, 2028



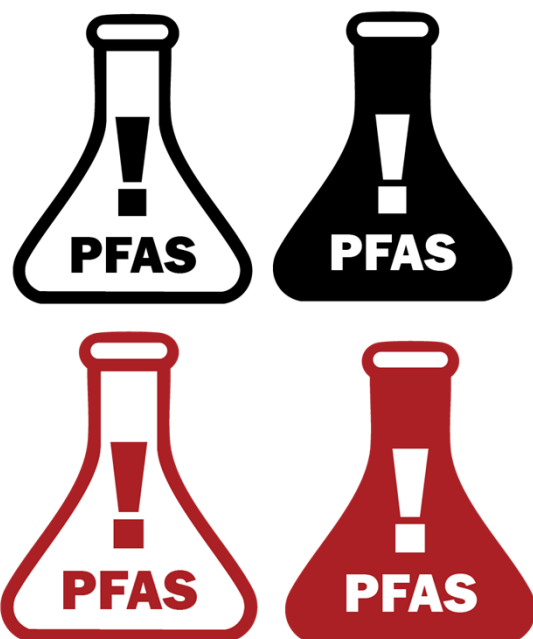
Labeling Requirements

Labeling Requirements Overview

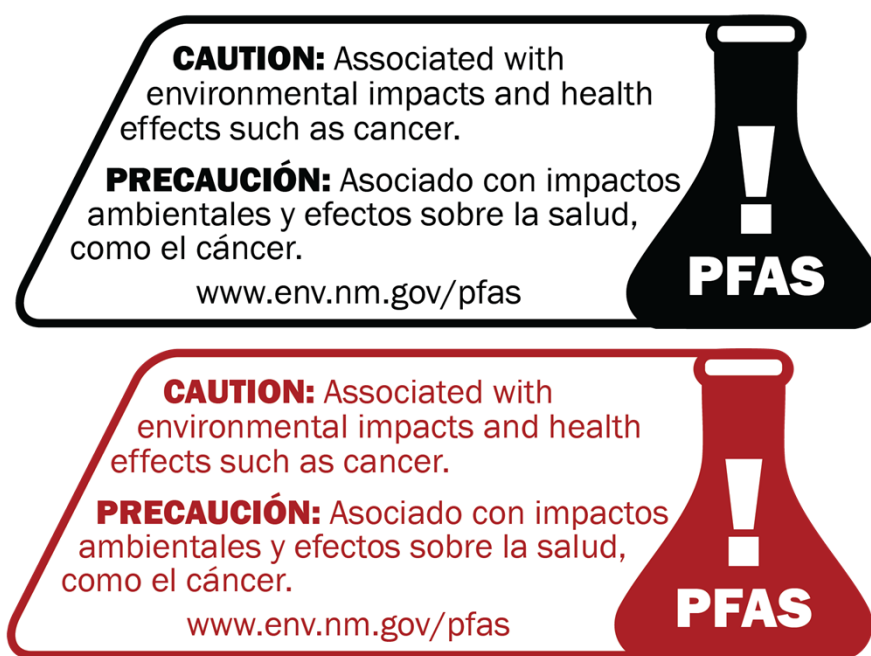
- Labeling requirements will apply to **all products that contain intentionally added PFAS sold, offered for sale, or distributed in New Mexico.**
- Packaging will include a web address or QR (Quick Response) code to a NMED website with information on PFAS use in products (www.env.nm.gov/pfas/).
- Labeling/disclosure requirements also apply to online and catalog product sales.
- Complex durable goods (e.g., motor vehicles, HVAC systems) have different requirements for disclosure but similar content.
- Used products are exempted from labeling requirements.
- Possible exemption from labeling if:
 - The product falls within a category exempt from reporting requirements of the rule; and
 - the manufacturer demonstrates that consumers will not come into direct contact with intentionally added PFAS while the product is being used as intended and throughout the product's useful life.

Example Label Symbols and Language for Products

Symbol for Products



Label for Product Packaging



Please note: graphics and language have not been finalized.

A dark brown, glossy frying pan with a silver-colored base. The base features a circular pattern of small holes and a central logo of a beaker. A red circle highlights the central logo.



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Examples 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 sweating 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 pre-treated 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		
XG318E2011	1.5	120	26-3/4	24	24	3/8	3/4
XG324E2011	2	135	33-1/4	24	24	3/8	3/4
XG330E2011	2.5	140	36-1/4	24	24	3/8	3/4
XG336E2011	3	155	36-1/4	24	24	3/8	3/4
XG342E2011	3.5	165	36-1/4	29-1/4	29-1/4	3/8	7/8
XG348E2011	4	210	36-1/4	35-1/4	31-3/4	3/8	7/8
XG360E2011	5	230	36-1/4	38	34-1/4	3/8	7/8

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

Pair with an efficient Champion gas furnace for optimal performance.

PFAS Warning: 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 location 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. Los siguientes componentes de este vehículo contienen PFAS:

1. AAA
2. BBB
3. 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:

1. AAA
2. BBB
3. CCC

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.

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 Warning: 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:

1. AAA
2. BBB
3. 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:

1. AAA
2. BBB
3. CCC

Please note: graphics and language have not been finalized.

Testing, Fees, and Enforcement

Testing

- NMED may test or require a manufacturer to test their product to determine the presence and concentration of PFAS in the product if there is a reasonable suspicion that the product contains intentionally added PFAS
- Does not apply to a medical device or drug or the packaging of a medical device or drug that is regulated by the United States Food and Drug Administration



Fees and Enforcement

- Two types of Fees
 - Reporting Fees
 - Currently Unavoidable Use Designation Application Fees
- Enforcement

Next Steps

Public Input Opportunities

Date	Activity
September 25, 2025	Public comment portal opens for the rulemaking effort through the start of the hearing; NMED hosts stakeholder webinar to overview labeling requirements
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; public comment period begins
February/March 2026	Hearing (if granted by EIB; exact timing tbd)

NMED Consumer Campaign and Outreach

Goal

Empower consumers and other purchasers to decide for themselves whether to buy PFAS-containing products.

Objectives

- Raise awareness of PFAS chemicals among consumers and other purchasers
- Ensure understanding of what the label on products and packaging means
- Help New Mexicans make informed choices about products to avoid PFAS

Thank You

For additional information, email:

nmed-pfas@env.nm.gov

To submit a public comment:

nmed.commentinput.com

Review the PFAS Protection Act at:

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

Review the Proposed Rule at:

<https://www.env.nm.gov/wp-content/uploads/2025/10/2025-10-06-PFAS-Protection-Act-Proposed-Rules.pdf>

PFAS at Holloman Lake: Recreational Use Survey

https://erg.qualtrics.com/jfe/form/SV_1zfRKU8f6u0ch5c

Questions from the Audience