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GOVERNOR

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CABINET SECRETARY

**via electronic e-mail delivery**

January 20, 2026

The Honorable Jeffrey Hall  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

RE: PFAS Investigation and Remediation at Cannon Air Force Base in New Mexico

Dear Assistant Administrator Hall,

As you are aware from our discussions last November, New Mexico currently faces a PFAS crisis caused by releases of PFAS-containing aqueous film-forming foam (“AFFF”) from U.S. Department of War (“DoW”) facilities in the State. Indeed, the New Mexico Environment Department (“NMED”) and New Mexico Department of Health recently found that PFAS levels are rising in nearby private wells and its citizens living or working within the PFAS groundwater plume emanating from Cannon Air Force Base (“CAFB”) have been severely exposed, with a significant number (26%) having a blood serum PFAS-concentration greater than 20 µg/L—the highest concentration threshold used in the National Academies of Sciences, Engineering, and Medicine’s medical screening guidelines for PFAS (and 5,000 times greater than EPA’s drinking water standards).<sup>1</sup>

DoW has been investigating PFAS contamination at and around CAFB, purportedly under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), since 2015. But, despite over a decade of work, DoW still does not know how much or how far the AFFF has spread off-base into groundwater—the community’s sole water source. Instead of cleaning up the mess, or even fully investigating it, DoW’s efforts have only continued to frustrate and scare the community—the result of DoW’s missteps in public engagement and assistance, and its accusations in litigation against neighboring community-

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<sup>1</sup> Susan Montoya Bryan, *Blood tests show highest levels of forever chemicals in those living near New Mexico plume*, AP NEWS (Oct. 24, 2025), <https://apnews.com/article/forever-chemicals-blood-tests-new-mexico-fc2d9f255924ce834c16b5db09ca8889>.

members.<sup>2</sup> DoW's inability to work with the community has delayed the investigation of PFAS contamination around CAFB, which in turn delays any off-base remediation, which is desperately needed (and has already been delayed by almost six years).<sup>3</sup>

Last November, our agencies discussed EPA's interest in conducting groundwater sampling around CAFB. EPA shared that it agreed to assist DoW in its efforts to delineate the plume and EPA sought to obtain the necessary access agreements from nearby landowners to do so. I sincerely appreciate and support what I believe to be EPA's ultimate objective: achieving a timely remediation of the PFAS groundwater plume emanating from CAFB, which poses an imminent and substantial endangerment to human health and the environment. However, EPA's efforts were met with skepticism by landowners, businesses, and state and county elected officials given a deep distrust of DoW, largely due to a lack of clarity on how EPA and DoW planned to use the data, the legal implications related to ongoing litigation, impact to private property and water rights, etc.

In contrast to the United States, NMED has excellent relationships with the community of landowners and businesses that surround CAFB, both as their regulator and as their representative. NMED believes that it could achieve the level of community buy-in that will be necessary for the full investigation of PFAS contamination off-base, as well as for the ultimate remediation of that contamination.

As you are aware, the New Mexico Hazardous Waste Act ("NMHWA") operates in lieu of the federal Resource Conservation and Recovery Act ("RCRA") in New Mexico, and is administered and enforced by NMED, including at federal facilities. CAFB is a permitted facility under the NMHWA, and both its permit and the NMHWA itself define "hazardous waste" to include AFFF containing PFAS. Thus, any investigation or remediation of PFAS contamination at or coming from CAFB is subject to NMED's oversight and control. EPA has frequently reminded DoW of this fact. However, NMED has been met at every turn by DoW with legal attempts to rebuke NMED's lawful and EPA-delegated authority, resulting in seven years of litigation to no end. And during that time, DoW has done nothing to remediate PFAS contamination beyond the bounds of CAFB.

Regardless of the litigation, NMED is unwilling to delay the necessary work any longer. If DoW is unable to investigate and remediate off-base AFFF contamination in a timely and adequate manner (which DoW has proven it cannot or will not do) NMED will do so itself, consistent with its mission to protect the health and environment of New Mexicans. NMED would begin by working with the local landowners to obtain access to the nearby lands, so that

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<sup>2</sup> See Document No. 8647, *In Re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2:18-MN-2873-RMG (D.S.C., filed January 6, 2026) (United States Department of Justice arguing that Highland Dairy, abutting CAFB, is liable for CAFB's contamination of the property).

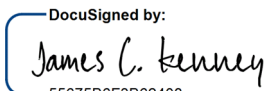
<sup>3</sup> See, e.g., Hiroko Tabuchi, *Defense Department Delays Cleanup of 'Forever Chemicals' Nationwide*, NEW YORK TIMES (Sept. 23, 2025), <https://www.nytimes.com/2025/09/23/climate/military-defense-pfas-forever-chemicals-cleanup-delay.html>.

a full delineation of off-base AFFF contamination can be completed. NMED is engaged in discussions with affected property owners and residents, and believes that it will be able to secure full community buy-in for its investigation, as well as for an NMED-led cleanup.

EPA has previously stated, regarding PFAS contamination at military facilities, that it “supports New Mexico’s role as a co-regulator.” NMED asks for that support now, with respect to this proposal to perform investigation and remediation of AFFF contamination beyond the bounds of CAFB. For far too long, regulatory disputes and litigation have prevented NMED and DoW from working together to solve the problem of AFFF contamination at and around CAFB. NMED wants to create a path forward that allows for a timely and sufficient cleanup, something I think we all agree is desperately needed. A division of work, with NMED focusing off-base, can help achieve that end and better protect the health, welfare, and environment of New Mexicans.

NMED would like to schedule an intergovernmental meeting with EPA to discuss our partnership in conducting PFAS sampling around CAFB. Further, NMED asks that EPA hold intergovernmental discussions with the DoW and NMED related to this matter. This is a matter of importance to us at NMED, and we would like to meet with you as soon as we can. I can fly to Washington, D.C. in late February when New Mexico’s legislative session has concluded, and I would like to find a day that works to meet with you and DoW.

Sincerely,

DocuSigned by:  
  
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James C. Kenney  
Cabinet Secretary

CC: The Honorable Scott Mason, U.S. EPA Region 6 Regional Administrator