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GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

January 28, 2026

via electronic e-mail delivery

Hon. Michael J. Borders Jr.
Assistant Secretary of the Air Force for Energy, Installations and the Environment
United States Air Force
1400 Defense Pentagon
Washington, DC 20301-1400

Senior Military Advisor: Ferdinand.maldonado@us.af.mil;
Executive Officer: Jimmy.oxendine@us.af.mil

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

Dear Assistant Secretary Borders,

As you are aware, 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, including at Cannon Air Force Base ("CAFNB"). The State recently found that PFAS levels in nearby private wells are rising, and that its citizens living or working within the PFAS groundwater plume emanating from CAFNB 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).¹

I was looking forward to being able to connect with you and discuss a path forward at the public meeting the Air Force held in Clovis on January 7, 2026, to discuss its progress in investigating PFAS contamination at and around CAFNB. I had hoped to talk about ways in which the Air Force and the State can work together, and regret that you were unable to attend. However, at the meeting there were two themes that I heard repeated by numerous community members and elected representatives: (1) a request for additional urgency in the Air Force's efforts to address the PFAS contamination at and around CAFNB; and (2) a concern that litigation between the Air Force and the State, and between the Air Force and certain

¹ 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>.

affected off-base landowners, was impeding the work needed to do so. The State of New Mexico could not agree more with either sentiment.

For far too long, the Air Force and the State have been engaged in litigation over the AFFF contamination at CAFB. But after seven years of litigation, all three legal cases remain pending and we are still no closer to cleanup. Indeed, the Air Force's case (the first filed) has not even progressed beyond threshold jurisdictional issues. Likewise, at every turn the U.S. Department of Justice has sought to delay and avoid an adjudication of the State's cases. I echo the community's comments at the January 7 meeting: the "biggest problem is lawyers." Instead of litigation, we should be focusing on the work needed to eliminate this threat to the health, welfare, and environment of the community, rather than on arguments over the scope of the parties' authority.

This leads me back to the other concern raised by the community at the January 7 meeting: a perceived lack of urgency on the part of the Air Force in responding to off-base contamination. The State shares that concern. The Air Force has been investigating AFFF contamination at and around CAFB since 2015 (for over a decade), and yet is still in the process of determining the nature and extent of off-base contamination in the Ogallala aquifer (the community's sole water source). The State is aware that the Air Force's efforts to investigate off-base contamination have met a roadblock: a lack of access to off-base properties, with local landowners reacting to requests with skepticism, frustration, and even fear (likely as a result of the litigation between the landowners and the Air Force, and accusations of liability made by the U.S. Department of Justice in the context of that litigation).²

The State believes that it can assist the Air Force in its efforts to address AFFF contamination at off-base properties. While the Air Force has hundreds of facilities across the country where AFFF contamination needs to be investigated and remediated, the State has the bandwidth and resources to focus on off-base impacts near CAFB. Indeed, NMED has already been doing just that, conducting independent investigations into the extent of contamination and impacts to the health of the local community. And in contrast to the Air Force, the State has excellent relationships with the community of landowners and businesses that surround CAFB, both as their regulator and as their representative. The State believes that it can 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. Indeed, New Mexico is already engaged in discussions with members of the community, who have reacted enthusiastically to the idea of NMED taking actions to investigate and remediate off-base contamination.

² 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 partly liable for PFAS contamination at the property).

By working together, New Mexico and the Air Force can solve the problem of AFFF contamination at and around CAFB faster and better than either could alone. New Mexico proposes a division of the work, with the Air Force focusing on on-base remediation and preventing the migration of contaminated groundwater from the base, while NMED takes responsibility for fully investigating and remediating the existing off-base groundwater plume, and performing actions to restore or replace groundwater that has been contaminated.³ Such a partnership could not only end the litigation between the parties and restore good relations between the State and the Air Force, but would result in a better and faster cleanup—something I sincerely think we all want.

The State would like to schedule a meeting with the Air Force to discuss the feasibility and details of this potential partnership at your earliest convenience, and would be happy to travel to Washington, DC, to do so. Please let us know whether the Air Force would be willing to participate and, if so, your availability.

Sincerely,

DocuSigned by:



James C. Kenney

Cabinet Secretary

³ The State's Natural Resource Trustee has already identified several projects to restore/replace the precious groundwater resources that have been injured as a result of AFFF contamination. Of course, those projects would be equally beneficial to CAFB and the Air Force, which likewise depends on those groundwater resources. Indeed, the Air Force already participates in some of the projects identified, which the State would propose to expand.