



NEWS RELEASE **For Immediate Release**

April 15, 2026

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

Board grants authority to regulate PFAS-laden firefighting foam *Decision affirms polluters are responsible for PFAS cleanup*

SANTA FE — New Mexico has become the first state in the nation to classify aqueous film-forming foam (AFFF) as hazardous waste under new state rules, a unanimous decision by the state Environmental Improvement Board this week that gives the New Mexico Environment Department direct authority to require cleanup from polluters.

AFFF — a firefighting foam widely used in military installations and airports — can often leach into soil and drinking water sources, leading to health effects like cancer.

Under the new rules, NMED now has authority to regulate discarded AFFF as hazardous waste, sharply limit its use and require cleanup after emergency deployments to prevent contamination of soil and water.

As the first state to classify discarded AFFF as hazardous waste under state law — and this week's rulemaking action making that designation enforceable under state rules — New Mexico has set a national precedent that other states can follow.

“Designating discarded PFAS-laden firefighting foams as a hazardous waste means the Environment Department can require cleanup,” said **Environment Secretary James Kenney**. “This week's decision puts to rest any argument to the contrary and will help expedite cleanup efforts around military installations.”

The new rule also requires facilities that store AFFF to report that information to the Department, giving regulators a clearer picture of where contamination risks exist across the state.

This week's action is the latest in New Mexico's broader regulatory push on PFAS. Earlier this year, the Environmental Improvement Board approved new consumer product rules, which phase out many PFAS-containing products — including certain nonstick cookware and cosmetics — and require product labeling, further establishing New Mexico as a national leader in protecting communities from toxic PFAS pollution.

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