



New Mexico Environment Department

House Joint Memorial 3 Status Update

PFAS Protection Act Program
Office of Strategic Initiatives
August 18, 2026



Outline

- PFAS in consumer products general information
- Health impacts overview
- Environmental impacts overview
- New Mexico's PFAS Landscape
 - PFAS Protection Act
 - PFAS in Firefighting Foam
- HJM3 Overview
- Questions and public comment
 - Pre-submitted questions and public comment



PFAS in Consumer Products



Dewapriya
et al. (2023)



Health Effects of PFAS

— High certainty

---- Lower certainty

Developmental effects
affecting the unborn child

Delayed mammary gland development

Reduced response to vaccines

Lower birth weight

Obesity

Early puberty onset

Increased miscarriage risk
(i.e. pregnancy loss)

Low sperm count and mobility

Thyroid disease

Increased cholesterol levels

Breast cancer

Liver damage

Kidney cancer

Inflammatory bowel disease
(ulcerative colitis)

Testicular cancer

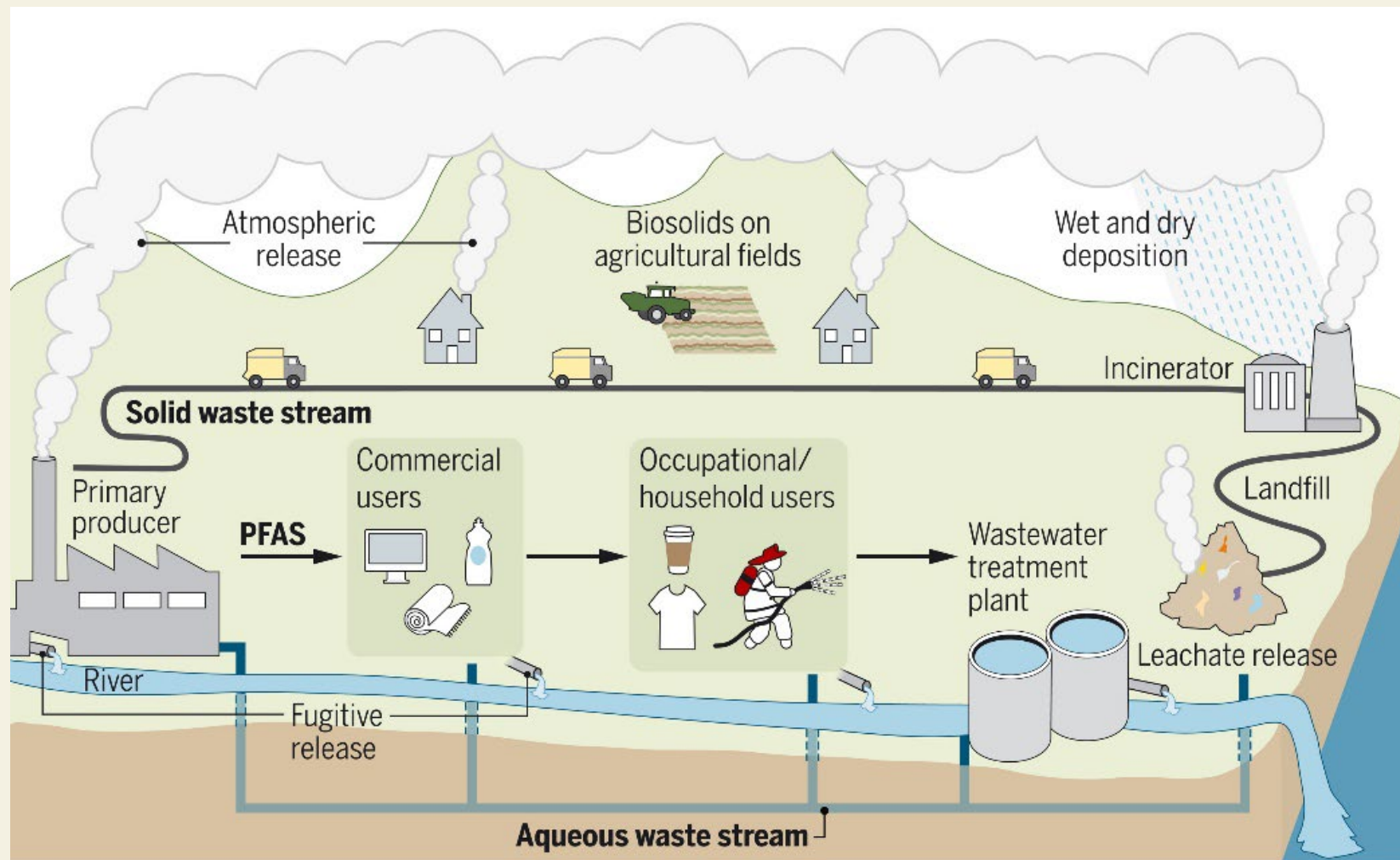
Increased time to pregnancy

Pregnancy induced
hypertension/pre-eclampsia
(increased blood pressure)

Fenton et
al. (2021)



PFAS: From Source to Environment



Evich *et al.* (2022)



NM PFAS Landscape



NMED

- PFAS Protection Act, April 2025, Final Rule May 2026
- HB140 designated Aqueous Film Forming Foam (AFFF) containing intentionally added PFAS as a hazardous waste under the NMHWA.



NMED Rulemaking

- The PFAS Protection Act and HB140 directed the Environmental Improvement Board (EIB) to adopt rules to implement the Acts.
- NMED presented a rule related to consumer products earlier this year, the EIB voted to adopt the rule, and the rule became effective July 2026.
- NMED also presented rules related to AFFF as a hazardous waste, the EIB voted to adopt the rule the same day, and the rules become effective this year.



PFAS Protection Act Rule

- ❑ Regulates consumer products containing intentionally added PFAS.
- ❑ First consumer product prohibitions go into effect January 1, 2027.
- ❑ Labeling requirement for consumer products manufactured on or after January 1, 2027.



Consumer Product Prohibitions and Timeline

- **January 1, 2027:**
 - ▣ 1) cookware; (2) food packaging; (3) dental floss; (4) juvenile products; and (5) firefighting foam
- **January 1, 2028:**
 - ▣ (1) carpets or rugs; (2) cleaning products; (3) cosmetics; (4) fabric treatments; (5) feminine hygiene products; (6) textiles; (7) textile furnishings; (8) ski wax; and (9) upholstered furniture
- **January 1, 2032:**
 - ▣ All non-exempted products



Labeling Requirement

- ❑ Manufacturers of consumer products containing intentionally added PFAS will be required to label products with this label:
- ❑ Labeling required except for a few narrow exceptions.
- ❑ Complex products such as automobiles and major appliances will have the label in the product specification sheet.





Compliance Assistance

- **Website update:**
 - General PFAS and consumer product information
 - Guidance documentation
 - FAQs
 - NM PFAS Reporting System (NMPRS)
 - Reporting extension, CUU proposals, label waivers, required reports, consistency with other state labels
 - NMED's page for manufacturers:
<https://www.env.nm.gov/pfas/manufacturers>



HJM3 – 2 Reports to the Legislature

- HJM3 passed in the 2026 legislative session and directs the Environmental Improvement Board and NMED to produce two separate reports
- EIB to provide to legislature/Governor (Report 1):
 - ▣ A status update report, PFAS Protection Act implementation, evaluating rule effectiveness
- NMED to provide to the legislature/ Governor (Report 2):
 - ▣ status update report, analyzing public health, environmental, and economic risks associated with the current exemptions in the PFAS Protection Act
 - ▣ Recommendations for legislative action (keep exemptions, modify, or remove)



HJM3 – Process and Timeline

- The EIB is developing a process to produce their report that examines the effectiveness of the PFAS Protection Act rules.
- For NMED's report, NMED is conducting primary literature reviews in consult with other state agencies to provide the state of the science of the public health, environmental, and economic risks associated with the exemptions in the PFAS Protection Act.
- Webinar as beginning of public comment opportunity.



HJM3 Timeline

Phase / Deadline	Date / Range	Action Item / Milestone
Phase 1: Mobilization	March - May 2026	EIB Final Rule; Approval & Memorial Activation
Phase 2: Engagement	June - August 2026	Stakeholder Engagement; Technical Review Report 1 and 2
Phase 3: Preliminary Literature Analysis	September - November 2026	Initial Scientific Analysis; Report 1 and Report 2 Drafting
Interim Findings Presentation	November 5, 2026	Preliminary Findings; Presentation to Interim Committee



HJM3 Timeline

Interim Findings Presentation	November 5, 2026	Preliminary Findings; Presentation to Interim Committee
Phase 4: Finalizing Literature Analysis; Incorporating Public Comment	March - May 2027	Completing Scientific Analysis; Incorporating Public Comment into Report 2
Phase 5: Final Draft Report	May - July 2027	Final Drafting Writing Report 1 and 2
Final Deadline	August 1, 2027	Final Report 1 and 2 to Governor and Legislature



HJM3 Next Steps – Reports

- ❑ The EIB will produce Report 1.
- ❑ Public comment opportunity for Report 2 open for 30 days.
- ❑ NMED will continue technical analysis and incorporate public comments into Report 2.
- ❑ NMED will provide a preliminary presentation to the Radioactive and Hazardous Materials Interim Committee on Nov 5.



SmartComment Portal for HJM3 Comments

NMED's Report (Report 2):

- ▣ Technical analysis of the peer-reviewed scientific literature focusing on public health, environmental, and economic risks with exemptions in the Act
- ▣ Recommendations for legislative action (keep exemptions, modify, or remove)

Submit comments about

HJM3

(Deadline Sep 17, 2026):

- ▣ <https://nmed.commentinput.com?id=x2khCUR9pK>



Resources

General PFAS information:

- <https://www.env.nm.gov/pfas>

Manufacturer page:

- <https://www.env.nm.gov/manufacturers>



Pre-submitted Questions and Public Comment





Thank you

PFAS Protection Act and HJM3 Inquiries:

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