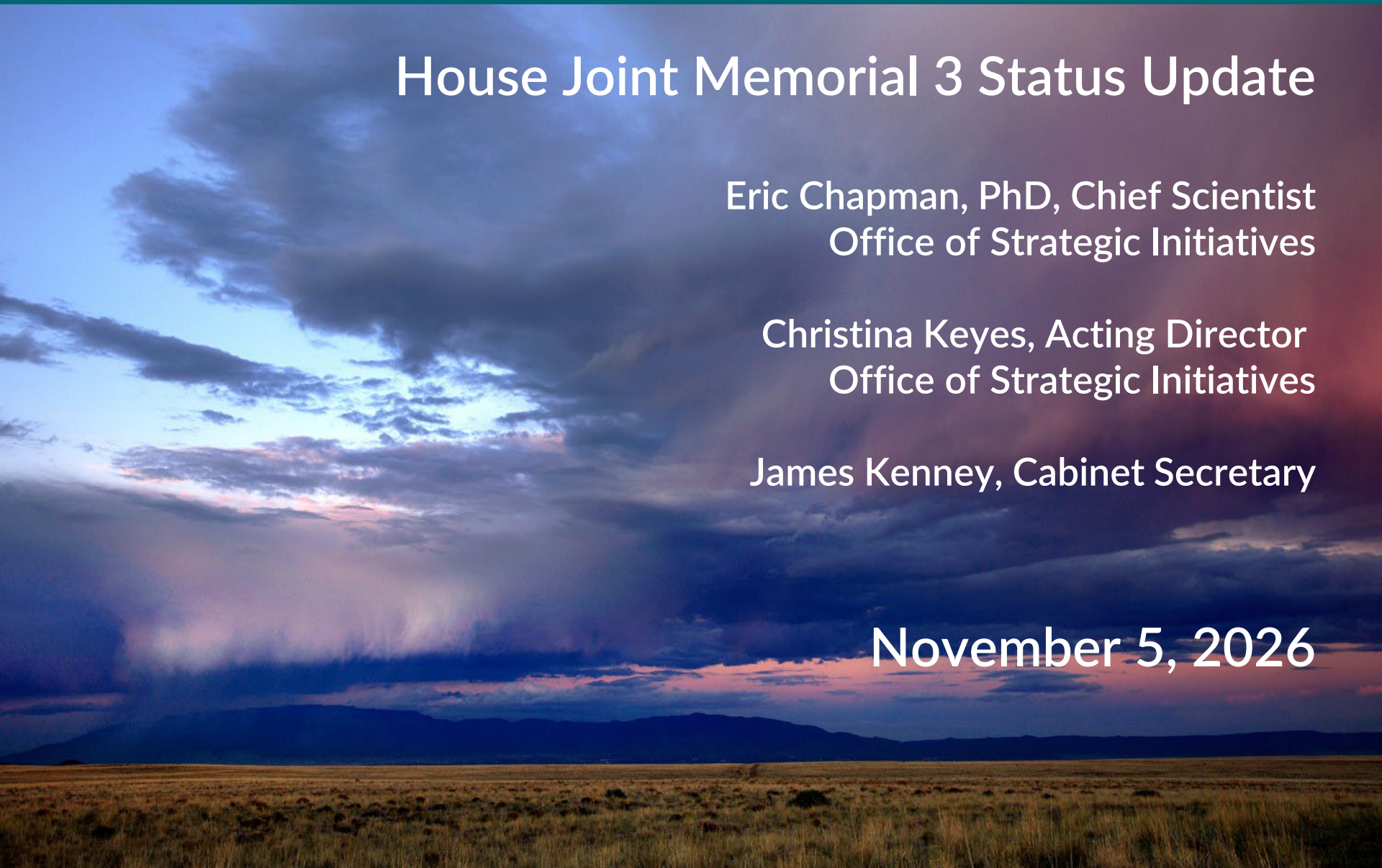
New Mexico Environment Department



House Joint Memorial 3 Status Update

Eric Chapman, PhD, Chief Scientist
Office of Strategic Initiatives

Christina Keyes, Acting Director
Office of Strategic Initiatives

James Kenney, Cabinet Secretary

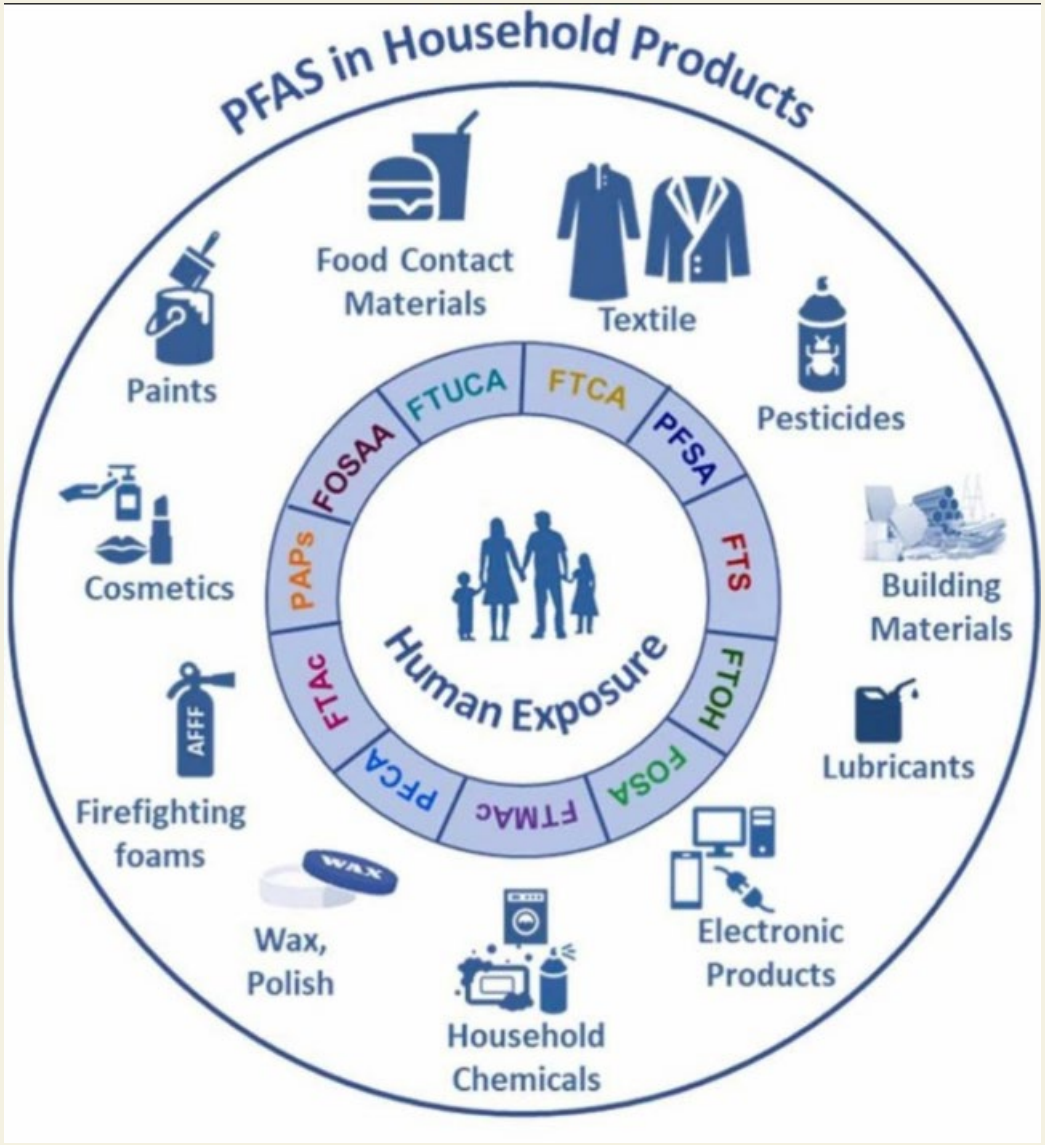
November 5, 2026

Legislative and Rulemaking History

- April 2025: PFAS Protection Act signed into law.
- February 2026: House Joint Memorial 3 adopted.
- March 2026: PFAS Protection Act Rules adopted.
- July 2026: PFAS Protection Act Rules effective

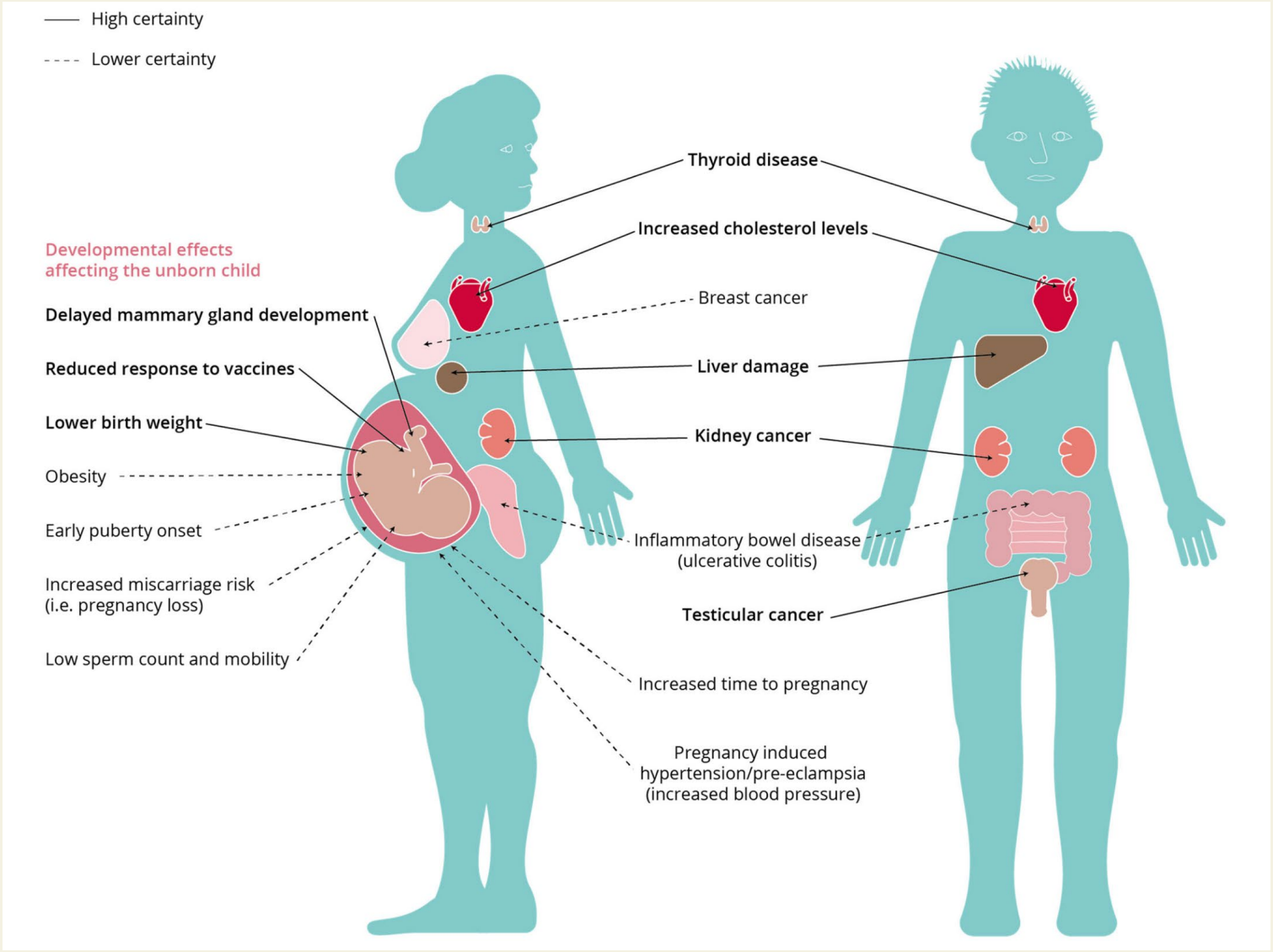
PFAS Protection Act Rules 20.13.2 NMAC

PFAS in Products



Dewapriya *et al.* (2023)

Health Effects of Certain PFAS



Fenton et al. (2021)

PFAS Protection Act Rule

- Regulates products containing intentionally added PFAS.
- First product prohibitions go into effect January 1, 2027.
- Labeling requirement for products manufactured on or after January 1, 2027.
  - On September 16, 2026, preliminary injunction enjoining NMED from enforcing labeling requirements.
  - On November 2, 2026, NM appealed preliminary injunction.

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 in 20.13.2 NMAC

- Manufacturers of 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.

HJM3 – Two Reports

- HJM3 passed in the 2026 legislative session and directs the EIB and NMED to produce two separate reports by August 1, 2027

- Report 1: EIB to provide to legislature/Governor:
  - A status update report, PFAS Protection Act implementation, evaluating rule effectiveness

- Report 2: NMED to provide to the legislature/ Governor:
  - Recommendations for legislative action (keep exemptions, modify, or remove)

HJM3 – Report Methodology

- NMED is conducting a literature analysis on the environmental and economic risks of the exemptions using scholarly peer-reviewed literature databases.
- NMDOH is conducting a literature review of human and experimental studies to assess health risks from exempted PFAS uses.
- Recommendations under development are guided by scientific evidence and whether viable alternatives exist.

HJM3 – Process and Timeline

- 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.

- Stakeholder engagement
  - NMED continues to hold meetings with stakeholders.
  - August 18, 2026 webinar with the public and other stakeholders.
  - October 8, 2026 in person meeting with stakeholders.
  - October 21, 2026 meeting with NMDA.

2027 Legislative Session

- Next Session Legislative Action:
  - Require reporting for exempt products.
  - Strengthen PFAS Protection Act by accelerating the phaseout schedule.
  - Strengthen PFAS Protection Act by sunsetting exemptions.
  - Explicitly state NMED can assess and collect fees.

Resources

General PFAS information:
env.nm.gov/pfas

Manufacturer page:
env.nm.gov/manufacturers



PFAS Protection Act and HJM3 Inquiries:
NMED-PFAS@env.nm.gov

NMDOH PFAS Information:
phdp.doh.nm.gov/health-topics/nm-tracking/contaminants-exposures-and-assessments/pfas