STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT
BOARD

IN THE MATTER OF PROPOSED
ADOPTION OF 20.13.2 NMAC –
Per- and Poly-Fluoroalkyl Substances in Consumer Products **No. EIB 25 - 61(R)**

NEW MEXICO ENVIRONMENT DEPARTMENT
TESTIMONY OF DR. ERIC J. CHAPMAN

My name is Eric J. Chapman, and I serve as the Chief Science Coordinator for the Office of Strategic Initiatives housed in the Office of the Secretary of the New Mexico Environment Department ("NMED" or "Department"). I present this written testimony on behalf of the Department in this proceeding in support of the Department's Petition and Revised Proposed New Rule, whereas:

1. The "Petition" refers to the Department's Petition for Regulatory Change to Adopt 20.13.2 NMAC, Per- and Poly-Fluoroalkyl Substances (PFAS) in Consumer Products (hereinafter the "Petition") (filed October 8, 2025);

2. The "Proposed New Rule" refers to the regulatory changes proposed in **Exhibit B** of the Petition (hereinafter the "Proposed New Rule") (filed October 8, 2025); and

3. The "Revised Proposed New Rule" refers to the text of recommended modifications to the Proposed New Rule (hereinafter the "Revised Proposed New Rule") (filed January 16, 2026), see **NMED Exhibit 1** (clean) **and NMED Exhibit 2** (redline). Throughout my testimony, any references to 20.13.2 and subparts of 20.13.2 refer to the text

in **NMED Exhibits 1** and **2**.

The purpose of my testimony is two-fold. I will provide testimony in my capacity as the technical lead of the Proposed New Rule and the Revised Proposed New Rule, and I will provide testimony in my capacity as an Environmental Scientist. In my capacity as technical lead of the Revised Proposed New Rule I will: 1) Describe the Department's comprehensive and robust efforts to collaborate, engage, consult, and coordinate with interested parties throughout the Per- and Poly-Fluoroalkyl Substances in Consumer Products rulemaking process; 2) Provide a high-level overview of the Revised Proposed New Rule; and 3) Highlight how engagement with interested parties led to the development of the Revised Proposed New Rule for the New Mexico Environmental Improvement Board's consideration.

In my capacity as an Environmental Scientist, my testimony will provide an overview of the sources, transformation, transport, and fate of PFAS in the environment; more specifically my testimony will highlight: 1) Primary sources of PFAS in the environment including commercial production, industrial activities, aqueous film-forming foam use, and consumer products; 2) Major secondary sources of PFAS in the environment including wastewater treatment plants (WWTP), landfills, and land application of biosolids; 3) How PFAS undergo biogeochemical and abiotic transformations through various environmental media including water, soil, and air; 4) How PFAS are transported through these same environmental media; and 5) How "terminal" PFAS resulting from these biotic and abiotic transformations of "precursor" PFAS are frequently the ultimate chemical fate of PFAS in the environment. This

testimony represents the culmination of a rigorous and systematic review of the peer-reviewed scientific literature on PFAS in the environment.

I. Qualifications

In my capacity at the Department and as a formally trained Environmental Scientist, I provide technical assistance and expertise on environmental issues through science, education, policy, and science communication. My educational background and my over 15 years of environmental science experience have provided me with the opportunity to work at the nexus of these fields, which are essential to environmental rulemaking, for providing the rigorous technical development of the Proposed New Rule and the Revised Proposed New Rule, presenting the Revised Proposed New Rule in front of the New Mexico Environmental Improvement Board, and providing an assessment of the sources, transport, transformation, and fate of PFAS in the environment.

I hold a Doctor of Philosophy ("PhD") with a concentration in Environmental Life Science from the School of Life Sciences at Arizona State University in Tempe, Arizona. I also hold a Master of Science ("MS") with a focus on Environmental Life Science from the School of Life Sciences at Arizona State University in Tempe, Arizona. More specifically, I am formally trained in ecosystem ecology, a subdiscipline of the environmental sciences focused on understanding how materials cycle — including contaminants such as PFAS — and energy flow within living (biotic) and non-living (abiotic) components in the environment. As an ecosystem ecologist and throughout my scholarly career, I have sought to understand the interaction between biotic and abiotic system elements through biogeochemistry, which qualifies me to speak on how PFAS move through and between environmental systems from a biological, geological, and chemical perspective. I

also hold a Bachelor of Science in Genetics, Cell Biology, and Development from the College of Biological Sciences at the University of Minnesota (UMN) in Minneapolis, Minnesota. Additionally, I have a minor in chemistry from UMN.

Since August 2025, I have served the State of New Mexico as the "Chief Science Coordinator" with the Office of Strategic Initiatives. Internally, NMED classifies this role as a senior environmental scientist. In this position, I serve as the technical lead for the Per- and Poly-Fluoroalkyl Substances in Consumer Products rulemaking effort. Generally, my responsibilities include supporting: 1) The development and implementation of state policy, projects, and programs; 2) The coordination of technical and scientific endeavors across the Department's Divisions and Bureaus; and 3) Program improvements to fulfill the missions of the Department and the Office of Strategic Initiatives.

In my work as the Science Coordinator in the Office of Strategic Initiatives, I have concentrated heavily on PFAS. Some PFAS-related achievements include: 1) establishing a Department-wide Science of PFAS Briefing Paper Series exploring how PFAS affect human and environmental health by continuously reviewing the peer-reviewed scientific literature; 2) Co-leading NMED's Monthly PFAS Technical Meetings; 3) Presenting to the Military and Veterans Affairs Interim Legislative Committee on the effects of PFAS on New Mexico's veterans; 4) Developing a statewide repository of PFAS data across different media including soil, surface water, and groundwater; 5) Serving as a subject matter expert for the agency and in the public press; and 6) Assisting with the development of the Proposed New Rule and Revised Proposed New Rule as the technical lead.

Throughout my career, I have devoted significant time and attention to

communicating complex technical scientific information to broad audiences. For instance, prior to my role as the Chief Science Coordinator for the Department, from 2019-2025, I was a biology professor at the University of St. Thomas, a large primarily undergraduate institution in Minnesota. In this capacity, I taught over 1,000 students introductory and upper-level biology courses. Over my tenure, I taught courses that investigated human impacts on the environment with a particular focus on chemicals of emerging concern including PFAS, and a food systems course that also focused on environmental contaminants including PFAS. As a scientist and scholar, I have published over a dozen peer-reviewed journal articles and have been awarded over $1 million in extramural grant funding. My experience as a college professor speaks to my qualifications of translating complex technical information to general audiences and my record as a publishing environmental scientist provides qualifications for conducting, summarizing, analyzing, and interpreting technical peer-reviewed literature.

Further details on my background and qualifications can be found in my curriculum vitae, **NMED Exhibit 4**.

Eric J. Chapman Testimony Part I: Development of Proposed New Rule and Revised Proposed New Rule

II. Legislative Summary and Rule History

The New Mexico legislature passed, and Governor Lujan Grisham signed into law the Per- and Poly- Fluoroalkyl Substance or PFAS Protection Act on April 8, 2025. These actions of our elected representatives directed the Environmental Improvement Board to adopt rules to implement this new law. Since its passage, the Department has spent the better part of the last year drafting rules, engaging with dozens of interested parties through email and one on one meetings, holding multiple public meetings, consulting with nations, pueblos, and tribes, working with cutting edge PFAS researchers at some of the great universities in this state, meeting with other state leaders, and bolstering our public facing PFAS website along the way.

When our state leaders passed and signed into law the PFAS Protection Act in the 2025 legislative session, creating a measured phaseout and ultimately a prohibition of consumer products containing intentionally added PFAS, they acted to protect New Mexicans and our beautiful landscapes from a class of chemicals demonstrated to have devastating effects on human health and the environment.

III. Context for Regulating PFAS in Consumer Products in New Mexico

I begin by providing some broader context for regulating PFAS in consumer products in New Mexico. One of the many catalysts for states' actions regulating PFAS

— including New Mexico's PFAS Protection Act — is the bioaccumulative, persistent, and toxic nature of many PFAS (Ehsan *et al.* 2023; Hu *et al.* 2025; Kemp *et al.* 2025). Another catalyst is the extent of PFAS contamination that exists in New Mexico today, and how phasing out and prohibiting certain consumer products containing intentionally added PFAS represents an important strategy to turn off the upstream spigot of PFAS entering New Mexico.

New Mexico is home to numerous important military bases that help to enhance national security, provide livelihoods for hard-working New Mexicans, and serve as economic engines in various reaches of the state (Solis 2022). Unfortunately, military bases have also been linked with extensive PFAS contamination from aqueous film-forming foam or AFFF use in fire suppression training and emergency response operations. The extent of this contamination has led New Mexico to be involved with complex and expensive litigation around Cannon Air Force Base in Curry County, New Mexico and Holloman Air Force Base in Otero County ("New Mexico Attorney General Raúl Torrez Files Amended Complaint for 'Forever Chemical' Cleanup Under New EPA Regulations - New Mexico Department of Justice"; "NMED and NMDOJ File New Lawsuit Against Air Force - New Mexico Department of Justice"). Recent peer-reviewed research by scientists at the University of New Mexico has documented amongst the highest concentrations of PFAS contamination ever observed globally in plant and animal tissues at Holloman Lake outside of Holloman Air Force Base near White Sands National Park, which receives 700,000 annual visitors (Witt *et al.* 2024).

As another example, beyond military bases, consumer products are another major source of PFAS entering the environment in New Mexico and represent an important

exposure pathway that can ultimately negatively affect human health, as the testimony of Dr. Jamie DeWitt will describe. As I will indicate in my technical testimony as an environmental scientist on environmental effects of PFAS contamination, PFAS in cleaning products, cosmetics, cookware, food packaging, and fabric treatments can ultimately contaminate surface water, groundwater, soil, and the air. Upstream PFAS contamination from consumer products leaves homes and enters critical municipal infrastructure tasked with providing us with clean water and safe places to discard refuse including downstream passive receivers of PFAS such as wastewater treatment plants and landfills. Through upstream regulation of PFAS in consumer products, the burden of PFAS contamination by downstream passive receivers can be lessened. The economic benefits of regulating PFAS upstream in consumer products is the subject of the testimony of Dr. Alison Ling. Further, New Mexico is a large largely rural state with an estimated 30% of residents relying on septic systems to manage household waste. These systems represent another downstream passive receiver of PFAS that can spread contamination more widely including into groundwater, a precious resource that 80% of New Mexicans depend on for drinking water, including 87% of the public water supply ("Saving Water in New Mexico"; "Water Resources & Management").

The PFAS Protection Act allows New Mexico to phaseout and ultimately prohibit consumer products containing intentionally added PFAS. Adopting the Revised Proposed New Rule provides an implementation pathway for the PFAS Protection Act that will ultimately restrict the upstream flow of PFAS into consumer homes and the environment. Adopting the Revised Proposed New Rule would also help to contain PFAS contamination downstream and help minimize the burden faced by passive receivers of

PFAS contamination.

IV. History of PFAS Impacts and Growing Public Awareness

Actions to develop more stringent regulations on PFAS are decades in the making. Over 25 years ago, Robert Bilott, an attorney from Ohio, filed a federal suit against the chemical manufacturer DuPont after it was discovered that DuPont discharged PFAS near a West Virginia cattle farm sickened Wilbur Tennant's herd. DuPont ultimately settled for hundreds of millions of dollars after it was discovered that perfluorooctanoic acid (PFOA) was to blame ("Bilott Quoted Regarding Announcement for Settlement in Principle with DuPont | News | Taft Law"). In many ways, Mr. Bilott's suits against chemical companies in the 1990s and early 2000s marked the beginning of the public's broader awareness of the dangers of PFAS. In fact, this story was highlighted in the feature film Dark Waters, starring Mark Ruffalo as Mr. Bilott.

In the following decades and as a testament to the growing public awareness and the totality of evidence in the peer-reviewed scientific literature about the human and environmental health concerns of PFAS, dozens of states are taking action to address PFAS contamination across all sectors including consumer products ("ECOS Compendium of State PFAS Actions"). In the last several years, Minnesota and Maine have emerged as two of the early leaders addressing PFAS in consumer products and New Mexico was not far behind. Since the passage of the PFAS Protection Act, the Department has met with state leaders across the country and incorporated the best elements of other state regulations in the Revised Proposed New Rule for the board's consideration. The Revised Proposed New Rule also builds on early leaders of PFAS

regulation and if adopted by the EIB, the Revised Proposed New Rules under consideration represent significant and nation leading protections for consumers and the environment, including a transparent labeling provision to empower consumers to choose the types of products they bring into their homes.

As a government agency, public and regulated community engagement is critical to the success of rulemaking. We understand EIB's emphasis on this topic and have made proactive involvement a top priority for this rulemaking. We listened to the public and interested parties, among others, and incorporated their feedback and insights into the Revised Proposed New Rule. In the sections below, I will walk you through the different types and levels of engagement by the Department before the petition was filed, after the petition was filed, and for public notice of the hearing – but in topical order, not chronological.

V. Notice Provided to The Public

On October 8, 2025, the EIB met with a quorum and granted a hearing on NMED's petition to adopt 20.13.2 NMAC; see *Order Scheduling Hearing on Petition and Hearing Officer Appointment* filed on October 30, 2025. On December 3, 2025, the Hearing Officer entered the *Pre-Hearing Order*. This initiated the requirements for public notice of the hearing. NMED provided notice of the rulemaking hearing to the public and offered a public comment opportunity. I completed many of the notice tasks described below and can attest to the validity of each one.

A. NMED Provided All Legally Required Notices

1. New Mexico Register

NMED published an advertisement or "notice of rulemaking hearing" in the *New Mexico Register* to provide public notice of (1) NMED's proposed rule, (2) the dates and times of the hearing, and (3) procedures for public comment on the proposed rule. The notice of rulemaking hearing was published by the New Mexico State Records Center and Archives ("SRCA"), Commission of Public Records, at Volume XXXVI, Issue 24, on December 23, 2025, pages 1391-1395. See **NMED Exhibit 5** for SRCA's signed and notarized affidavit, confirming the publication as I have described it above, and a copy of the notice of rulemaking hearing in English and Spanish. Alternatively, the entirety of Issue 24 of Volume XXXVI of the *New Mexico Register* is accessible here, where the English version can be found on pages 1391-1393 and the Spanish version can be found on pages 1393-1395.

2. Newspapers of General Circulation

NMED published the notice of rulemaking hearing in newspapers of general circulation throughout the State before December 23, 2025, specifically in the *Albuquerque Journal*, *Santa Fe New Mexican*, and *Las Cruces Sun News*. See **NMED Exhibit 6 (Composite)** for each ad and newspaper publisher's signed and notarized affidavit, confirming the publication as I have described it above.

3. Other Means by Which the Notice of Rulemaking Hearing Was Provided to the Public

Furthermore, NMED distributed rulemaking information by:

a. Posting instructions on how to access and comment on the Proposed

New Rule on the Department's PFAS website at https://www.env.nm.gov/pfas/pfas-protection-act-hb212/ before December 23, 2025 (**NMED Exhibit 7 (Composite)**);

b. Posting the notice of rulemaking hearing on the department's Public Notice website at https://www.env.nm.gov/public-notices/ before December 23, 2025 (**NMED Exhibit 7 (Composite)**);

c. Posting the notice of rulemaking hearing in the EIB docket, maintained by NMED's independent Office of Public Facilitation, at https://www.env.nm.gov/opf/docketed-matters/ before December 23, 2025 (see **NMED Exhibit 7 (Composite)**);

d. In collaboration with the Office of Public Facilitation, coordinating the creation of public calendar events on NMED webpages, which became available before December 23, 2025, at https://www.env.nm.gov/events-calendar/, related to the hearing dates and times (see **NMED Exhibit 7 (Composite)**);

e. Posting the notice of rulemaking on the New Mexico Sunshine Portal at https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic before December 23, 2025 (see **NMED Exhibit 7 (Composite)**);

f. Making the notice of rulemaking, petition, statement of reasons, and proposed rule available as paper copies in the agency's district, field and regional offices, on or before December 23, 2025 (**NMED Exhibit 8 (Composite)**), including at:

i. 100 E Manana, Unit 3, Clovis, NM 88101,

ii. 1720 East Aztec Avenue, Gallup, NM 87301,

iii. 708 Uranium Ave., Milan (i.e. Grants), NM 87021,

iv. 475 Courthouse Rd SE, Suite B, Los Lunas, NM 87031,

v. 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144,

vi. 113 W Center, Tucumcari, NM 88401,

vii. 1190 St. Francis Dr. Suite N4050, Santa Fe, NM 87505,

viii. 2540 Camino Edward Ortiz, Santa Fe, NM,

ix. 912 N. Railroad Avenue, Espanola, NM 87532,

x. 1800 E 30th St, Suite B, Farmington, NM 87401,

xi. 2538 Ridgerunner Road, Las Vegas, NM 87701,

xii. 1277A S 2nd Street, Raton, NM 87740,

xiii. 145 Roy Road, Suite B, Taos, NM 87571,

xiv. 2301 Entrada Del Sol, Las Cruces, NM 88001,

xv. 811 E First St, Suite D, Alamogordo, NM 88310,

xvi. 406 N Guadalupe, Suite C, Carlsbad, NM 88220,

xvii. 2120 N Alto, Hobbs, NM 88240,

xviii. 1914 W 2nd, Roswell, NM 88201,

xix. 1216 Mechem Dr., Bldg 2, Ruidoso, NM 88345, and

xx. 3082 32nd Street Bypass, Suite D, Silver City, NM 88061.

g. Sending it by e-mail – via GovDelivery on December 23, 2025 – to persons who have made a written request for notice from NMED of announcements addressing the subject of the rulemaking proceeding and who have provided an e-mail address to NMED (**NMED Exhibit 9**);

h. Sending it by e-mail – via GovDelivery on December 23, 2025 – to persons who have participated in the rulemaking and who have provided an e-mail address to

NMED (**NMED Exhibit 9**); and

i. Providing it to the New Mexico Legislative Council Service on December 22, 2025, for distribution to appropriate interim and standing legislative committees (**NMED Exhibit 10**).

B. Public Involvement Plan

NMED developed and implemented a Public Involvement Plan ("PIP") for the Per- and Poly-Fluoroalkyl Substances (PFAS) in Consumer Products rulemaking process as required by NMED Policy 07-13, Public Participation. The most recent version of the PIP was completed and posted on the NMED's Public Notice webpage on November 24, 2025. **NMED Exhibit 11 (Composite)** . The PIP outlines the actions NMED took and will take, both as required by law and regulation, and those that exceed these requirements, to provide public participation opportunities and information. In developing the PIP, the Office of Strategic Initiatives assessed a combination of environmental and demographic factors to ensure NMED is appropriately conducting outreach to address community participation needs that may affect public involvement of potentially affected communities. The public access opportunities outlined in the PIP underscore the provision of adequate public access to information.

The State of New Mexico is multilingual and has a relatively large community of Spanish speakers. Therefore, NMED provided public notice and public meeting information in both English and Spanish. Outreach materials included information on how individuals with limited English proficiency or disabilities could obtain assistance for the specified activity. NMED's website has an embedded translator for Spanish, and NMED provided Spanish language interpretation services for the virtual public meeting and

the hearing. NMED is prepared to provide additional language interpretation (*e.g.*, Navajo and American Sign Language), assistance, or auxiliary aids to accommodate participant needs upon request 14 days in advance of the hearing. All the accommodations were also available upon request five days in advance of public meetings. The PIP does not outline activities to reach out to nation, pueblo, and tribal communities and community organizations. This is included in the Engagement with Nations, Pueblos, and Tribes discussed in Section VI.

C. NMED Established the Smart Comment Portal to Collect Public Comments

In coordination with NMED's Office of Strategic Initiatives, the Office of Public Facilitation also established a Smart Comment Portal to collect public comments for the EIB in the rulemaking proceeding. See Section VI.H. for discussion of the pre-Petition Smart Comment Portal. The public was notified that it could provide public comment regarding the proposed adoption of *New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))* at https://nmed.commentinput.com/?id=8mWdJ5uaj. NMED's Smart Comment Portal on this matter opened on September 25, 2025, and remains open until the close of the record (as determined by the Hearing Officer). NMED further notified the public that the EIB will be provided with all comments submitted to the Smart Comment Portal for consideration. See *Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))*.

VI. Engagement with Nations, Pueblos, and Tribes

New Mexico proudly works with 24 distinct nations, pueblos, and tribes to provide consultation and engagement with communities interested in rulemaking. The 24 nations, pueblos, and tribes that NMED engaged with are:

a. Fort Sill Apache Tribe,
b. Jicarilla Apache Nation,
c. Mescalero Apache Tribe,
d. Nambe Pueblo,
e. Navajo Nation,
f. Ohkay Owingeh,
g. Pueblo of Picuris,
h. Pueblo of Acoma,
i. Pueblo of Cochiti,
j. Pueblo of Isleta,
k. Pueblo of Jemez,
l. Pueblo of Laguna,
m. Pueblo of Pojoaque,
n. Pueblo of San Felipe,
o. Pueblo of San Ildefonso
p. Pueblo of Santa Ana,
q. Pueblo of Sandia,
r. Santa Clara Pueblo,
s. Kewa Pueblo (formerly known as Santo Domingo Pueblo),
t. Taos Pueblo,
u. Pueblo of Tesuque,
v. Ysleta Del Sur,
w. Zia Pueblo, and
x. Pueblo of Zuni (Ashiwi).

This includes the 23 nations, pueblos, and tribes recognized by New Mexico and the Ysleta Del Sur Tribe. The State-Tribal Collaboration Act, NMSA 1978, Sections 11-18-1 to 5, and the NMED Tribal Communication and Collaboration Policy mandate NMED notify nations, pueblos, and tribes about rulemaking actions. Thus, in preparation for the rulemaking, NMED sent copies of unique letters in **NMED Exhibit 12 (Composite)** to all nations, pueblos, and tribes on December 10, 2025. **NMED Exhibit**

12 (Composite) also contains 24 emails that were sent to all nations, pueblos, and tribes, which attached the unique letters. These communications underscored the statute's emphasis on participation from tribal government representatives, inviting them to engage deeply in the rulemaking process. The Department also expressed willingness to meet and discuss the Per- and Poly- Fluoroalkyl Substances in Consumer Products rulemaking and potential benefits for tribal governments. None of the nations, pueblos, and tribes sought to participate in or requested meetings with NMED.

VII. Additional Engagement Beyond the Minimum Requirements

Throughout the rulemaking effort, NMED expended at least: (i) 45 staff hours on meetings with interested parties, plus Research-Based Organizations, (ii) 4 staff hours meeting with New Mexico state agencies and departments, (iii) 14 staff hours meeting with non-New Mexico jurisdictions, and (iv) 16 staff hours on webinars related to PFAS in consumer products.

A. NMED Engaged with Interested Parties

NMED began engaging with interested parties for rule development in August 2025. As previously mentioned, NMED uses the term "interested parties" to include persons, organizations, and entities that have contacted NMED because they are interested in PFAS in Consumer Products. NMED has made a concerted effort to meet with all interested parties who requested a meeting and respond to all correspondence. In total, and as of January 14, 2026, NMED held at least 22 meetings with at least 45 interested parties, as shown in **NMED Exhibit 13**.

B. NMED Engaged Non-New Mexico Jurisdictions, Including

Those with Similar Programs

When the PFAS Protection Act became law in April 2025, the Office of Strategic Initiatives began extensive peer-to-peer outreach with other jurisdictions that have similar programs. This approach has improved the Office of Strategic Initiatives' efficiency, effectiveness, and collaboration by utilizing prior work and established knowledge.

Specifically, NMED's rulemaking team has dedicated significant time to learning from and coordinating with other jurisdictions through direct communication with regulators in other states with programs phasing out PFAS in consumer products including Minnesota and Maine. NMED's rulemaking team has also had communications with other states with regulatory programs concerning PFAS in municipal waste, surface, and groundwater without programs phasing out intentionally added PFAS in consumer products, including Maryland, Washington, Oregon, and Massachusetts. This level of state-to-state coordination with leading regulators and scientists has helped craft the Revised Proposed New Rule for NMED to present to the EIB and initiate implementation if EIB chooses to adopt it. As implementation begins, the Office of Strategic Initiatives expects meetings, in particular with experts in other states with programs phasing out intentionally added PFAS in consumer products, to continue.

C. NMED Issued Public Updates

Starting in the 2025 Legislative Session, the State of New Mexico has kept the public informed of the evolution of House Bill 212 into law. NMED has further notified the public about the rulemaking efforts in subsequent news releases and media. In total, the Department issued two news releases for the public's information, and some of the news releases were accompanied by email, **NMED Exhibit 14**.

D. NMED Held Public Meetings, Educated the Public, and Collected Input

NMED hosted 2 hours of public meetings. One meeting was a virtual public meeting on September 25, 2025, from 1:00 to 2:00 p.m., and another meeting was a virtual meeting from 1:00 to 2:00 p.m. on October 22, 2025. **NMED Exhibit 15 (Composite)**, for the presentation materials given September 25; **NMED Exhibit 15 (Composite)**, for the presentation materials given October 22; and https://www.youtube.com/watch?v=iRoUMptI3Gk for the meeting recording from September 25, 2025 and https://www.youtube.com/watch?v=wspfRBnJ40s for the meeting recording from October 22, 2025.

In addition to describing the PFAS in consumer products to the public and interested parties, its enabling and related provisions, and the primary benefits, NMED also described the other anticipated social and environmental effects at these meetings.

NMED called for public input on its "Proposed New Rule," the initial version of the Revised Proposed New Rule. The Proposed New Rule, available in **NMED Exhibit B** was made public on October 8, 2025, and a Smart Comment Portal was launched on September 23, 2025, to collect public comments. The Smart Comment Portal will remain open until February 23, 2026. Feedback was collected in other forms, such as direct email. As of January 12, 2026, NMED received 17 submissions totaling 64 pages of public comment, available in **NMED Exhibit 16**. These comment letters played a significant role in shaping the Revised Proposed New Rule.

VIII. Anatomy of the Revised Proposed New Rule

The culmination of the activities outlined above is the Revised Proposed New Rule that the Department presents today. The Department is proud to present for the board's consideration a New Mexico specific rule that will protect New Mexicans from intentionally added PFAS in consumer products. By stemming the upstream flow of new PFAS into the state, this rule will create a program to implement the PFAS Protection Act, ultimately reducing the burden of environmental contamination for PFAS contamination including, passive receivers of pollution such as municipal and private water and wastewater treatment systems and municipal landfills.

Now I will provide an overview anatomy of the Revised Proposed New Rule. For clarity, I will start with the statutory definition of per- or poly-fluoroalkyl substance in the PFAS Protection Act. On page 6 from the PFAS Protection Act: "per- or poly-fluoroalkyl substance means a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." This is important because we may hear throughout this hearing that certain chemistries are not PFAS. Luckily, we have a definition codified in the PFAS Protection Act to keep us all on the same page.

A. Consumer Product Phaseouts and Prohibitions

The core of the rule is a recitation of the practical, common sense phaseouts and prohibitions of consumer products containing intentionally added PFAS that were codified in the PFAS Protection Act. Beginning January 1, 2027, manufacturers may not

sell, offer for sale, distribute, or distribute for sale the following if the product contains intentionally added PFAS: cookware; food packaging; dental floss; juvenile products; and firefighting foam. Beginning January 1, 2028, the prohibitions apply to carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture.

Finally, beginning January 1, 2032, unless the board has adopted a rule providing that the use of PFAS is currently unavoidable in that product, or if the product is otherwise exempt pursuant to section 20.13.2.10 of the Revised Proposed New Rule, a manufacturer may not sell, offer for sale distribute, or distribute for sale in New Mexico a consumer product containing intentionally added PFAS. While the scope of the Revised Proposed New Rule applies to manufacturers, distributors, and retailers, the rule is only enforceable against manufacturers of consumer products that contain intentionally added PFAS.

B. Consumer Product Exemptions Provided by PFAS Protection Act

The PFAS Protection Act provides targeted and specific consumer product categories that are exempt from the prohibitions I outlined above. These 16 enumerated exemptions include:

1. a product for which federal law governs the presence of a per- or poly-fluoroalkyl substance in the product in a manner that preempts state authority;

2. used products offered for sale or resale;

3. medical devices or drugs and the packaging of the medical devices or drugs that are regulated by the United States food and drug administration;

4. cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added per- or poly-fluoroalkyl substances or refrigerants listed as acceptable, acceptable subject to use conditions or acceptable to narrowed use limits by the United States environmental protection agency;

5. a veterinary product and its packaging intended for use in or on animals, including diagnostic equipment or test kits and the veterinary product's components and any product that is a veterinary medical device, drug, biologic or parasiticide or that is otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of:

    a. the United States food and drug administration;

    b. the United States department of agriculture pursuant to the federal Virus-Serum-Toxin Act; or

    c. the United States environmental protection agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act also known as FIFRA, except that any such products approved by the United

States environmental protection agency pursuant to that law for aerial and land application are not exempt from this section;

6. a product developed or manufactured for the purpose of public health or environmental or water quality testing;

7. a motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, as defined in 49 United States Code, Section 30102(a)(10), except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

8. any other motor vehicle, including an off-highway vehicle or a specialty motor vehicle, such as an all-terrain vehicle, a side by-side vehicle, farm equipment or a personal assistive mobility device;

9. a watercraft, an aircraft, a lighter-than air aircraft or a seaplane;

10. a semiconductor, including semiconductors incorporated in electronic equipment, and materials used in the manufacture of semiconductors;

11. non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes;

12. a product that contains intentionally added per- or poly-fluoroalkyl substances with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the

United States environmental protection agency's rules under the significant new alternatives policy program; provided that the product contains per- or poly-fluoroalkyl substances that are being used as substitutes for ozone-depleting substances under the conditions specified in the rules;

13. a product used for the generation, distribution or storage of electricity;

14. equipment directly used in the manufacture or development of the products described in Paragraphs A through M of this section;

15. a product for which the board has adopted a rule providing that the use of the per- or poly-fluoroalkyl substances in that product is a currently unavoidable use; or

16. a product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.

C. Directions to Submit Currently Unavoidable Use (CUU) Proposals

Next, we turn to 20.13.2.11 which provides an easy-to-follow framework where manufacturers can individually or collectively submit applications for products containing intentionally added PFAS to be considered a currently unavoidable use or CUU of PFAS. This is another practical acknowledgement that there are currently unavoidable uses of PFAS. The Revised Proposed New Rule asks proposals to contain

basic information including the type of PFAS, the product, why PFAS is used in the product, a description of why PFAS is essential for the product, potential alternatives to PFAS in the product, whether the product is subject to federal regulations, other New Mexico rules, or regulations in other states, contact information for the submitter, and information known by the manufacturer about human and environmental health.

For efficiency, convenience, and ease for manufacturers, the Revised Proposed New Rule contains provisions that the Department will consider CUU determinations made by other states. This means that provided the manufacturer supply evidence that the manufacturer met conditions of another state's CUU determination, the Department will consider another state's proposal for CUU determination. To make sure CUU designations reflect current state of the science and technology, CUU designations expire three years after approval. After that period, should the manufacturer believe their use of PFAS is still currently unavoidable, they are able to apply for a new CUU designation. To ensure transparency with the public, the Department will publicly post a list of approved CUUs on the NMED website.

D. The PFAS Protection Act Requires the EIB to Adopt Rules for Reporting Requirements

Section 20.13.2.12 establishes requirements for manufacturers to submit to the Department a report outlining information about the use of intentionally added PFAS in products. This will allow the Department to establish a database of products containing intentionally added PFAS that are sold in New Mexico as authorized by the PFAS

Protection Act. Beginning January 1, 2027, the required reporting information includes: 1) a brief description of the product; 2) the purpose PFAS serves in the product; 3) the amount of PFAS in a product as a percentage; and 4) basic information about the manufacturer including name, address, and contact representative of the manufacturer.

The PFAS Protection Act exempts products exempt from section 20.13.2.10 or those that receive CUU designations from reporting this information in 20.13.2.12. As another nod to efficiency and practicability, the Revised Proposed New Rule allows individuals or groups to report on behalf of other manufacturers, pathways for a reporting requirement waiver, and for requests for deadline extensions of reporting information. The Department has contracted with an external vendor to build a state-of-the-art software system designed to intake and assist Department staff to manage and process: 1) applications for CUU designation; 2) submitted required reports of consumer products; and 3) labeling waivers.

E. The EIB has the Authority to Require Labeling of Consumer Products Containing Intentionally Added PFAS

The PFAS Protection Act authorizes the EIB to adopt rules to require labeling of products containing PFAS. The most notable element of the Revised Proposed New Rule at least on the national level is Section 20.13.2.13, which instructs manufacturers of products containing intentionally added PFAS to label products as such including consumer products exempt from the sales prohibition. The Revised Proposed New Rule outlines labeling requirements designed to protect New Mexican consumers and the

environment and these provisions seek to empower consumers to make informed choices of the products they choose to bring into their homes prior to purchase. The Department believes that labeling is a critical piece of the Revised Proposed Rule that will help to restrict the flow of new PFAS from entering the state. By providing consumers with easy to read and digest product labels at the time of purchase, the labeling program will empower consumers to make informed choices of the products they choose to purchase and bring into their homes.

In addition to a clear statement that is visible to a consumer prior to purchase, packaging of a product containing intentionally added PFAS must also include a link to a webpage hosted by the Department or a quick response code to a website hosted by the Department that provides information about PFAS in consumer products. The Revised Proposed New Rule also includes language that specifies that "Nothing in this section shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law." This section also specifies that labels should be provided in English and in Spanish. Section 20.13.12.13 also provides instruction for: 1) labeling complex durable goods by including statements in the operation and maintenance manual; 2) how manufacturers may use labels approved by other states; and 3) how manufacturers may seek a waiver from labeling requirements outlined in this section.

I provided more context and information about revisions to the Proposed New Rule that resulted in the Revised Proposed New Rule in the Outcomes of NMED Engagement section below, but I provide a high-level overview of revisions the

Department made resulting in the Revised Proposed New Rule here.

The Revised Proposed New Rule contains important changes that were incorporated following meetings with interested parties and receipt of comment letters on the EIB docketed matters for this rulemaking. Notable labeling revisions in Section 20.13.2.13 Subsection B include:

1) Providing explicit language exempting products from labeling requirements for which labeling requirements are preempted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. Section 136v;

2) Providing explicit language exempting products from labeling requirements for veterinary products including veterinary parasiticides and veterinary biologics and the packing of veterinary products regulated by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, or the U.S. Environmental Protection Agency;

3) Explicitly exempted medical devices, drugs, and the packaging of medical devices and drugs regulated by the U.S. Food and Drug Administration;

4) Modifying label language in Section 20.13.2.13 Subsection C for products and Subsection D for complex durable goods for clarity and providing specific wording or phrases that is acceptable including “This product is made with PFAS,” “Made with PFAS,” or “Contains PFAS;”

5) Changing language to allow greater flexibility in the timing of labeling requirements, a practical acknowledgement of the complexity in the supply chain and

how products move through the supply chain. Instead of "after January 1, 2027, a manufacturer may not sell, offer for sale, distribute, or distribute for sale a product..." was changed to "after January 1, 2027, a manufacturer may not manufacture a product...;" and

6) The Department removed the following language from 20.13.2.13.D about complex durable goods that raised concern with interested parties: "PFAS are a family of chemicals, exposure to which are associate with negative health and environmental effects."

Outside of high-level summary of label revisions, in the Revised Proposed New Rule, the Department: 1) Clarified in Section 20.13.2.10 paragraph Q that a pesticide that is regulated by or under the jurisdiction of FIFRA is exempt from prohibitions in the PFAS Protection Act based on the following passage from NMSA 1978, Section 74-15-3(F): "The department shall consult with the New Mexico department of agriculture before petitioning the board pursuant to Subsection D or E of this section with respect to a pesticide, fertilizer, agricultural liming material or plant or soil amendment that contains an intentionally added per- or poly-fluoroalkyl substance. However, if a pesticide is regulated by or under the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act, then Subsections B through E of this section do not apply to the pesticide;" 2) Clarified the process for applying for a labeling waiver in 20.13.2.13 Subsection F, which will be discussed in further detail later in my testimony; 3) Added a definition for product class in Section 20.13.2.7, which enables manufacturers to submit label waivers for a group of products that share essential physical characteristics and function; 4) Provided directions for manufacturers to submit label waiver application

fees; and 5) Provided a label waiver fee schedule.

Altogether, the labeling provisions and the revisions incorporated into the labeling section following discussions with interested parties represent a commonsense approach to balance human and environmental health concerns with practicability and feasibility concerns that the Department heard in interested party meetings and comment letters. The revisions the Department made to the Proposed New Rule: 1) Address concerns with label language; 2) Provide explicit language confirming that the New Mexico labeling program cannot preempt federal law for which labeling is already regulated by federal law in products such as pesticides, pharmaceutical drugs, veterinary and biological products, and medical devices; and 3) Acknowledge time lags in the supply chain and now products manufactured, not sold or distributed for sale, after January 1, 2027 are subject to labeling requirement.

Ultimately the revisions to the Revised Proposed New Rule provide greater clarity to manufacturers and will enhance manufacturer compliance with labeling requirements, while still providing consumers with transparent information at the time of purchase that allows consumers to choose to buy products with intentionally added PFAS. My testimony on the provisions of the Revised Proposed New Rule will be supported by an additional expert, Dr. Deb Dickerson, on the best practices of consumer label design, the importance of labels to indicate the presence of PFAS in consumer products, how labels can influence human behavior, and on the economic reasonableness of modifying product labels.

F. The PFAS Protection Act Requires the EIB Adopt Rules for Testing Consumer Products

Section 20.13.2.14 outlines the process should there be reasonable suspicion that a product contains intentionally added PFAS and the manufacturer of the product has not fulfilled reporting requirements outlined in 20.13.2.12 or labeling requirements provided by section 20.13.2.13. The Revised Proposed New Rule provides the ability for the Department to test or require a manufacturer to test their product to determine presence and concentration of PFAS in the product.

If directed to test for PFAS, manufacturers must use a commercially available analytical method to report the following: 1) Each PFAS name; 2) The Chemical Abstracts Service (CAS) Number, 3) Chemical formula of the PFAS; the 4) Concentration of PFAS in the product within certain specified ranges designed to protect confidential business information; and 5) Documentation verifying the analytical method results to the Department. If the product is not found to contain any intentionally added PFAS, the manufacturer will provide a certificate of compliance to the Department. Should the product be found to contain intentionally added PFAS, the manufacturer is instructed to submit a report as required in Section 20.13.2.12 of the rule and if the product is prohibited for sale, notify distributors and retailers that the product is prohibited, and provide the Department with a list of distributors and retailers that were notified.

This section does not apply to a medical device, drug, or the packaging of a

medical device or drug that is regulated by the U.S. Food and Drug Administration.

G. Fees and Fee Schedules for Reporting, Currently Unavoidable Use Designation Applications

Sections 20.13.2.15, 20.13.2.16, 20.13.2.17, and 20.13.2.18 of the Revised Proposed New Rule provide fees and fee schedules for reporting and currently unavoidable use designation applications. Detailed technical testimony that serves as the basis for these fees will be provided by the Environment Secretary James C. Kenney.

H. Fees and Fee Schedule for Label Waiver Applications

Sections 20.13.2.19 and 20.13.2.20 of the Revised Proposed New Rule provide fees and fee schedules for label waiver applications. In the Revised Proposed New Rule, manufacturers may seek a label waiver, so they do not have to apply a label to a product or a class of products that contain intentionally added PFAS. These label waiver applications for products are subject to an application fee of $2,000 and the label waiver application fee for a class of products is subject to an application fee of $5,000. The fees in the Revised Proposed New Rule are adjusted with changes reflected in the consumer price index published by the United States Department of Labor. The Revised Proposed New Rule also instructs the Department to publish a fee schedule on the Department's website. Again, detailed technical testimony that serves as the basis for these fees will be provided by the Environment Secretary James C. Kenney.

I. Manner of Payment and Late Charges

Sections 20.13.2.21 and 20.13.2.22 of the Revised Proposed New Rule provide instructions for method of payment and specify that the Department will collect fees only online by ACH or credit card. Cash payments are not an acceptable form of payment. The Revised Proposed Rule specifies late charges for any fee that is not paid in full when due is subject to a $1,000 billing charge plus late charges in the amount of an additional percentage of all fees owed for every month the fees remain unpaid. Revised Proposed New Rule indicates that billing and late charges shall be deposited in the recycling and illegal dumping fund.

J. Enforcement, Compliance Orders, and Penalties

The last section of the Revised Proposed New Rule is 20.13.2.23 which is concerned with enforcement, compliance orders, and penalties. This section outlines the process by which the Secretary of the Department may issue a compliance order or assess a civil penalty, or both should there be credible information that any person has violated or is violating the PFAS Protection Act or any rule adopted and promulgated pursuant to the act. Technical testimony that serves as the basis for these provisions will be provided by the Resource Protection Compliance and Enforcement Bureau Chief, Dr. Kyle Staggs.

IX. Outcomes From NMED's Engagement

All information publicly presented after the Petition filing was released to the public in a preliminary form. The Office of Strategic Initiatives stated such information was subject to change pending ongoing research, meetings with interested parties, and extensive public engagement. This thorough approach included input from the public and

other interested parties, was intended to ensure that the final rule reflects the best interests of all New Mexicans and people doing business in New Mexico. This pre-hearing material was designed for descriptive and educational purposes only and did not represent the final findings or language that NMED would submit for rulemaking. NMED has since updated this content, and the proposal reflects those changes, superseding all previously referenced documents.

A. Department Collaborative Efforts for Public and Consumer Education about PFAS in New Mexico

To facilitate broader awareness among the public about PFAS in New Mexico, the Department provided the public ***Results of the NMED and New Mexico Department of Health (NMDOH) Collaborative PFAS Blood Testing Program*** in New Mexico. To facilitate greater transparency about the rulemaking process and to further public knowledge of PFAS, the Office of Strategic Initiatives uploaded to the Department's PFAS website the following items:

1. The final report of the free New Mexico PFAS Blood Test (NM-PBT) campaign of adults who live or work in close proximity to Cannon Air Force Base. **NMED Exhibit 17 (Composite)**

2. A NMDOH fact sheet on how the public can manage PFAS exposure. **NMED Exhibit 17 (Composite)**

3. A PFAS blood testing postcard providing information for how the public can connect with experts to contextualize their PFAS blood results. **NMED Exhibit 17**

(Composite)

4. A letter NMDOH sent to PFAS blood study participants for assistance interpreting their blood test results and for information where participants can receive more guidance. **NMED Exhibit 17 (Composite)**

B. How Input from Meetings with Interested Parties and Public Meetings Affected the Revised Proposed New Rule

During the pre-hearing engagement process, the public and interested parties from various sectors requested that the Office of Strategic Initiatives publish additional information to inform the public's understanding of ***PFAS in Consumer Products Rulemaking.*** The following information was added to the Department's public-facing website:

I. A link to the public meeting recording NMED held on October 23, 2025, in Clovis, New Mexico to present the results of the collaborative NM-PBT. **NMED Exhibit 17 (Composite)**

II. Presentation slides and a link to the webinar recording that NMED held on September 25, 2025, for interested parties about proposed labeling requirements. **NMED Exhibit 14 (Composite)**

III. Presentation slides and a link to the webinar recording that NMED held on October 22, 2025, for the general public about PFAS and the PFAS Protection Act rulemaking process. **NMED Exhibit 14 (Composite)**

IV. A FAQ providing guidance on proposed PFAS labeling requirements. **NMED**

Exhibit 17 (Composite)

Otherwise, based on the extensive input provided on the Proposed New Rule, below is a comprehensive list of the changes made to the Revised Proposed New Rule and its associated processes.

NMED Updated Definition

Based primarily on feedback from interested parties, a key definition within the Revised Proposed New Rule was added for clarity, efficiency, and alignment with other provisions in the Revised Proposed New Rule that will be discussed below.

Newly Added Definition:

Product Class

C. NMED Established a Practical and Pragmatic Labeling Provision to Address Products on Shelves

Based on input from interested parties, NMED made changes to the Proposed New Rule that resulted in the Revised Proposed New Rule:

During several meetings and expressed in many comment letters from interested parties, concerns were shared with the timeline of labeling requirements and how to practically manage products in a reasonable manner that are already on retailer shelves.

Recognizing the complexity of global supply chains and the fact that products on shelves may remain on shelves until after certain product classes are phased out and prohibited, language in 20.13.2.13 Subsection A of the Revised Proposed New Rule was

modified from "after January 1, 2027, a manufacturer may not sell, offer for sale, distribute, or distribute for sale a product containing intentionally added per- or poly-fluoroalkyl substances unless the manufacturer does one of the following: Labels the product in accordance with the standards set forth in Sections 20.13.2.13.C and 20.13.2.13.D of this rule, as applicable" to in the Revised Proposed New Rule to read: "…after January 1, 2027, a manufacturer may not manufacture for sale or distribution a product containing intentionally added per- or poly-fluoroalkyl substances unless the manufacturer does one of the following: Labels the product in accordance with the standards set forth in Sections 20.13.2.13.C and 20.13.2.13.D of this rule, as applicable"

D. NMED Clarified Labeling Requirements

During meetings with interested parties, NMED heard concerns that the Proposed New Rule did not include explicit language confirming that consumer products that were subject to federal law would not be preempted by New Mexico. In the Revised Proposed New Rule, the Department addressed these concerns by providing labeling requirement language in section 20.13.2.13. Specifically, the Department added labeling exemptions by:

1. Explicitly clarifying that labeling requirements of the Revised Proposed New Rule do not apply to products for which labeling requirements are federally preempted by adding a labeling exemption to 20.13.2.13 Subsection B paragraph 2: "products for which labeling requirements are preempted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136v, or for which labeling requirements currently exist at 40 C.F.R. 156.10."
2. Explicitly clarifying that labeling requirements of the Revised Proposed New Rule

do not apply to products regulated by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, or the U.S. Environmental Protection Agency by adding a labeling exemption to 20.13.2.13 Subsection B paragraph 3 "veterinary products, including veterinary parasiticides and veterinary biologics, and the packaging of veterinary products regulated by the United States food and drug administration, the United States department of agriculture, or the United States environmental protection agency."

3. Explicitly clarifying that labeling requirements of the Revised Proposed New Rule do not apply to medical devices, drugs, and the packaging of medical devices and drugs regulated by the United States Food and Drug Administration by adding a labeling exemption to 20.13.2.13 Subsection B paragraph 4: "medical devices, drugs, and the packaging of medical devices and drugs regulated by the United States food and drug administration."

E. NMED Modified Labeling Language

1. To assuage concerns from interested parties about labeling language, the Department clarified and provided explicit and non-controversial statements of facts that may be used on consumer product packaging to alert consumers of the presence of PFAS in a consumer product prior to purchase. In 20.13.2.13 Subsection C paragraph 1, the Department modified instructions for labeling:
    i. The Department removed the phrase from the Proposed New Rule: "using words and symbols approved by the department."
    ii. The Department inserted in the Revised Proposed New Rule: "The

following wording is acceptable: 'This Product is made with PFAS,' 'Made with PFAS,' or 'Contains PFAS."

2. In 20.13.2.13 Subsection D paragraph 1, the Department revised instructions for labeling complex durable goods by modifying the following language in the Revised Proposed New Rule: "This product is made with PFAS," "Made with PFAS," "Contains PFAS," or "Contains component parts made with PFAS."
3. The Department also removed the following sentence in 20.13.2.13 Subsection D paragraph 1 in the Revised Proposed New Rule: "PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects."

F. NMED Improved Labeling Waiver Request Process

Based on input from interested parties, the Department clarified the process by which a manufacturer may seek a label waiver for a product or product class if a product or product class is exempt pursuant to Section 20.13.2.10 of this part by:

1. Inserting the new definition 'product class' into 20.13.2..13 Subsection F: "The department may waive the obligation of a manufacturer to label a product or product class as required by this section if the product is exempt pursuant to Section 20.13.2.10 of this part, and none of the product's material containing intentionally added per- or poly-fluoroalkyl substances will ever come into direct contact with a consumer while the product is being used as intended during the useful life of the product."
2. Modifying information the Department requires should manufacturers elect to seek a

label waiver request in 20.13.2.13 Subsection F paragraph 1: "Information contained in paragraphs (1), (3), and (4), of Subsection B of Section 20.13.2.12 of this Part." This requires manufacturers to provide the Department with "a brief description of the product, including a universal product code, stock keeping unit or other numeric code assigned to the product;" "the amount, expressed as a percentage concentration in the product, of each per- or polyfluoroalkyl substance in the product;" "and the name and address of the manufacturer and the name, address and phone number of a contact person for the manufacturer."

3. Adding Section 20.13.2.13 Subsection F: "If seeking a label waiver for a product class, in addition to the information in paragraphs (1) to (5) of Subsection F of Section 20.13.2.13, the waiver request must provide sufficient evidence to demonstrate that the products share similar essential physical characteristics, function, and may be substitutable."
4. Adding language to Section 20.13.2.13 Subsection F that clarifies the process to seek a label waiver for a product or product class by providing explicit timelines for a manufacturer to submit and the Department to receive label requests by October 31, 2026.
5. Adding language to Section 20.13.2.13 Subsection F that also clarifies that upon receipt, the label waiver for a product or product class will be considered approved pending review and a final determination will be made by June 1, 2027. "Complete label waiver requests for an individual product or product class received by October 31, 2026, will be considered approved pending review and a final determination of whether to approve or deny the request will be issued by the department by June 1,

2027." This addition provides the Department with a reasonable amount of time to process submissions received by October 31, 2026.

6. Adding language to Section 20.13.2.13 Subsection F to provide directions for the process should a label waiver be denied: "If a label request is denied, a manufacturer must label a product for sale or distribution pursuant to Section 20.13.2.13 within 90 days of the label waiver denial; products which have already been manufactured up to the date of denial, may be sold without a label." This provision allows a manufacturer to sell remaining manufactured inventory of products that may be on retailer shelves or in warehouses without having to add a label.
7. Finally, adding language to Section 20.13.2.13 Subsection F to indicate that: "Approved label waiver requests will expire three years after approval."

G. NMED Added Language for a Label Waiver Fee and Fee Application Schedule

1. Section 20.13.2.19 provides clear direction for a manufacturer to pay a fee associated with a label waiver request.
2. Section 20.13.2.20 provides the fee schedule for label waivers. Section 20.13.2.20 Subsection A outlines the new fee as $2,000 for a product and $5,0000 for a product class.
3. Section 20.13.2.20 Subsection B outlines that the new fees are subject to changes in the consumer-price index.

As I mentioned above, the development of the fees and fee schedules for label waivers will be addressed in Environment Secretary James C. Kenney's testimony.

Eric J. Chapman Testimony Part II: Environmental Science of PFAS

I. Environmental Science Testimony Summary and Background Context

The purpose of this part of my testimony is to provide a broad overview of the sources, transformation, transport, and fate of per- and poly-fluoroalkyl substances (PFAS) in the environment. My testimony will highlight the peer-reviewed literature on the major sources of PFAS in the environment, how PFAS move through various media — surface and groundwater, soil, air, dust — and discuss the ultimate fate of PFAS that are released into the environment. My testimony involved analyzing, summarizing, and interpreting results of over 100 peer-reviewed journal articles to provide a high-level picture of the state of the science of PFAS in the environment. My testimony starts with a brief overview and discussion of the family, classes, subclasses, and groups of PFAS, and I provide context for how PFAS chain length — ultra-short, short-chain, long-chain, fluoropolymers — and how different PFAS chemical properties affect how PFAS move through the environment. My testimony covers the various primary and secondary sources of PFAS in the environment, how PFAS undergo biochemical and abiotic transformations in the environment that affect their ultimate fate, how PFAS are transported through various media, and finally discusses ultimate fate of PFAS in the environment.

To highlight the current understanding of where PFAS in the environment come from and how PFAS move through various media (water, soil, air), I conducted a targeted keyword search in Google Scholar to collate, review, and analyze the peer-reviewed literature. I conducted a series of discrete keyword searches on each component of this analysis. Methodical and targeted

keyword searches of the literature in scientific databases are a common and accepted practice for researchers to collate, summarize, and highlight emergent patterns across dozens of peer-reviewed articles to provide an overview of the state of the literature within disciplines (e.g. Chapman *et al.* 2016; Chapman and Byron 2018).

To examine the scientific literature focused on sources of PFAS in the environment, I used the keywords "environment," "PFAS," and "source" together in Google Scholar. To review the literature that document specific primary sources of PFAS into the environment, I searched "PFAS," "AFFF," and "environment;" "PFAS production," and "environment," and "PFAS;" "consumer products," and "environment." I also searched for specific known secondary sources of PFAS in the environment by using the terms "wastewater treatment plant," "biosolids," "landfills," and "agriculture." To review literature focused on PFAS transport, I searched "PFAS," "environment," and "transport," and to review the literature on PFAS fate, I searched "PFAS," "environment," and "fate." To highlight the chemical structure differences in various PFAS and how chemical structure influences transport, transformation, and fate, I searched "short-chain PFAS," "ultrashort-chain PFAS," and "long-chain PFAS" all with the term "environment." To conduct this analysis, I used the citation manager Zotero to collate and organize the peer-reviewed articles I analyzed for my testimony. These targeted keyword searches allowed me to analyze, interpret, and summarize the state of the environmental science of PFAS and include sources in the environment, transformation, transport, and fate.

II. Family, Classes, Subclasses, and Groups of PFAS

I begin with a brief introduction of PFAS as a chemical family to provide context for how chemical properties shape how PFAS move through and are processed in the environment. As a

whole, PFAS are bioaccumulative, persistent, mobile, and many have been shown to be toxic to human health and other wildlife (Brunn *et al.* 2023). PFAS make up a large family of diverse compounds with a variety of chemical structures that influence their behavior in the environment. I provide a general overview of the types of PFAS and how the chemical structure of various types can influence the transport and fate of PFAS in the environment.

There are over 14,000 chemicals that are classified as PFAS by the U.S. Environmental Protection Agency (EPA; "CompTox Chemicals Dashboard"). Broadly speaking, PFAS are defined as a chemical compound with at least one fully fluorinated methyl or methylene carbon atom (Wang *et al.* 2021). The bond between carbon and fluorine atoms in PFAS is often described as one of the strongest bonds in organic chemistry and are rarely naturally occurring; the high electronegativity of fluorine results in tight electron sharing between carbon and fluorine (Petkowski *et al.* 2024). Biologically, this chemical property contributes to the persistence in the environment and the oft repeated moniker of "forever chemicals" in the popular press.

Within this family of fluorinated organic compounds, there is wide variation in chemical structure, which can ultimately influence the biological, chemical, and physical properties when released into the environment. Within the PFAS family, there are two classes: non-polymers and polymers (Figure 1). Within classes, there are many subclasses which include per-fluoroalkyl substances, poly-fluoroalkyl substances, fluoropolymers, polymeric perfluoropolyethers, and side-chain fluorinated polymers. For the sake of my testimony and this rulemaking hearing, the PFAS Protection Act provides us with the following definition: "per- or poly- fluoroalkyl substance" means a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom."

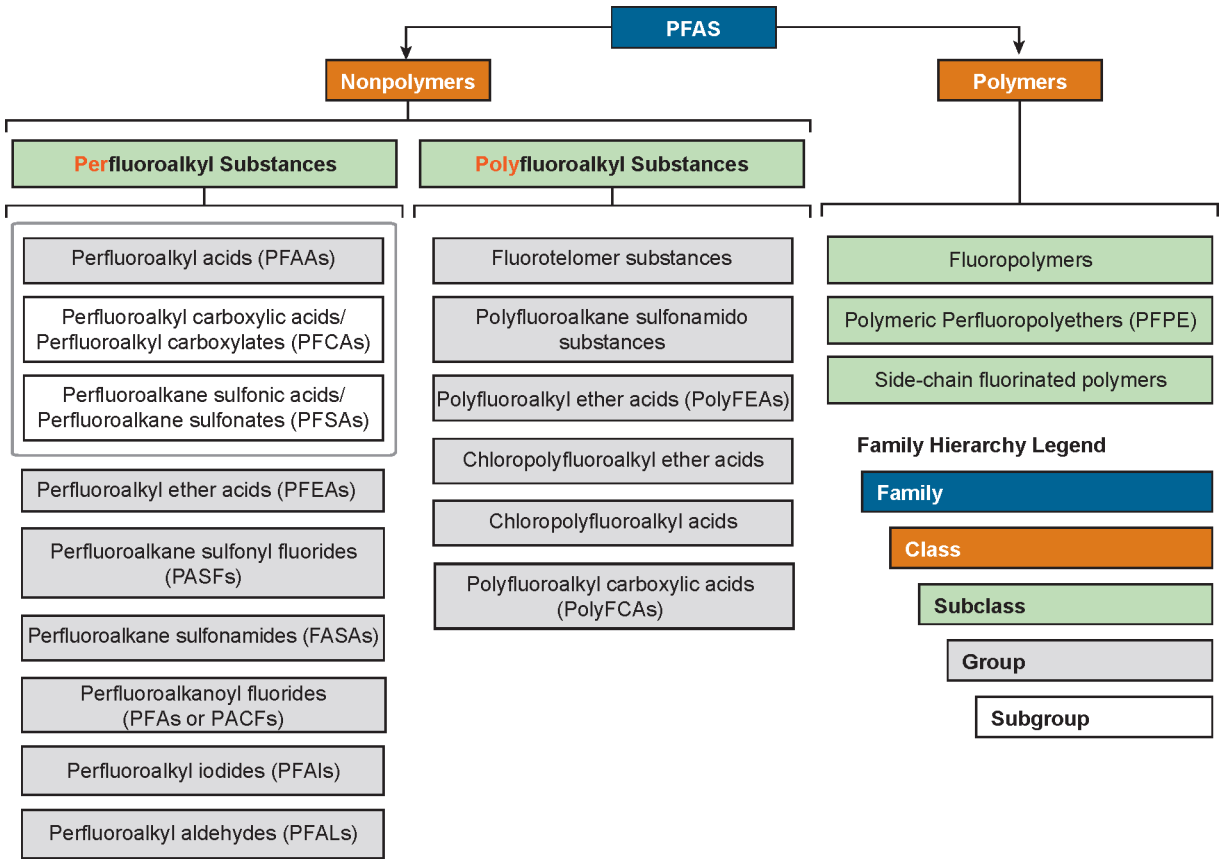


Figure 1. The PFAS family. From Interstate Technology and Regulatory Council (www.itrcweb.org).

Much of the scientific and regulatory attention has focused on the non-polymer subclass of per- and poly-fluoroalkyl substances, and more specifically the group of perfluoroalkyl acids (PFAA) containing the subgroup of perfluoroalkyl carboxylic acids (PFCA) and perfluoroalkane sulfonic acids (PFSA) because of the well-established detrimental effects of legacy per-fluoroalkyl substances such as PFOA and perfluorooctane sulfonic acid (PFOS). For instance, PFOA and PFOS have long been documented in surface and drinking water across the world (Kunacheva *et al.* 2012), in other media including soil and sediment, and in biological samples including human tissue, fish, and shellfish (Vedagiri *et al.* 2018), in contaminated foods (Trudel

et al. 2008), and in particularly high concentrations in urban environments (Antonopoulou *et al.* 2024). The ubiquity and consistency of the scientific evidence of the negative effects of PFOA and PFOS has led to the creation of a newer class of alternative PFAS (Lu *et al.* 2019). However, there are increasing studies documenting the harmful effects of the emerging class of alternative PFAS (Gomis *et al.* 2018; Espartero *et al.* 2022). For example, a recent study highlighted a PFOA alternative, perfluorohexanoic acic (PFHxA), as showing higher toxicity across developmental stages in zebrafish (embryos and adult) to PFOA, though perfluorobutanoic acid (PFBA) was found to be slightly less toxic than PFOA (Zhang *et al.* 2025b). Perfluoroalkyl ether carboxylic acids (PFECA), another class of PFOA alternatives, can accumulate in plant and animal tissues throughout coastal ecosystem food webs (Li *et al.* 2023) and hazard assessments of PFOA and PFOS alternatives are providing some concerning similarities with respect to persistence in the environment, their potential to bioaccumulate, and their toxicity (Wang *et al.* 2015).

Beyond PFOA and PFOS alternatives, there is growing scientific evidence that the fluoropolymer subclass of PFAS may not be as inert as originally understood (Lohmann *et al.* 2020). Polytetrafluoroethylene (PTFE) is a type of fluoropolymer commonly used in non-stick pans. The same pathways for human exposure to PTFE microplastic and nanoplastic pollution from consumer products exist for PFAS. For instance, micro and nanoplastics from food contact products from freezing, grinding, heating, and cutting have the potential to expose humans to PFAS (Ramírez Carnero *et al.* 2021; Alaraby *et al.* 2025). At expected cooking temperatures PTFE coated cookware and cooking utensils emit various gases, some of which contain PFAS (Sajid and Ilyas 2017). As an example, researchers have documented the emission of perfluoroalkyl carboxylic acid (PFCA), a type of PFAS, from the fluoropolymer PTFE in food

contact consumer products. Schlummer *et al.* (2015) report a range of PFCA emissions from 5 ng up to 12,190 ng per hour depending on temperature of the surface, though they indicate that levels were below tolerable daily intake limits of 1500 ng PFOA per kg of body weight. Finally, many types of PFAS are used as polymer processing aids for products containing fluoropolymers and increase the likelihood of PFAS exposure to humans through the production, use, and disposal of consumer products (Figure 2; Lohmann *et al.* 2020). PFOA and perfluorononanoic acid (PFNA) were the predominant PFAS historically used as polymer processing aids, though they have been phased out for chemically similar legacy alternatives such as hexafluoropropylene oxide dimer acid (HFPO-DA). These PFAS substitutes have raised similar concerns as their legacy counterparts because of high persistence and mobility and its potential to accumulate in plant tissues (Liu *et al.* 2019; Lohmann *et al.* 2020).

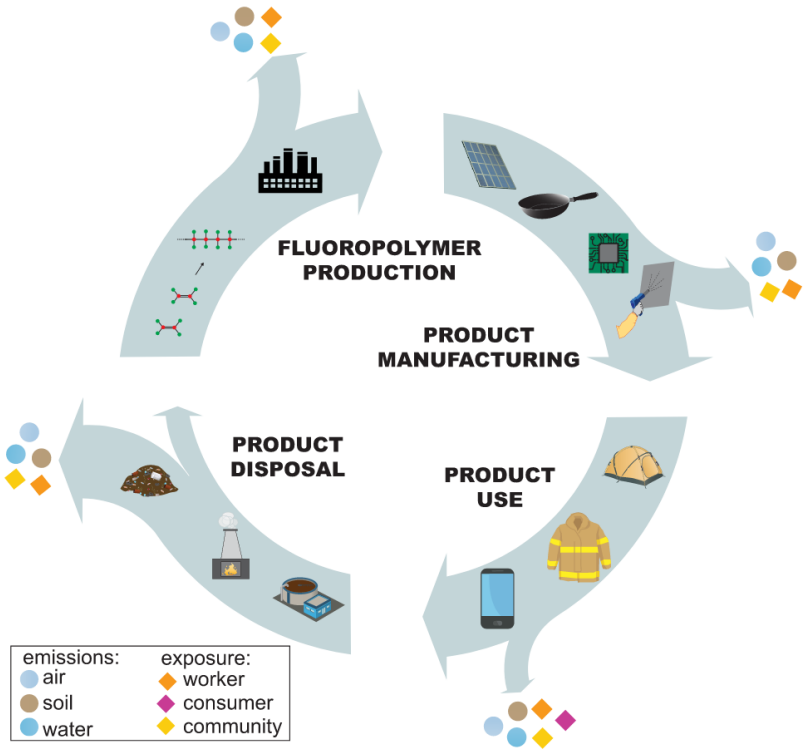


Figure 2. Potential PFAS emissions pathways in the production of fluoropolymers, product manufacturing, product use, and product disposal.

Many of the early peer-reviewed studies stating that fluoropolymers should be considered "polymers of low concern" are authored by representatives from fluoropolymer production companies such as W.L. Gore and The Chemours Company and contain disclaimer and conflict of interest statements (e.g. Henry *et al.* 2018; Korzeniowski *et al.* 2023). This brief introduction to the types of PFAS provides the context that the chemical type of PFAS informs how the particular PFAS is transported, transformed, and what the ultimate fate of the substance is in the environment. Below I provide more context for how PFAS chain length can affect transport and fate of PFAS in the environment.

III. PFAS Chain Length and Transport Through Environmental Systems

Beyond the types of different PFAS, another trait of PFAS that influences transport, transformation, and fate of particular types of PFAS is the number of carbon atoms in the structure of the chemical. Ultrashort-chain are defined as PFAS with 2 or 3 carbons, short-chain with 4-7 carbons, and long-chain with greater than 8 carbons (Zheng *et al.* 2023). Because of their historical development and use, long-chain PFAS are synonymous with the legacy PFAS types of PFOA and PFOS. In a study of long and short-chain PFAS in the Yellow River, researchers found long-chain PFAS are typically suspended in particulate matter or in the sediment, whereas short-chain PFAS were found to be nearly 90% of the total PFAS concentration in the water column (Zhao *et al.* 2016). Furthermore, a recent study by Loganathan and Wilson (2022) modeled how long-chain PFAS form aggregated clusters on clay particles in

soil, which ultimately slow the movement of long-chain PFAS through soil environments. In a study examining how phasing out legacy PFAS affect the environment, Land *et al.* (2018) document declining concentrations of long-chain PFOS and PFOA in human studies in North America and Europe and increasing concentrations in abiotic samples including sediment, though they found no evidence of PFNA, another type of long-chain PFAS, to be declining in human blood serum studies in Norway, Sweden, and Germany.

Short-chain PFAS have high mobility in both soil and water, which contribute to their rapid presence and contamination of drinking water sources; are up taken by edible portions of plants; and move rapidly through and bioaccumulate along the food web (Brendel *et al.* 2018). Additionally, restrictions on the use of long-chain PFAS have led to a proliferation of short-chain replacements that represent a risk to aquatic ecosystems with researchers reporting PFAS concentrations from manufacturing plant parks in China ranging from 30 - 3,700 parts per trillion (Zhang *et al.* 2025a). A recent review of the occurrence, impacts, and removal treatment for short-chain PFAS in aquatic systems highlighted how ubiquitous, persistent, and how mobile short-chain PFAS are in aquatic systems (Li *et al.* 2020). The researchers also found that treatment removal technologies are less effective at short-chain PFAS removal compared to long-chain PFAS. The high mobility of short-chain PFAS increase their movement through plant tissues and the rate in which they enter and cycle in aquatic systems, which represent novel threats to environmental health. Couple this with the difficulty of treatment removal of short-chain PFAS, it remains to be seen as to whether the introduction of short-chain PFAS are any less detrimental to environmental systems compared with legacy and long-chain PFAS.

In soils, short-chain PFAS have generally been shown to increase in relative concentration to long-chain PFAS with soil depth and that soil PFAS contamination is often

orders of magnitude higher compared to groundwater (Brusseau *et al.* 2020a; Brusseau 2023). In other words, short-chain PFAS migrate through the soil column at faster rates compared with long-chain PFAS, highlighting the potential for increased groundwater contamination from short-chain PFAS. Recent machine learning research and cytotoxicity assays have identified distinct toxicological mechanisms unique to ultrashort-chain PFAS, which highlight emerging health and environmental concerns with short-chain PFAS (Hu *et al.* 2025).

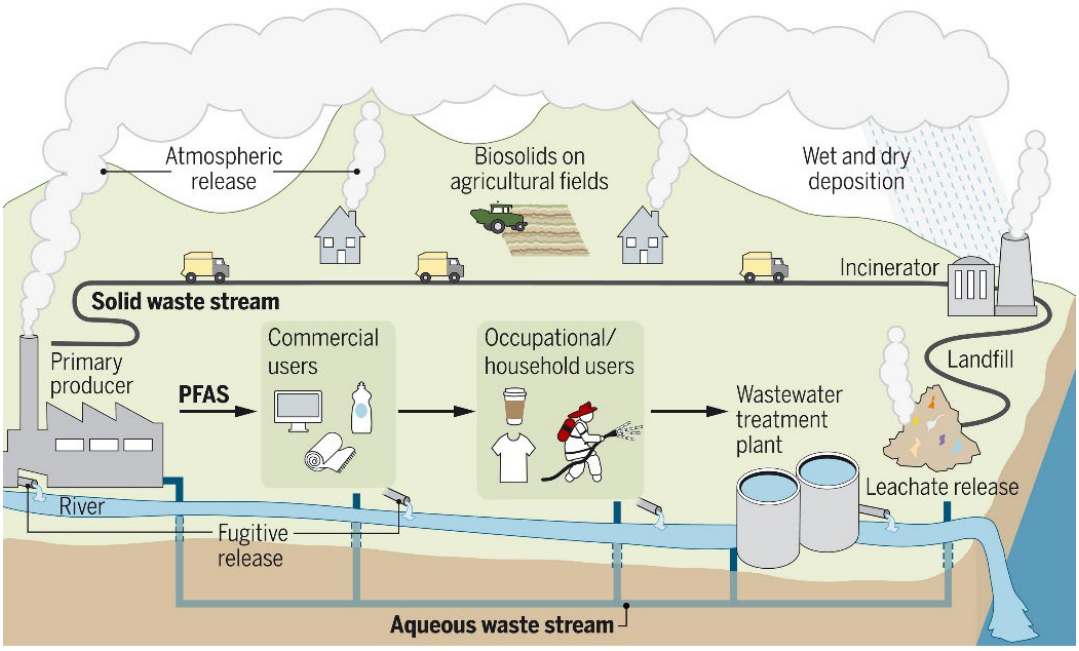


Figure 3. PFAS from source to environmental releases. Direct sources refer to PFAS manufacturing sites, commercial or industrial users such as metal plating facilities, or aqueous film-forming foam use. Indirect sources include wastewater treatment plants, landfills, and land application of biosolids. PFAS are released into the environment from both direct and indirect sources. Figure from Evich *et al.* (2022)**.**

IV. General Sources of PFAS in the Environment

Next, I outline the sources of PFAS in the environment and highlight primary sources of PFAS including PFAS production facilities, aqueous film-forming foam use, and consumer products. I then focus on secondary sources of PFAS in the environment from wastewater treatment plants (WWTP) and land application of biosolids from WWTP for agricultural use. Finally, I focus on how PFAS move through the environment: through the air in dust and as aerosols; through rain, surface and groundwater; and how activities such as landfilling and agriculture contribute to transport, transformation, and ultimately the fate of PFAS in the environment. All of these transport, transformation, and fate mechanisms represent potential exposure opportunities that contribute to potential human health effects.

PFAS enters the environment in both direct and indirect manners (Figure 3; Dasu *et al.* 2022) and can enter solid waste or aqueous waste streams along the PFAS production and disposal pipeline (Evich *et al.* 2022). Direct sources of PFAS in the environment include industrial primary manufacturing operations, such as textile and paper coating, metal plating operations, through AFFF use at airports, military bases, and oil refineries in fire suppression training and emergency responses, and from consumer products (Charbonnet *et al.* 2021; Dewapriya *et al.* 2023). Indirect sources of PFAS in the environment include landfill leachate, wastewater treatment plants (WWTPs), and from land-applied biosolids contaminated with PFAS (Carlson and Andersen 2025).

Studies in the literature suggest that AFFF use sites are associated with the highest concentrations of legacy PFAS — PFOA and PFOS — in groundwater and serve as potential important sources of polyfluorinated precursors that may transform into persistent PFAS through abiotic or biotic processes (Dasu *et al.* 2022). In other words, polyfluorinated substances may

contain “precursor” or unstable forms of PFAS that undergo biotic or abiotic transformations in the environment that result in “terminal” degradation products or the most stable, long-lasting, and persistent versions of PFAS. The transformation of polyfluorinated precursors indicates that AFFF sites may be long-term sources of terminal PFAS contamination unless properly remediated. Once released into the environment from either direct or indirect sources, PFAS can: 1) Enter waterways, ultimately transport to groundwater or other drinking water sources; 2) Concentrate in plant and animal tissues through bioaccumulation; 3) Can be consumed as food by humans; and 4) Be directly inhaled from atmospheric or dust sources. Following discharge into the environment, PFAS can cycle between abiotic and biotic constituents in the environment, which create potential exposure pathways for humans (Dimitrakopoulou *et al.* 2024).

A. PFAS Production, Management, and Disposal

Robust and centralized databases of total PFAS production do not exist. Still, the U.S. EPA estimates that 85,000 tons of fluoropolymers are produced annually in the United States from at least 118 active PFAS, representing 170,000,000 pounds (“Multi-Industry Per- and Polyfluoroalkyl Substances (PFAS) Study – 2021 Preliminary Report”). Furthermore, from 2010 – 2019 total production volume — domestic manufacturing production volume plus imported production volume — of all PFAS in the United States ranged from over 500,000,000 to over 800,000,000 pounds (https://www.epa.gov/chemical-data-reporting/trends). Outside the United States, a 2020 study in Sweden, Finland, Norway, and Denmark found the majority of non-polymer PFAS production was in the building and construction and electronic industries, in flame retardants, and electricity, gas, steam, and air conditioning uses. Polymer PFAS production

was concentrated in the chemical industry, metal products manufacturing, coatings and paints, lubricants and greases, and in the production of plastic and rubber (Glüge *et al.* 2020). Although a dozen companies make up the majority of global PFAS production, precise data are protected as confidential business information, limiting the availability of a robust comprehensive dataset of total global production of PFAS.

Beyond production, the U.S. EPA maintains the U.S. Toxics Release Inventory (TRI) Program and monitors the management and release of over 800 chemicals including PFAS into the environment. In 2023, The TRI Program reported 189 PFAS and 61 facilities reporting TRI forms. The most reported PFAS from 2020-2023 were PFOA, PFOS, and hexafluoropropylene oxide dimer acid (HFPO-DA). By sector, 28 facilities in chemical manufacturing, 15 in hazardous waste management, 4 in petroleum products manufacturing, and 14 all other sectors reported releases in 2023. In 2023 144,000 lbs. of PFAS were disposed, 1,009,000 lbs. were treated, and 313,000 lbs. were recycled (https://www.epa.gov/trinationalanalysis/pfas). The limited data about the production, use, and disposal of PFAS suggest that globally hundreds of millions of pounds are produced every year and a small proportion of total produced PFAS is disposed of or recycled annually, highlighting a large unaccounted for volume that is discharged into the environment.

B. PFAS From Aqueous Film-Forming Foam AFFF

A significant source of PFAS in the environment is from discarded AFFF. The U.S. Department of Defense has used AFFF to extinguish hydrocarbon fires since the 1970s (Gómez). Since then, the U.S. DoD has used 11 manufacturers of military specifications AFFF containing PFAS (Leeson *et al.* 2021). Outside of the United States, researchers have documented how off

site migration of AFFF can pose significant human and environmental health risks in aquatic systems, from fish consumption and groundwater use (Reinikainen *et al.* 2022; Carrizo *et al.* 2023). As a testament to the persistence of PFAS, researchers found high levels of contamination at an airport in Sweden, despite AFFF not being used for decades. Furthermore they document how PFAS from AFFF migrate through aquatic biota decades later (Koch *et al.* 2021). AFFF containing PFAS can include several classes of polyfluorinated carboxylate and sulfonate precursors that can be transformed into terminal PFAS, illustrating how AFFF released into the environment can serve as a source of persistent, stable PFAS contamination long after its use. A recent study estimated that precursors in AFFF accounts for around 25% of total PFAS in groundwater and aquifer solid samples. This finding is significant because it suggests that precursors at contaminated sites can continue to generate a significant amount of additional perfluorinated carboxylates and sulfonates in groundwater following remediation (Houtz *et al.* 2013).

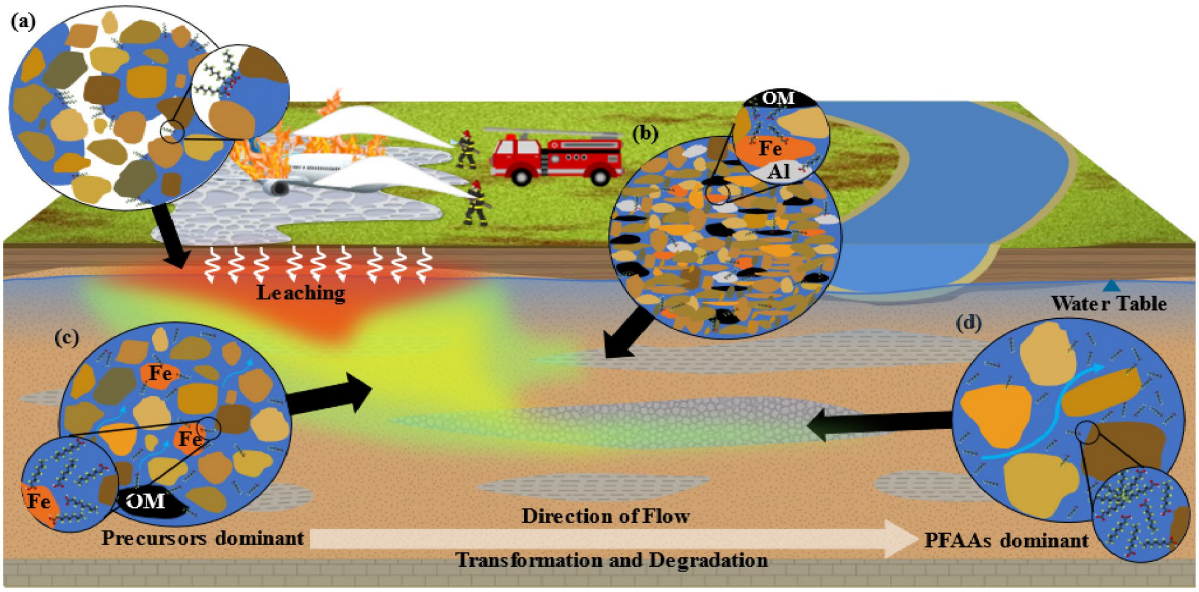


Figure 4. Conceptual model of PFAS fate and transport from an AFFF training site. Zoomed in bubbles represent how different contexts influence how PFAS may move through the environment: a) PFAS sorption to air water interface; b) clay and silt PFAS sorption; c) PFAS sorption to sand; d) PFAS in gravel sediments. From McGarr *et al.* (2023).

To add further complexity, the ultimate fate and transport of PFAS from AFFF contaminated sites are subject to a myriad of abiotic and biotic transformations, including: 1) PFAS sorption to the air-water interface; 2) PFAS sorption to silts and clays in soils; 3) PFAS sorption to sand; and 4) PFAS sorption in gravelly sediments (McGarr *et al.* 2023). Put another way, PFAS movement and transformation in soils is dependent on soil particle size. PFAS concentrations at AFFF contaminated sites also vary across plant species, and a mix of grass and woody plant species including birch and spruce have been proposed to maximize plant-mediated (phytoremediation) AFFF site clean ups (Figure 4; Huff *et al.* 2020; McGarr *et al.* 2023). As an acknowledgement of the negative environmental impact of U.S. Department of Defense activities including AFFF containing PFAS use, the U.S. Congress established the Strategic Environmental Research and Development Program to develop remediation strategies (Leeson *et al.* 2021).

C. PFAS from Consumer Products

PFAS from consumer products represent a significant source of PFAS contamination in the environment. PFAS in consumer products can be found in food packaging, agricultural inputs including fertilizers and pesticides, non-stick pans, textiles, and paints (Dhore and Murthy 2021). In a review of PFAS in consumer products, Kotthoff *et al.* (2015) report concentrations of

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various PFAS including perfluoroalkyl carboxylic acids (PFCA), perfluoroalkyl sulfonic acids (PFSA), and fluorotelomer alcohols (FTOH) across a wide variety of products. They found the highest concentrations of PFCA in ski wax, leather, baking paper, and impregnating agents; highest concentrations of PFSA in ski wax, leather, and baking paper; highest concentration of FTOH in cleaning products, carpets, and impregnating agents. Long praised for their properties for friction reduction and hydrophobicity, manufacturers have incorporated PFAS in ski waxes for decades (Crawford and Hartmann 2024). Carlson and Andersen (2025) document immediate and significant declines of PFAS contamination at a ski area in Maine following a PFAS consumer product ban on PFAS in ski waxes, showcasing the influence of policy on reducing PFAS contamination.

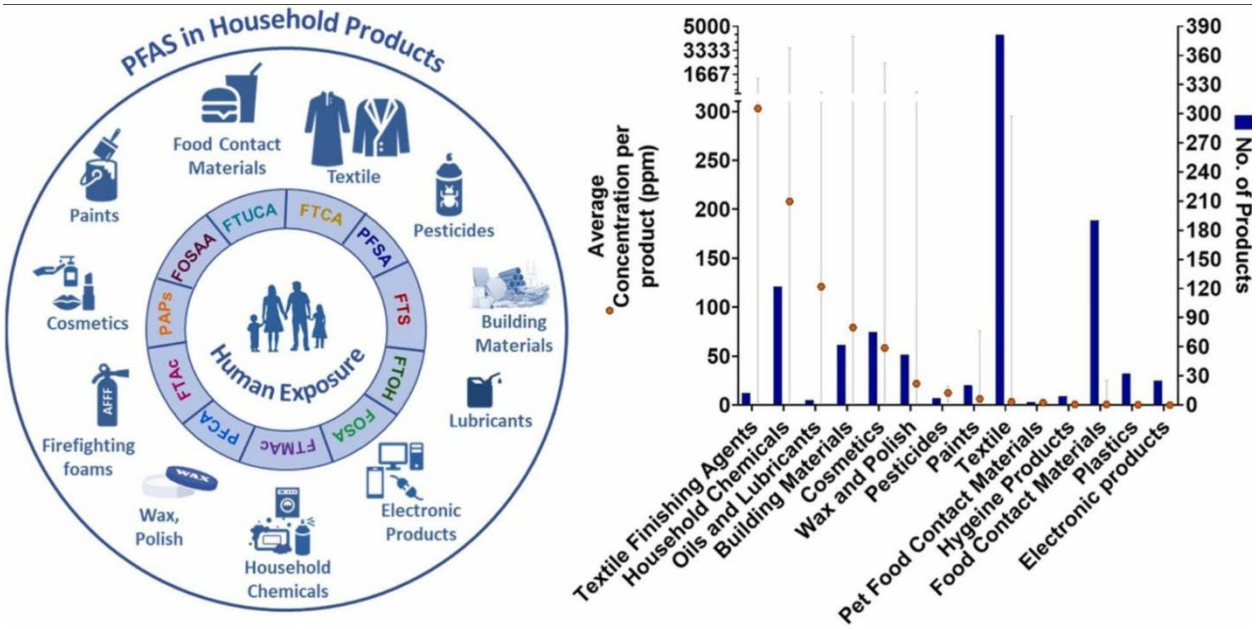


Figure 5. Left panel illustrates common consumer products containing PFAS in the outer ring of the circle and the inner ring depicts some of the common types of PFAS found in these products. The right panel illustrates on the x-axis the types of consumer products containing PFAS, the left y-axis shows concentration of PFAS in the product in parts per million, and the right y-axis

quantifies the number of products containing PFAS in each consumer product category. Figure from Dewapriya *et al.* (2023).

In their overarching review, Dewapriya (*et al.* 2023) conducted a global analysis of the types and concentrations of PFAS in consumer products (Figure 5). Across the 52 studies they reviewed, they reported on 107 PFAS in 15 different categories in 1040 consumer products. They found the highest concentrations of PFAS in household firefighting products (mean concentration of 488 ppm), textile finishing agents (mean concentration of 303 ppm), and household chemicals (mean concentration of 208 ppm) and the highest diversity of PFAS in textiles with 72 different types. The most commonly observed classes of PFAS were FTOH, polyfluoroalkyl phosphate esters (PAP), PFCA, and PFSA. Their review provides an important broad overview of the major classes of consumer products that contain PFAS, their concentrations, and the prevalent classes of PFAS that are used. Perhaps as a testament to their ubiquity in consumer products, public awareness of PFAS and the level of concern is increasing, especially in products that contact skin or are consumed orally (Kemper *et al.* 2024) and perceptions of PFAS free bio- and plant-based disposable dinnerware are viewed more favorably (Rihn *et al.* 2024).

In a study investigating the extent to which consumer product labels indicate the presence of PFAS, Rodgers *et al.* (2022) quantify concentrations of PFAS in youth products using total fluorine (TF) as a proxy for PFAS. They found the highest concentration of total fluorine in products with 1) trademarked water and stain resistance; 2) water and/or stain resistance with no trademark claims in clothing; and 3) water and/or stain resistance claims plus green label language. The products with lowest concentrations of total fluorine were green label language

and no claims of water and/ or stain resistance and no green label language and no claims of water and/or stain resistance. Concentrations of total fluorine in consumer products ranged from below detection limit (10 ppm) to over 1000 ppm and was highest in clothing and mattress and pillow protectors with water and/ or stain resistance claims. In a recent review paper, researchers in the European Economic Area estimated PFAS emission using TF from cosmetics across continental Europe (Winkens Pütz *et al.* 2022). They found that TF based PFAS emissions from cosmetics range from 37 to 83,775 pounds and represent a significant if not lower emission source of PFAS compared with the washing of PFAS-coated textiles, which emit around 293,000 pounds of fluorine per year (Schellenberger *et al.* 2019).

Electronic products represent another source of PFAS in consumer products (Tansel 2022). Following electronic waste disposal, potential exposure pathways include e-waste handling, processing, and landfilling through inhalation, ingestion, and dermal contact. Samples of hair, blood, and serum show elevated levels of PFAS in those living close to e-waste facilities, and PFAS are widely detected in water, soil, leachate, and rainwater near e-waste facilities. The presence of PFAS in electronic products represents an avenue of human and environmental exposure through the generation and processing of e-waste, underscoring the importance of implementing best practices to reduce human and environmental exposure.

Consumer products are a direct source of PFAS into the environment and directly expose humans to PFAS through ingestion in food and drinking water. PFAS in consumer products also migrate from the consumer product into the environment and represent an indirect source (Yang *et al.* 2025). Yang *et al.* (2025) highlight various factors that influence PFAS transfer from food contact materials to food in a migration process that leads to direct dietary ingestion. For instance, PFAS transfer depends on migration conditions such as medium, temperature, exposure

time, food properties including pH, and PFAS characteristics including chain length, concentration, and molecular weight. They also provide mechanisms by which PFAS may migrate from textiles to human skin, increasing exposure pathways beyond ingestion. Migration of PFAS from consumer products to the environment highlight the complexity of how PFAS can move from direct sources to indirect sources such as WWTP, biosolids, dust, soils, agriculture, rain, surface water, groundwater, and landfills. I provide further detail of the indirect sources of PFAS, and the fate and transport of PFAS in these indirect sources in the sections below.

D. Accumulation of PFAS in Food from Agriculture

Environmental contamination from direct or indirect PFAS sources can enter food products including in fish, meats, eggs, milk, vegetables, and fruits (Brusseau *et al.* 2020b; Torres and De-la-Torre 2023). PFAS can accumulate in agricultural systems through irrigation with polluted water, contaminated rainwater, and land application of biosolids, which increase PFAS in soil biota including earthworms (Ehsan *et al.* 2024).

Land application of biosolids generated during the wastewater treatment process — a globally significant strategy to manage waste products as an important input for agriculture — represents a challenge to downstream environments including groundwater and soil. Every year, the U.S. generates over 7 million dry metric tons of biosolids and over 50% of this is land applied, contributing an estimated 2,700 – 3,450 kg of total PFAS to soils (Silva *et al.* 2022). A recent study quantified soil PFAS concentrations and found that agricultural fields that receive biosolid land application: 1) have up to 2 orders of magnitude higher levels of PFAS compared to background levels in soils throughout the globe; 2) groundwater levels of legacy PFAS are up to 2 orders of magnitude higher than in soils; and 3) concentrations of PFAS are linked with total

biosolid loadings regardless of crop type or time passed since application (Johnson 2022). Another study used a simulation model to evaluate leaching of PFAS from land applied biosolids over the course of 150 years and showed that the transport of PFAS to groundwater is dependent on soil sorption and desorption processes and soil texture (Silva *et al.* 2022). They also found that the air-water interfacial (AWI) adsorption had little effect on PFAS leaching rates. Overall, WWTPs represent a significant site for PFAS transformation, transport, and the WWTP treatment process impacts ultimate fate of PFAS in the environment. Land application of biosolids and compost represent a significant input of PFAS into agricultural systems that influence concentrations of PFAS in soils and soil biota, which can ultimately serve as a reservoir of PFAS for primary producers such as crops and primary consumers such as birds. Beyond biosolids, compost can also be a source of significant PFAS concentrations in soils. For instance, Choi *et al.* (2019) found concentrations of 17 PFAS in compost to range from 28 ng PFAS/ g soil to 76 ng PFAS/ g soil.

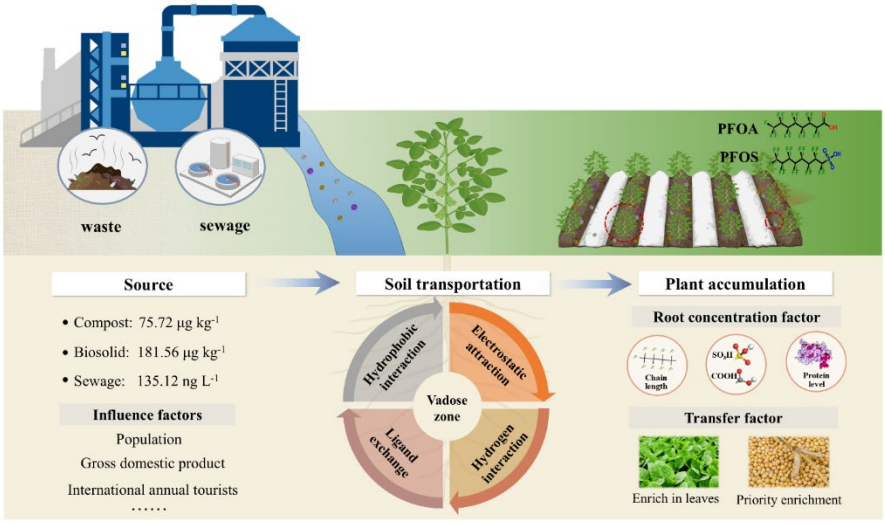


Figure 6. Sources and transport of PFAS in agricultural systems lead to plant tissue accumulation. Biochemical processes within soils and plant roots contribute to PFAS plant uptake. From Han et al. (2025).

Pesticides can also be a significant source of PFAS in agriculture. Donley *et al.* (2024) found that active ingredients and degradates were the biggest contributors to PFAS in pesticides. Nearly 25% of conventional U.S. active ingredients in pesticides are organofluorines and 14% were PFAS. For active ingredients approved over the last 10 years, over 60% are organofluorines and 30% were PFAS, an alarming increase given the increased concern of PFAS contamination and harmful environmental effects.

Direct plant uptake of PFAS has been observed and there are strong correlations between soil PFAS concentrations and bioaccumulation in plants (Figure 6; Figure 7; Ghisi *et al.* 2019; Han *et al.* 2025). PFAS chain-length can also influence the extent to which crops accumulate PFAS. Long-chain PFAS such as PFOA and PFOS have been measured in potatoes and cereals and short-chain PFAS are found at high levels in leafy vegetables and fruits (Ghisi *et al.* 2019). Liu *et al.* (2019) document high levels of PFAS contamination — greater than 1000 ng PFAS/g plant tissue and up to 5000 ng/g tissue — in carrots, radish, cabbage, and lettuce near a fluorochemical industrial park in China underscoring how environmental emissions of PFAS can ultimately impact human exposure pathways. They also observed that short-chain PFAS are preferentially absorbed by crops since long-chain PFAS tend to sorb to soils, a finding that has been observed throughout the literature (Costello and Lee 2024; Li 2025). Since PFAS are bioaccumulative, consumption of produce and animal products represents a significant exposure pathway to humans.

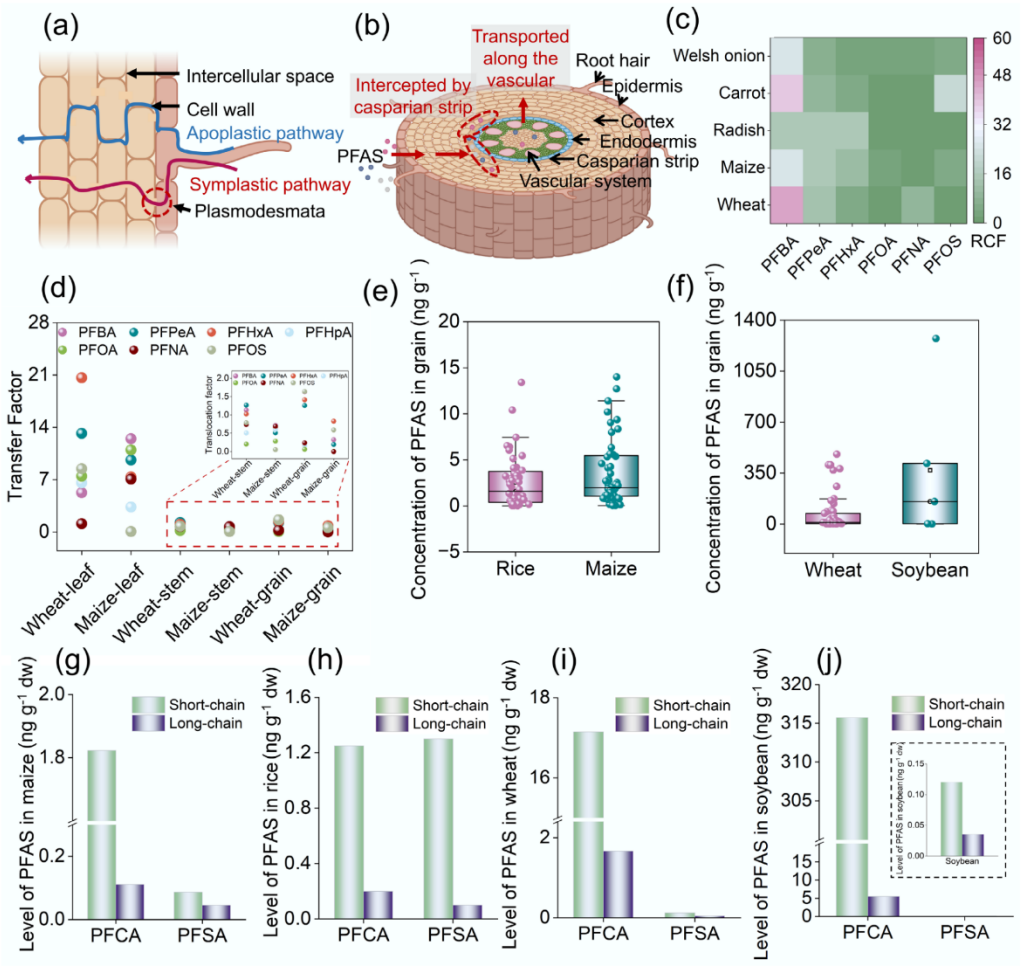


Figure 7. Mechanistic underpinnings of PFAS absorption and translocation in plants. Panels (a) and (b) in the figure illustrate how PFAS move through plant roots. Panel (c) showcases root concentration factors (RCF) of PFAS of different chain lengths. RCFs are a measure of how much roots concentrate a chemical relative to their surroundings. Panel (d) shows the transfer factor of various PFAS and crop types. Transfer factors (TF) measure to what extent a substance moves from the soil to plants and TF above 1 illustrate significant uptake. Panels (e) and (f) illustrate concentrations of PFAS in various grains in the literature. Panels (g) – (j) illustrate the influence of PFAS subgroups and PFAS chain length on the level of PFAS in each crop type. From Han et al. (2025).

E. PFAS in Landfills

Landfills are considered both indirect and direct sources of PFAS in the environment (Brase *et al.* 2021). For instance, landfills receive waste from various inputs including biosolids if they are not land applied or incinerated, ash produced from biosolid incineration, PFAS from incomplete combustion during the incineration process, and disposal of consumer products — food packaging, paper products, textiles, and carpet (Brase *et al.* 2021). Leachate produced from refuse at landfills is often collected and sent to WWTPs for treatment, however, WWTPs were not historically designed to remove PFAS, resulting in PFAS rerelease into the environment (Hamid *et al.* 2018). Furthermore, despite their phaseout and restricted use in places like the United States, PFOA is commonly detected in landfill leachate. Increasingly, research has shown that landfills have elevated air concentrations of volatile PFAS precursors (Hamid *et al.* 2018). In their nationwide estimate of volatile PFAS emissions from U.S. landfills, De la Cruz *et al.* (2025) found that FTOH is the dominant PFAS in landfill gas with a median concentration of 19000 ng/m^3 and that landfills produce PFAS gases (836 kg/yr) on the same order of magnitude as PFAS leachate from landfills (600 kg/yr).

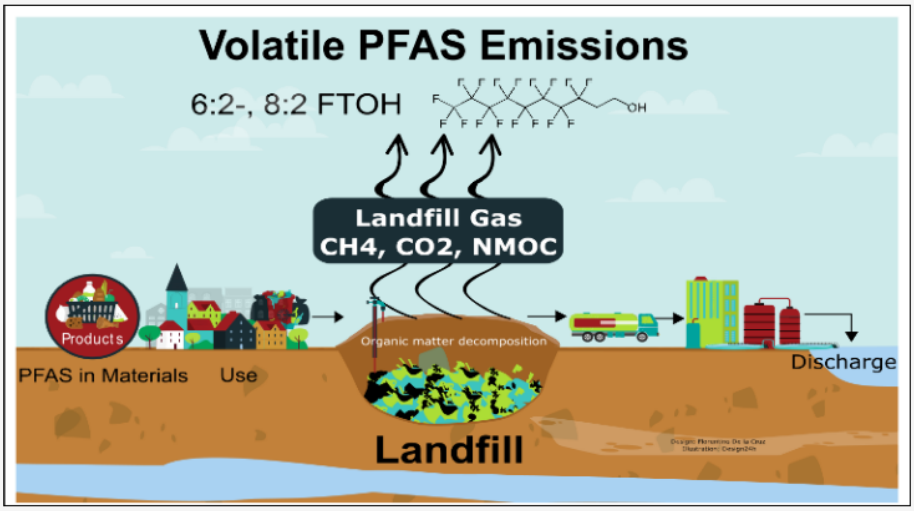


Figure 8. In a recent study by De la Cruz *et al.* (2025), volatile PFAS emissions from landfills were found to be of equal significance compared to emissions generated from PFAS in landfill leachate (Figure from De la Cruz et al. (2025)).

V. PFAS Transformation, Fate, and Transport in Wastewater Treatment Plants

Once PFAS enter the environment from a direct or indirect source, WWTPs serve as passive receivers of environmental PFAS, sites for transformation, and influence the ultimate fate of PFAS from upstream sources. WWTPs receive PFAS waste streams from a diverse array of sources and include industrial waste, firefighting waste, landfill leachate, and municipal sludge (Liu and Charbonnet 2025). Globally, WWTPs have low (18%) or negative (-145%) PFAS removal efficiencies that result in concentrations of PFAS in WWTP effluent being higher than influent (Coggan *et al.* 2019; Liu and Charbonnet 2025). For instance, in their review of 39 studies of the distribution and fate of PFAS in 505 WWTPs, Liu and Charbonnet (2025) found that concentrations of PFAS in influents ranged from 0.8 ng/L to 66 ug/L and 0.5 ng/L to 107 ug/L in effluent. They also report that biosolids are a significant source of PFAS ranging from 0.001 to 533.6 ng/g dry weight, a finding corroborated by biosolid PFAS concentrations from a study in Sweden (Fredriksson *et al.* 2022). In a global assessment of WWTP concentration of PFAS in influent and effluent, Saliu and Sauvé (2024) found influent PFAS concentrations to range from 2.2 to 2,156 ng/L, effluent PFAS concentration range from 1.9 to 4,800 ng/L, and biosolid PFAS concentration range from 2.1 to 500,000 ng/g. Additional studies provide further evidence that the WWTP treatment process results in the transformation of PFAS precursors into short-chain PFAA, short-chain PFAS dominate influent and effluent, and biosolids concentrate

longer-chain PFAS (Kim *et al.* 2022; Gobelius *et al.* 2023; Sigler *et al.* 2024). Furthermore, individual WWTPs can emit on the order of hundreds of pounds of PFAS (Coggan *et al.* 2019).

Beyond low removal efficiencies, WWTPs can also be sites of untargeted precursor PFAS such as FTOH, FTCA, and FTSA transforming into targeted and terminal PFAS groups — PFAA, PFCA, and PFSA, so named for their chemical stability (Lenka *et al.* 2021; Liu and Charbonnet 2025). Negative efficiencies of PFAS removal in WWTPs can be attributed to these transformation processes; biochemical transformations of unmeasured PFAS precursors in influent can result in these terminal PFAS in WWTP effluent, increasing the observed concentration of PFAS in the effluent (Helmer *et al.* 2022).

precursor PFAS	matrix	condition	products (intermediate[a] & terminal)
unknown C3 PFCA precursors	WWTP effluent	anaerobic/anoxic/aerobic biotransformation, postozonation	PFPrA
unknown C2−C3 PFCA precursors	leachate from municipal solid waste	biochemical treatment	TFA, PFPrA
5:3 FTCA	activated sludge	aerobic biotransformation	PFBA, PFPeA, PFHxA, 5:3 FTUCA
6:2 FTCA	activated sludge	aerobic biotransformation	PFBA, PFPeA, PFHxA, PFHpA, 5:3 FTCA, 6:2 FTUCA
6:2 FTSA	river sediment, landfill leachate	aerobic biotransformation	PFBA, PFPeA, PFHxA, PFHpA, 5:3 FTCA
8:2 FTOH	landfill leachate, return activated sludge, secondary activated sludge	aerobic biotransformation	PFBA, PFPeA, PFHxA, PFHpA, PFOA, PFNA
6:2 diPAP	soil, waste activated sludge	aerobic and anoxic biotransformation	PFBA, PFPeA, PFHxA, 5:3 FTCA, 6:2 FTOH
8:2 diPAP	soil, waste activated sludge	aerobic biotransformation	PFHxA, PFHpA, PFOA, 7:3 FTCA, 8:2 FTOH
N-EtFOSA	landfill leachate sediment	aerobic biotransformation	FOSAA, FOSA, PFOS
N-EtFOSE	activated sludge	aerobic biotransformation	N-EtFOSAA, N-EtFOSA, FOSA, PFOS

[a]Underlined products are intermediates that could be further oxidized to terminal products.

Figure 9. Table from Liu and Charbonnet (2025) illustrates how WWTPs provide the environment (or matrices) in which precursor PFAS are transformed through conditions into intermediate and terminal PFAS products. Ultimately these transformation processes contribute to the negative PFAS removal efficiencies widely documented in the scientific literature.

In WWTPs in the northeastern U.S., short-chain PFAS are prevalent in influent and effluent and long-chain PFAS are dominant PFAS constituents in biosolids (Tavasoli *et al.* 2021). Because current analytical methods are not able to provide the full breadth of the thousands of PFAS that have been commercially produced and released into the environment, researchers can use PFAS total oxidizable precursor (TOP) assays. These assays convert unmeasured PFAS by oxidizing unknown PFAS precursors and intermediates into the terminal PFAS groups with established analytical protocols (Ateia *et al.* 2023). Using a TOP assay, Tavasoli *et al.* (2021) found lower proportions of oxidizable PFAS precursors in influent and effluent in the summertime compared with the spring, suggesting there are seasonal or temperature dynamics prior to or during wastewater treatment that influences the fate of PFAS processed in WWTPs. Beyond seasonal dynamics, Szabo *et al.* (2023) observed weekly variability in daily PFAS concentrations with high pulse events on Friday. These studies demonstrate the importance of consistent sampling campaigns to understanding temporal PFAS emissions from WWTPs. Furthermore, these studies add to the body of literature documenting how once released into the environment, unstable precursor PFAS can readily biogeochemically and abiotically transform into stable, terminal PFAS.

Due to their high mobility and persistence in the environment, researchers are beginning to quantify the presence and concentration of newer ultrashort-chain PFAS in WWTPs. Noda Morishita *et al.* (2025) found high prevalence and concentrations of the ultrashort-chain PFAS trifluoroacetic acid (TFA) and perfluoropropanoic acid (PFPrA) across rainwater, surface water, drinking water, and WWTP effluent samples in Ohio, Illinois, and Indiana. Their results highlight how ultrashort-chain PFAS are both more prevalent and in higher concentrations than longer-chain PFAS. In their global review of transformation and removal of PFAS in WWTPs

Lenka *et al.* (2021) found that biodegradation — not photodegradation or chemical degradation — was the primary driver transforming PFAS precursors to PFAAs. In terms of PFAS removal technology, ion exchange resins, electrochemical degradation, and nanofiltration are more effective at removing PFAS from WWTPs, however concerns remain about the practicability of implementing these technologies at scale (Barisci and Suri 2021). The literature of newer short-chain and ultra-short chain PFAS in the environment highlight emerging concerns about their persistence due to shared carbon-fluorine chemistry, their high mobility through environmental media, and their potential transformations into stable, terminal PFAS.

VI. PFAS Transformation, Fate, and Transport in Surface Water, Groundwater, and Soils

Water and food represent two of the most important avenues for human PFAS exposure, and there are various ways in which PFAS may enter water systems and the globe's general hydrological cycle. For instance, PFAS may enter the atmosphere from industrial emissions, dust, and aerosolization of surface water (Zenobio *et al.* 2025). Once in the atmosphere, some PFAS can exist in gaseous forms such as FTOH and other short-chain PFAS. PFAS may then be redeposited through either wet or dry deposition, which result in deposition of PFAS removed from the original generation source. An important deposition pathway includes rainwater. PFAS have been measured in rainwater in both legacy PFAS and emerging short-chain PFAS — TFA and hexafluoropropylene oxide dimer acid (HFPO-DA) — and represents a long transport mechanism for PFAS (Zenobio *et al.* 2025)**.** Furthermore, stormwater runoff can contribute to surface water PFAS contamination.

PFAS distribution in surface water is widespread (Jarvis *et al.* 2021; Tokranov *et al.* 2025) and globally high concentrations are found in China, Japan, Korea, and Australia (Podder *et al.* 2021). Concentrations of PFAS in surface water can vary greatly — up to 8 orders of magnitude and are highest at sites near industrial and manufacturing facilities (East *et al.* 2021; Jarvis *et al.* 2021). In two urban watersheds in the western United States, Bai and Son (2021) observed total concentrations of PFAS of 44.1 ng/L in Truckee River and 2,234.3 ng/L in Las Vegas Water, with the predominant PFAS being PFHxA, perfluoropentanoic acid (PFPeA), PFOA, and perfluorobutane sulfonic acid (PFBS). In sediments they found total PFAS concentrations ranging from 272.9 ug/ kg (dry weight) in the Truckee River to 345.7 ug/kg in the Las Vegas Wash. The predominant PFAS in sediments were perfluorodecane sulfonic acid (PFDS), PFHxA, PFBS, and perfluorodecanoic acid (PFUA).

Once in surface water, PFAS may be transformed and transported to sediment, animal tissue, or groundwater, depending on PFAS chain length. For instance, short-chain PFAS more commonly dominate surface water, whereas long-chain PFAS may be found in sediment or bioaccumulate in tissues of animals that graze or forage in sediment including fish (Goodrow *et al.* 2020; Bai and Son 2021). Additionally, Trobisch *et al.* (2024) observed an accumulation of PFAS in groundwater downstream from WWTPs in Michigan and highlighted the importance of air-water interface (AWI) adsorption to control long-chain PFAS transport to underlying groundwater. In their study of PFAS concentration along a surface-water body groundwater gradient, Tokranov *et al.* (2021) demonstrated that sorption and transformation of PFAS can alter transport of PFAS precursors into downgradient groundwater, highlighting complicated factors that affect transport, transformation, and fate of PFAS along a surface water to groundwater continuum. Similarly, McFarlan and Lemke (2024) measured surface PFAS concentration and

modeled PFAS migration to groundwater at an unlined landfill that where PFAS were dumped in the 1960s. They found differential transport of short- and long-chain PFAS across the groundwater-surface water interface.

Following transport from surface water to groundwater, PFAS can undergo additional transport and transformation in the groundwater. In their review of the scientific literature, Lyu *et al.* (2022) note that PFOS, PFOA, PFBA, PFBS, PFHxS, and PFNA are the most detected and abundant PFAS in groundwater with PFOS, PFOA, PFBA, PFBS, PFHxS, and PFNA concentrations ranging from 0-4,800, 0-4,150, 0-3,610, 0-865, 0-280, and 0-22 ng/L respectively. The AWI in the vadose zone is thought to be an area of subsurface PFAS accumulation because of the interaction of PFAS with the AWI. Furthermore, the biotransformation of PFAS precursors in groundwater into terminal PFAS such as PFAA increase their mobility in groundwater and lower their adsorption potential, increasing their transport in groundwater. Biotransformation of PFAS has been observed in both aerobic and anaerobic conditions and is dependent on the structure and molecular weight of PFAS and the composition of the microbial community (Liu and Mejia Avendaño 2013; Choi *et al.* 2022). Microbial degradation and abiotic transformation of PFAS moieties such as PFCAs and PFSA can result in the production of terminal PFAS such as PFOA and PFOS (Liu and Mejia Avendaño 2013). Microbial transformation of PFAAs requires specific bacterial genes and occurs aerobically and anaerobically in bacterial consortia and in aerobic and anaerobic microbes (Smorada *et al.* 2024). Biotransformation products in the subsurface can also explain fluorinated intermediaries that are not often measured at PFAS contaminated sites (Harding-Marjanovic *et al.* 2015). The transport of PFAS from surface to groundwater creates opportunities for biogeochemical transformation pathways in groundwater environments.

PFAS distribution in soils is also widespread and soils represent an important stock of PFAS for wider PFAS flows through soil microbes, plants, terrestrial food webs, and microbes in sediment (Ehsan *et al.* 2024). The highest concentrations of PFAS in soils are found in soils with AFFF contamination, PFAS manufacturing plants, and biosolids, with lesser amounts found in landfills, atmospheric deposition, and industrial discharge. The accumulation of PFAS in plants — including vegetables as previously mentioned in the PFAS in agriculture section of my testimony — and soil invertebrates such as earthworms showcase how PFAS can enter the broader food web through trophic transfer.

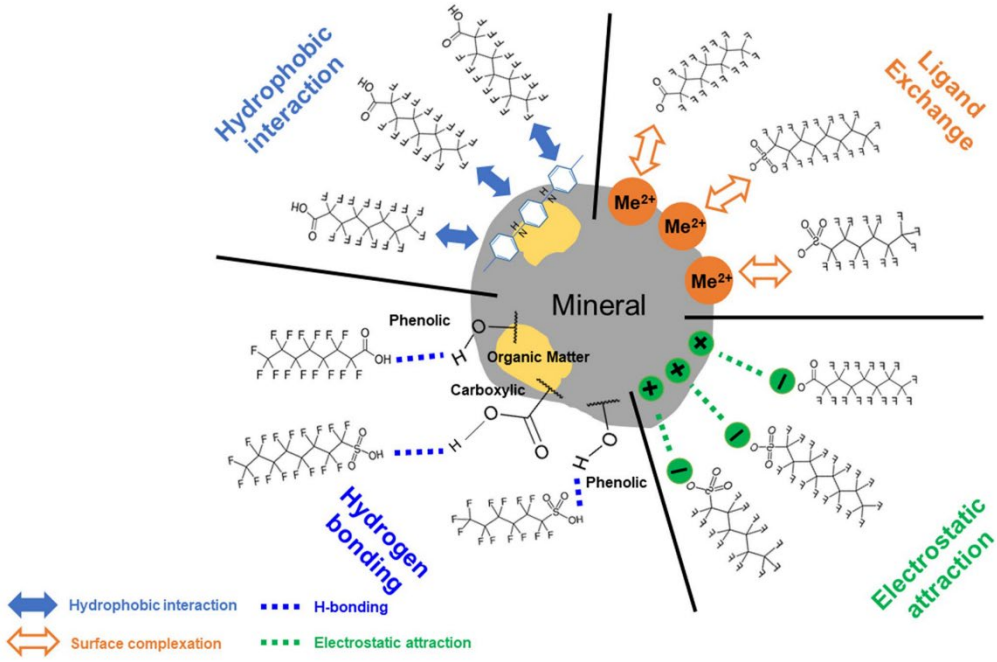


Figure 10. Conceptual model illustrating mechanisms that contribute to PFAS retention in soils and interactions between mineral and organic matter in soils and PFAS. Hydrophobic interactions, ligand exchange, hydrogen bonding, and electrostatic attraction all contribute to retention of PFAS in soils and sediments. Electrostatic attraction between positively charged

mineral elements and negatively charged constituents in PFAS are thought to be amongst the most important mechanisms driving the retention of PFAS in soil. The diagram showcase PFOA and PFOS as an example. (From Lyu et al. (2022)).

In terms of adsorption and transport in soil environments, Lyu *et al.* (2022) highlighted the influence of mineral and organic matter in soils and sediments for PFAS retention and the importance of site chemistry (Figure 10). For instance, they highlight the role of hydrogen bonding, hydrophobic interactions, ligand exchange, and electrostatic attraction as major mechanisms guiding PFAS retention in the subsurface. Additionally, the presences of salts such as NaCl and $CaCl_2$ with high ionic strength, increase the accumulation of PFAS at the AWI (Schaefer *et al.* 2019). As another example of how site conditions affect transport or retention of PFAS in subsurface environments, soils high in organic matter are negatively charged and can inhibit sorption of anionic PFAS, which result in transport and not retention within soils (McGarr *et al.* 2023). The movement, transformation, and fate of PFAS in surface and groundwater, soils, and sediment is highly dependent on specific site factors, including soil properties, pH, temperature, and PFAS type.

VII. PFAS Transformation, Fate, and Transport in Dust

Industrial and commercial production and use of PFAS have resulted in global distribution across media including in dust. Sand and dust storms contribute to PFAS dust generation and factors that influence dust generation include anthropogenic land use, properties of soil, types of vegetation, and climate and dust can be dry or wet deposited. Sources of dust-associated PFAS include: 1) firefighting stations, military bases, and other aviation sites; 2)

fluorochemical manufacturing plants; 3) indoor dust and landfills; 4) WWTPs; and 5) road dust (Ismail *et al.* 2023). FTOH and di-poly-fluoroalkyl phosphoric acid esters (diPAPs) are the most commonly observed PFAS in homes and fire stations' dust and landfills can be a significant source of PFAS dust generation through sand and dust storm emissions from discarded products such as carpets. Ismail *et al.* (2023) also describe how biosolid generation and subsequent land application of biosolids represent a potential avenue for PFAS dust generation from sand and dust storms. PFAS can enter the environment from primary and secondary sources, move through surface water, soils, plant tissues including crops, and to the groundwater. PFAS contamination and transport can even occur through dust, and this represents another transport and transformation media and can contribute to the widespread and diffuse nature of PFAS contamination in the environment.

VIII. Concluding Remarks

I present testimony on behalf of the Department in support of the Department's Petition and Revised Proposed New Rule in two capacities. The first part of my testimony provides the basis for the development of the Proposed New Rule and the Revised Proposed New Rule, outlines how the Department went beyond the minimum statutory requirements for the public noticing the rulemaking process, and engaged extensively with interested parties to develop a commonsense and practical rule that protects environmental and human health. The second part of my testimony provides a state of the science overview of PFAS in the environment and describes the sources, transport, transformation, and fate of PFAS in the environment and provides the basis of prohibiting consumer products containing intentionally added PFAS as a justified approach to limit the introduction of upstream PFAS into New Mexico.

With respect to the development of the Proposed New Rule and the Revised Proposed New Rule, the Department conducted a thorough and responsive rulemaking process that went beyond minimum statutory requirements to engage with diverse perspectives of public and interested parties. The development of the Revised Proposed New Rule involved extensive collaboration to ensure that the rule is technically sound, administratively feasible, and responsive to public input.

The Department held dozens of meetings with interested parties, public meetings, coordinated with other New Mexico state agencies, and engaged deeply with other states developing programs to protect consumers and the environment from further PFAS discharge. The Department proactively engaged with all 23 of New Mexico's nations, pueblos, and tribes and the Ysleta del Sur Pueblo through multiple channels. The Department considered the input from the public, and interested parties, and adopted numerous recommendations. The Revised Proposed New Rule reflects a meticulous effort to balance human and environmental health, interested party concerns, statutory mandates, and technical and administrative realities.

My testimony also provides a summary of the state of the scientific literature with respect to the sources, transport, transformation, and fate of PFAS in the environment. I conducted a targeted keyword search in a database of scholarly literature; I reviewed and synthesized over 100 peer-reviewed articles to provide an environmental science basis for the Revised Proposed Rule as a way to turn off the spigot of new PFAS entering New Mexico. I examined literature documenting the sources of PFAS in the environment, provided a high-level overview of biochemical and abiotic transformation pathways of PFAS in the environment, showcased common transport mechanisms and how PFAS can move from various environmental media such as the air, surface water, groundwater, soil, microbial communities, plants, and animals. I

also provided context for ultimate fate of PFAS as terminal PFAS such as PFOA and PFOS, so called for their incredible stability in the environment.

As a whole, my testimony provides the scientific basis for adopting the Revised Proposed New Rule. PFAS are widespread in the environment stemming from direct discharge from firefighting foams, the use and disposal of consumer products containing PFAS, industrial and commercial production and subsequent release, and indirect discharge from WWTP, landfill air and leachate emissions, and biosolid and compost land application. Once released into the environment from direct sources, PFAS contamination becomes more diffuse, which leads to challenges with containment and remediation. Based on the mounting scientific evidence, it is essential that we reduce our dependence on PFAS and ultimately prohibit their use in consumer products. It is through the systematic review of the peer-reviewed scientific literature that it is clear that the so-called safer ultra-short and short-chain PFAS can ultimately transform into terminal and legacy PFAS such as PFOA and PFOS, which have long established environmental and human health concerns.

Prohibiting the continued use of PFAS in non-essential consumer products represents: 1) A practical and technically feasible way to minimize hard to remediate PFAS contamination in the environment; 2) A way to decrease the biogeochemical movement and transformation of PFAS through primary producers such as plants and through primary and secondary consumers such as animals and humans; 3) A reasonable way to slow the transformation of PFAS into stable terminal PFAS in the environment; and 4) One of the only ways to realistically decrease exposure pathways to human as we ultimately become exposed to PFAS through the environment.

Through its robust public involvement, reliance on science for informed decision-making, and collaborative approach, the Department has developed a comprehensive and well-reasoned rule in the public interest, including when considering the social, economic, and cultural value of the regulated activity. When House Bill 212 passed in the New Mexico House of Representatives 62-1, the New Mexico Senate 37-3, and Governor Lujan Grisham signed the PFAS Protection Act into law, our state leaders took unified and decisive action to protect New Mexicans and our environment from the dangers of PFAS in consumer products.

The aim of the Revised Proposed New Rule is to address the environmental degradation and human health effects from PFAS in consumer products and empower consumers to learn more about PFAS to minimize their exposure. With your help, we can turn off the upstream spigot of new PFAS entering the great state of New Mexico through consumer products and turn the tide on costly and diffuse downstream PFAS contamination, ultimately reducing exposure pathways to humans. By adopting the Revised Proposed New Rule, we have the opportunity to join other historic and optimistic environmental contaminant case studies of addressing legacy pollution such as lead, mercury, and asbestos to help protect the environment and human health from PFAS. I respectfully encourage the Environmental Improvement Board to adopt the Revised Proposed New Rule.

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Silva JAK, Guelfo JL, Šimůnek J, and McCray JE. 2022. Simulated leaching of PFAS from land-applied municipal biosolids at agricultural sites. *Journal of Contaminant Hydrology* **251**: 104089.

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Szabo D, Marchiandi J, Samandra S, *et al.* 2023. High-resolution temporal wastewater treatment plant investigation to understand influent mass flux of per- and polyfluoroalkyl substances (PFAS). *Journal of Hazardous Materials* **447**: 130854.

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Vedagiri UK, Anderson RH, Loso HM, and Schwach CM. 2018. Ambient levels of PFOS and PFOA in multiple environmental media. *Remediation Journal* **28**: 9–51.

Wang Z, Buser AM, Cousins IT, *et al.* 2021. A New OECD Definition for Per- and Polyfluoroalkyl Substances. *Environ Sci Technol* **55**: 15575–8.

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Witt CC, Gadek CR, Cartron J-LE, *et al.* 2024. Extraordinary levels of per- and polyfluoroalkyl substances (PFAS) in vertebrate animals at a New Mexico desert oasis: Multiple pathways for wildlife and human exposure. *Environmental Research* **249**: 118229.

Yang Y, Wang J, Tang S, *et al.* 2025. Per- and Polyfluoroalkyl Substances (PFAS) in Consumer Products: An Overview of the Occurrence, Migration, and Exposure Assessment. *Molecules* **30**: 994.

Zenobio JE, Nzeribe BN, Hilyard M, and DiGuiseppi B. 2025. Deciphering PFAS in Rainwater: Sources, Distribution, and Environmental Impact. *Remediation Journal* **35**: e70029.

Zhang K, Qadeer A, Chang S, *et al.* 2025a. Short-chain PFASs dominance and their environmental transport dynamics in urban water systems: Insights from multimedia transport analysis and human exposure risk. *Environment International* **202**: 109602.

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Zhao P, Xia X, Dong J, *et al.* 2016. Short- and long-chain perfluoroalkyl substances in the water, suspended particulate matter, and surface sediment of a turbid river. *Science of The Total Environment* **568**: 57–65.

Zheng G, Eick SM, and Salamova A. 2023. Elevated Levels of Ultrashort- and Short-Chain Perfluoroalkyl Acids in US Homes and People. *Environ Sci Technol* **57**: 15782–93.

Eric John Chapman, Ph.D.

Office of Strategic Initiatives
New Mexico Environment Department
Santa Fe, NM
eric.chapman@env.nm.gov
505-629-3551

Education

Ph.D. **Arizona State University,** 2015
Environmental Life Sciences, Advisor: Daniel L. Childers

M.S. **Arizona State University,** 2014
Environmental Life Sciences, Advisor: Daniel L. Childers

B.S. **University of Minnesota,** 2008
Genetics, cell biology, and developmental biology
Minor: Chemistry, Advisor: Edgar Arriaga, Michael J. Simmons

Appointments

Chief Science Coordinator August 2025 – Present
New Mexico Environment Department

Assistant Professor August 2022 – August 2025
Biology Department, University of St. Thomas

Visiting Professor September 2021 – August 2022
Biology Department, University of St. Thomas

Executive Fellow and Adjunct Professor September 2020 – August 2021
Biology Department, University of St. Thomas

Visiting Professor September 2019 – August 2020
Biology Department, University of St. Thomas

Adjunct Research Professor July 2017 – August 2019
Marine Science Center, University of New England

Adjunct Professor January 2019 – August 2019
Biology Department, University of St. Thomas

NMED Exhibit 4

NSF SEES Postdoctoral Fellow August 2015 – June 2017
Marine Science Center, University of New England

Research Associate/Teaching Associate August 2010 – May 2015
School of Life Sciences, Arizona State University

NSF GK-12 Sustainability Science for Sustainable Schools Fellow May 2013 – June 2014
School of Sustainability, Arizona State University

Professional Experience

Farmer and co-owner, May 2022 - August 2025

Alstad Farm
A small diversified organic vegetable farm focused on building resilient local food systems. Restored 10 acre native prairie and enrolled in the Conservation Reserve Program through the USDA.

Co-founder, July 2017 – July 2022
Shed, Minneapolis, Minnesota
A non-profit social-ecological initiative focused on informing sustainable land use and influencing public paradigms with respect to how people connect with the environment.

Research Associate, August 2008 – August 2010
R & D Systems, Inc. Minneapolis, Minnesota

Nucleic Acids Therapy Summer Research Associate, May 2008 – August 2008
Medtronic, Inc. Fridley, Minnesota

Research Intern, April 2007 – May 2008
American Medical Systems, Inc. Minnetonka, Minnesota

Research Experience

Undergraduate Research Assistant, September 2006 – June 2007
Department of Genetics, Cell biology, and Development, University of Minnesota, Twin Cities, Minnesota

Undergraduate Research Assistant, September 2005 – August 2006
Department of Chemistry, University of Minnesota, Twin Cities, Minnesota

Scholarships & Fellowships

NMED Exhibit 4

2015 Science, Engineering, and Education for Sustainability Fellowship, National Science Foundation, PI: Carrie Byron, 2013-2017, $417,000

2014 Barrett Summer Scholars Instructor, Arizona State University, July 2014, $2,000

2013 Sustainability Science for Sustainable Schools Fellowship, National Science Foundation, June 2013 – 2014, $32,500

2004 St. Paul Central Scholarship, University of Minnesota, August 2004 – May 2008, $5,000

2004 LaVerne Noyes Scholarship, University of Minnesota, August 2004 – May 2008, $2,500

Grants

2024 DEB - 2406481, RUI: Measuring ecosystem services from urban agriculture, National Science Foundation, October 2024 – September 2027, $363,385, Co-PI ,University of St. Thomas

2022 Environmental (In)justice in Mni Sota Makoce Course Integration Grant, Office of Sustainability Initiatives, University of St. Thomas, Spring 2022, $200, PI.

2020 RCN-UBE: Urban agriculture supports accessible and impactful biology education, National Science Foundation, December 2020-2025, $499,904, PI. Co-PI, University of St. Thomas

2018 RCN-UBE Incubator: Urban agriculture supports accessible and impactful biology education, National Science Foundation, September 2018-2019, $73,904, PI. Co-PIs Adam Kay, Gaston Small, University of St. Thomas

2018 Sustainable Ecological Aquaculture Network (SEANET) grant, University of Maine, April 2018 – February 2019, $10,000, PI

2016 University of New England Faculty Mini-grant, University of New England, March 2016, $3,500, Co-PI

2014 Arizona Graduate and Professional Student Association Travel grant, Arizona State University, May 2014, $950

2013 Research and Training Initiative Grant, Arizona State University, October 2013-2014, $1,700

2013 School of Life Sciences Travel Grant, Arizona State University, September 2013, $400

2013 Arizona Graduate and Professional Student Association Travel grant, Arizona State University, September 2013, $950

2012 Graduate and Professional Student Association Graduate Research Support Program Award, Arizona State University, June 2012-2013, $1,850

2012 Central – Arizona Phoenix Long-Term Ecological Research Graduate Grant, Arizona State University, March 2012-2013, $5,600

2011 Graduate and Professional Student Association Travel Grant, Arizona State University, August 2011, $950

Teaching Experience

NSF Teaching Fellow, Sustainability Science for Sustainable Schools, Mountain Pointe High School, Tempe, AZ, June 2013-2014

Barrett Summer Scholars Instructor, July 2014
Barrett Honors College, Arizona State University

Upper Level

Instructor of Record, Sustainable Food Systems (BIOL 420), Spring 2025
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Sustainable Food Systems (BIOL 420), Fall 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Sustainable Food Systems (BIOL 420), Spring 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Sustainable Food Systems (BIOL 420), Fall 2023
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Independent Study (BIOL 389), Fall 2022
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Food, Water, and Energy (BIOL 489), Spring 2022
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Food, Water, and Energy (BIOL 490), Fall 2021
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Food, Water, and Energy (BIOL 490), Spring 2021
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Sustainable Food Systems (BIOL 490), Fall 2020

University of St. Thomas, College of Arts and Sciences

Instructor of Record, Geospatial Methods in Ecosystem Ecology (BIOL 491), Summer 2020
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Sustainable Food Systems (BIOL 490), Spring 2020
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Senior Research Seminar/Laboratory (ESCI 430), Spring 2019
University of St. Thomas, College of Arts and Sciences

Teaching Assistant, Fundamentals of Ecology (BIO 320), Spring 2013
Arizona State University, School of Life Sciences

Teaching Assistant, Bacterial Diversity and Systematics (MIC 470), Spring 2012
Arizona State University, School of Life Sciences

Instructor, General Genetics (BIO 340), Fall 2011, Fall 2012
Arizona State University, School of Life Sciences

Introductory

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2025
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2025
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Lecture (BIOL 207), Fall 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Laboratory (BIOL 207), Fall 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Fall 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Laboratory (BIOL 207), Spring 2024
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Lecture (BIOL 207), Fall 2023
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Fall 2023
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Laboratory (BIOL 207), Spring 2023
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2023
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Genetics, Ecology, Evolution Laboratory (BIOL 207), Fall 2022 (2 sections)
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Fall 2022 (2 sections)
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Ecology, Evolution, and Genetics Laboratory (BIOL 207), Spring 2022
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2022
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Fall 2021
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Ecology, Evolution, and Genetics Laboratory (BIOL 207), Fall 2021
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209), Spring 2021
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Ecology, Evolution, and Genetics Laboratory (BIOL 207, 3 sections), Fall 2020 University of St. Thomas, College of Arts and Sciences

Instructor of Record, Introduction to Environmental Science (GEOL 115), Spring 2020
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Biology of Sustainability (BIOL 209, 3 sections), Fall 2019
University of St. Thomas, College of Arts and Sciences

Instructor of Record, Ecology, Evolution, and Genetics Laboratory (BIOL 207), Fall 2019
University of St. Thomas, College of Arts and Sciences

Instructor, General Biology (BIO 181), Summer 2011
Arizona State University, School of Life Sciences

Teaching Assistant, Human Anatomy and Physiology (BIO 201), Fall 2010, Spring 2011
Arizona State University, School of Life Sciences

Students Advised

Maddie Ammend (2021), Undergraduate, University of St. Thomas
Sarah Andre (2021), Undergraduate, Summa Cum Laude Oral Examination Committee Chair, University of St. Thomas
Maddison Carter (2022 – 2024), Undergraduate, University of St. Thomas
Andrew Davidson (2016), Undergraduate, University of New England
Kylee DiMaggio (2015 – 2017), Undergraduate, University of New England
Ariah Evans (2012), Research Assistantship for High School Student, Arizona State University
Aunese Evans (2012), Research Assistantship for High School Student, Arizona State University
Jada Harvey (2021 – 2023), Undergraduate, University of St. Thomas
Ashley Hatch (2022 – 2024), Undergraduate, University of St. Thomas
Ruth Hrbacek (2024 – 2025), Undergraduate, University of St. Thomas
Ivan Jimenez (2020), Undergraduate, University of St. Thomas
Brady Lau (2024 – 2025), Undergraduate, University of St. Thomas
Daniel Loza (2012), Research Assistantship for High School Student, Arizona State University
Clara Lucero (2022 – 2024), Undergraduate, University of St. Thomas
Jake Raether (2020 – 2021), Undergraduate, University of St. Thomas
Maddie Reiter (2024 – 2025), Undergraduate, University of St. Thomas
Lauren Rogers (2019 – 2022), Undergraduate, University of St. Thomas
Delaney Sacia (2022), Undergraduate, University of St. Thomas
Marisa Smedsrud (2020 – 2021), Undergraduate, University of St. Thomas

Professional Development

Inclusive Classroom Institute Certification
University of St. Thomas, 2022

2021 Summer Seminar, Inclusive Classroom Institute,
University of St. Thomas, Summer 2021

Writing Across the Curriculum Certification
University of St. Thomas, Summer 2021

Science Outreach & Service

Ask a Biologist Scientific Expert
Arizona State University, School of Life Sciences, March 2012 – Present

Scientific Advisor and Grant Writer
Cumberland County Soil and Water Conservation District, January 2015 – December 2016

Volunteer Land Steward
Scarborough Land Trust, January 2015 – December 2016

Nor'Easter Bowl Judge
The National Ocean Sciences Bowl, University of New England, February 2016

Scientific Advisor, Waterfun(d)
Semi-Finalist in Boston Living with Water Design Competition, October 2015

Graduate and Professional Student Association (GPSA) Grant Reviewer
Arizona State University, September 2012 – April 2015

Future City Competition Judge
Future City Arizona, January 2014

CAP LTER Graduate Student Representative
Arizona State University, January 2011 – October 2013

Graduate Partners in Science Education (GPSE) K-12 Mentor
Kenilworth Elementary School, Phoenix, AZ, August 2012 – 2013

CAP LTER graduate grant reviewer
Arizona State University, March 2013

Wetland Ecosystem Ecology Lab High School Mentor
Arizona State University, May – December 2012

Professional Associations

Member, Ecological Society of America, 2012 – Present
Member, American Geophysical Union, 2011 – 2015
Member, Society of Wetland Scientists, 2012 – 2015

Manuscript Reviews

BioScience (2/16)
The ISME Journal (10/16)
Biology and Fertility of Soils (1/17)
Review of Regional Research (1/17)

Publications

12. **Chapman EJ,** Carter M, Harvey J Hatch A, Lucero C**,** Rogers L. National assessment of regional sustainability across the United States. Accepted. *Discover Sustainability*

11. Small GE, Jimenez I, Smedsrud M, **Chapman EJ**. 2023. Simulating the fate of compost-derived nutrients in an urban garden. *Ecological Modelling*

10. Kay AD, **Chapman EJ**, Cheriyot D, Lowery S, Singer S, Small G, Warthen R, Westbroek W. 2022. Potential for urban agriculture to support accessible and impactful undergraduate biology education. Ecology and Evolution 12: e8721

9. **Chapman EJ**, Small G, Shrestha P. 2022. Investigating potential hydrological ecosystem services in urban gardens through soil amendment experiments and hydrologic models. *Urban Ecosystems* 1:

8. **Chapman EJ,** Rogers L, Kay AD. 2021. Toward just and sustainable cities: Identifying key areas for urban, peri-urban, and rural sustainability collaborative initiatives. *International Journal of Environmental Impacts* 4: 36-48

7. **Chapman EJ**, Byron CJ, Lasley-Rasher R, Lipsky C, Stevens JR, Peters R. 2020. Effects of climate change on coastal ecosystem food web dynamics: implications for aquaculture. *Marine Environmental Research* 162: 105103

6. **Chapman EJ**, Byron CJ. 2018. The flexible application of carrying capacity in ecology. *Global Ecology and Conservation* 13: e00365

5. **Chapman EJ,** Cadillo-Quiroz H, Childers DL, Turetsky MR, Waldrop MP. 2017. Soil microbial community composition is correlated to soil carbon processing along a boreal wetland formation gradient. *European Journal of Soil Biology* 82: 17-26

4. **Chapman EJ,** Childers DL, Shock E, Turetsky MR. 2016. A thermodynamic analysis of soil ecosystem development in northern wetlands. *Wetlands* 36: 1143-1153

3. **Chapman EJ.** 2016. Why are you here (or there)? [Invited Book Review] *BioScience* 66: 424-426

2**. Chapman EJ**, Childers DL, Vallino JJ. 2016. How the Second Law of Thermodynamics has informed ecosystem ecology through its history. *BioScience* 66: 27-39

1. Thorp MW, **Chapman EJ**, Simmons, MJ. 2009. Cytotype regulation by telomeric P elements in Drosophila melanogaster: variation in regulatory strength and maternal effects. *Genetics Research* 91: 327-336

Manuscripts Under Review or In Preparation

Chapman EJ, Burr M, Warthen R. Key elements of impactful implementation of community-engaged biology: A practical guide to broader participation. In preparation for CBE—Life Sciences Education

Chapman EJ, Small G, Shrestha P, Kay AD. Urban agroecology: a frontier for ecology. In preparation for *BioScience*

Chapman EJ, Byron CJ, Willis T, Wilson K. Quantifying terrestrial and marine ecosystem connectivity with stable isotopes at the watershed scale. In preparation

Presentations

Chapman EJ, Burns K, Hatch A, Juni K, Lucero C. A national urban garden survey (NUGS) for community-driven basic ecological research. Ecological Society of America (ESA) Annual meeting, Baltimore, Maryland (August 10-15, 2025)

Chapman EJ, Hatch A, Lucero C. The state of urban agriculture in mid and large sized cities in the United States. (Poster) Ecological Society of America (ESA) Annual meeting, Long Beach, California (August 6, 2024)

Kay AD, **Chapman EJ,** Burr M, Warthen R, Baumgartner J, Ellis Soto D, Surasinghe T, Aoki C, Stanko M. Urban agriculture modules and collaborative projects to enhance and connect undergraduate biology education. (Poster) Ecological Society of America (ESA) Annual meeting, Long Beach, California (August 6, 2024)

Chapman EJ, Wettstein S, Wille D. Ecology to bridge urban-rural divides (Inspire talk). Ecological Society of America (ESA) Annual meeting, Portland, Oregon (August 6, 2023)

Chapman EJ. How biology research can address 21st century challenges (Invited Seminar). Pizza with a Prof. University of St. Thomas, St. Paul, MN (September 29, 2022)

Chapman EJ, Kay AD, Warthen R. Key elements of impactful implementation of community-engaged biology education: A practical guide to broader participation. Ecological Society of America (ESA) Annual meeting, Montreal, Quebec (August 18, 2022)

Kay, AD, (Co-organizer), **Chapman EJ (Co-organizer),** Singer S, Westbroek W, Lowery S, Cheriuyot J, Warthen R. Exploring How to Incorporate Urban Agriculture into Undergraduate Biology (Workshop). Ecological Society of America (ESA) Annual meeting, Montreal, Quebec (August 18, 2022)

Chapman EJ, Rogers L, Kay AD. Toward just and sustainable cities: Identifying key areas for urban, peri-urban, and rural sustainability collaborative initiatives. Urban Agriculture 2020, Valencia, Spain (Virtual; September 29 – October 1, 2020)

Chapman EJ, Small GE, Jimenez I, Kay AD. Urban agriculture as a facilitator of accessible and impactful biology education. Ecological Society of America (ESA) Annual meeting, Louisville, KY (August 11, 2019)

Byron CJ, **Chapman EJ**, Jin D, Dalton TM, Both A. Evaluating ecological and economic potential of ocean foods using a food-web approach. CERF Biennial Conference, Providence, RI (November 5 – 9, 2017)

Byron CJ, **Chapman EJ**, Jin D, Dalton TM, Both A. Food-web approach to evaluate the ecological and economic potential of ocean food resources in coastal systems. ICES Annual Meeting, Fort Lauderdale, FL (September 18 – 21, 2017)

Chapman EJ, Byron CJ, Willis T, Wilson K. (Oral talk) Quantifying terrestrial and marine ecosystem connectivity with stable isotopes at the watershed scale. Ecological Society of America (ESA) Annual meeting, Portland, OR (August 6 – 11, 2017)

Chapman EJ, Byron CJ, Jin D, Dalton TM. (Oral talk) Linking ecology and the economy with models and scenarios to estimate shellfish food production potential. Ecological Society of America (ESA) Annual meeting, Portland, OR (August 6 – 11, 2017)

Chapman EJ, Byron CJ, Jin D, Dalton TM. (Oral talk) A coastal ecosystem service valuation approach for sustainable resource management. Northeast Aquaculture Conference and Exposition (NACE), Providence, RI (January 11 – 13, 2017)

Chapman EJ. (Oral talk) Permafrost thaw disturbance triggers increase in soil methanogens and methanogenesis during boreal wetland development. Guest seminar, University of Minnesota, St. Paul, MN (August 24, 2016)

Chapman EJ (Keynote speaker). Ecosystem science for land and water conservation: a collaborative opportunity for ecologists and conservationists. Saco Bay Trails Annual Meeting, Saco, ME (May 21, 2016)

Chapman EJ (Invited seminar). Degree of ecosystem development is a stronger predictor of microbial community structure than ecosystem type in boreal peatland soils. University of New England, Biddeford, ME (May 20, 2016)

Chapman EJ (Invited talk). Using social ecological systems research to inform sustainable resource management. Guest lecture for Sustainable Seafood, University of New England, Biddeford, ME (April 11, 2016)

Chapman EJ, Byron CJ, Jin D, Dalton TM, DiMaggio, K. (Invited seminar) Integrating ecology with the economy through models: a marine ecosystem services perspective. University of Massachusetts, Dartmouth, MA (March 30, 2016)

Chapman EJ, St. Gelais AT, Evans, KS, Chen X. (Poster) Integrating intertidal wild shellfish fisheries with aquaculture: Social-ecological system output capacity as an economic resource management tool. Benthic Ecology Meeting, Portland, ME (March 16 – 19, 2016)

Chapman EJ, Byron CJ, Jin D, Dalton TM. (Oral talk) Determining system carrying capacity for sustainable resource management using an integrated ecological-economic modeling framework. World Aquaculture Society annual meeting, Las Vegas, NV (February 22 – 26, 2016)

Chapman EJ. (Invited talk) Boreal ecosystem development and the history of ecological succession. Guest Lecture for Marine Ecology, University of New England, Biddeford, Maine (October 8, 2015)

Chapman EJ, Childers DL, Vallino JJ. (Oral talk) How the second law of thermodynamics has informed ecosystem ecology though its history. American Geophysical Union annual meeting, San Francisco, CA (December 15 – 19, 2014).

Ramos J, **Chapman EJ**, Weller NA, Susanto P, Childers DL. (Poster) Comparison of analytical procedures to estimate CH4 and N2O fluxes from a two-year ecosystem study in a constructed wetland system. American Geophysical Union annual meeting, San Francisco, CA (December 15 – 19, 2014).

Chapman EJ, Childers DL. **(Oral talk)**. A thermodynamic analysis of ecosystem development in northern wetlands. Joint Aquatic Sciences Meeting (JASM), Portland, OR (May 18 – 23, 2014).

Ramos J, **Chapman EJ,** Childers DL. **(Poster)** Spatial and temporal variability of annual greenhouse gas fluxes from a constructed wetland in an arid region. American Geophysical Union (AGU) annual meeting, San Francisco, CA (December 9 – 13, 2013).

Chapman EJ. (Invited talk) Testing the maximum power principle across a chronosequence of wetlands. Cadillo – Quiroz Laboratory, Arizona State University, Tempe, Arizona (September 5, 2013)

Chapman EJ. (Invited talk) Ecosystem development in boreal wetlands. United States Geological Survey, Menlo Park, California (August 21, 2013)

Chapman EJ, Childers DL. **(Poster)** Energy content and greenhouse gas emissions across a chronosequence of boreal peatlands. Ecological Society of America (ESA) Annual meeting, Minneapolis, MN (August 4 – 9, 2013)

Chapman EJ. (Invited talk) Testing the maximum power principle across a chronosequence of wetlands. Fundamentals of Ecology Course, Arizona State University, Tempe, Arizona (February 7, 2013)

Ramos J, **Chapman EJ,** Weller NA. (**Poster)** Greenhouse gas emissions from a constructed wetland system in Phoenix, AZ. Long Term Ecological Research (LTER) All Scientist Meeting, Estes Park, CO (September 10 – 13, 2012)

Chapman EJ, Warner BP. **(Poster)** Foreseeing critical phosphorus cycle transitions in constructed wetlands: Applied to the new Tres Rios arid-land constructed wetlands with the City of Phoenix. Central Arizona Phoenix LTER Annual Poster Symposium and All Scientist Meeting, Tempe, AZ (January 12 – 13, 2011)

Chapman EJ. (Oral talk) Nucleic acid therapies for the treatment of Parkinson's and Alzheimer's diseases. Medtronic Summer Research Conference, Fridley, MN (August 28, 2008)

Kauffman EC, Kang HW, **Chapman EJ**, Choi B. **(Poster)** Determination of the optimal laser fiber sweeping frequency for photo-selective vaporization of the prostate in an ex vivo animal model. American Urological Association (AUA) Annual Meeting, Orlando, FL (May 17 – 22, 2008)

INVOICE

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Bill to
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Invoice details
Invoice no.: 8565
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Invoice date: 12/26/2025
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#	Product or service	Description	Qty	Rate	Amount
1.	**NM Register - 431902**	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider Adoption of Proposed New Rule 20.13.2 NMAC - Per- and Ploy-Fluoroalkyl Substances In Consumer Products (EIB case no 25-61 (R)), hearing date: 2/23/2026	53	$3.00	$159.00
2.	**NM Register - 431902**	Junta De Mejora Medioambiental De Nuevo Mexico Aviso De Audiencia Para La Adopcion De La Nueva Norma Propuesta 20.13.2 NMAC: Sustancias Perfluoroalquilicas Y Polifluoroalquilicas En Productos De Consumo, hearing date: 2/23/2026	64	$3.00	$192.00

Total **$351.00**

Note to customer

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Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 8565 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 8565, and that Invoice # 8565 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant: _____
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 26th day of December 2025.

Notary Public: _____
My Commission Expires: 1/22/2028

PAMELA ANNE LUJAN Y VIGIL
Notary Public
State of New Mexico
Comm. # 2001927
My Comm. Exp. Jan 22, 2028

JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MÉXICO

AVISO DE AUDIENCIA PARA LA ADOPCIÓN DE LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUÍLICAS Y POLIFLUOROALQUÍLICAS EN PRODUCTOS DE CONSUMO

(25-61 (R) N.º de caso del EIB) (Junta de mejora medioambiental de Nuevo México o EIB, por sus siglas en inglés)

La Junta de Mejora Ambiental de Nuevo México (EIB, por sus siglas en inglés) celebrará una audiencia pública que comenzará el 23 de febrero de 2026 a las 9:00 a. m. y continuará durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, para considerar EIB 25-61(R): En relación con la propuesta de adopción de la norma 20.13.2 NMAC: Ley de protección contra sustancias perfluoroalquílicas y polifluoroalquílicas («Petición») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo, Anexo B a la Petición («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la información técnica expuesta en la declaración de motivos, Anexo A a la Petición («declaración de motivos»). La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podrá tomar una decisión definitiva sobre la nueva norma propuesta 20.13.2 NMAC al término de la audiencia o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Además, la Oficina de Facilitación Pública del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC, así como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menú desplegable «Junta de Mejora Ambiental» y, a continuación, accediendo a los archivos bajo «EIB 25-61: En relación con la propuesta de adopción de 20.13.2 NMAC – Menú desplegable «Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo». Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación. El EIB está autorizado a adoptar normas relativas a la prohibición de productos que contengan sustancias PFAS añadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1

y siguientes, y la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminación gradual y la prohibición de determinados productos no exentos que contienen PFAS añadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibirán los siguientes productos que contengan PFAS añadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para niños y espuma contra incendios que contengan PFAS añadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiría los siguientes productos que contengan PFAS añadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosméticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquís; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiría cualquier producto que contenga PFAS añadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS añadidos intencionadamente en un producto se considere un uso actualmente inevitable. Además, exige el etiquetado de los productos que contengan PFAS añadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exención de etiquetado para los productos que estén exentos por ley de la prohibición de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS añadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS añadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentación de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay más información disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/).

La información técnica que sirvió como base para la regla propuesta se puede ver en línea en https://www.env.nm.gov/public-notices/ y también se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá realizarse de forma colectiva o individual. Ninguna persona podrá discutir ex parte el fondo del procedimiento con ningún miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TÉCNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y deberá ser parte. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé

que esa persona presentará en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar mediante comentarios públicos por escrito o verbalmente en la audiencia. Los miembros del público en general que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público en general presenten testimonios orales. No se requiere notificación previa para presentar testimonios no técnicos en la audiencia. Cualquier miembro también puede presentar pruebas no técnicas en relación con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACIÓN: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminación indicada anteriormente.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS

(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer. Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS:

carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.
No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.
TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502.
Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious

of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED NEW RULE 20.13.2 NMAC PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

Journal: December 14, 2025.

JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MEXICO
AVISO DE AUDIENCIA PARA LA ADOPCION DE LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUILICAS Y POLIFLUOROALQUILICAS EN PRODUCTOS DE CONSUMO (25-61 (R) N.º de caso del EIB)
(Junta de mejora medioambiental de Nuevo Mexico o EIB, por sus siglas en ingles)

La Junta de Mejora Ambiental de Nuevo Mexico (EIB, por sus siglas en ingles) celebrara una audiencia publica que comenzara el 23 de febrero de 2026 a las 9:00 a. m. y continuara durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios publicos, para considerar EIB 25-61(R): En relacion con la propuesta de adopcion de la norma 20.13.2 NMAC: Ley de proteccion contra sustancias perfluoroalquilicas y polifluoroalquilicas («Peticion») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquilicas y polifluoroalquilicas en productos de consumo, Anexo B a la Peticion («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la informacion tecnica expuesta en la declaracion de motivos, Anexo A a la Peticion («declaracion de motivos»). La audiencia se llevara a cabo en un formato hibrido para permitir tanto la participacion presencial como la virtual. La audiencia presencial se celebrara en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podra tomar una decision definitiva sobre la nueva norma propuesta 20.13.2 NMAC al termino de la audiencia o podra convocar una reunion posterior con ese fin. La audiencia se llevara a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentacion: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Seccion 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La informacion detallada sobre la audiencia, incluida la ubicacion de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y como participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo Mexico («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener mas informacion, pongase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Ademas, la Oficina de Facilitacion Publica del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC, asi como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menu desplegable «Junta de Mejora Ambiental» y, a continuacion, accediendo a los archivos bajo «EIB 25-61: En relacion con la propuesta de adopcion de 20.13.2 NMAC Menu desplegable «Sustancias perfluoroalquilicas y polifluoroalquilicas en productos de consumo». Las copias impresas de la peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC estan disponibles en todas las oficinas del NMED en todo el estado. La peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC estan disponibles en formato electronico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relacion con la peticion presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquilicas o polifluoroalquilicas (PFAS) anadidas intencionadamente, exigir la presentacion de informes a los fabricantes de productos que contengan PFAS anadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS anadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicacion. El EIB esta autorizado a adoptar normas relativas a la prohibicion de productos que contengan sustancias PFAS anadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Proteccion contra las Sustancias Perfluoroalquilicas y Polifluoroalquilicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminacion gradual y la prohibicion de determinados productos no exentos que contienen PFAS anadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibiran los siguientes productos que contengan PFAS anadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para ninos y espuma contra incendios que contengan PFAS anadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiria los siguientes productos que contengan PFAS anadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosmeticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquis; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiria cualquier producto que contenga PFAS anadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS anadidos intencionadamente en un producto se considere un uso actualmente inevitable. Ademas, exige el etiquetado de los productos que contengan PFAS anadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exencion de etiquetado para los productos que esten exentos por ley de la prohibicion de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS anadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS anadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentacion de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay mas informacion disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/).

La informacion tecnica que sirvio como base para la regla propuesta se puede ver en linea en https://www.env.nm.gov/public-notices/ y tambien se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACION PUBLICA: Las audiencias y reuniones del EIB estan abiertas al publico, y se anima a la poblacion en general a participar. Todas las personas interesadas tendran una oportunidad razonable de participar presentando una notificacion de intencion de presentar un testimonio tecnico, presentando una solicitud de comparecencia o participando como miembro del publico en general. Por «testimonio tecnico» se entiende cualquier testimonio cientifico, tecnico, economico o especializado, pero no incluye argumentos juridicos, comentarios generales ni declaraciones de politica o posicion sobre los asuntos que se tratan en la audiencia. El «publico en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificacion de intencion de presentar un testimonio tecnico.

Cualquier miembro del publico en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estara sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestaran bajo juramento o afirmacion, lo que podra realizarse de forma colectiva o individual.

Ninguna persona podra discutir ex parte el fondo del procedimiento con ningun miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TECNICO: Cualquier persona que tenga la intencion de presentar un testimonio tecnico en la audiencia debera presentar una notificacion de intencion de presentar un testimonio tecnico ante el administrador del EIB al menos 20 dias antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y debera ser parte. Ademas de los requisitos que pueda establecer una orden previa a la audiencia, la notificacion de intencion de presentar testimonio tecnico debera: (1) identificar a la persona para la que testificaran los testigos; (2) identificar a cada testigo tecnico que la persona tenga intencion de presentar e indicar las cualificaciones de dicho testigo, incluida una descripcion de su formacion academica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estaran presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo tecnico en forma narrativa; (5) incluir el texto de cualquier modificacion recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se preve que esa persona presentara en la audiencia, incluida cualquier declaracion propuesta de los motivos para la adopcion de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentara ante el administrador del EIB a mas tardar 20 dias antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PUBLICOS: El publico en general puede testificar mediante comentarios publicos por escrito o verbalmente en la audiencia. Los miembros del publico en general que deseen presentar una declaracion por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberan presentar la declaracion por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario publico por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo Mexico, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Ademas, cada dia de la audiencia habra una oportunidad para que los miembros del publico en general presenten testimonios orales. No se requiere notificacion previa para presentar testimonios no tecnicos en la audiencia. Cualquier miembro tambien puede presentar pruebas no tecnicas en relacion con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinara el proceso y los horarios para que el publico en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un interprete o una ayuda auxiliar para participar en este proceso, pongase en contacto con el administrador del EIB al menos 14 dias antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telefono (505) 660-4305, o correo electronico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al numero a traves de la red de retransmision de Nuevo Mexico, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACION: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administracion de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminacion implementados por 40 C.F.R. Partes 5 y 7, incluido el Titulo VI de la Ley de Derechos Civiles de 1964, en su version modificada; la Seccion 504 de la Ley de Rehabilitacion de 1973; la Ley de Discriminacion por Edad de 1975, el Titulo IX de las Enmiendas a la Educacion de 1972 y la Seccion 13 de las Enmiendas a la Ley Federal de Control de la Contaminacion del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, politicas o procedimientos de no discriminacion del NMED, puede ponerse en contacto con: Kate Cardenas, coordinadora de no discriminacion, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relacion con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminacion indicada anteriormente.

Journal: December 14, 2025.

Affidavit of Publication

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SIGNED:

Legal Representative

Subscribed to and sworn to me this 12th day of January 2026.

david lindsey montoya
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My commission expires: 04-26-2027

STATE OF NEW MEXICO
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ERIC CHAPMAN
NM DEPT OF ENV ENVIRONMENTAL IMPROVEMENT
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JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MEXICO

AVISO DE AUDIENCIA PARA LA ADOPCION DE LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUILICAS Y POLIFLUOROALQUILICAS EN PRODUCTOS DE CONSUMO (25-61 (R) N.º de caso del EIB) (Junta de mejora medioambiental de Nuevo Mexico o EIB, por sus siglas en ingles)

La Junta de Mejora Ambiental de Nuevo Mexico (EIB, por sus siglas en ingles) celebrara una audiencia publica que comenzara el 23 de febrero de 2026 a las 9:00 a. m. y continuara durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios publicos, para considerar EIB 25-61(R): En relacion con la propuesta de adopcion de la norma 20.13.2 NMAC: Ley de proteccion contra sustancias perfluoroalquilicas y polifluoroalquilicas («Peticion») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquilicas y polifluoroalquilicas en productos de consumo, Anexo B a la Peticion («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la informacion tecnica expuesta en la declaracion de motivos, Anexo A a la Peticion («declaracion de motivos»). La audiencia se llevara a cabo en un formato hibrido para permitir tanto la participacion presencial como la virtual. La audiencia presencial se celebrara en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podra tomar una decision definitiva sobre la nueva norma propuesta 20.13.2 NMAC al termino de la audiencia o podra convocar una reunion posterior con ese fin. La audiencia se llevara a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentacion: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Seccion 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La informacion detallada sobre la audiencia, incluida la ubicacion de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y como participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo Mexico («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener mas informacion, pongase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Ademas, la Oficina de Facilitacion Publica del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC, asi como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menu desplegable «Junta de Mejora Ambiental» y, a continuacion, accediendo a los archivos bajo «EIB 25-61: En relacion con la propuesta de adopcion de 20.13.2 NMAC Menu desplegable «Sustancias perfluoroalquilicas y polifluoroalquilicas en productos de consumo». Las copias impresas de la peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC estan disponibles en todas las oficinas del NMED en todo el estado. La peticion, la declaracion de motivos y la nueva norma propuesta 20.13.2 NMAC estan disponibles en formato electronico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relacion con la peticion presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquilicas o polifluoroalquilicas (PFAS) anadidas intencionadamente, exigir la presentacion de informes a los fabricantes de productos que contengan PFAS anadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS anadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicacion. El EIB esta autorizado a adoptar normas relativas a la prohibicion de productos que contengan sustancias PFAS anadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Proteccion contra las Sustancias Perfluoroalquilicas y Polifluoroalquilicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminacion gradual y la prohibicion de determinados productos no exentos que contienen PFAS anadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibiran los siguientes productos que contengan PFAS anadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para ninos y espuma contra incendios que contengan PFAS anadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiria los siguientes productos que contengan PFAS anadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosmeticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquis; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiria cualquier producto que contenga PFAS anadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS anadidos intencionadamente en un producto se considere un uso actualmente inevitable. Ademas, exige el etiquetado de los productos que contengan PFAS anadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exencion de etiquetado para los productos que esten exentos por ley de la prohibicion de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS anadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS anadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentacion de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay mas informacion disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/). La informacion tecnica que sirvio como base para la regla propuesta se puede ver en linea en https://www.env.nm.gov/public-notices/ y tambien se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACION PUBLICA: Las audiencias y reuniones del EIB estan abiertas al publico, y se anima a la poblacion en general a participar. Todas las personas interesadas tendran una oportunidad razonable de participar presentando una notificacion de intencion de presentar un testimonio tecnico, presentando una solicitud de comparecencia o participando como miembro del publico en general. Por «testimonio tecnico» se entiende cualquier testimonio cientifico, tecnico, economico o especializado, pero no incluye argumentos juridicos, comentarios generales ni declaraciones de politica o posicion sobre los asuntos que se tratan en la audiencia. El «publico en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificacion de intencion de presentar un testimonio tecnico.

Cualquier miembro del publico en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estara sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestaran bajo juramento o afirmacion, lo que podra realizarse de forma colectiva o individual.

Ninguna persona podra discutir ex parte el fondo del procedimiento con ningun miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TECNICO: Cualquier persona que tenga la intencion de presentar un testimonio tecnico en la audiencia debera presentar una notificacion de intencion de presentar un testimonio tecnico ante el administrador del EIB al menos 20 dias antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y debera ser parte. Ademas de los requisitos que pueda establecer una orden previa a la audiencia, la notificacion de intencion de presentar testimonio tecnico debera: (1) identificar a la persona para la que testificaran los testigos; (2) identificar a cada testigo tecnico que la persona tenga intencion de presentar e indicar las cualificaciones de dicho testigo, incluida una descripcion de su formacion academica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estaran presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo tecnico en forma narrativa; (5) incluir el texto de cualquier modificacion recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se preve que esa persona presentara en la audiencia, incluida cualquier declaracion propuesta de los motivos para la adopcion de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentara ante el administrador del EIB a mas tardar 20 dias antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PUBLICOS: El publico en general puede testificar mediante comentarios publicos por escrito o verbalmente en la audiencia. Los miembros del publico en general que deseen presentar una declaracion por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberan presentar la declaracion por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario publico por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo Mexico, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Ademas, cada dia de la audiencia habra una oportunidad para que los miembros del publico en general presenten testimonios orales. No se requiere notificacion previa para presentar testimonios no tecnicos en la audiencia. Cualquier miembro tambien puede presentar pruebas no tecnicas en relacion con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinara el proceso y los horarios para que el publico en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un interprete o una ayuda auxiliar para participar en este proceso, pongase en contacto con el administrador del EIB al menos 14 dias antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telefono (505) 660-4305, o correo electronico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al numero a traves de la red de retransmision de Nuevo Mexico, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACION: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administracion de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminacion implementados por 40 C.F.R. Partes 5 y 7, incluido el Titulo VI de la Ley de Derechos Civiles de 1964, en su version modificada; la Seccion 504 de la Ley de Rehabilitacion de 1973; la Ley de Discriminacion por Edad de 1975, el Titulo IX de las Enmiendas a la Educacion de 1972 y la Seccion 13 de las Enmiendas a la Ley Federal de Control de la Contaminacion del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, politicas o procedimientos de no discriminacion del NMED, puede ponerse en contacto con: Kate Cardenas, coordinadora de no discriminacion, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relacion con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminacion indicada anteriormente.

Journal: December 14, 2025.

NEW MEXICO'S LEADING NEWS SOURCE

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED NEW RULE 20.13.2 NMAC PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS

(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for noncompliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's nondiscrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

Journal: December 14, 2025.

Affidavit of Publication

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO }

Ad Cost: $528.28
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Account Number: 1114716
Classification: GOVERNMENT LEGALS

I, Bernadette Gonzales, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

December 14, 2025

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Legal Representative

Subscribed to and sworn to me ~~this~~ 12th day of January 2026.

David Lindsey Montoya
Notary Public
_____ County Bernalillo
ID#: 1140229
My commission expires: 04-26-2027

STATE OF NEW MEXICO
NOTARY PUBLIC
DAVID LINDSEY MONTOYA
COMMISSION NUMBER 1140229
EXPIRATION DATE 04-26-2027

ERIC CHAPMAN
NM DEPT OF ENV ENVIRONMENTAL IMPROVEMENT
HAROLD RUNNELS BUILDING
1190 S ST FRANCIS DR
Santa Fe, NM 87505

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AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, Alejandra Molina, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 94604 a copy of which is hereto attached was published in said newspaper 1 day(s) between 12/15/2025 and 12/15/2025 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 15th day of December, 2025 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

*ISI*_____
LEGAL ADVERTISEMENT RESPRESENTATIVE

Subscribed and sworn to before me on this 19th day of December, 2025

Notary Ma Eckert

Commission Expires: 3/19/29

STATE OF NEW MEXICO
NOTARY PUBLIC
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COMMISSION EXPIRES 03/19/2029

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF

PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS

(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Poly-fluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public com-

ment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department - Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's nondiscrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MÉXICO

AVISO DE AUDIENCIA PARA LA ADOPCIÓN DE

LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUÍLICAS Y POLIFLUOROALQUÍLICAS EN PRODUCTOS DE CONSUMO

(25-61 (R) N.º de caso del EIB) (Junta de mejora medioambiental de Nuevo México o EIB, por sus siglas en inglés)

La Junta de Mejora Ambiental de Nuevo México (EIB, por sus siglas en inglés) celebrará una audiencia pública que comenzará el 23 de febrero de 2026 a las 9:00 a. m. y continuará durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, para considerar EIB 25-61(R): En relación con la propuesta de adopción de la norma 20.13.2 NMAC: Ley de protección contra sustancias perfluoroalquílicas y polifluoroalquílicas («Petición») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoralquílicas y polifluoroalquílicas en productos de consumo, Anexo B a la Petición («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la información técnica expuesta en la declaración de motivos, Anexo A a la Petición («declaración de motivos»). La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podrá tomar una decisión definitiva sobre la nueva norma propuesta 20.13.2 NMAC al término de la audiencia o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Además, la Oficina de Facilitación Pública del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC, así como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menú desplegable «Junta de Mejora Ambiental» y, a continuación, accediendo a los archivos bajo «EIB 25-61: En relación con la propuesta de adopción de 20.13.2 NMAC – Menú desplegable «Sustancias perfluoroalquílicas y Polifuoroalquílicas en productos de consumo». Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20.13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación.

El EIB está autorizado a adoptar normas relativas a la prohibición de productos que contengan sustancias PFAS añadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminación gradual y la prohibición de determinados productos no exentos que contienen PFAS añadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibirán los siguientes productos que contengan PFAS añadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para niños y espuma contra incendios que contengan PFAS añadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiría los siguientes productos que contengan PFAS añadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosméticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquís; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiría cualquier producto que contenga PFAS añadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS añadidos intencionadamente en un producto se considere un uso actualmente inevitable. Además, exige el etiquetado de los productos que contengan PFAS añadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exención de etiquetado para los productos que estén exentos por ley de la prohibición de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS añadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS añadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentación de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay más información disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/

pfas/).

La información técnica que sirvió como base para la regla propuesta se puede ver en línea en https://env.nm.gov/public-notices / y también se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá realizarse de forma colectiva o individual.

Ninguna persona podrá discutir ex parte el fondo del procedimiento con ningún miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TÉCNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y deberá ser parte. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé que esa persona presentará en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar mediante comentarios públicos por escrito o verbalmente en la audiencia. Los miembros del público en general que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj;pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público en general presenten testimonios orales. No se requiere notificación previa para presentar testimonios no técnicos en la audiencia. Cualquier miembro también puede presentar pruebas no técnicas en relación con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACIÓN: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminación indicada anteriormente.

PUB: December 15, 2025

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Texas/New Mexico
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Order Confirmation

Not an Invoice

Account Number:	1356806
Customer Name:	New Mexico Environmental Department
Customer Address:	New Mexico Environmental Department 1190 S Saint Francis DR Santa Fe NM 87505-4173
Contact Name:	Becky Smith
Contact Phone:	505-469-1576
Contact Email:	rebecca.smith@env.nm.gov
PO Number:	

Date:	12/09/2025
Order Number:	11910021
Prepayment Amount:	$ 0.00

Column Count:	3.0000
Line Count:	151.0000
Height in Inches:	14.6000

Print

Product	#Insertions	Start - End	Category
LSN Las Cruces Sun-News	1	12/21/2025 - 12/21/2025	Public Notices
LSN lcsun-news.com	1	12/21/2025 - 12/21/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$472.06
Tax Amount	$0.00
Service Fee 3.99%	$18.84
Cash/Check/ACH Discount	-$18.84
Payment Amount by Cash/Check/ACH	$472.06
Payment Amount by Credit Card	$490.90

Order Confirmation Amount	**$472.06**

NMED Exhibit 6

Ad Preview

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

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Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=BmWd3ua; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

NMED Exhibit 6

LocaliQ
Texas/New Mexico
GANNETT

Order Confirmation

Not an Invoice

Account Number:	1356806
Customer Name:	New Mexico Environmental Department
Customer Address:	New Mexico Environmental Department 1190 S Saint Francis DR Santa Fe NM 87505-4173
Contact Name:	Becky Smith
Contact Phone:	505-469-1576
Contact Email:	rebecca.smith@env.nm.gov
PO Number:	

Date:	12/09/2025
Order Number:	11909897
Prepayment Amount:	$ 0.00

Column Count:	3.0000
Line Count:	173.0000
Height in Inches:	16.7300

Print

Product	#Insertions	Start - End	Category
LSN Las Cruces Sun-News	1	12/21/2025 - 12/21/2025	Public Notices
LSN lcsun-news.com	1	12/21/2025 - 12/21/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$539.38
Tax Amount	$0.00
Service Fee 3.99%	$21.52
Cash/Check/ACH Discount	-$21.52
Payment Amount by Cash/Check/ACH	$539.38
Payment Amount by Credit Card	$560.90

Order Confirmation Amount	**$539.38**

NMED Exhibit 6

Ad Preview

JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MEXICO
AVISO DE AUDIENCIA PARA LA ADOPCIÓN DE
LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUÍLICAS Y POLIFLUOROALQUÍLICAS EN PRODUCTOS DE CONSUMO (25-61 (R) N.º de caso del EIB) (Junta de mejora medioambiental de Nuevo México o EIB, por sus siglas en inglés)

La Junta de Mejora Ambiental de Nuevo México (EIB, por sus siglas en inglés) celebrará una audiencia pública que comenzará el 23 de febrero de 2026 a las 9:00 a. m. y continuará durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, para considerar EIB 25-61(R): En relación con la propuesta de adopción de la norma 20.13.2 NMAC: Ley de protección contra sustancias perfluoroalquílicas y polifluoroalquílicas («Petición») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo, Anexo B a la Petición («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la información técnica expuesta en la declaración de motivos, Anexo A a la Petición («declaración de motivos»). La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podrá tomar una decisión definitiva sobre la nueva norma propuesta 20.13.2 NMAC al término de la audiencia o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Además, la Oficina de Facilitación Pública del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC, así como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menú desplegable «Junta de Mejora Ambiental» y, a continuación, accediendo a los archivos bajo «EIB 25-61: En relación con la propuesta de adopción de 20.13.2 NMAC – Menú desplegable «Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo». Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20.13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación. El EIB está autorizado a adoptar normas relativas a la prohibición de productos que contengan sustancias PFAS añadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminación gradual y la prohibición de determinados productos no exentos que contienen PFAS añadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibirán los siguientes productos que contengan PFAS añadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para niños y espuma contra incendios que contengan PFAS añadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiría los siguientes productos que contengan PFAS añadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosméticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquís; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiría cualquier producto que contenga PFAS añadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS añadidos intencionadamente en un producto se considere un uso actualmente inevitable. Además, exige el etiquetado de los productos que contengan PFAS añadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exención de etiquetado para los productos que estén exentos por ley de la prohibición de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS añadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS añadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentación de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay más información disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/).

La información técnica que sirvió como base para la regla propuesta se puede ver en línea en https://www.env.nm.gov/public-notices/ y también se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá realizarse de forma colectiva o individual.

Ninguna persona podrá discutir ex parte el fondo del procedimiento con ningún miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TÉCNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y deberá ser parte. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé que esa persona presentará en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar mediante comentarios públicos por escrito o verbalmente en la audiencia. Los miembros del público en general que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público en general presenten testimonios orales. No se requiere notificación previa para presentar testimonios no técnicos en la audiencia. Cualquier miembro también puede presentar pruebas no técnicas en relación con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACIÓN: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminación indicada anteriormente.

NMED Exhibit 6

Las Cruces Sun News.

Public Notices

Originally published at lcsun-news.com on 12/21/2025

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF
PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL
SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the

Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq. Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a

reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. “Technical testimony” means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. “General public” includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department-Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony,

so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

Las Cruces Sun News.

Public Notices

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JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MÉXICO
AVISO DE AUDIENCIA PARA LA ADOPCIÓN DE
LA NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PERFLUOROALQUÍLICAS Y POLIFLUOROALQUÍLICAS EN PRODUCTOS DE CONSUMO
(25-61 (R) N.º de caso del EIB) (Junta de mejora medioambiental de Nuevo México o EIB, por sus siglas en inglés)
La Junta de Mejora Ambiental de Nuevo México (EIB, por sus siglas en inglés) celebrará una audiencia pública que comenzará el 23 de febrero de 2026 a las 9:00 a. m. y continuará durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, para considerar EIB 25-61(R): En relación con la propuesta de adopción de la norma 20.13.2 NMAC: Ley de protección contra sustancias perfluoroalquílicas y polifluoroalquílicas («Petición») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo, Anexo B a la Petición («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la información técnica expuesta en la declaración de motivos, Anexo A a la Petición («declaración de motivos»). La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podrá tomar una decisión definitiva sobre la nueva norma propuesta 20.13.2 NMAC al término de la audiencia o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.
La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov. Además, la Oficina de Facilitación Pública del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC, así como cualquier orden de la EIB y del funcionario designado

para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menú desplegable «Junta de Mejora Ambiental» y, a continuación, accediendo a los archivos bajo «EIB 25-61: En relación con la propuesta de adopción de 20.13.2 NMAC – Menú desplegable «Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo». Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación. El EIB está autorizado a adoptar normas relativas a la prohibición de productos que contengan sustancias PFAS añadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminación gradual y la prohibición de determinados productos no exentos que contienen PFAS añadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibirán los siguientes productos que contengan PFAS añadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para niños y espuma contra incendios que contengan PFAS añadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiría los siguientes productos que contengan PFAS añadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosméticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquís; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiría cualquier producto que contenga PFAS añadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS añadidos intencionadamente en un producto se considere un uso actualmente inevitable. Además, exige el etiquetado de los productos que contengan PFAS añadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exención de etiquetado para los productos que estén exentos por ley de

la prohibición de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS añadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS añadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentación de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay más información disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/).

La información técnica que sirvió como base para la regla propuesta se puede ver en línea en https://www.env.nm.gov/public-notices/ y también se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá realizarse de forma colectiva o individual.

Ninguna persona podrá discutir ex parte el fondo del procedimiento con ningún miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TÉCNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y deberá ser parte. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé que esa persona presentará en la audiencia, incluida

cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar mediante comentarios públicos por escrito o verbalmente en la audiencia. Los miembros del público en general que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público en general presenten testimonios orales. No se requiere notificación previa para presentar testimonios no técnicos en la audiencia. Cualquier miembro también puede presentar pruebas no técnicas en relación con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACIÓN: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un

programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminación indicada anteriormente.

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AFFIDAVIT OF PUBLICATION

_ Desiree Romero
New Mexico Environmental Department
1190 S Saint Francis DR
Santa Fe NM 87505-4173

STATE OF WISCONSIN, COUNTY OF BROWN

The Las Cruces Sun News, a newspaper published in the city of Las Cruces, Dona Ana County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

12/21/2025

and that the fees charged are legal.
Sworn to and subscribed before on 12/21/2025

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

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JUNTA DE MEJORA MEDIOAMBIENTAL DE NUEVO MEXICO
AVISO DE AUDIENCIA PARA LA ADOPCIÓN DE
LA NUEVA NORMA PROPUESTA 20,13.2 NMAC: SUSTANCIAS PERFLUOROALQUÍLICAS Y POLIFLUOROALQUÍLICAS EN PRODUCTOS DE CONSUMO
(25-61 (R) N.° de caso del EIB) (Junta de mejora medioambiental de Nuevo México o EIB, por sus siglas en inglés)

La Junta de Mejora Ambiental de Nuevo México (EIB, por sus siglas en inglés) celebrará una audiencia pública que comenzará el 23 de febrero de 2026 a las 9:00 a. m. y continuará durante el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, para considerar EIB 25-61(R): En relación con la propuesta de adopción de la norma 20.13.2 NMAC: Ley de protección contra sustancias perfluoroalquílicas y polifluoroalquílicas («Petición») para adoptar la nueva norma propuesta 20.13.2 Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo, Anexo B a la Petición («Propuesta de nueva norma 20.13.2 NMAC»), respaldada por la información técnica expuesta en la declaración de motivos, Anexo A a la Petición («declaración de motivos»). La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. La EIB podrá tomar una decisión definitiva sobre la nueva norma propuesta 20.13.2 NMAC al término de la audiencia o podrá convocar una reunión posterior con ese fin. La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de reglamentación: Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; y otros procedimientos aplicables, incluyendo cualquier orden de la EIB y del funcionario de audiencias designado.

La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Además, la Oficina de Facilitación Pública del NMED mantiene el sitio web de asuntos registrados del NMED, que incluye la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC, así como cualquier orden de la EIB y del funcionario designado para dirigir la audiencia. Se puede acceder al registro de la EIB 25-61 (R) visitando el sitio web (https://www.env.nm.gov/opf/docketed-matters/), navegando hasta el menú desplegable «Junta de Mejora Ambiental» y, a continuación, accediendo a los archivos bajo «EIB 25-61: En relación con la propuesta de adopción de 20.13.2 NMAC – Menú desplegable «Sustancias perfluoroalquílicas y polifluoroalquílicas en productos de consumo». Las copias impresas de la petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en todas las oficinas del NMED en todo el estado. La petición, la declaración de motivos y la nueva norma propuesta 20.13.2 NMAC están disponibles en formato electrónico en (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20.13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación. El EIB está autorizado a adoptar normas relativas a la prohibición de productos que contengan sustancias PFAS añadidas intencionadamente, de conformidad con la Ley de Mejora Medioambiental, NMSA 1978, secciones 74-1-1 y siguientes, y la Ley de Protección contra las Sustancias Perfluoroalquílicas y Polifluoroalquílicas, NMSA 1978, secciones 74-15-1 y siguientes.

La nueva norma propuesta 20.13.2 NMAC describe un plazo para la eliminación gradual y la prohibición de determinados productos no exentos que contienen PFAS añadidos intencionadamente. De conformidad con la NMSA 1978, 74-15-3, a partir del 1 de enero de 2027, se prohibirán los siguientes productos que contengan PFAS añadidos intencionadamente: utensilios de cocina, envolturas de alimentos, hilo dental, productos de uso para niños y espuma contra incendios que contengan PFAS añadidos intencionadamente. A partir del 1 de enero de 2028, la nueva norma propuesta 20.13.2 NMAC prohibiría los siguientes productos que contengan PFAS añadidos intencionadamente: alfombras o tapetes; productos de limpieza; cosméticos; tratamientos para tejidos; productos de higiene femenina; textiles; muebles textiles; cera para esquís; y muebles tapizados. A partir del 1 de enero de 2032, la nueva norma propuesta 20.13.2 NMAC prohibiría cualquier producto que contenga PFAS añadidos intencionadamente, a menos que el PFAS presente en dicho producto se considere un uso actualmente inevitable. La nueva norma propuesta 20.13.2 NMAC establece un marco para que los fabricantes soliciten que el uso de PFAS añadidos intencionadamente en un producto se considere un uso actualmente inevitable. Además, exige el etiquetado de los productos que contengan PFAS añadidos intencionadamente y ofrece a los fabricantes la posibilidad de solicitar una exención de etiquetado para los productos que estén exentos por ley de la prohibición de los PFAS. La nueva norma propuesta 20.13.2 exige a los fabricantes que informen sobre los productos que contienen PFAS añadidos intencionadamente y autoriza al NMED a analizar productos o a exigir a los fabricantes que analicen productos que se sospeche que contienen PFAS añadidos intencionadamente y que no hayan sido notificados previamente. La nueva norma propuesta 20.13.2 exige a los fabricantes el pago de tasas por la presentación de informes y por las propuestas de uso actualmente inevitables y enumera las multas por incumplimiento. Hay más información disponible en la página web del NMED sobre PFAS (https://www.env.nm.gov/pfas/).

La información técnica que sirvió como base para la regla propuesta se puede ver en línea en https://www.env.nm.gov/public-notices/ y también se puede obtener de los Peticionarios mediante solicitud a NMED-PFAS@env.nm.gov.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones del EIB están abiertas al público, y se anima a la población en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando una notificación de intención de presentar un testimonio técnico, presentando una solicitud de comparecencia o participando como miembro del público en general. Por «testimonio técnico» se entiende cualquier testimonio científico, técnico, económico o especializado, pero no incluye argumentos jurídicos, comentarios generales ni declaraciones de política o posición sobre los asuntos que se tratan en la audiencia. El «público en general» incluye a cualquier persona que asista a una audiencia y que no haya presentado una notificación de intención de presentar un testimonio técnico.

Cualquier miembro del público en general puede testificar en la audiencia. Cualquier persona que preste testimonio en la audiencia estará sujeta a un contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten a su credibilidad. Cualquier persona que asista a la audiencia tiene derecho a realizar el contrainterrogatorio que sea necesario para que se revelen de forma completa y veraz las cuestiones que se tratan en la audiencia. Todos los testimonios se prestarán bajo juramento o afirmación, lo que podrá realizarse de forma colectiva o individual.

Ninguna persona podrá discutir ex parte el fondo del procedimiento con ningún miembro del EIB ni con el funcionario designado para la audiencia.

TESTIMONIO TECNICO: Cualquier persona que tenga la intención de presentar un testimonio técnico en la audiencia deberá presentar una notificación de intención de presentar un testimonio técnico ante el administrador del EIB al menos 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado, y deberá ser parte. Además de los requisitos que pueda establecer una orden previa a la audiencia, la notificación de intención de presentar testimonio técnico deberá: (1) identificar a la persona para la que testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su formación académica y experiencia laboral; (3) si la audiencia se celebra en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas que se prevé que esa persona presentará en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas; y (7) entregar una copia al NMED.

COMPARECENCIA: Cualquier persona puede presentar una comparecencia como parte. La comparecencia se presentará ante el administrador del EIB a más tardar 20 días antes de la fecha de la audiencia o de conformidad con una orden del EIB o del funcionario de audiencias designado.

COMENTARIOS PÚBLICOS: El público en general puede testificar mediante comentarios públicos por escrito o verbalmente en la audiencia. Los miembros del público en general que deseen presentar una declaración por escrito para que conste en acta, en lugar de prestar testimonio verbal en la audiencia, deberán presentar la declaración por escrito antes de la audiencia o entregarla en la audiencia. Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia habrá una oportunidad para que los miembros del público en general presenten testimonios orales. No se requiere notificación previa para presentar testimonios no técnicos en la audiencia. Cualquier miembro también puede presentar pruebas no técnicas en relación con su testimonio, siempre que las pruebas no repitan indebidamente el testimonio y cumplan con 20.1.1.402 NMAC. El funcionario designado para la audiencia determinará el proceso y los horarios para que el público en general testifique durante la audiencia.

ACCESIBILIDAD: Si alguna persona necesita asistencia, un intérprete o una ayuda auxiliar para participar en este proceso, póngase en contacto con el administrador del EIB al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@env.nm.gov (los usuarios de TDD o TTY deben acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

AVISO DE NO DISCRIMINACIÓN: NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y normativas aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas relacionadas con los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede ponerse en contacto con: Kate Cárdenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con la coordinadora de no discriminación indicada anteriormente.

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AFFIDAVIT OF PUBLICATION

_ Desiree Romero
New Mexico Environmental Department
1190 S Saint Francis DR
Santa Fe NM 87505-4173

STATE OF WISCONSIN, COUNTY OF BROWN

The Las Cruces Sun News, a newspaper published in the city of Las Cruces, Dona Ana County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

12/21/2025

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Sworn to and subscribed before on 12/21/2025

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NMED Exhibit 6

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF
PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer.

Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).

Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than 20 days

before the date of the hearing or in accordance with an order from the EIB or appointed hearing officer.

PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

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EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC, Per- and Poly-Fluoroalkyl Substances in Consumer Products

Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing	10/08/2025
Bruce Wetherbee Entry of Appearance	10/10/2025
NFIB Comment Letter	
Animal Health Institute Comment Letter	
Beverage and Diamond Comment Letter	
PPWG Comment Letter	
SPAN Comment Letter	
Croplife America's Entry of Appearance	10/23/2025
Croplife America's Response and Opposition to Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing	10/23/2025
American Chemistry Council Comment Letter	
Consumer Technology Comment Letter	
SEMI Comment Letter	
Appointment of Hearing Officer	10/30/2025
Pre-Hearing Order	12/3/2025
View Comments Here (please click the link and scroll to the bottom right corner and select 'view comments')	
Public Notice – English	12/15/2025
Public Notice – Spanish	12/15/2025
PFAS Pharmaceutical Working Group (PPWG) – Entry of Appearance	01/05/2026
Submit Comments Here	

NMED Exhibit 7

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Sun, Feb 1



Owners, operators, and testers of petroleum storage tank systems, please email all required tank system test results to: PSTB.compliance@env.nm.gov with a copy to the facility inspector, if known, to...

Environmental Improvement Board HEARING: EIB 25-61 (R) - Proposed New Rule - PFAS
FEB 23 MON
WebEx, and in Person:, Location TBD
Mon, Feb 23, 9am – 5pm

Hearing on proposed new Rule 20.13.2 NMC _Per and Poly Fluoroalkyl Substances in Consumer Products

Public Notice - English

Public Notice - Spanish

Meeting link:
nmed-oit.webex.com...
Meeting number: 2869...

Environmental Improvement Board HEARING: EIB 25-61 (R) - Proposed New Rule - PFAS
FEB 24 TUE
WebEx, and in Person:, Location TBD
Tue, Feb 24, 9am – 5pm

Hearing on proposed new Rule 20.13.2 NMC _Per and Poly Fluoroalkyl Substances in Consumer Products

Public Notice - English

Public Notice - Spanish

Meeting link:
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FEB 25 WED
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Wed, Feb 25, 9am – 5pm

Hearing on proposed new Rule 20.13.2 NMC _Per and Poly Fluoroalkyl Substances in Consumer Products

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Headquarters Location
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1190 St. Francis Dr.
Suite N4050
Santa Fe, NM 87505

Public Notices

This page lists public notices for rulemakings, permitting actions and any appeals of the action. Any rulemaking hearing or specific permitting or enforcement matter appealed to a board, commission or Environment Department Secretary is found on our Docketed Matters webpage once it is docketed.

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Statewide/Across Multiple Counties

Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))

Public Notice – English

Public Notice – Spanish (aviso público – español)

Technical Information

Public Involvement Plan

Limited English Proficiency Assessment (LEP)

PFAS Protection Act (HB212)

PFAS in New Mexico

PFAS Protection Act (HB212)

PFAS Water Regulations and Testing

Emerging Contaminants Program (ECP)

State PFAS Study

Data

The PFAS Protection Act, passed in the 2025 Legislative Session, phases out consumer products with intentionally-added PFAS, making sure forever chemicals don't find their way into New Mexicans' homes.

Starting January 1, 2027, products such as cookware, food packaging, dental floss, juvenile products, and firefighting foam are banned. On January 1, 2028, it expands to include carpets, cleaning items, cosmetics, fabrics, feminine hygiene products, textiles, ski wax, upholstered furniture, By January 1, 2032, virtually all non-exempt products containing intentionally added PFAS are prohibited unless deemed a "currently unavoidable use" by the Environmental Improvement Board.

Manufacturers must also begin reporting detailed information about PFAS content in their products by 2027. The legislation includes important exemptions and enforcement provisions — such medical devices and electronic — where PFAS is essential and does not pose serious harm to those using the products.

Rulemaking Process and Engagement Opportunities

Under the PFAS Protection Act, the New Mexico Environment Department is required to pass rules through the Environmental Improvement Board, or EIB, to govern the processes, requirements, and enforcement of the new law.

NMED filed its proposed rules to the EIB on Oct. 8. They can be viewed here. In addition, NMED has opened a public comment portal for those wishing to provide feedback on the proposed rules.

As part of the rulemaking process, NMED has and will continue holding a series of public engagements to allow New Mexicans to ask learn and ask questions about the PFAS Protection Act:

- **Stakeholder Webinar —Thursday, September 25, 2025**
  - Presentation Slides
  - Full Webinar Recording (YouTube)
- **Public Informational Webinar — Wednesday, October 22, 2025 at 1 p.m. MT**
  - Presentation Slides
  - Full Webinar Recording (YouTube)

Additional Resources

- PFAS Protection Act Labeling Requirement FAQ Sheet

Have questions about PFAS in New Mexico?
Fill out our form

Take the Holloman Lake PFAS Survey



Holloman Lake Recreational Use Survey

NMED Exhibit 7

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Rule Hearing Search

Hearing Date: All | Comments Deadline Date: All | Agency: Environment Department

Search

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Proposed Rule Name:
Proposed New Rule 20.13.2 NMAC - Per- and Poly-Fluoroalkyl Substances EIB 25-61
Agency:
Environment Department
Purpose:
The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.
Summary:
The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance ("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions.
Administratives Codes:
20.13.2 NMAC
20.1.1 NMAC
Rule Complete Copy :
NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).
Corrections:
Not available
Rule Explanatory Statement:
Not available
Related New Mexico Register Publications:
Not available
For any additional information or questions concerning this rule making or posting please contact:
Pamela Jones
pamela.jones@env.nm.gov
(505) 660-4305
Last Updated Date
12/19/2025 1:50 PM

How to submit Comments:
Public comments will be received via SmartComment at https://nmed.commentinput.com/?id=8mWdJ5uaj, via electronic mail to pamela.jones@env.nm.gov; or via physical mail to Pamela Jones, PO Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.
When are comments due:
2/23/2026 12:00 PM

Hearing Date:
2/23/2026 9:00 AM

Public Hearing Location:
Wendell Chino Building, Pecos Hall, 1120 S. St. Francis Drive, Santa Fe, NM 87505 2/23/2026 (9:00 AM -)
How to participate:
Public comments will be received via SmartComment at https://nmed.commentinput.com/?id=8mWdJ5uaj, via electronic mail to pamela.jones@env.nm.gov; or via physical mail to Pamela Jones, PO Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.

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File	File Name	File Type	Description

statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic

NMED Intranet | HelpDesk Ticket | SHARE Sign-in | Login | Microsoft 365 | Federal Register :: H... | Welcome to PERA's... | Term Search | Syste... | Data Tables – PFAS...

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THE OFFICIAL GOVERNMENT TRANSPARENCY PORTAL OF NEW MEXICO

Rule Hearing Search

Hearing Date: All | Comments Deadline Date: All | Agency: Environment Department

Search

Return to Search Results

Proposed Rule Name:
NUEVA NORMA PROPUESTA 20.13.2 NMAC: SUSTANCIAS PER- Y POLIFLUOROALQUÍLICAS

Agency:
Environment Department

Purpose:
El objetivo de la audiencia es que el EIB considere y tome las medidas oportunas en relación con la petición presentada por el NMED en la que se solicita al EIB que adopte la nueva norma propuesta 20.13.2 NMAC. El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación.

Summary:
El objetivo de la nueva norma propuesta 20. 13.2 NMAC es eliminar gradualmente y prohibir determinados productos que contengan sustancias perfluoroalquílicas o polifluoroalquílicas (PFAS) añadidas intencionadamente, exigir la presentación de informes a los fabricantes de productos que contengan PFAS añadidas intencionadamente, identificar los usos actualmente inevitables de las PFAS que son esenciales para la salud, la seguridad o el funcionamiento de la sociedad, exigir el etiquetado de los productos de consumo que contengan PFAS añadidas intencionadamente, establecer sanciones y tasas relacionadas con la norma y establecer disposiciones de aplicación.

Administratives Codes:
20.13.2 NMAC 20.1.1 NMAC

Rule Complete Copy :
La información detallada sobre la audiencia, incluida la ubicación de la sala de reuniones, los detalles adicionales de la audiencia y los detalles de acceso, como los horarios y cómo participar o asistir a la audiencia de forma remota, se puede encontrar en el calendario del Departamento de Medio Ambiente de Nuevo México («NMED») (https://www.env.nm.gov/events-calendar/) en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para obtener más información, póngase en contacto con el administrador del EIB en el (505) 660-4305 o en pamela.jones@env.nm.gov.

Corrections:
Not available

Rule Explanatory Statement:
Not available

Related New Mexico Register Publications:
Not available

For any additional information or questions concerning this rule making or posting please contact:
Pamela Jones
pamela.jones@env.nm.gov
(505) 660-4305

Last Updated Date
12/21/2025 5:19 PM

How to submit Comments:
Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502.

When are comments due:
2/23/2026 12:00 PM

Hearing Date:
2/23/2026 9:00 AM

Public Hearing Location:
La audiencia se llevará a cabo en un formato híbrido para permitir tanto la participación presencial como la virtual. La audiencia presencial se celebrará en el edificio Wendell Chino, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. 2/23/2026 (9:00 AM -4:00 PM)

How to participate:
Aquellos que deseen presentar un comentario público por escrito antes de la audiencia pueden enviarlo al administrador del EIB: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, o al administrador del EIB, Departamento de Medio Ambiente de Nuevo México, Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502.

ⓘ If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description

Outlook

Re: Looking for Field Office POC's

From Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>
Date Fri 12/26/2025 9:39 AM
To Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc Schaedla, William, ENV <william.schaedla@env.nm.gov>

Thanks you!

Get Outlook for iOS

From: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Sent: Friday, December 26, 2025 8:46:11 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>
Subject: Re: Looking for Field Office POC's

Hi Marci,

Appreciate the follow up and confirmation!

Eric

From: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Sent: Friday, December 26, 2025 8:34 AM
To: Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: RE: Looking for Field Office POC's

Hello Greg
Per our phone conversation. Please see the attached email. The information was sent to all field office managers and posted in the field offices on December 12, 2025.
Please let me know if you need anything else
Thank you

Marci Nevarez
EHB Bureau Chief
2301 Entrada Del Sol
Las Cruces, NM 88001
575-288-2050 Office
575-635-6508 Cell
www.env.nm.gov

NMED Exhibit 8

From: Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>
Sent: Wednesday, December 24, 2025 9:45 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: FW: Looking for Field Office POC's
Importance: High

Good morning,

I wanted to follow up on Eric's email below. The deadline for posting these is today.

Thanks!
Greg

From: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Sent: Wednesday, December 24, 2025 9:41 AM
To: Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>
Subject: Fw: Looking for Field Office POC's

From: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Sent: Thursday, December 11, 2025 11:01 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
Subject: Re: Looking for Field Office POC's

Hi Marci and Michael,

Per this thread below, we are seeking your assistance with our public notice in Spanish and English to be posted at each field office. I also include the PIP. Please let me know if you need anything else!

Thank you,

Eric

From: Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
Sent: Monday, December 1, 2025 10:58 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: RE: Looking for Field Office POC's

Thank you so much!

Kate Cardenas
Community Engagement Coordinator

& Non-Discrimination Coordinator
New Mexico Environment Department

Harold Runnels Building
1190 South Saint Francis Dr.
Santa Fe, NM 87505
Mobile: (505) 469-0732
Kate.Cardenas@env.nm.gov

From: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Sent: Monday, December 1, 2025 8:38 AM
To: Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: RE: Looking for Field Office POC's

HI Kate
Please send the Public Notice and PIP to me and we will ensure it is posted at each field office
Thank you

Marci Nevarez
EHB Bureau Chief
2301 Entrada Del Sol
Las Cruces, NM 88001
575-288-2050 Office
575-635-6508 Cell
www.env.nm.gov

From: Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
Sent: Monday, November 24, 2025 3:30 PM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: Looking for Field Office POC's

Hi Marci & Bill,

OSI is doing our first statewide rulemaking for HB 212 and we are supposed to make our Public Notice and PIP available to the public at every NMED office.

Since EHB has staff at most (or all?) of our offices around NM, I thought you might be the best people to ask if you have a list of office managers or a POC for every location.

Thank you!

Kate Cardenas
Community Engagement Coordinator
& Non-Discrimination Coordinator
New Mexico Environment Department

Harold Runnels Building
1190 South Saint Francis Dr.
Santa Fe, NM 87505
Mobile: (505) 469-0732
Kate.Cardenas@env.nm.gov

Outlook

FW: Looking for Field Office POC's

From Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Date Fri 12/12/2025 9:59 AM
To Hernandez, Anai, ENV <anai.hernandez@env.nm.gov>; Kokovay, Steven, ENV <Steven.Kokovay@env.nm.gov>; Krzebiot, Carrie, ENV <Carrie.Krzebiot@env.nm.gov>; Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Reyes, Damon, ENV <Damon.Reyes@env.nm.gov>; Rivera, James, ENV <James.Rivera@env.nm.gov>; Romero, Dominic, ENV <DominicR.Romero@env.nm.gov>; Vigil, Thomas X, ENV <ThomasX.Vigil@env.nm.gov>; Kokovay, Steven, ENV <Steven.Kokovay@env.nm.gov>

3 attachments (509 KB)
HB212PublicNoticeFinalSpanish_251121.pdf; HB212PublicNoticeFinalEnglish_251121.pdf; 2025-11-24-PIP-HB212-Update-1.pdf;

Good Morning All,

Please read the correspondence below and have your administrative staff post the attachments in their respective field office. Thanks in advance.

Respectfully,

Michael Kesler
District III Manager
Environmental Health Bureau
New Mexico Environment Department
3082 32nd St Bypass Rd Suite D
Silver City, NM 88061
Office: 575-388-1934 Cell: 575-574-4804
E-mail: michael.kesler@env.nm.gov
www.env.nm.us.gov

From: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Sent: Thursday, December 11, 2025 11:02 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>; Kesler, Michael, ENV <michael.kesler@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
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NMED Exhibit 8

anything else!

Thank you,

Eric

From: Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>
Sent: Monday, December 1, 2025 10:58 AM
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Thank you so much!

Kate Cardenas
Community Engagement Coordinator
& Non-Discrimination Coordinator
New Mexico Environment Department

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Sent: Monday, November 24, 2025 3:30 PM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Cc: Schaedla, William, ENV <william.schaedla@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Subject: Looking for Field Office POC's

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Thank you!

Kate Cardenas
Community Engagement Coordinator
& Non-Discrimination Coordinator
New Mexico Environment Department

Harold Runnels Building
1190 South Saint Francis Dr.
Santa Fe, NM 87505
Mobile: (505) 469-0732
Kate.Cardenas@env.nm.gov

Outlook

Courtesy Copy: EIB 25-61 R - Proposed New Rule 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances in Consumer Products

From New Mexico Environment Department <nmed@public.govdelivery.com>

Date Wed 12/24/2025 9:51 AM

To Estrada, George, ENV <george.estrada@env.nm.gov>; Lopez, Luis, ENV <luis.lopez@env.nm.gov>; Hochman, Todd, ENV <todd.hochman@env.nm.gov>; Wade, Heather, ENV <Heather.Wade@env.nm.gov>; Bachwirtz-Lopez, Amber <amber.bachwirtz-lopez@env.nm.gov>; Cardenas, Kate, ENV <Kate.Cardenas@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Jones, Pamela, ENV <Pamela.Jones@env.nm.gov>; Ollison, Angela, ENV <angela.ollison@env.nm.gov>; Kenney, James, ENV <James.Kenney@env.nm.gov>; Goretzka, Drew, ENV <drew.goretzka@env.nm.gov>; Chapman, Eric, ENV <eric.chapman@env.nm.gov>

This is a courtesy copy of an email bulletin sent by Pamela Jones.

This bulletin was sent to the following groups of people:

Subscribers of Environmental Improvement Board (EIB), PFAS in New Mexico, or Water Quality Control Commision (WQCC) Matters (236 recipients)

Banner

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF
PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))
The New Mexico Environmental Improvement Board (“EIB”) will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act (“Petition”) to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition (“Proposed New Rule 20.13.2 NMAC”) as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition (“Statement of Reasons”). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos

NMED Exhibit 9

Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer. Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.
Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule 20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance
("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of

containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).
Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.
PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.
Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually. No person may discuss ex parte the merits of the proceeding with any EIB member or the appointed hearing officer.

TECHNICAL TESTIMONY: Any person who intends to present technical testimony at the hearing shall file a notice of intent to present technical testimony with the EIB Administrator at least 20 days prior to the hearing date or in accordance with an order from the EIB or appointed hearing officer and shall be a party. In addition to any requirements a pre-hearing order may have, the notice of intent to present technical testimony shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (7) serve a copy on NMED.

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PUBLIC COMMENT: The general public may testify with a written public comment or orally at the hearing. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment to the EIB Administrator: https://nmed.commentinput.com/?id=8mWdJ5uaj; pamela.jones@env.nm.gov, or EIB Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for

the general public to testify during the hearing.
ACCESSIBILITY: If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the EIB Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@env.nm.gov (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).
NOTICE OF NONDISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

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Outlook

Fw: EIB 25-61 R - Proposed New Rule 20.13.2 NMAC Per- and Poly-Fluoroalkyl Substances in Consumer Products

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>

Date Wed 12/24/2025 11:10 AM

Bcc Cliff.Rothenstein@klgates.com <Cliff.Rothenstein@klgates.com>; DGottlieb@advamed.org <DGottlieb@advamed.org>; rcarra@bdlaw.com <rcarra@bdlaw.com>; Lisa.Jackson@emerson.com <lisa.jackson@emerson.com>; wesley.childers@emerson.com <wesley.childers@emerson.com>; amy.neal@emerson.com <amy.neal@emerson.com>; RDenney@bdlaw.com <RDenney@bdlaw.com>; lhueer@toyassociation.org <lhueer@toyassociation.org>; chickcox@toyassociation.org <chickcox@toyassociation.org>; kbelliveau@toyassociation.org <kbelliveau@toyassociation.org>; jhuxley@toyassociation.org <jhuxley@toyassociation.org>; EVillanueva@nmma.org <EVillanueva@nmma.org>; jwasil@nmma.org <jwasil@nmma.org>; bmurray@nmma.org <bmurray@nmma.org>; Tim_Shestek@americanchemistry.com <Tim_Shestek@americanchemistry.com>; anastasia_swearingen@americanchemistry.com <anastasia_swearingen@americanchemistry.com>; jay_west@americanchemistry.com <jay_west@americanchemistry.com>; jespinoza.kw@gmail.com <jespinoza.kw@gmail.com>; simone.dias@prysmian.com <simone.dias@prysmian.com>; Koksal.Tonyali@prysmian.com <koksal.tonyali@prysmian.com>; Qian.Zhu@prysmian.com <qian.zhu@prysmian.com>; simone.dias@prysmian.com <simone.dias@prysmian.com>; pcastro@bio.org <pcastro@bio.org>; bemus@alcalde-fay.com <bemus@alcalde-fay.com>; Culleen, Lawrence E. <lawrence.culleen@arnoldporter.com>; perri.moeller@solstice.com <perri.moeller@solstice.com>; bkallen@semi.org <bkallen@semi.org>; angela.creedon@intel.com <angela.creedon@intel.com>; JKeane@AHAM.org <JKeane@AHAM.org>; pbellamy@danby.com <pbellamy@danby.com>; scott.ehaney@perlick.com <scott.ehaney@perlick.com>; sean_m_southard@whirlpool.com <sean_m_southard@whirlpool.com>; megan_m_bailey@whirlpool.com <megan_m_bailey@whirlpool.com>; tom.baumgard@spectrumbrands.com <tom.baumgard@spectrumbrands.com>; Vasilios.Soupos@instantpot.com <Vasilios.Soupos@instantpot.com>; kmessner@groupeseb.com <kmessner@groupeseb.com>; Karl.Schmirler@subzero.com <Karl.Schmirler@subzero.com>; robert1.neubert@lge.com <robert1.neubert@lge.com>; Adam.Graham@daikinapplied.com <Adam.Graham@daikinapplied.com>; Alicia.Cafferty@BSHG.COM <Alicia.Cafferty@BSHG.COM>; aaron.bakos@bshg.com <aaron.bakos@bshg.com>; tori.crawford@biophorum.com <tori.crawford@biophorum.com>; victoria.mwanza@biophorum.com <victoria.mwanza@biophorum.com>; dimitri.hollis@takeda.com <dimitri.hollis@takeda.com>; alexander.mitropoulos@milliporesigma.com <alexander.mitropoulos@milliporesigma.com>; tofie.ajomale@wmfts.com <tofie.ajomale@wmfts.com>; alain.crosfield@entegris.com <alain.crosfield@entegris.com>; caugustine@autosinnovate.org <caugustine@autosinnovate.org>; charliemarquez@msn.com <charliemarquez@msn.com>; ejones@autosinnovate.org <ejones@autosinnovate.org>; CPalin@autosinnovate.org <CPalin@autosinnovate.org>; fherrera@nmda.nmsu.edu <fherrera@nmda.nmsu.edu>; ufuentes@nmda.nmsu.edu <ufuentes@nmda.nmsu.edu>; BLewis@nmda.nmsu.edu <BLewis@nmda.nmsu.edu>; KLaney@nmda.nmsu.edu <KLaney@nmda.nmsu.edu>; rchepsangol@nmda.nmsu.edu <rchepsangol@nmda.nmsu.edu>; Witte, Jeff <jwitte@nmda.nmsu.edu>; Hochman-Vigil, Dayan <dayan.hochman-vigil@nmlegis.gov>; steve@cookwaresustainabilityalliance.org <steve@cookwaresustainabilityalliance.org>; kmessner@groupeseb.com <kmessner@groupeseb.com>; cosanu@meyer.com <cosanu@meyer.com>; eaw@scanpan.com <eaw@scanpan.com>; catherine.ruspino@breville.com <catherine.ruspino@breville.com>

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF
PROPOSED NEW RULE 20.13.2 NMAC – PER- AND POLY-FLUOROALKYL SUBSTANCES IN CONSUMER PRODUCTS
(EIB case no. 25-61 (R))
The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on February 23, 2026 at 9:00 a.m. and continuing as long as required to hear all testimony, evidence, and public comment, to consider EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances Protection Act ("Petition") to adopt Proposed New Rule 20.13.2 Per- and Poly-Fluoroalkyl Substances in Consumer Products, Exhibit B to the Petition ("Proposed New Rule 20.13.2 NMAC") as supported by the technical information set forth in the Statement of Reasons, Exhibit A to the Petition ("Statement of Reasons"). The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the Wendell Chino Building, Pecos Hall, 1220 S. St. Francis, Santa Fe, NM 87505. The EIB may make a final decision on Proposed New Rule 20.13.2 NMAC at the conclusion of the hearing or may convene a later meeting for that purpose. The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; and other applicable procedures, including pursuant to any orders from the EIB and appointed hearing officer. Detailed information concerning the hearing, including the meeting room location, additional hearing details and access details such as times and how to participate or attend the hearing remotely, can be found on the New Mexico Environment Department ("NMED") calendar (https://www.env.nm.gov/events-calendar/) under the calendar entry corresponding to the hearing start date. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.
Additionally, the NMED Office of Public Facilitation maintains NMED's docketed matters website, which includes the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC, as well as any orders from the EIB and appointed hearing officer governing the conduct of the hearing. The docket for EIB 25-61 (R) may be accessed by visiting the website (https://www.env.nm.gov/opf/docketed-matters/), navigating to the 'Environmental Improvement Board' dropdown menu, and then accessing the files under the 'EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products' dropdown menu. Paper copies of the Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available at all of NMED's offices statewide. The Petition, Statement of Reasons, and Proposed New Rule 20.13.2 NMAC are available electronically at (https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/10/2025-10-08-EIB-25-61-Petition-Request-for-Hearing_Statement-of-Reasons_and-Rule.pdf).

The purpose of the hearing is for the EIB to consider and take possible action on the Petition by NMED requesting the EIB to adopt the Proposed New Rule 20.13.2 NMAC. The purpose of Proposed New Rule

20.13.2 NMAC is to phase out and prohibit certain products that contain an intentionally added Per or Polyfluoroalkyl substance
("PFAS"), require reporting for manufacturers of products containing intentionally added PFAS, identify currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, to require labeling of consumer products containing intentionally added PFAS, to establish penalties and fees related to the rule, and to establish enforcement provisions. The EIB is authorized to adopt rules regarding the prohibition of products that contain an intentionally added PFAS substance pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 et seq., and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Sections 74-15-1 et seq.

Proposed New Rule 20.13.2 NMAC outlines a phaseout and prohibition timeline of certain non-exempt products that contain an intentionally added PFAS. In accordance with NMSA 1978, 74-15-3, beginning January 1, 2027, the following products containing intentionally added PFAS would be prohibited: cookware, food packaging, dental floss, juvenile products, and firefighting foam containing intentionally added PFAS. Beginning January 1, 2028, Proposed New Rule 20.13.2 NMAC would prohibit the following products containing intentionally added PFAS: carpets or rugs; cleaning products; cosmetics; fabric treatments; feminine hygiene products; textiles; textile furnishings; ski wax; and upholstered furniture. Beginning January 1, 2032, Proposed New Rule 20.13.2 NMAC would prohibit any product containing intentionally added PFAS unless PFAS in that product is deemed a currently unavoidable use. Proposed New Rule 20.13.2 NMAC establishes a framework for manufacturers to seek to have the use of intentionally added PFAS in a product deemed a currently unavoidable use. Further, it requires the labeling of products containing intentionally added PFAS and provides the option for manufacturers to seek a labeling exemption for products that are statutorily exempt from the PFAS ban. Proposed New Rule 20.13.2 requires manufacturers to report products that contain intentionally added PFAS and authorizes NMED to test products, or require manufacturers to test products, which are suspected of containing intentionally added PFAS which have not been previously reported. Proposed New Rule 20.13.2 requires manufacturers to pay fees for reporting and for currently unavoidable use proposals and enumerates fines for non-compliance. Additional information is available on NMED's PFAS webpage (https://www.env.nm.gov/pfas/).
Technical information that served as a basis for the proposed rule may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.
PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.
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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551



Outlook

Re: Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Mon 12/22/2025 8:00 AM
To Montague, Joanne <Joanne.Montague@nmlegis.gov>
Cc Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Mulima, Aginetta <Aginetta.Mulima@nmlegis.gov>

Hi Joanne,

Thank you for confirming and I appreciate you sharing the additional email address.

Happy Holidays!

Eric

From: Montague, Joanne <Joanne.Montague@nmlegis.gov>
Sent: Monday, December 22, 2025 7:59 AM
To: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Cc: Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Mulima, Aginetta <Aginetta.Mulima@nmlegis.gov>
Subject: Re: Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))

Good morning,

Thank you, I am confirming receipt of the report. In the future you may also use the LCS department email address, lcs@nmlegis.gov, which is checked by multiple staff, in the event I am out of the office for any reason.

Joanne

From: Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Sent: Monday, December 22, 2025 7:40 AM
To: Montague, Joanne <Joanne.Montague@nmlegis.gov>
Cc: Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>
Subject: [EXT] Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))

Hi Joanne,

Please find attached the English and Spanish public notices for proposed new rule 20.13.2 for Legislative Counsel Service distribution. We received your email as the contact to distribute to share the notice with Legislative Committees.

Please let me know if you need anything else.

NMED Exhibit 10

Thanks!

Eric

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551



NMED Exhibit 10

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF STRATEGIC INITIATIVES

PUBLIC INVOLVEMENT PLAN
(PIP)

Location:	New Mexico
Department:	New Mexico Environment Department Harrold Runnels Building 1190 South Saint Francis Drive Santa Fe, New Mexico, 87505
Legislative Action:	Implementation of the Per – and Poly-Fluoroalkyl Substances Protection Act (HB 212)
Department Contact:	Drew Goretzka, Communications Director (505) 827-2855 or 1-800-219-6157 NMED-PFAS@env.nm.gov
EFFECTIVE DATE:	October 8, 2025
REVISION DATE:	November 24, 2025

Christina Keyes, (Acting) Director - Office of Strategic Initiatives
(NAME/SIGNATURE)

(NAME/SIGNATURE)

Element 1 – Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department) Office of Strategic Initiatives (OSI) has developed this Public Involvement Plan (PIP) for the implementation of the *Per- and Poly-Fluoroalkyl Substances Protection Act* (HB 212). HB 212 prohibits the sale, distribution, or manufacture of certain products containing intentionally added per- and poly-fluoroalkyl substances (PFAS), authorizes the Environmental Improvement Board (EIB) to adopt rules, and requires manufacturers to disclose product information, test, and label.

This PIP provides public participation opportunities and information needed for the community to engage in rulemaking, enforcement, and policy development under HB 212. This plan also identifies information about affected communities and resources needed by NMED to incorporate public participation into the decision-making process. This PIP is developed in accordance with NMED's Public Participation Policy (Policy 07-13) and incorporates the requirements of the Policy, as well as applicable regulatory and statutory public participation requirements.

HB 212 implementation will involve multiple stages of public participation, including rulemaking hearings, stakeholder meetings, and opportunities for comment on reporting requirements, enforcement, currently unavoidable use exemptions, labeling requirements, penalties, fees, and enforcement provisions. Public participation activities required by statute or regulation are mandatory and subject to deadlines set forth by HB 212 and related EIB rulemakings. NMED will supplement required activities with additional outreach to ensure transparency.

Technical information that served as a basis for the proposed rule was filed in docket number EIB 25-61 (R) as exhibits to the Petition and may be viewed online at https://www.env.nm.gov/public-notices/ and may also be obtained from the Petitioners upon request to NMED-PFAS@env.nm.gov.

This PIP is a "living document" that may be amended based on public input or new statutory obligations. The OSI Director will provide final approval of the PIP and amendments.

ACTIVITY	DATES
Develop draft rules	July – September 2025
Email technical stakeholder webinar invitation to stakeholders	September 9, 2025
Email informational public webinar invitation to interested parties and Tribal leaders	September 15, 2025
Technical Stakeholder Webinar	September 25, 2025 (1:00 pm - 2:30 pm)
Petition to EIB	October 8, 2025
Informational Public Webinar	October 22, 2025
EIB Meeting to decide hearing	October 24, 2025
Public Hearing Notice	On or before December 23, 2025
Public Comment Period starts (60 days)	December 23, 2025
EIB Public Hearing	February 23, 2026
Rules finalized	By June 30, 2026

Element 2 – NMED Contact Information

Primary Contact for HB 212 Implementation:
Drew Goretzka, Communications Director
Office of the Secretary
New Mexico Environment Department
1190 South St. Francis Drive
Santa Fe, NM 87502
Phone: (505) 827-22855
Email: NMED-PFAS@env.nm.gov

Non-English Language Speaker Assistance and Accommodations:
Requests for accommodation may be directed to the NMED contact above. Relay New Mexico provides telephone assistance at no charge:

- English: 1-800-659-1779
- Spanish: 1-800-327-1857
- TTY users: 1-800-659-8331

Websites for Notices and Updates:

- NMED Public Notices: https://www.env.nm.gov/public-notices/
- NMED PFAS webpage: https://www.env.nm.gov/pfas/
- NMED Events Calendar: https://www.env.nm.gov/events-calendar/
- Public Comment Portal: https://nmed.commentinput.com/comment/search

Element 3 – Regulatory Framework for Public Participation

A formal rulemaking process must take place before certain provisions of HB 212 go into effect. The rulemaking process includes public notice, a 60-day comment period, an Environmental Improvement Board (EIB) public hearing, EIB approval, and publishing the approved rule in the New Mexico Register. HB 212 directs the EIB to adopt rules for prohibitions on the sales of certain consumer products, disclosures, labeling, and currently unavoidable use exemptions regarding PFAS in products. Public participation will occur primarily through:

- **Rulemaking hearings** requiring public notice, hearing officer procedures, and opportunities for oral/written comments.
- **Public comment periods** of no less than 60 days for draft rules or amendments.
- **Notices in newspapers, online postings, and mailings** to interested parties, tribes, land grants, and stakeholders.
- **Final decisions and responses to comments** provided by the EIB or NMED.

Element 4 – Description of Community/Stakeholder Groups

To provide for adequate public participation opportunities and meaningful involvement of persons in the rulemaking process, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. For a statewide rulemaking, the affected community is identified as the entire population of New Mexico. U.S. Census Bureau data was used to identify communities that are low income, have minority populations, and have limited English proficiency that may benefit from a variety of approaches for notification and outreach communication. This information is used to help plan for the community's involvement in the public process for environmental activities or actions. The data in the table below was taken from the 2023 American Community Survey (ACS) 1-Year Estimates.

Preliminary Screening Results for the Affected Community

Category	New Mexico	USA
Total population	2,114,371	334,914,896
Total number of households	856,580	131,332,360
People of Color (%)	60.9%	38.4
Hispanic (any race)(%)	48.6%	19.4%
Percentage of the population by race. Do not include percentage reporting two or more races.	Population reporting one race: White: ..... 47.5% Black: ..... 2% American Indian:.... 9.3% -Aztec: 0.1% -Navajo: 6% -Other: 3.2% Asian: ..... 1.8% Pacific Islander: ..... 0.2% Some Other Race: 13%	Population reporting one race: White: ..... 60.5% Black: ..... 12.1% American Indian: .... 1% Asian: ..... 6% Pacific Islander: ..... 0.2% Some Other Race: ...7.4%
Non-English Languages Spoken at Home (%)	31.7%	22.5%
Limited English households (%)	5.3%	4.4%
LEP individuals (%)	9.1%	8.7%
Languages by percentage in Limited English-Speaking Breakdown	Spanish: ..... 14.5% Other Indo-European languages:..... 6.4% Asian-Pacific Island languages: ..... 17.2% Other languages: 14.2%	Spanish: ..... 19.2% Other Indo-European languages:..... 14.8% Asian-Pacific Island languages: ..... 22.6% Other languages: 14.3%
Linguistically isolated households (%)	5.3%	4.4%
Per capita income	35,510	43,313

Data taken from the U.S. Census Bureau, 2023 American Community Survey (ACS) 1-Year Estimates

Preliminary findings from the U.S. Census Bureau's 2023 American Community Survey indicate that New Mexico has a much higher percentage of People of Color and people who identify as Hispanic than the national average, lower per capita income, and a higher percentage of Limited English Proficient households and individuals. Spanish is the language with the greatest need for assistance, but other languages such as Vietnamese and Navajo/Din'e may also be requested.
For an in-depth assessment of Limited English Proficiency populations and language services provided by NMED, please see the LEP Assessment attached to this PIP.

Element 5 – Detailed Actions and Outreach Activities

The NMED will implement the following public involvement activities:

Public Notices
The Public Hearing Notice will be posted in English and Spanish in the legal section of the Albuquerque Journal, Santa Fe New Mexican, and Las Cruces News. NMED may also post notice in other publications such as the Carlsbad Current-Argus, Roswell Daily Record, The Tri-City Record (formerly the Farmington Daily Times), and the online publication Indian Country Today. The notice will include information on how to request language assistance or ADA accommodation and how to contact NMED's Non-Discrimination Coordinator.

The Public Hearing Notice will be sent by postal mailing and email to the interested party list maintained by NMED's Office of General Counsel and will include how to sign up for the interested party list through GovDelivery, and to all Tribes, Pueblos, Nations, Active Land Grants, and Colonias in New Mexico.

Other Outreach Activities
Other means of outreach such as flyers announcing public comment periods and/or public meetings or hearings may be posted in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the discretion of OSI after consideration of public interest and input.

Information Repositories
Public notices and outreach materials will include a statement that copies of the draft rulemaking and supporting documents may be obtained via the Department's website at https://www.env.nm.gov/pfas/ or by contacting Drew Goretzka at (505) 827-22855,

NMED-PFAS@env.nm.gov, New Mexico Environment Department, 1190 South St. Francis Drive, Santa Fe, NM 87502

Hardcopies of this PIP, the Public Notice, and other relevant documents will be available at the following NMED offices:

NMED Headquarters:
Harold Runnels Building
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505
Ph: 505-827-2855
1-800-219-6157

NMED District I:
Rio Rancho
4359 Jager Drive NE, Suite B
Rio Rancho, NM 87144
Ph: 505-771-5980

Clovis
100 E Manana, Unit 3
Clovis, NM 88101
Ph: 575-762-3728

Gallup
1720 East Aztec Avenue
Gallup, NM 87301
Ph #1: (505) 470-2473
Ph #2: (505) 670-5754

Milan
708 Uranium Ave.
Milan, NM 87021
Ph: 505-209-4042

Los Lunas

475 Courthouse Rd SE, Suite B
Los Lunas, New Mexico 87031
Ph: 505-841-5280

Tucumcari
113 W Center
Tucumcari, NM 88401
Ph: 575-461-1671

NMED District II:
Santa Fe
2540 Camino Edward Ortiz
Santa Fe, NM 87507
Ph: 505-827-1840

Española
912 N. Railroad Avenue
Espanola, NM 87532
Ph: 505-753-7256

Farmington
1800 E 30th St, Suite B
Farmington, NM 87401
Ph: 505-566-9741

Las Vegas
2538 Ridgerunner Road
Las Vegas, NM 87701
Ph: 505-454-2801

Raton
1277A S 2nd Street
Raton, NM 87740
Ph: 575-445-3621

Taos
145 Roy Road, Suite B
Taos, NM 87571
Ph: 575-758-8808

NMED District III:

Las Cruces
2301 Entrada Del Sol
Las Cruces, NM 88001
Ph: 575-288-2050

Alamogordo
811 E First St, Suite D
Alamogordo, NM 88310
Ph: 575-437-7115

Carlsbad
406 N Guadalupe, Suite C
Carlsbad, NM 88220
Ph: 575-885-9023

Hobbs
2120 N Alto
Hobbs, NM 88240
Ph: 575-397-6910

Roswell
1914 W 2nd
Roswell, NM 88201
Ph: 575-624-6046

Ruidoso
1216 Mechem Dr., Bldg 2
Ruidoso, NM 88345
Ph: 575-258-3272

Silver City
3082 32nd Street Bypass, Suite D
Silver City, NM 88061
Ph: 575-388-1934

Deming
918 E. Pear Street

Deming, NM 88030
Ph: 505-670-5112

Response to Comments and Participation in the Rulemaking Hearing
NMED will consider all public comments on the Public Review Draft received within the pre-hearing public comment period. If appropriate, the Department will amend the petition and associated regulatory language to incorporate feedback received prior to filing a petition with the EIB. NMED will present the final draft rule language and supporting information for HB 212 to the EIB for approval and adoption.

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Thomas Moquino
PO Box 99
Santo Domingo Pueblo, NM 87052
thomas.moquino@kewa-nsn.us

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

As mandated by the New Mexico Legislature, the draft rule includes provisions covering the prohibition of the sale of certain consumer products containing intentionally added PFAS. In addition, the rule covers exemptions to the prohibitions on product sales, as included in the PFAS Protection Act. The rule also includes provisions regarding currently unavoidable use determinations, as well as reporting requirements, testing, fees, penalties, and enforcement. Further, the draft includes labeling requirements as authorized by the New Mexico Legislature.

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Sincerely,

DocuSigned by:
James C. Kenney
55675B6F3B62408...

James C. Kenney
Cabinet Secretary

cc:
Eric Chapman, PhD, Chief Science Coordinator, Office of Strategic Initiatives, NMED
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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Ben Lujan
PO Box 1099
San Juan Pueblo, NM 87566
governor@ohkay.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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December 10, 2025

Governor Benji Herrera
PO Box 255
Cochiti, NM 87072
governor@cochiti.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Christopher Moquino
02 Tunyo Po
Santa Fe, NM 87506
governor@sanipueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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December 10, 2025

Governor Chrles Riley
PO Box 309
Acoma, NM 87034
governor@poamail.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

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December 10, 2025

Governor Eugene Jiron
PO Box 1270
Isleta Pueblo, NM 87022
eugene.jiron@isletapueblo.com

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor George Shendo, Jr.
PO Box 100
Jemez Pueblo, NM 87024
george.shendo@jemezpueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

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Zach Ogaz, General Counsel, NMED

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December 10, 2025

Governor Harry Antonio, Jr.
PO Box 194
Laguna Pueblo, NM 87026
governor@pol-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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Zach Ogaz, General Counsel, NMED

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December 10, 2025

Governor Nathaniel Porter
15A NP102 West
Santa Fe, NM 87506
governor@nambepueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Wayne Yazza
PO Box 127
Peñasco, NM 87553
governor@picurispueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Janelle Roybal
39 Camino del Rincon
Santa Fe, NM 87506
governor@pojoaque.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

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Sincerely,

DocuSigned by:
James C. Kenney
55675B6F3B62408...

James C. Kenney
Cabinet Secretary

cc:
Eric Chapman, PhD, Chief Science Coordinator, Office of Strategic Initiatives, NMED
Christina Keyes, Acting Director, Office of Strategic Initiatives, NMED
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Zach Ogaz, General Counsel, NMED

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December 10, 2025

Governor Anthony Ortiz
127 Hagen Road
San Felipe Pueblo, NM 87001
gov.aortiz@sfpueblo.com

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

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December 10, 2025

Governor Felix L. Chaves
481 Sandia Loop
Bernalillo, NM 87004
govflchaves@sandiapueblo.nsn.us

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Myron Armijo
2 Dove Road
Santa Ana Pueblo, NM 87004
governor@santaana-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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December 10, 2025

Governor James Naranjo
PO Box 580
Espanola, NM 87532
governor@santaclarapueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

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December 10, 2025

Governor Edwin Concha
PO Box 1846
Taos, NM 87571
governor@taospueblo.com

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Earl Samuel
20 TP828T
Santa Fe, NM 87506
governor@pueblooftesuque.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Lambert Pino
135 Capitol Square Dr.
Zia Pueblo, NM 87053
governor@ziapueblo.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Governor Arden L. Kucate
PO Box 339
Zuni, NM 87327
arden.kucate@ashiwi.org

Re: Consultation Regarding PFAS Protection Act Rulemaking

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December 10, 2025

President Adrian Notsinneh
PO Box 507
Dulce, NM 87528
ltafoya@janadmin.com

Re: Consultation Regarding PFAS Protection Act Rulemaking

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

President Thora Walsh Padilla
PO Box 250
Mescalero, NM 88340
tpadilla@mescaleroapachetribe.com

Re: Consultation Regarding PFAS Protection Act Rulemaking

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Chairwoman Jennifer Heminokeky
Rt 2, Box 121
Apache, OK 73006
jennifer.heminokeky@fortsillapache-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

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December 10, 2025

President Buu Nygren
PO Box 7440
Window Rock, AZ 86515
president.buunygren@navajo-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

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MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

December 10, 2025

Speaker Crystalyne Curley
PO Box 3390
Window Rock, AZ 86515
crystalyne.curley@navajo-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

Dear Honorable Leader:

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to invite you or your designated representative(s) to schedule a consultation or provide comment on a proposed rulemaking, known as the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule. This rule will implement the Per- and Poly-Fluoroalkyl Protection Act (PFAS Protection Act) which was passed by the New Mexico Legislature earlier this year and signed into law by Governor Michelle Lujan Grisham on April 8, 2025.

As mandated by the New Mexico Legislature, the draft rule includes provisions covering the prohibition of the sale of certain consumer products containing intentionally added PFAS. In addition, the rule covers exemptions to the prohibitions on product sales, as included in the PFAS Protection Act. The rule also includes provisions regarding currently unavoidable use determinations, as well as reporting requirements, testing, fees, penalties, and enforcement. Further, the draft includes labeling requirements as authorized by the New Mexico Legislature.

Please find enclosed a copy of the draft rule. We invite you to review it, and if desired, request a consultation. NMED's consultation period *specific to the proposed rule* will extend from the date of this letter through the end of the public comment period (approximately February 23, 2026). You may also submit comments ahead of the public comment and rulemaking process and through the close of the public comment period.

The official contact person for this consultation and collaboration process is Dr. Carman Melendrez, NMED Tribal Liaison, carman.melendrez@env.nm.gov. Please do not hesitate to contact Dr. Melendrez should you have any questions, if you would like to request a consultation, or if you would like to submit comments on the rulemaking.

Sincerely,

DocuSigned by:
James C. Kenney
55675B6F3B62408...

James C. Kenney
Cabinet Secretary

cc:
Eric Chapman, PhD, Chief Science Coordinator, Office of Strategic Initiatives, NMED
Christina Keyes, Acting Director, Office of Strategic Initiatives, NMED
Carman Melendrez, PhD, Tribal Liaison, NMED
Gregory Smithkier, Assistant General Counsel, NMED
Zach Ogaz, General Counsel, NMED

Docusign Envelope ID: 78B7083D-16D7-4555-945A-2C953BB995DF

December 10, 2025

Governor E. Michael Silvas
PO Box 17579
El Paso, TX 79907
tribalcouncil@ydsp-nsn.gov

Re: Consultation Regarding PFAS Protection Act Rulemaking

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James C. Kenney
Cabinet Secretary

cc:
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Christina Keyes, Acting Director, Office of Strategic Initiatives, NMED
Carman Melendrez, PhD, Tribal Liaison, NMED
Gregory Smithkier, Assistant General Counsel, NMED
Zach Ogaz, General Counsel, NMED

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:30 AM
To ltafoya@janadmin.com <ltafoya@janadmin.com>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 20.pdf;

Dear President Notsinneh,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:30 AM
To Shendo, George Jr. <George.Shendo@jemezpueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 7.pdf;

Dear Governor Shendo Jr.,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

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New Mexico Environment Department

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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:30 AM
To Antonio, Harry Jr. <governor@pol-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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Dear Governor Antonio Jr.,

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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:00 AM
To Sanchez, Joseph <governor@santaana-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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Dear Governor Armijo,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:00 AM
To govflchaves@sandiapueblo.nsn.us <govflchaves@sandiapueblo.nsn.us>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 13.pdf;

Dear Governor Chaves,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

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Sincerely,

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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:30 AM
To Concha, Edwin <governor@taospueblo.com>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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Dear Governor Concha,

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Sincerely,

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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:00 AM
To Curley, Crystalyne <crystalyne.curley@navajo-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 24.pdf;

Dear Speaker Curley,

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NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:00 AM
To jennifer.heminokeky@fortsillapache-nsn.gov <jennifer.heminokeky@fortsillapache-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 22.pdf;

Dear Chairwoman Heminokeky,

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Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 10:00 AM
To Herrera, Joseph <governor@cochiti.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 3.pdf;

Dear Governor Herrera,

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NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:30 AM
To Jiron, Eugene <Eugene.jiron@isletapueblo.com>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
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Dear Governor Jiron,

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Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

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1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:30 AM
To Kucate, Arden <Arden.Kucate@ashiwi.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 19.pdf;

Dear Governor Kucate,

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Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

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Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 10:00 AM
To Lujan, Ben <governor@ohkay.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 2.pdf;

Dear Governor Lujan,

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Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 10:00 AM
To Moquino, Christopher <governor@sanipueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 4.pdf;

Dear Governor Moquino,

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New Mexico Environment Department

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Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



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Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:00 AM
To Naranjo, James A. <governor@santaclarapueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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Dear Governor Naranjo,

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From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:00 AM
To president.buunygren@navajo-nsn.gov <president.buunygren@navajo-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

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Dear President Nygren,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:00 AM
To Ortiz, Anthony <gov.aortiz@sfpueblo.com>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 12.pdf;

Dear Governor Ortiz,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:30 AM
To Pino, Lambert <governor@ziapueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 18.pdf;

Dear Governor Pino,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:30 AM
To Porter, Nathaniel <governor@nambepueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 9.pdf;

Dear Governor Porter,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 10:00 AM
To Riley, Charles <governor@poamail.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (201 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA.pdf;

Dear Governor Riley,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:00 AM
To Talachy, Joseph <governor@pojoaque.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 11.pdf;

Dear Governor Roybal,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:30 AM
To Samuel, Earl <governor@puebloftesuque.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 17.pdf;

Dear Governor Samuel,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:00 AM
To tribalcouncil@ydsp-nsn.gov <tribalcouncil@ydsp-nsn.gov>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 25.pdf;

Dear Governor Silvas,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 8:00 AM
To Walsh-Padilla, Thora <tpadilla@mescaleroapachetribe.com>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 21.pdf;

Dear President Walsh-Padilla,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Outlook

Consultation Regarding PFAS Protection Act Rulemaking

From Chapman, Eric, ENV <eric.chapman@env.nm.gov>
Date Wed 12/10/2025 9:30 AM
To Yazza, Wayne <governor@picurispueblo.org>
Bcc Chapman, Eric, ENV <eric.chapman@env.nm.gov>; Keyes, Christina, ENV <christina.keyes@env.nm.gov>; Melendrez, Carman, ENV <carman.melendrez@env.nm.gov>; Smithkier, Gregory, ENV <gregory.smithkier@env.nm.gov>; Ogaz, Zachary, ENV <zachary.ogaz@env.nm.gov>

1 attachment (170 KB)
2025-12-05_OSI_Consultation_Letter_re_PFAS_PA 10.pdf;

Dear Governor Yazza,

The New Mexico Environment Department (NMED) Office of Strategic Initiatives (OSI) is writing to you today to consult and collaborate with you or your designated representative(s) on a proposed rulemaking and provide more opportunities to fully engage in NMED's development and implementation of the Per- and Poly-Fluoroalkyl Substances in Consumer Products rule.

Whether or not you participate in the consultation and collaboration process, you will have the opportunity to provide comments on the proposed rulemaking during the Environmental Improvement Boards's public comment and hearing process, which is scheduled to occur February 23 - March 6, 2026.

Please refer to the attached letter from NMED Cabinet Secretary, James C. Kenney, for more information.

Sincerely,

The NMED OSI Team

Eric Chapman, Ph.D.
Science Coordinator - Office of Strategic Initiatives
New Mexico Environment Department

Harold Runnels Building
1190 S St. Francis Dr
Santa Fe, NM 87505
Eric.Chapman@env.nm.gov
(505) 629-3551

NMED Exhibit 12



NMED Exhibit 12

Date NMED was contacted	Response date	Meeting Date	Organization	Contact	Meeting Description
4-Sep-25	4-Sep-25	8-Sep-25	K & L Gates	Cliff.Rothenstein@klgates.com;	
2-Oct-25	2-Oct-25	6-Oct-25	Advamed	DGottlieb@advamed.org;	
9-Oct-25	9-Oct-25	22-Oct-25	PFAS Pharmaceutical Working Group	rcarra@bdlaw.com;	
				Lisa.Jackson@emerson.com;	
14-Oct-25	15-Oct-25	31-Oct-25	Emerson	wesley.childers@emerson.com;	
				amy.neal@emerson.com;	
				RDenney@bdlaw.com;	
15-Oct-25	20-Oct-25	29-Oct-25	Toy Association	ɔx@toyassociation.org; kbelliveau@toyassociation.org; jhuxley@toyassociation.org;	
14-Oct-25	20-Oct-25	29-Oct-25	National Marine Manufacturers Association	ɔva@nmma.org; jwasil@nmma.org; bmurray@nmma.org;	
16-Oct-25	21-Oct-25	13-Nov-25	American Chemistry Council	wearingen@americanchemistry.com; jay_west@americanchemistry.com; jespinoza.kw@gmail.com;	
				simone.dias@prysmian.com;	
23-Oct-25	23-Oct-25	28-Oct-25	Prysmian	koksal.tonyali@prysmian.com;	
				qian.zhu@prysmian.com;	
				simone.dias@prysmian.com;	
28-Oct-25	28-Oct-25		BIO	pcastro@bio.org;	Waiting on confirmation from BIO counsel
5-Nov-25	5-Nov-25	14-Nov-25	SPAN	@alcalde-fay.com; lawrence.culleen@arnoldporter.com;	
		14-Nov-25	Solstice Advanced Materials	perri.moeller@solstice.com;	
		14-Nov-25	SEMI	bkallen@semi.org;	
		14-Nov-25	Intel	angela.creedon@intel.com;	
6-Nov-25	6-Nov-25	19-Nov-25	Association of Home Appliance Manufacturers	JKeane@AHAM.org;	
		19-Nov-25	Danby	pbellamy@danby.com;	
		19-Nov-25	Perlick	scott.ehaney@perlick.com;	
				sean_m_southard@whirlpool.com;	
		19-Nov-25	Whirpool	megan_m_bailey@whirlpool.com;	
		19-Nov-25	Spectrum Brands	tom.baumgard@spectrumbrands.com;	
		19-Nov-25	Instant Pot	Vasilios.Soupos@instantpot.com;	
		19-Nov-25	Groupe SEB	kmessner@groupeseb.com;	
		19-Nov-25	Sub Zero	Karl.Schmirler@subzero.com;	
		19-Nov-25	LG Electronics	robert1.neubert@lge.com;	
		19-Nov-25	Daikin Applied	Adam.Graham@daikinapplied.com;	
				Alicia.Cafferty@BSHG.COM;	
		19-Nov-25	BSGH	aaron.bakos@bshg.com;	
10-Nov-25	10-Nov-25	19-Nov-25	BioPhorum	ord@biophorum.com; victoria.mwanza@biophorum.com;	
		19-Nov-25	Takeda	dimitri.hollis@takeda.com;	
		19-Nov-25	Merk	alexander.mitropoulos@milliporesigma.com;	
		19-Nov-25	Watson-Marlow Fluid Technology Solutions	tofie.ajomale@wmfts.com;	
		19-Nov-25	Entegris	alain.crosfield@entegris.com;	
17-Nov-25	17-Nov-25	4-Dec-25	Alliance of Automotive Innovation	harliemarquez@msn.com; ejones@autosinnovate.org; CPalin@autosinnovate.org;	
		5-Dec-25	NM Department of Agriculture	ewis@nmda.nmsu.edu; KLaney@nmda.nmsu.edu; rchepsangol@nmda.nmsu.edu; jwitte@nmda.nmsu.edu;	
		5-Dec-25	NM Legislator	dayan.hochman-vigil@nmlegis.gov;	
3-Dec-25	4-Dec-25	10-Dec-25	Cookware Sustainability Alliance	steve@cookwaresustainabilityalliance.org;	
		10-Dec-25	Groupe SEB	kmessner@groupeseb.com;	
		10-Dec-25	Meyer	cosanu@meyer.com;	
		10-Dec-25	Scanpan	eaw@scanpan.com;	
		10-Dec-25	Breville	catherine.ruspino@breville.com;	
		9-Jan-26	ACC	wearingen@americanchemistry.com; jay_west@americanchemistry.com; jespinoza.kw@gmail.com;	
		13-Jan-26	Advamed	DGottlieb@advamed.org;	
		13-Jan-26	SPAN	bemus@alcalde-fay.com;	
		13-Jan-26	Intel	angela.creedon@intel.com;	
		13-Jan-26	Solstice Advanced Materials	Perri.Moeller@Solstice.com	
		13-Jan-26	Arnold Porter	lawrence.culleen@arnoldporter.com;	
		13-Jan-26	AAON	Clint Reese	
		14-Jan-26	PFAS Pharmaceutical Working Group	rcarra@bdlaw.com;	
		14-Jan-26	CropLife	dlm@gknet.com; sdahlman@croplifeamerica.org	

NMED Exhibit 13

NEWS RELEASE
For Immediate Release

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.

October 8, 2025

Contact: Drew Goretzka, Director of Communications
New Mexico Environment Department
505.670.8911 | drew.goretzka@env.nm.gov

New Mexico proposes rules on toxic PFAS consumer products
Public meeting scheduled to provide more information

SANTA FE — The New Mexico Environment Department today petitioned the state's Environmental Improvement Board to adopt proposed rules to implement New Mexico's PFAS Protection Act.

The proposed rules implement the full scope of the PFAS Protection Act, including phasing out and prohibition on the sale of consumer products containing intentionally added PFAS, establishing consumer-facing labels for products which contain intentionally added PFAS, and the reporting requirements for the manufacturers of such products. The proposed rules only apply to the manufacturers of products which contain intentionally added PFAS and do not apply to any consumers of such products.

"These rules will prevent toxic PFAS chemicals from unknowingly entering the places where we live, work and play," said **New Mexico Environment Department (NMED) Secretary James Kenney**. "From cookware and food packaging, to furniture and cleaning supplies, to adult hygiene products and baby clothes and toys – these rules will protect the health of New Mexicans and our environment from toxic forever chemicals."

"With the passage of House Bill 212, we had one clear objective – to safeguard New Mexicans from dangerous added toxins, PFAS, in everyday products," said **Majority Whip Dayan Hochman-Vigil**. "Today's Environmental Improvement Board filing brings us one critical step closer in removing harmful chemicals from our homes, and to provide peace of mind to our communities."

"House Bill 212 represents an important step forward to protect New Mexicans from toxic PFAS chemicals," said **Senator Jeff Steinborn**. "Data has shown that these dangerous cancer-causing chemicals persist in the human body and in the environment for a very long time, and we must do all we can to prevent New Mexican's exposure to them."

What these rules do

The PFAS Protection Act protects New Mexicans from toxic PFAS by phasing out and ultimately prohibiting consumer products containing intentionally added PFAS. These chemicals can cause a range of adverse health issues including thyroid disease, liver or kidney damage, birth defects, certain types of cancers, and increase the risk reproductive issues like decreased fertility, low birth weight, or developmental delays.

In 2027, state law prohibits the sale of certain products with intentionally added PFAS in items like cookware food packaging and juvenile products, with additional products including cosmetics, furniture, and carpets prohibited in 2028. By 2032, all non-exempt products with intentionally added PFAS are prohibited for sale in New Mexico.

The act also requires manufacturers to label products containing intentionally added PFAS so consumers can decide if they want to bring a product containing or made with PFAS into their home or business. An example of the label on such consumer products as required by the proposed rule is below:

Draft labels are attached to this announcement. These graphics are not final and may change before finalization of the rules.

Public engagement opportunities

The Environmental Improvement Board is independent of NMED. It adopts and promulgates nearly all regulations administered by the department. The board was established under state law and consists of seven members appointed by the governor and confirmed by the New Mexico State Senate.

NMED's submission of its proposed rule to the Environmental Improvement Board is the first step in a lengthy rulemaking process. If passed by the Environmental Improvement Board, the rules will take effect July 2026.

A copy of the proposed rules can be viewed here. A public comment portal is currently open for the public to provide feedback on the proposed rules.

In addition, NMED is hosting a virtual public meeting on Wednesday, Oct. 22 at 1 p.m. to provide an overview of the proposed rules and answer questions related to them. Register here for the public meeting.

NMED also launched an updated PFAS webpage, where the public can learn about all the state's PFAS-related actions.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator | NMED |1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###

NEWS RELEASE
For Immediate Release

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.

Oct. 20, 2025

Contact: Drew Goretzka, Director of Communications
New Mexico Environment Department
505.670.8911 | drew.goretzka@env.nm.gov

Reminder: NMED hosts webinar on PFAS Protection Act

SANTA FE — The New Mexico Environment Department will host a public webinar on Wednesday for anyone interested in learning more about the PFAS Protection Act — a 2025 law that phases out and ultimately prohibits the sale of products containing intentionally added PFAS.

The webinar will cover key aspects of the PFAS Protection Act, including an overview and timeline of the rulemaking process, labeling requirements, and a question-and-answer session with NMED experts:

- **What:** Public webinar on the PFAS Protection Act
- **When:** Wednesday, Oct. 22 from 1 p.m. to 3:30 p.m.
- **Sign up:** Visit NMED's webinar registration page

The PFAS Protection Act protects New Mexicans from toxic PFAS by phasing out and ultimately prohibiting consumer products containing intentionally added PFAS. These chemicals can cause a range of adverse health issues including thyroid disease, liver or kidney damage, certain types of cancers, and increased risk of reproductive issues like decreased fertility, low birth weight, birth defects, or developmental delays.

The state law applies to manufacturers who intentionally add PFAS to their products and offer them for sale in New Mexico. The law phases out the sale of these products starting in 2027. The phase out starts with products with intentionally added PFAS that come in direct contact with children, like juvenile clothing and toys, or New Mexicans' food, like cookware and food packaging.

In 2028, the phase out continues with products with intentionally added PFAS that come in direct contact with individuals, like cosmetics or hygiene products, or that furnish our homes and businesses, like furniture and carpets.

In 2032, manufacturers who continue to add PFAS to other products will face similar restrictions. Certain products, like medical devices that contain intentionally added PFAS, are exempt from the state law.

The act also allows NMED to require manufacturers to label products containing intentionally added PFAS so consumers can decide if they want to bring a product containing or made with PFAS into their home or business.

Wednesday's webinar follows NMED's submission of proposed rules for implementing the PFAS Protection Act on Oct. 8. The proposed rules are available online, along with a public comment portal for those wishing to provide feedback.

NMED has also launched an updated PFAS webpage where the public can learn more about the state's PFAS-related actions.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator | NMED |1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

Overview of Product Labeling

NEW MEXICO HB 212:

THE PER- AND POLY-FLUOROALKYL SUBSTANCES PROTECTION ACT



NMED Exhibit 15

Introduction by Secretary James Kenney

Agenda

- Overview of the PFAS Protection Act
- Overview of the Rule Implementing the PFAS Protection Act
- Applicability of Label Requirements to Product Categories
- Overview of Labeling Requirements and Potential Label Symbols/Language
- Consistency with Other States
- Next Steps
- Questions and Answers

Meeting Objectives



Introduce stakeholders to product labeling requirements under development by the New Mexico Environment Department (NMED).



Communicate the intended broad applicability of labeling requirements to a wide range of product categories, including product categories "exempted" from other aspects of the PFAS Protection Act.



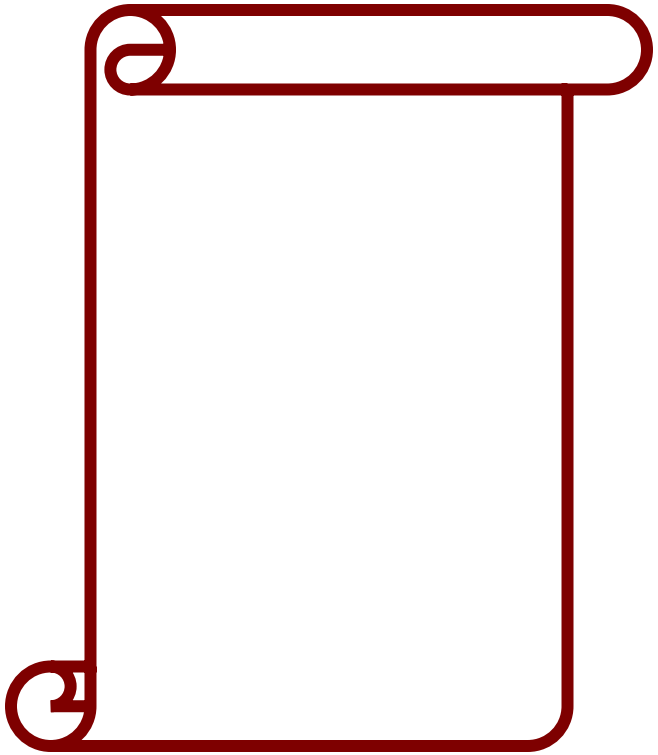
Summarize product labeling requirements and answer clarifying questions from stakeholders.



Outline opportunities to submit additional questions/feedback to NMED.

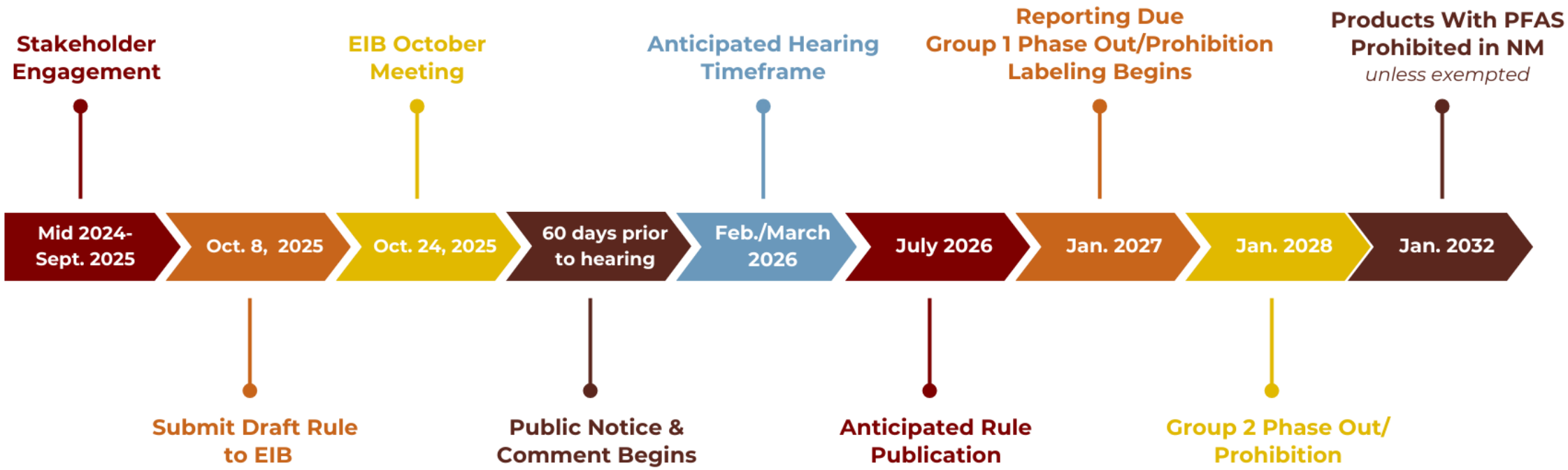
Overview of the PFAS Protection Act and Proposed Rule

PFAS Protection Act



- Phases out/prohibits certain products that contain intentionally added PFAS
- Requires reporting of specified information for products containing intentionally added PFAS
- Identifies categories exempt from reporting requirements (which may still be subject to labeling requirements)
- Provides for product testing
- Authorizes the Environmental Improvement Board to require the labeling of products in English and Spanish

Rule Implementation Timeline



Implementing the PFAS Protection Act

- Scope
- Objective
- Definitions
- Prohibitions on Products Containing Per- or Poly-fluoroalkyl substances
- Exemptions
- Currently Unavoidable Use
- Reporting Requirement
- Labeling
- Testing
- Fees
- Enforcement

Applicability of Labeling Requirements

Labeling Requirements by Product Category

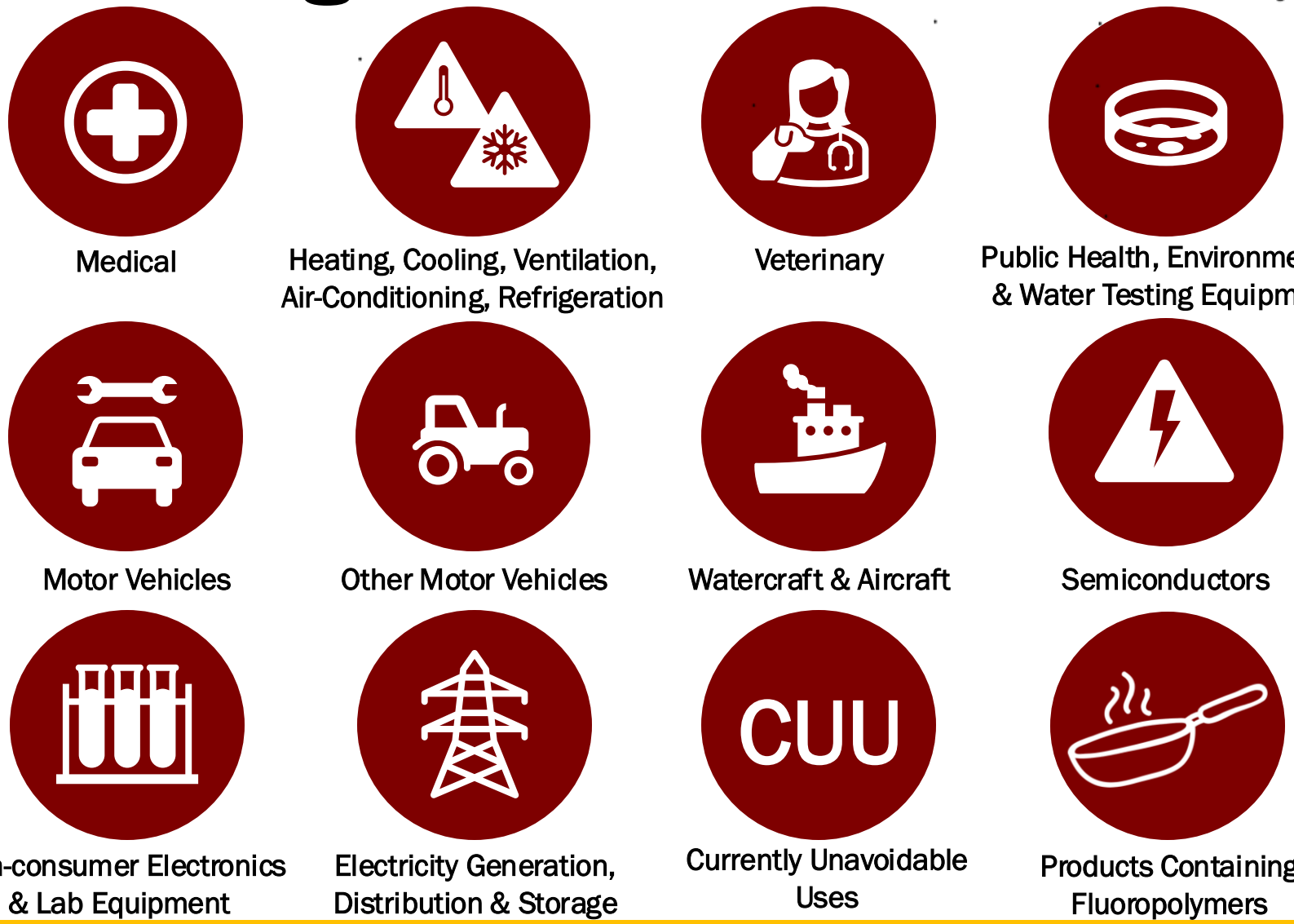
- Labeling requirements will apply to **all products that contain intentionally added PFAS sold, offered for sale, or distributed in New Mexico,** including:
  - Product categories included in sales phase outs/prohibitions
  - Product categories exempted from reporting requirements of the PFAS Protection Act
  - Products where PFAS is determined to be a Currently Unavoidable Use
- Used products are exempted from labeling requirements



Possible Exemptions from Labeling Requirements

- Manufacturers of products falling into product categories exempt from prohibition and reporting in Section 3(A)(1)-(16) of HB212 are eligible to request an exemption from labeling requirements
- A manufacturer will need to demonstrate that consumers of the product will not come into direct contact with intentionally added PFAS while the product is being used as intended and throughout the useful life of the product
- Motor vehicle example:
  - Intentionally added PFAS is likely included in many components of a motor vehicle
  - If intentionally added PFAS is limited to internal components (e.g., internal engine components, electronics), then manufacturer can request an exemption
  - However, if intentionally added PFAS is used on surfaces that a consumer is likely to contact during routine use and operation of the vehicle (e.g., seats, floormats, seatbelt, steering wheel, dashboard controls), then labeling is still required

Product Categories Eligible for Exemption from Labeling



Labeling Requirements and Proposed Symbols/Language

Definitions Related to Labeling

- **Complex durable good** means a product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of five (5) or more years, where the product is typically not consumed, destroyed, or discarded after a single use.
- **Consumer information** means warnings, directions for use, ingredients lists, and nutritional information. “Consumer information” does not include the brand name, product name, company name, location of manufacturer, or product advertising.
- **Consumer packaging** means packaging constituting, with its contents, a sales unit to the final user or consumer at the point of retail. Also referred to as retail packaging, sales packaging, or primary packaging.
- **Labeling** means any written, printed, graphic, or electronically provided communication that accompanies a product, such as a package insert.
- **Legible** means capable of being read by a person with normal vision.
- **Product label** means a display of written, printed, or graphic material that appears on, or is affixed to, the exterior of a product, or its exterior container or wrapper that is visible to a consumer, if the product has an exterior container or wrapper.

Overview of Labeling Requirements for Products

As of January 1, 2027:

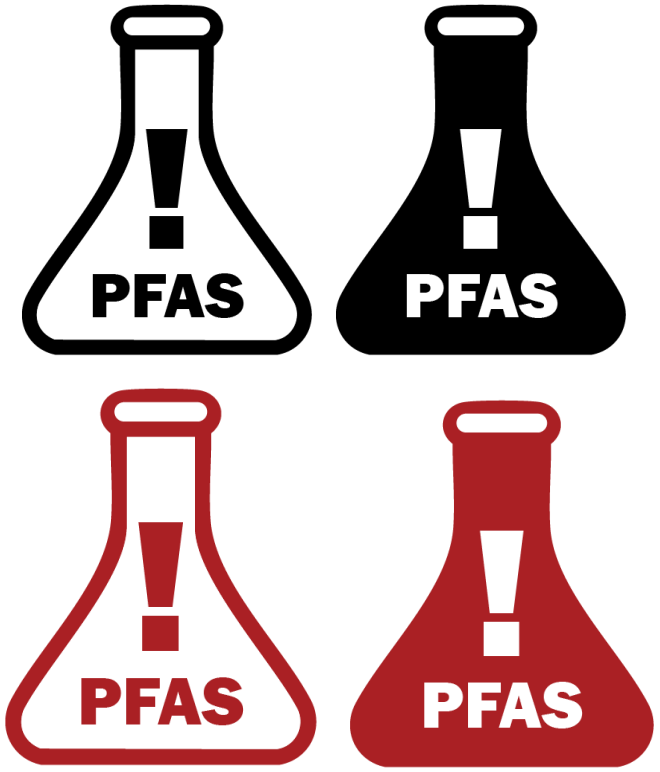
- A product must be labeled to inform consumers that a product contains intentionally added PFAS, using words and symbols provided by NMED
- Must be legible prior to sale and displayed with such conspicuousness as compared with other words to render it likely to be seen, read, and understood
- Must be affixed using materials and methods that are sufficiently durable to remain legible for the useful life of the product
- Not applicable to complex durable goods; other requirements apply to those products
- Used products are exempted

Additional Labeling Requirements for Products

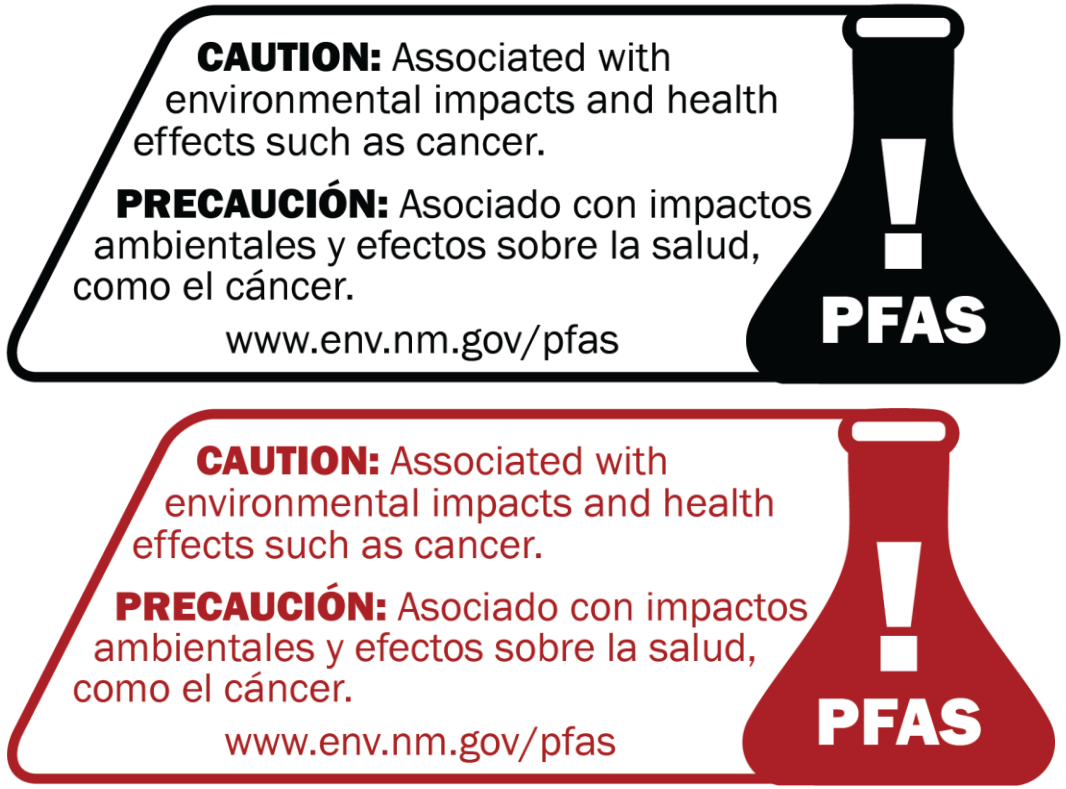
- **Where label is obscured:** If packaging obscures the label, the packaging must be labeled in a compliant manner
- **Link to website:** Packaging shall include a website address or QR code to a NMED website with information on PFAS use in products
- **Consumer unable to view item at point of sale (e.g., online, catalog):** Label and disclosure shall be included on sales literature, webpages, product specification sheets, and marketing materials, as applicable
- **English and Spanish:** Label text must be in English and Spanish
- **Federal preemption:** Nothing in these requirements shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law

Example Label Symbols and Language for Products

Labels for Products



Label for Product Packaging



Please note: *graphics and language have not been finalized.*

Example Label Use on Products and Packaging



520
CREAMY NATURAL
NATUREL CRÉMEUX

CLEAN
POWDER FOUNDATION FOR NORMAL SKIN
FOND DE TEINT EN POUDRE POUR PEAU NORMALE

CLEAN POWDER FOUNDATION FOR NORMAL SKIN COVERS LIKE A LIQUID WITH THE LIGHTWEIGHT FRESHNESS OF A POWDER. HELPS EVEN SKIN TONE AND GIVES A BEAUTIFUL FINISH.
- WON'T CLOG PORES
- SUITABLE FOR SENSITIVE SKIN
- NON-ACNEGENIC

LE FOND DE TEINT EN POUDRE CLEAN POUR PEAU NORMALE COUVRE COMME UN FOND DE TEINT LIQUIDE, MAIS PROCURE LA MÊME COUVRANCE LÉGÈRE ET RAFRAÎCHISSANTE QU'UN FOND DE TEINT EN POUDRE. AIDE À UNIFIER LE TEINT ET PROCURE UN MERVEILLEUX FINI.
- N'OBSTRUE PAS LES PORES
- CONVIENT À LA PEAU SENSIBLE
- NON ACNÉIGÈNE

CAUTION: Associated with environmental impacts and health effects such as cancer.
PRECAUCIÓN: Asociado con impactos ambientales y efectos sobre la salud, como el cáncer.
www.env.nm.gov/pfas
PFAS

INGREDIENTS/INGRÉDIENTS : TALC, OCTYLDODECYL STEAROYL STEARATE, MICA, DIMETHICONE, CALCIUM SILICATE, NYLON-12, ZINC STEARATE, TRIDECYL TRIMELLITATE, SILICA, GLYCERYL ROSINATE, OCTYLDODECYL MYRISTATE, METHYLPARABEN, SODIUM DEHYDROACETATE, HYDROGEN DIMETHICONE, LAUROYL LYSINE, PROPYLPARABEN, HYDROGENATED LECITHIN, [MAY CONTAIN/PEUT CONTENIR/+/-:TITANIUM DIOXIDE (CI 77891), BISMUTH OXYCHLORIDE (CI 77163), IRON OXIDES (CI 77491, CI 77492, CI 77499), ULTRAMARINES (CI 77007)].

CG CLN **520** CRM NTRL

0 22700 05700 9

MADE IN USA OF US & IMPORTED PARTS/FAIT AUX É.-U. À PARTIR DE PIÈCES IMPORTÉES ET DE PIÈCES FABRIQUÉES AUX É.-U.
DIST. FOR/POUR COTY INC.,
NEW YORK, NY 10118

99260064523



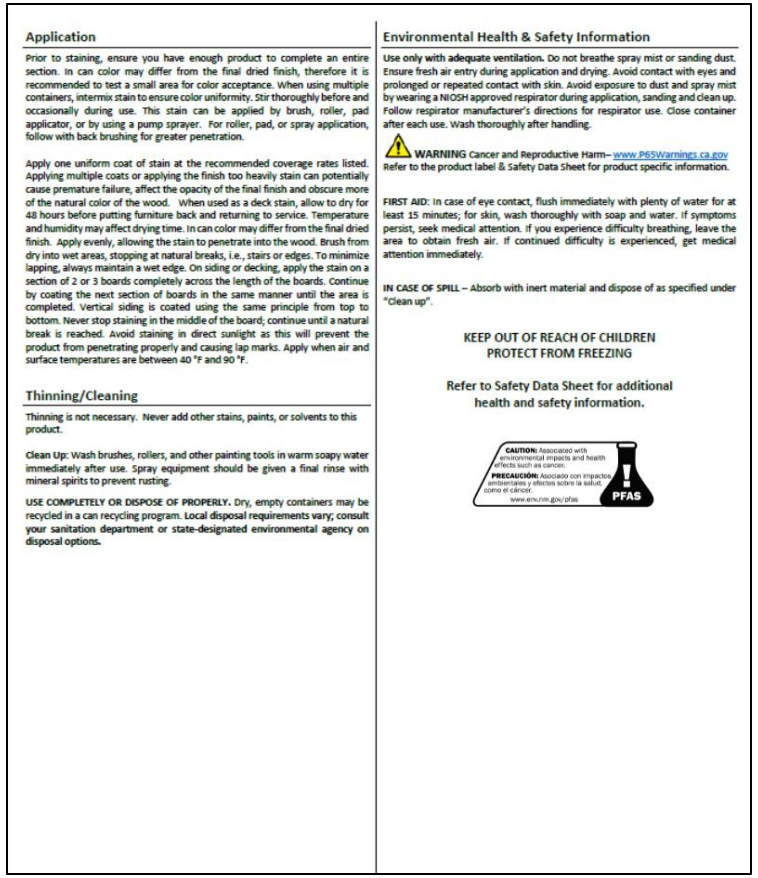
Please note: *graphics and language have not been finalized.*

Example Label Use in Online and Other Marketing Materials

Retailer Website



Specification Sheet



Application

Prior to staining, ensure you have enough product to complete an entire section. In can color may differ from the final dried finish, therefore it is recommended to test a small area for color acceptance. When using multiple containers, intermix stain to ensure color uniformity. Stir thoroughly before and occasionally during use. This stain can be applied by brush, roller, pad applicator, or by using a pump sprayer. For roller, pad, or spray application, follow with back brushing for greater penetration.

Apply one uniform coat of stain at the recommended coverage rates listed. Applying multiple coats or applying the finish too heavily stain can potentially cause premature failure, affect the opacity of the final finish and obscure more of the natural color of the wood. When used as a deck stain, allow to dry for 48 hours before putting furniture back and returning to service. Temperature and humidity may affect drying time. In can color may differ from the final dried finish. Apply evenly, allowing the stain to penetrate into the wood. Brush from dry into wet areas, stopping at natural breaks, i.e., stairs or edges. To minimize lapping, always maintain a wet edge. On siding or decking, apply the stain on a section of 2 or 3 boards completely across the length of the boards. Continue by coating the next section of boards in the same manner until the area is completed. Vertical siding is coated using the same principle from top to bottom. Never stop staining in the middle of the board; continue until a natural break is reached. Avoid staining in direct sunlight as this will prevent the product from penetrating properly and causing lap marks. Apply when air and surface temperatures are between 40 °F and 90 °F.

Thinning/Cleaning

Thinning is not necessary. Never add other stains, paints, or solvents to this product.

Clean Up: Wash brushes, rollers, and other painting tools in warm soapy water immediately after use. Spray equipment should be given a final rinse with mineral spirits to prevent rusting.

USE COMPLETELY OR DISPOSE OF PROPERLY. Dry, empty containers may be recycled in a can recycling program. **Local disposal requirements vary; consult your sanitation department or state-designated environmental agency on disposal options.**

Environmental Health & Safety Information

Use only with adequate ventilation. Do not breathe spray mist or sanding dust. Ensure fresh air entry during application and drying. Avoid contact with eyes and prolonged or repeated contact with skin. Avoid exposure to dust and spray mist by wearing a NIOSH approved respirator during application, sanding and clean up. Follow respirator manufacturer's directions for respirator use. Close container after each use. Wash thoroughly after handling.

WARNING Cancer and Reproductive Harm– www.P65Warnings.ca.gov
Refer to the product label & Safety Data Sheet for product specific information.

FIRST AID: In case of eye contact, flush immediately with plenty of water for at least 15 minutes; for skin, wash thoroughly with soap and water. If symptoms persist, seek medical attention. If you experience difficulty breathing, leave the area to obtain fresh air. If continued difficulty is experienced, get medical attention immediately.

IN CASE OF SPILL – Absorb with inert material and dispose of as specified under "Clean up".

KEEP OUT OF REACH OF CHILDREN
PROTECT FROM FREEZING

Refer to Safety Data Sheet for additional health and safety information.

CAUTION: Associated with environmental impacts and health effects such as cancer.
PRECAUCIÓN: Asociado con impactos ambientales y efectos sobre la salud, como el cáncer.
www.env.nm.gov/pfas
PFAS

Please note: *graphics and language have not been finalized.*

Label Requirements for Complex Durable Goods

Applies to complex durable goods with intentionally added PFAS or components that contain intentionally added PFAS.

- Include a symbol provided by NMED accompanied by a disclosure statement on the product specification sheet or other product labeling information available to potential consumers prior to purchase.
- Must also include an internet website address or QR code that directs to a NMED website with information on PFAS use in products.
- Operation and maintenance manual shall include statement indicating the presence of intentionally added PFAS, followed by a complete list of components with intentionally added PFAS in sufficient detail such that they can be readily located.

Additional Labeling Requirements for Complex Durable Goods

- **Other Languages:** Where product information and labeling includes consumer information about a product in a language other than English or Spanish, the labeling requirements shall also be met in that language in addition to English and Spanish.
- **Federal preemption:** Nothing in these requirements shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law.

Example Label Symbols and Language for Complex Durable Goods



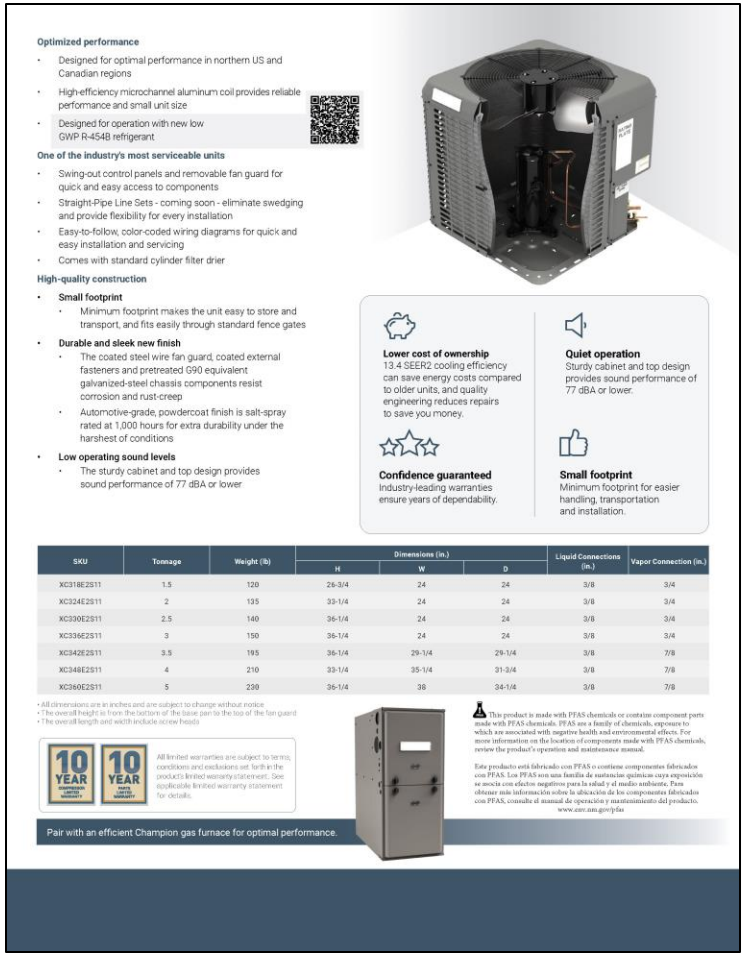
This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS, review the product's operation and maintenance manual.

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Para obtener más información sobre la ubicación de los componentes fabricados con PFAS, consulte el manual de operación y mantenimiento del producto.

www.env.nm.gov/pfas

Please note: *graphics and language have not been finalized.*

Example Uses for Complex Durable Goods



Optimized performance

- Designed for optimal performance in northern US and Canadian regions
- High-efficiency microchannel aluminum coil provides reliable performance and small unit size
- Designed for operation with new low GWP R-454B refrigerant

One of the industry's most serviceable units

- Swing-out control panels and removable fan guard for quick and easy access to components
- Straight-Pipe Line Sets - coming soon - eliminate swedging and provide flexibility for every installation
- Easy-to-follow, color-coded wiring diagrams for quick and easy installation and servicing
- Comes with standard cylinder filter drier

High-quality construction

- **Small footprint**
  - Minimum footprint makes the unit easy to store and transport, and fits easily through standard fence gates
- **Durable and sleek new finish**
  - The coated steel wire fan guard, coated external fasteners and pretreated G90 equivalent galvanized-steel chassis components resist corrosion and rust-creep
  - Automotive-grade, powdercoat finish is salt-spray rated at 1,000 hours for extra durability under the harshest of conditions
- **Low operating sound levels**
  - The sturdy cabinet and top design provides sound performance of 77 dBA or lower

Lower cost of ownership
13.4 SEER2 cooling efficiency can save energy costs compared to older units, and quality engineering reduces repairs to save you money.

Quiet operation
Sturdy cabinet and top design provides sound performance of 77 dBA or lower.

Confidence guaranteed
Industry-leading warranties ensure years of dependability.

Small footprint
Minimum footprint for easier handling, transportation and installation.

SKU	Tonnage	Weight (lb)	Dimensions (in.)			Liquid Connections (in.)	Vapor Connection (in.)
			H	W	D		
XC318E2S11	1.5	120	26-3/4	24	24	3/8	3/4
XC324E2S11	2	135	33-1/4	24	24	3/8	3/4
XC330E2S11	2.5	140	36-1/4	24	24	3/8	3/4
XC336E2S11	3	150	36-1/4	24	24	3/8	3/4
XC342E2S11	3.5	195	36-1/4	29-1/4	29-1/4	3/8	7/8
XC348E2S11	4	210	33-1/4	35-1/4	31-3/4	3/8	7/8
XC360E2S11	5	230	36-1/4	38	34-1/4	3/8	7/8

• All dimensions are in inches and are subject to change without notice
• The overall height is from the bottom of the base pan to the top of the fan guard
• The overall length and width include screw heads

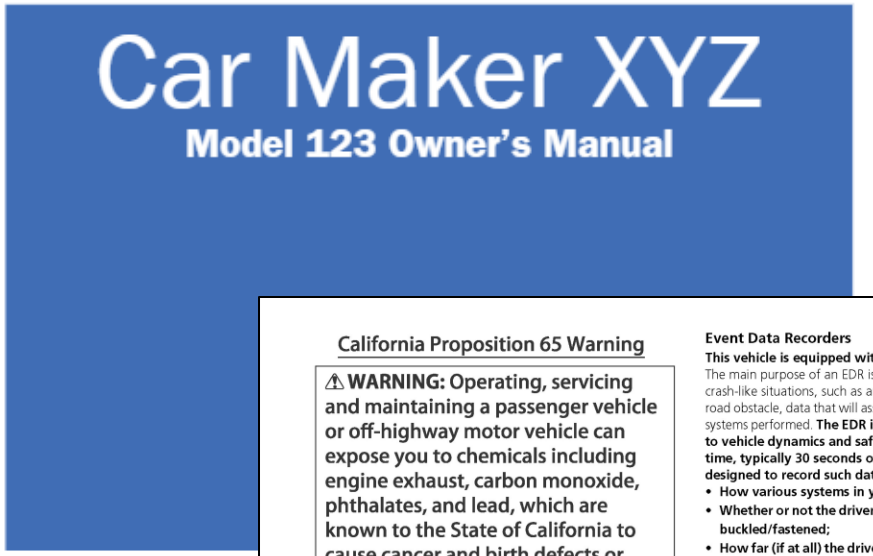
10 YEAR LIMITED WARRANTY 10 YEAR PARTS LIMITED WARRANTY

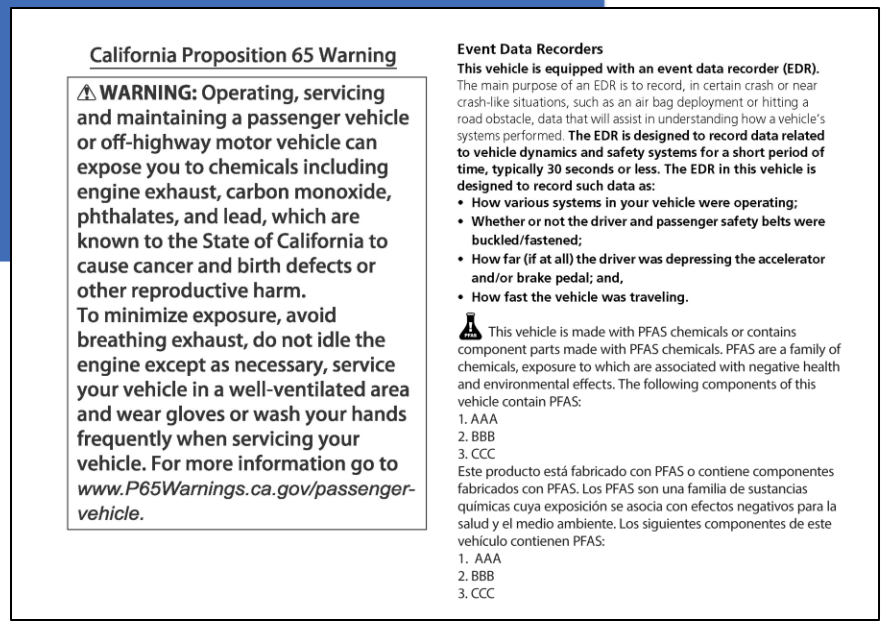
All limited warranties are subject to terms, conditions and exclusions set forth in the product's limited warranty statement. See applicable limited warranty statement for details.

This product is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS chemicals, review the product's operation and maintenance manual.

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Para obtener más información sobre la ubicación de los componentes fabricados con PFAS, consulte el manual de operación y mantenimiento del producto.
www.enr.mn.gov/pfas

Pair with an efficient Champion gas furnace for optimal performance.





California Proposition 65 Warning

⚠ WARNING: Operating, servicing and maintaining a passenger vehicle or off-highway motor vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm.
To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to *www.P65Warnings.ca.gov/passenger-vehicle*.

Event Data Recorders

This vehicle is equipped with an event data recorder (EDR). The main purpose of an EDR is to record, in certain crash or near crash-like situations, such as an air bag deployment or hitting a road obstacle, data that will assist in understanding how a vehicle's systems performed. **The EDR is designed to record data related to vehicle dynamics and safety systems for a short period of time, typically 30 seconds or less. The EDR in this vehicle is designed to record such data as:**

- **How various systems in your vehicle were operating;**
- **Whether or not the driver and passenger safety belts were buckled/fastened;**
- **How far (if at all) the driver was depressing the accelerator and/or brake pedal; and,**
- **How fast the vehicle was traveling.**

This vehicle is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. The following components of this vehicle contain PFAS:
1. AAA
2. BBB
3. CCC

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Los siguientes componentes de este vehículo contienen PFAS:
1. AAA
2. BBB
3. CCC

Please note: *graphics and language have not been finalized.*

NMED PFAS Web Page

- Some requirements include a reference to a NMED web page related to PFAS in New Mexico: www.env.nm.gov/pfas/
- Web page includes information about a variety of activities in New Mexico related to PFAS, including the PFAS Protection Act
- NMED will develop additional information and resources to:
  - Help consumers understand the meaning of the product label or disclosed information
  - Help industry understand the rule and related labeling requirements



Consistency with Other States

Consistency with Other State Labeling

- Manufacturers may comply with the New Mexico labeling requirements by complying with corresponding requirements adopted by another state.
- A manufacturer may comply by providing NMED:
  - A copy of the label as it will appear on products and consumer packaging and an explanation of how it fulfills the intent of the New Mexico labeling requirements.
  - A description of any modifications needed to include New Mexico-specific information (e.g., inclusion of NMED web address).

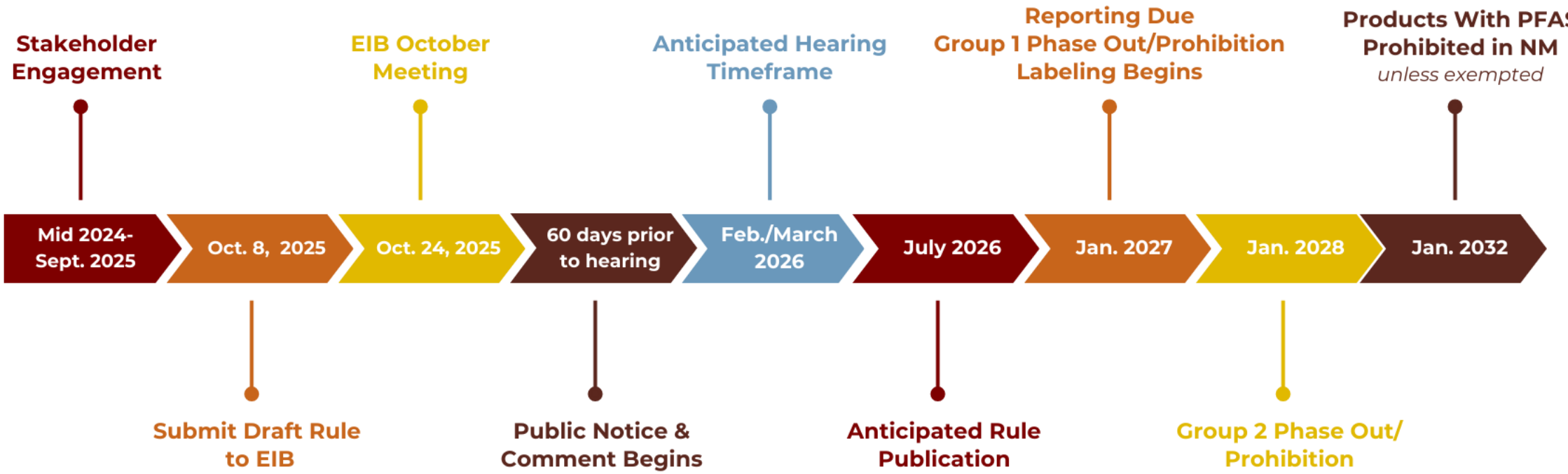
Next Steps

Manufacturer Support Tools

- Label Use Guidelines will include:
  - Overview of different words/symbols and their intended uses
  - Information on requirements for legibility and durability
  - Information on requirements for placement

- NMED will also develop a series of downloadable labeling graphics

Anticipated Regulatory Schedule



Environmental Improvement Board
Responsible for conducting public hearings to adopt many of the regulations administered by the New Mexico Environment Department.

Public Input Opportunities

Date	Activity
September 25, 2025	Public comment portal opens for the rulemaking effort through the start of the hearing
October 8, 2025	Proposed rule to EIB
October 22, 2025	Virtual public meeting on proposed rule
October 24, 2025	EIB October meeting; determines whether a hearing will be granted
60 Days Prior to Hearing	Public notice of hearing
February/March 2026 *(tentative)*	Hearing (if granted by EIB)

Thank You

For additional information or to request a meeting, email:

nmed-pfas@env.nm.gov

To submit a public comment:

nmed.commentinput.com

Review the PFAS Protection Act at:

https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0212.pdf

Questions from the Audience

THE PER- AND POLY-FLUOROALKYL SUBSTANCES PROTECTION ACT & RULEMAKING

New Mexico Environment Department

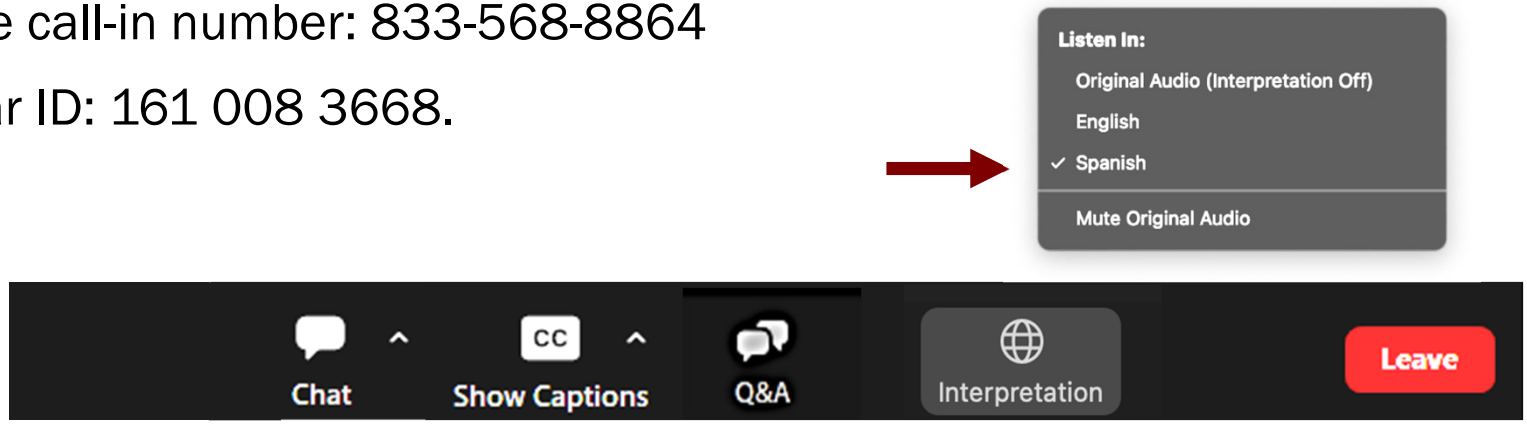
Public Meeting | October 22, 2025



NMED Exhibit 15

Zoom Interpretation

- Welcome! Please select your preferred language by clicking on the interpretation icon on at the bottom of your screen. **(English speakers must also select English.)**
- ¡Bienvenido! Si necesita interpretación, seleccione el idioma que prefiera haciendo clic en el botón de interpretación situado en la parte inferior de la pantalla.
- Toll-free call-in number: 833-568-8864
- Webinar ID: 161 008 3668.



Introduction by NMED

Agenda

- Background on PFAS
- Overview of the PFAS Protection Act
- Overview of the Proposed Rule Implementing the Act
- Next Steps
- Questions and Answers

Public Meeting Objectives

- Provide an overview of New Mexico's PFAS Protection Act, as well as PFAS impacts on human health and the environment.
- Introduce requirements for PFAS-containing products under development by NMED, including a consumer label.
- Summarize next steps in the regulatory timeline and outline opportunities to submit formal feedback to NMED.
- Answer clarifying questions from meeting participants.

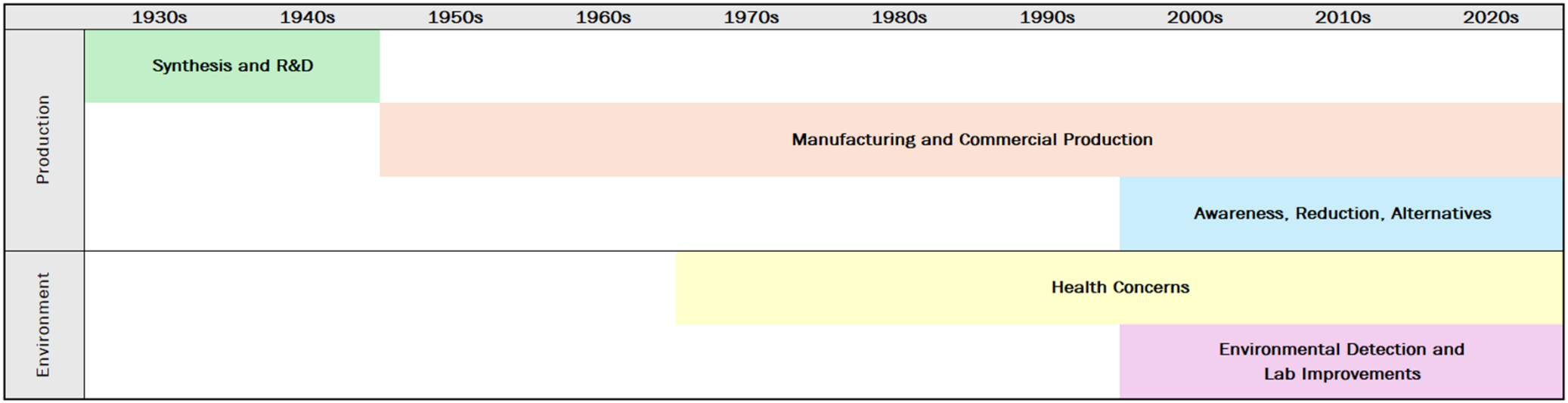
Background on PFAS

What are PFAS?

A class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom *(New Mexico PFAS Protection Act of 2025).*

- Per- and Polyfluoroalkyl Substances
- Thousands of synthesized compounds
- Used in industrial processes and consumer products since the 1950s
- Break down very slowly over time ("forever chemicals")
- Degradation products can also persist

PFAS Timeline



Modified from Figure 2-1 of ITRC's 2023 PFAS Technical and Regulatory Guidance Document

NMED Exhibit 15

What Products Contain PFAS?

Common Industrial Uses

- Firefighting foam
- Friction reduction in oil and gas
- Fume suppressant in metal plating

Common Consumer Product Uses

- Paper and packaging
- Stain resistance (clothing, furniture, carpet, etc.)
- Cosmetics and personal care products
- Non-stick cookware, adhesives, and other household products
- Coatings



Image: https://pinellas.gov/per-and-polyfluoroalkyl-substances-pfas

What's Unique About PFAS?

The same properties that are beneficial for product applications have created significant challenges for human health and the environment.

- Surfactant properties
  - Repel water, oil, grease
  - Make self-forming films



How PFAS Affect Human Health

Exposure to PFAS is associated with health risks in humans:

- Some cancers including kidney and testicular
- Liver disease
- Thyroid disease
- Elevated cholesterol
- Pregnancy complications, lower birth weight
- Impacts on the immune system such as reduced vaccine antibody response



How PFAS Impact the Environment

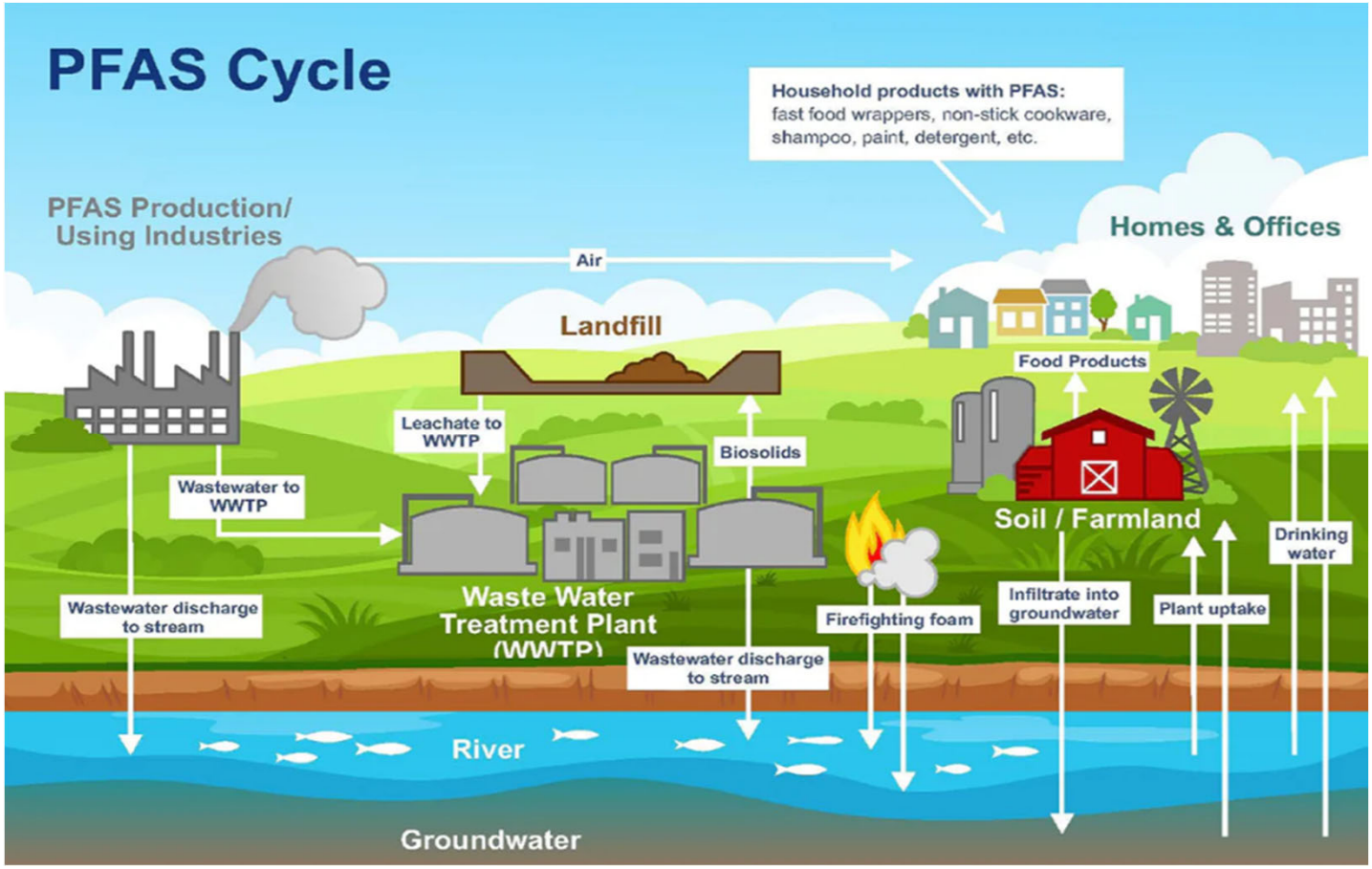


Image: www.dep.pa.gov/pfas

NMED Exhibit 15

NMED Activities to Understand and Reduce PFAS Contamination

- AFFF as hazardous waste
- Landfill study
- Cannon AFB and blood study
- Holloman AFB/Holloman Lake
  - Survey about community recreation and PFAS exposure
- Emerging contaminants program



Overview of the PFAS Protection Act

Development of House Bill 212: The PFAS Protection Act (April 2025)



Saves Money

- Costs millions to remove and destroy one lb. of PFAS from our water
- Protects property values of homes and businesses



Public Health

- PFAS accumulate in plants, animals and humans
- Linked to thyroid disease, cancer, liver disease, birth defects, and increased risk of miscarriage



Environment

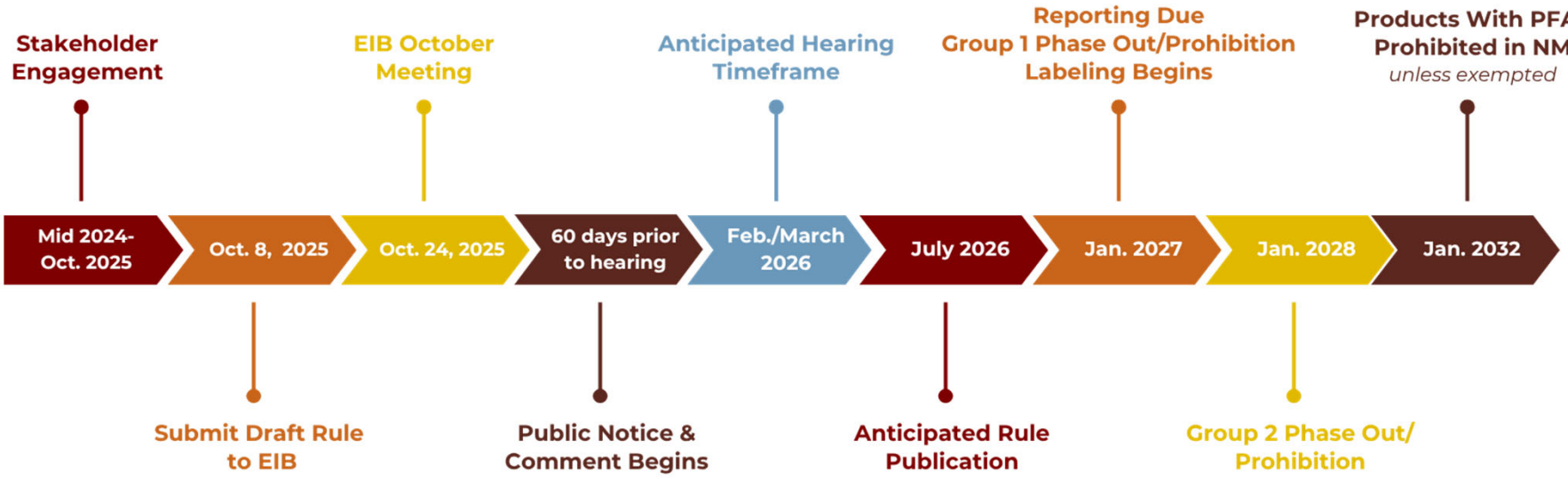
- Protects our water – our state's most precious resource
- Safeguards our land

PFAS Protection Act

- Passed in 2025 by NM Legislature, signed by Governor
- Phases out/prohibits certain products that contain intentionally added PFAS
  - Names specific product categories for phase out/prohibition
  - Some exemptions apply
- Provides for the ability to identify additional products for phase out/prohibition
- Requires reporting of specified information for products containing intentionally added PFAS
- Identifies categories exempt from reporting requirements (exempt product categories may still be subject to labeling requirements)
- Department may require product testing
- Authorizes the Environmental Improvement Board to require the labeling of products in English and Spanish

Overview of the Proposed Rule

Rule Implementation Timeline



Environmental Improvement Board
Responsible for conducting public hearings to adopt many of the regulations administered by the New Mexico Environment Department.

NMED Exhibit 15

Implementing the PFAS Protection Act

- Scope
- Objective
- Definitions
- Prohibitions on Products Containing Per- or Poly-fluoroalkyl substances
- Exemptions
- Currently Unavoidable Use
- Reporting Requirement
- Labeling
- Testing
- Fees
- Enforcement

https://www.env.nm.gov/wp-content/uploads/2025/10/2025-10-06-PFAS-Protection-Act-Proposed-Rules.pdf

Definitions



Definitions will be used for terms used in the rule that are not already identified in the PFAS Protection Act.

Phaseouts/Prohibitions

Phaseouts/Prohibitions

Phased Out January 1, 2027	Phased Out January 1, 2028	Phased Out January 1, 2032
• Cookware • Food packaging • Dental floss • Juvenile products • Firefighting foam	• Carpets and rugs • Cleaning products • Cosmetics • Fabric treatments • Textiles/textile furnishing • Feminine hygiene • Ski wax • Upholstered furniture	• All products not otherwise exempt and not designated a “Currently Unavoidable Use”

Exemptions and Currently Unavoidable Use

Product Categories Eligible for Exemptions



Medical



Heating, Cooling, Ventilation, Air-Conditioning, Refrigeration



Veterinary



Public Health, Environmental & Water Testing Equipment



Motor Vehicles



Other Motor Vehicles



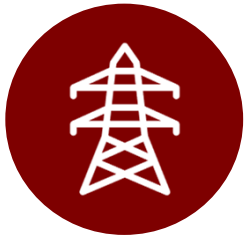
Watercraft & Aircraft



Semiconductors



Non-consumer Electronics & Lab Equipment



Electricity Generation, Distribution & Storage



Currently Unavoidable Uses



Products Containing Fluoropolymers

Current Unavoidable Use (CUU)

- “Currently Unavoidable Use” (CUU) means a use of PFAS that the board has determined by rule to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available
- Manufacturer must submit CUU proposal for determination
- A list of approved CUUs will be made available to the public and posted on the NMED website

Reporting Requirements

Reporting Requirements

- A manufacturer of a product sold, offered for sale, distributed or distributed for sale in the state must submit a report for each product or component that contains intentionally added PFAS.
- Reporting due by January 1, 2027
- Products containing intentionally added PFAS for which a report haven't been submitted are prohibited from sale as of January 1, 2028



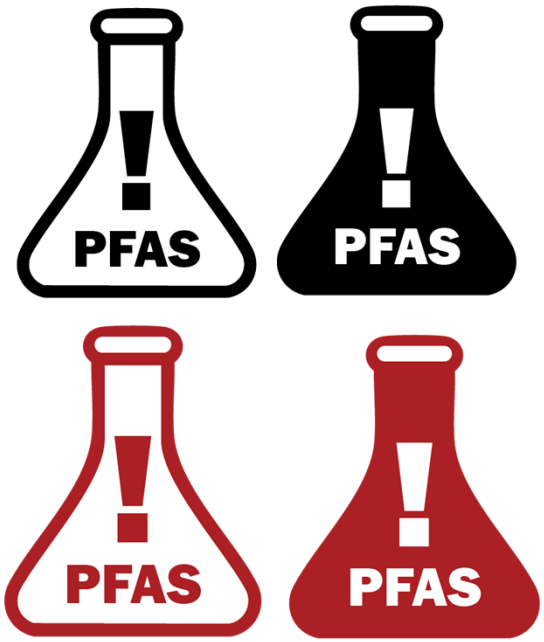
Labeling Requirements

Labeling Requirements Overview

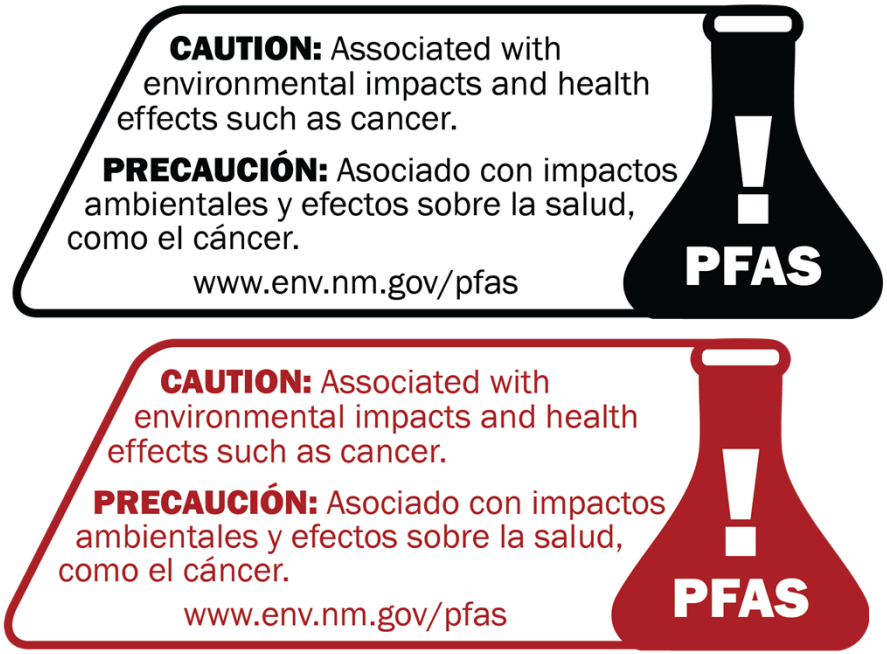
- Labeling requirements will apply to all products that contain intentionally added PFAS sold, offered for sale, or distributed in New Mexico.
- Packaging will include a web address or QR (Quick Response) code to a NMED website with information on PFAS use in products (www.env.nm.gov/pfas/).
- Labeling/disclosure requirements also apply to online and catalog product sales.
- Complex durable goods (e.g., motor vehicles, HVAC systems) have different requirements for disclosure but similar content.
- Used products are exempted from labeling requirements.
- Possible exemption from labeling if:
  - The product falls within a category exempt from reporting requirements of the rule; and
  - the manufacturer demonstrates that consumers will not come into direct contact with intentionally added PFAS while the product is being used as intended and throughout the product's useful life.

Example Label Symbols and Language for Products

Symbol for Products



Label for Product Packaging



Please note: graphics and language have not been finalized.

Example Use on Products & Packaging







Please note: *graphics and language have not been finalized.*

Examples for Complex Durable Goods



Optimized performance

- Designed for optimal performance in northern US and Canadian regions
- High-efficiency microchannel aluminum coil provides reliable performance and small unit size
- Designed for operation with new low GWP R-454B refrigerant

One of the industry's most serviceable units

- Swing-out control panels and removable fan guard for quick and easy access to components
- Straight-Pipe Line Sets - coming soon - eliminate swedging and provide flexibility for every installation
- Easy-to-follow, color-coded wiring diagrams for quick and easy installation and servicing
- Comes with standard cylinder filter drier

High-quality construction

- **Small footprint**
  - Minimum footprint makes the unit easy to store and transport, and fits easily through standard fence gates
- **Durable and sleek new finish**
  - The coated steel wire fan guard, coated external fasteners and pretreated G90 equivalent galvanized-steel chassis components resist corrosion and rust-creep
  - Automotive-grade, powdercoat finish is salt-spray rated at 1,000 hours for extra durability under the harshest of conditions
- **Low operating sound levels**
  - The sturdy cabinet and top design provides sound performance of 77 dBA or lower

Lower cost of ownership
13.4 SEER2 cooling efficiency can save energy costs compared to older units, and quality engineering reduces repairs to save you money.

Quiet operation
Sturdy cabinet and top design provides sound performance of 77 dBA or lower.

Confidence guaranteed
Industry-leading warranties ensure years of dependability.

Small footprint
Minimum footprint for easier handling, transportation and installation.

SKU	Tonnage	Weight (lb)	Dimensions (in.)			Liquid Connections (in.)	Vapor Connection (in.)
			H	W	D		
XC318E2S11	1.5	120	26-3/4	24	24	3/8	3/4
XC324E2S11	2	135	33-1/4	24	24	3/8	3/4
XC330E2S11	2.5	140	36-1/4	24	24	3/8	3/4
XC036E2S11	3	150	36-1/4	24	24	3/8	3/4
XC342E2S11	3.5	195	36-1/4	29-1/4	29-1/4	3/8	7/8
XC348E2S11	4	210	33-1/4	35-1/4	31-3/8	3/8	7/8
XC360E2S11	5	230	36-1/4	38	34-1/4	3/8	7/8

- All dimensions are in inches and are subject to change without notice.
- The overall height is from the bottom of the base pan to the top of the fan guard.
- The overall length and width include screw heads.

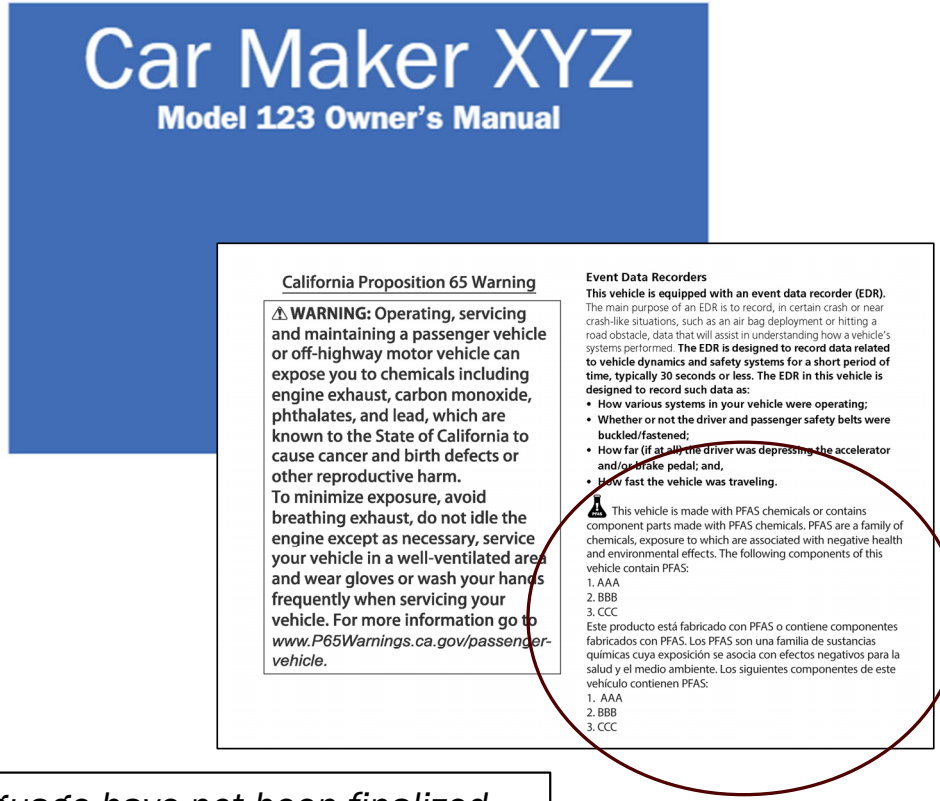
10 YEAR PARTS LIMITED WARRANTY | 10 YEAR HEAT EXCHANGER LIMITED WARRANTY

All limited warranties are subject to terms, conditions and exclusions set forth in the product's limited warranty statement. See applicable limited warranty statement for details.

This product is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS chemicals, review the product's operation and maintenance manual.

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Para obtener más información sobre la ubicación de los componentes fabricados con PFAS, consulte el manual de operación y mantenimiento del producto.
www.epa.gov/pfas

Pair with an efficient Champion gas furnace for optimal performance.



Car Maker XYZ

Model 123 Owner's Manual

California Proposition 65 Warning

⚠ WARNING: Operating, servicing and maintaining a passenger vehicle or off-highway motor vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm.
To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to *www.P65Warnings.ca.gov/passenger-vehicle.*

Event Data Recorders

This vehicle is equipped with an event data recorder (EDR). The main purpose of an EDR is to record, in certain crash or near crash-like situations, such as an air bag deployment or hitting a road obstacle, data that will assist in understanding how a vehicle's systems performed. **The EDR is designed to record data related to vehicle dynamics and safety systems for a short period of time, typically 30 seconds or less. The EDR in this vehicle is designed to record such data as:**

- **How various systems in your vehicle were operating;**
- **Whether or not the driver and passenger safety belts were buckled/fastened;**
- **How far (if at all) the driver was depressing the accelerator and/or brake pedal; and,**
- **How fast the vehicle was traveling.**

This vehicle is made with PFAS chemicals or contains component parts made with PFAS chemicals. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. The following components of this vehicle contain PFAS:
1. AAA
2. BBB
3. CCC

Este producto está fabricado con PFAS o contiene componentes fabricados con PFAS. Los PFAS son una familia de sustancias químicas cuya exposición se asocia con efectos negativos para la salud y el medio ambiente. Los siguientes componentes de este vehículo contienen PFAS:
1. AAA
2. BBB
3. CCC

Please note: *graphics and language have not been finalized.*

Testing, Fees, and Enforcement

Testing

- NMED may test or require a manufacturer to test their product to determine the presence and concentration of PFAS in the product if there is a reasonable suspicion that the product contains intentionally added PFAS
- Does not apply to a medical device or drug or the packaging of a medical device or drug that is regulated by the United States Food and Drug Administration



Fees and Enforcement

- Two types of Fees
  - Reporting Fees
  - Currently Unavoidable Use Designation Application Fees
- Enforcement

Next Steps

Public Input Opportunities

Date	Activity
September 25, 2025	Public comment portal opens for the rulemaking effort through the start of the hearing; NMED hosts stakeholder webinar to overview labeling requirements
October 8, 2025	Proposed rule to EIB
October 22, 2025	Virtual public meeting on proposed rule
October 24, 2025	EIB October meeting; determines whether a hearing will be granted
60 Days Prior to Hearing	Public notice of hearing; public comment period begins
February/March 2026	Hearing (if granted by EIB; exact timing tbd)

NMED Consumer Campaign and Outreach

Goal

Empower consumers and other purchasers to decide for themselves whether to buy PFAS-containing products.

Objectives

- Raise awareness of PFAS chemicals among consumers and other purchasers
- Ensure understanding of what the label on products and packaging means
- Help New Mexicans make informed choices about products to avoid PFAS

Thank You

For additional information, email:

nmed-pfas@env.nm.gov

To submit a public comment:

nmed.commentinput.com

Review the PFAS Protection Act at:

https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0212.pdf

Review the Proposed Rule at:

https://www.env.nm.gov/wp-content/uploads/2025/10/2025-10-06-PFAS-Protection-Act-Proposed-Rules.pdf

PFAS at Holloman Lake: Recreational Use Survey

https://erg.qualtrics.com/jfe/form/SV_1zfRKU8f6uOch5c

Questions from the Audience

AGC CHEMICALS AMERICAS, INC.
55 E. Uwchlan Ave., Suite 201
Exton, PA 19341
Phone: (610) 423-4300
Fax: (610) 423-4301
http://www.agcchem.com

January 2, 2026

Honorable James C. Kenney, Secretary
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Re: Proposed Regulations to Implement HB 212

Dear Secretary Kenney:

AGC Chemicals Americas ("AGCCA") and its parent company, AGC America, Inc., appreciate your efforts and those of your staff to develop proposed regulations implementing HB 212, that were filed with the Environmental Improvement Board (EIB) on October 8, 2025.[1] However, we are writing to highlight our serious concerns regarding one particular aspect of the proposed regulations: the labeling requirements.

Under the proposed regulations at 20.13.2.13, any product containing intentionally added PFAS that is sold or distributed for sale after January 1, 2027, must be labeled to warn of the presence of PFAS in the product, regardless of whether, or how, the product is otherwise regulated under the law. This requirement is inconsistent with the statute and legislative intent, and will cause confusion among consumers. Broadly speaking, HB 212 recognizes three different categories of PFAS-containing products: (i) products that must be phased out according to the schedule set forth in the statute; (ii) products that warrant a delay in their scheduled phase-out because NMED determines that the use of PFAS in those products is "currently unavoidable"; and (iii) products that are not required to be phased out, presumably because, in the view of the legislature, they do not present risks warranting their prohibition in commerce. The proposed labeling requirement ignores these distinctions by requiring labeling of all products – even those products that, in the legislature's view, do not present risk concerns that merit restriction or phase-out. For this reason, the proposed labeling requirement is inconsistent with the legislature's intent to distinguish between products that warrant phase-out and those that do not. For this same reason, the labeling requirement is misleading to consumers because it

[1] https://www.env.nm.gov/wp-content/uploads/2025/10/2025-10-06-PFAS-Protection-Act-Proposed-Rules.pdf

implies that all labeled products present similar risk concerns, when clearly that was not the conclusion of the legislature.

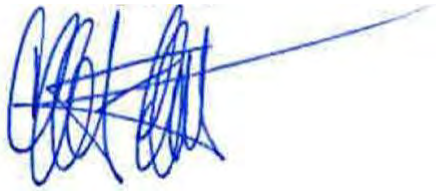
Moreover, the legislature included provisions in Section 5 of the statute requiring manufacturers of products containing intentionally added PFAS to provide detailed product information to NMED, so that the Department can create a public database of PFAS-containing products sold in the state. The statute also authorizes NMED to collaborate with other states in creating a shared database, and it allows NMED to waive the reporting requirements for a product if the required information for that product is otherwise publicly available. This suggests that it was a priority of the legislature to provide the New Mexico public with detailed information on PFAS-containing products sold in the state, ***with one important exception***: Section 5(K) of the statute specifically excludes from reporting those products that are exempt from the phase-out provisions of the statute. In other words, the legislature appears to have concluded that if a product does not present risk concerns warranting a phase-out, it is not necessary to collect information on that product for inclusion in a public database. NMED's proposal to require a PFAS warning label on exempt products is inconsistent with the legislature's determination, reflected in Section 5 of the statute, that it is not necessary to collect or disseminate information regarding products that are excluded from the phase-out provisions of the statute.

Finally, the statute's labeling provision, in Section 4(B), authorizes EIB to adopt labeling requirements "to carry out the provisions of" the statute. However, the sweeping labeling requirements in the proposed rule go well beyond what is necessary to "carry out the provisions of" the law. As discussed above, the statute identifies certain products and product categories that the legislature concluded do not present risk concerns warranting phase-out or reporting for inclusion in a public database. Requiring a warning label on those exempt products is in no way necessary for – or consistent with – "carrying out the provisions" of the statute. Indeed, because it is ***not*** necessary to carry out the provisions of the statute, requiring such labeling would appear to exceed NMED's authority under the law.[2]

[2] The proposed labeling requirements also raise broader concerns, beyond their inconsistency with the underlying statute. Mandating that all products containing an intentionally added PFAS bear a warning label implies that all PFAS and all products containing PFAS present similar risk concerns. This is inherently misleading and scientifically incorrect. A substantial body of scientific evidence demonstrates that all PFAS do ***not*** present similar risk concerns. For example, as we have noted in prior comments, fluoropolymers have been shown to satisfy internationally recognized standards for being "polymers of low concern," as they are not bioavailable (do not cross cell membranes), not soluble in water, not mobile in the environment, and do not, under environmental conditions, degrade into substances exhibiting these characteristics. *See, e.g.,* Korzeniowski, S.H.et al., (2022*), A critical review of the application of polymer of low concern regulatory criteria to fluoropolymers II: Fluoroplastics and fluoroelastomers. Integr Environ Assess Manag, https://doi.org/10.1002/ieam.4646;* Henry, B.J., et al. (2018), *A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers. Integr Environ Assess Manag, 14: 316-334, https://doi.org/10.1002/ieam. 4035.* Under these circumstances, where substantial scientific evidence establishes that all PFAS do ***not*** present similar risk concerns, requiring labeling that suggests otherwise (or that points to a website suggesting otherwise), constitutes a violation of the First Amendment's protection against compelled speech. *See, e.g., Nat'l Ass'n of Wheat Growers et al. v.* Bonta, No. 20-16758 (9th Cir. 2023).

Thank you for considering our comments. Please let us know if you have any questions regarding our concerns or if you would like any additional information.

Sincerely,



Christopher F. Correnti
President and CEO
AGC America, Inc.

Ahmed El Kassmi, Ph.D
Director, Product Stewardship & Regulatory Affairs
AGC Chemicals Americas, Inc.

AdvaMed
Advanced Medical Technology Association

1301 Pennsylvania Avenue, NW
Suite 400
Washington, D.C. 20004
P :: 202.783.8700
F :: 202.783.8750
W:: AdvaMed.org

January 9, 2026

Phoebe Suina
Chair
New Mexico Environmental Improvement Board (EIB)
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505

Re: PER- AND POLY-FLUOROALKY SUBSTANCES IN CONSUMER PRODUCTS 3 PART 2 PROHIBITIONS

Dear Chair Suina:

On behalf of AdvaMed, the Medtech Association, I am writing today to share feedback on the draft Per and Poly-Fluoroalkyl Substances in Consumer Products Prohibitions on Products Containing Per- Or Poly-Fluoroalkyl Substances; Currently Unavoidable Use; Reporting; Labeling; Testing' Fees and Penalties rulemaking.

AdvaMed is the largest medical technology association, representing the leading innovators and manufacturers transforming health care through earlier disease detection, less invasive procedures, and more effective treatments. Our over 600 members range from emerging companies to large multinationals, and include device, diagnostic, medical imaging, and digital health technology companies.

The medical device industry shares New Mexico's commitment to protecting public health and the environment. However, we are deeply concerned that the proposed PFAS labeling requirements, particularly as applied to rigorously regulated FDA-regulated medical devices, could have significant unintended consequences for patient safety, create serious regulatory inconsistencies, and harm access to critical medical technologies.

Concerns with Proposed Labeling Requirement

As drafted, the labeling provision would require products containing PFAS, including FDA regulated medical devices made with fluoropolymers, to include the following statement warning of the potential consequences of using the product:

> *"This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative*

health and environmental effects. For more information on the location of components made with PFAS, review the product's operation and maintenance manual."

The labeling requirement implies a health risk that neither the FDA has identified nor does scientific research substantiate for fluoropolymers used in medical devices. This would require manufacturers to place a state mandated safety warning on medical devices whose risks have already been rigorously evaluated by the FDA for safety and efficacy.

As such, the proposed rule creates three major concerns:

- **Conflict with FDA labeling standards and federal preemption:** The warning proposed by NMED would constitute a safety claim subject to additional FDA review. The FDA sets national comprehensive standards to ensure consistency, scientific accuracy, and consumer protection. The review covers everything from premarket review of products for safety and effectiveness to product labeling and claims. Imposing a state-specific requirement could create federal compliance challenges and risk violating federal labeling preemption.
- **Operational and supply chain challenges:** A New Mexico-specific label will likely require a host of new submissions to FDA across the industry on vital medical technologies for patients, triggering redesigns, additional biocompatibility and packaging testing, recertification, and distribution challenges. These changes are resource-intensive and importantly will delay and limit access to critical medical devices for patients and impact industry sustainability goals.
- **Potential for patient and provider confusion:** The FDA has repeatedly stated these materials have a long history of safe use and are "very unlikely to cause toxicity to patients." Introducing additional state-specific labels suggesting a health risk with FDA regulated products may cause unwarranted concern, hesitation in treatment, or misinterpretation of device safety.

Legislative Intent

Based on the final legislative text, it is unclear why the Department has included exempted product categories, including FDA-regulated medical devices, within the labeling requirement. Every other substantive provision of HB 212 (product bans, testing, and reporting) explicitly exempts FDA-regulated products. This strongly indicates that the legislature did not find FDA-regulated products to present the same risks as other PFAS. Medical devices were exempted from the bill because they are essential, heavily regulated,

and not associated with environmental or human health concerns that were motivating factors behind the law.

Applying a warning label to these same products now contradicts the statute's original intent. We believe the labeling provisions were intended to be applied narrowly to carry out the core provisions of the legislation -- not to broadly affect all products. Further, the use of permissive language "may" in the labeling provision suggests that the entire section is optional and may be limited.

Lastly, the intent of HB 212 focuses on traditional consumer products, whereas most medical devices are purchased by health systems or providers. Many devices, like implantables, guidewires, and catheters, are never handled or even seen by the traditional consumer. Applying consumer-facing labeling requirements to a professional-use medical product is inconsistent with the realities of the healthcare system and the intent of the law.

Robust FDA Oversight

Medical device labeling is comprehensively regulated by the U.S. Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §360c et seq.). Under this federal framework:

- All written, printed, or graphic material that accompanies a medical device is considered labeling and is subject to FDA review. Labeling statements are treated as claims about a product's safety, effectiveness, or risk profile, requiring extensive review and validation.
- States are expressly preempted from imposing additional or differing labeling requirements under 21 U.S.C. §360k(a).

This labeling requirement would fundamentally contradict the preeminent role that the FDA has long held in regulating the labeling of its regulated products. The FDA being the sole authority for medical device and pharmaceutical products is grounded in what is best for patients: a single, unified approach to patient safety ensures that patients have a consistent, prudent approach to disclosing the most necessary, evidence-based information. State based labeling could distract patients and providers from the critical information conveyed in an FDA label, including proper usage/dosing, contraindications, etc. It could also imply that the device or drug are inherently unsafe, a statement that could contradict the FDA's determinations as well as undermine the practice of medicine and erode confidence in the safety and effectiveness of FDA-regulated products.

Given these constraints, imposing a New Mexico specific label would create significant operational burdens, trigger packaging redesigns, and may require new product submissions including additional biocompatibility and packaging testing. These changes would be resource-intensive, time-consuming – taking anywhere from 3-5 years to fully effectuate -- and disrupt national supply distribution systems without providing any additional health benefits for patients.

Safety of Fluoropolymers in Medical Products

PFAS refers to a very broad group of over 10,000 chemicals that vary widely in structure and properties. Not all PFAS are the same, and only a small subset of these chemicals have been associated with potential environmental or health effects. Polymeric PFAS used in medical devices, such as fluoropolymers, are chemically distinct. These materials are stable, inert, non-bioavailable, and have been used safely for decades in critical healthcare applications, including catheters, pacemakers, and surgical instruments.

A recent publication by the FDA indicates that fluoropolymers used in medical devices are not linked to toxicity or adverse health effects. Because of their high molecular weight and chemical stability, these materials do not migrate, dissolve, or cross cell membranes. FDA reviews – including an extensive 2021 study in partnership with ECRI – found no evidence of patient harm or degradation from fluoropolymer-based devices. As the FDA states, "The PFAS used in medical devices are not the same as those identified as being potentially harmful to people in other contexts." [1] The FDA goes on to say " the FDA's evaluation is that currently there is no reason to restrict their continued use in devices." The PFAS materials used in medical devices (known as fluoropolymers) have a long history of use.

In addition to their safety record, fluoropolymers provide unique performance characteristics that make them essential to modern medicine, such as chemical resistance, biostability, and low friction. There are currently no materials that can replace them without compromising safety or effectiveness. For these reasons, the decision to exempt fluoropolymers from HB 212's restrictions was consistent with both scientific understanding and patient care needs.

[1] https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices

Additionally, the Department's leadership has stated that fluoropolymers are "not as risky" as other PFAS. [2] Also, the NMED website specifically claims that "The legislation includes important exemptions and enforcement provisions – such [as] medical devices and electronic – where PFAS is essential and does not pose serious harm to those using the products." To now compel labeling that directly links fluoropolymer-containing products to negative health and environmental impacts undermines the legislature and department's own rationale for the exemption.

Potential Effects on Healthcare Access and Patient Outcomes

Medical devices are essential for patient care, with many critical technologies — such as cardiovascular stents, pacemakers, vascular grafts, guidewires, blood collection bags, instruments and equipment, and many more — relying on the unique properties of fluoropolymers. The proposed rule will inevitably lead to significant delays and limit the availability of medical devices—including through unusable medical device inventory —as manufacturers will be required to create and implement a standalone compliance and distribution program dedicated to this new process. This could create significant practical and financial challenges for companies and risk access to critical lifesaving and life enhancing devices for New Mexico patients.

Operationally, creating New Mexico-specific product streams would create significant challenges, and require major system overhauls to segregate, track, and label products. This change would not only impact packaging, but distribution and IT systems across the supply chain. This burden may ultimately force some manufacturers to limit or withdraw products from the New Mexico market, reducing access to life-saving technologies, poorer clinical outcomes, and increased morbidity and mortality.

A state-specific PFAS warning label on medical devices also risks confusing patients and providers who rely on the longstanding track record of FDA-reviewed products and information. Introducing additional state-specific labels suggesting a health risk may cause unwarranted concern about the safety and efficacy, hesitation in treatment, or misinterpretation of device safety.

We encourage NMED to take a balanced approach that maintains alignment with FDA oversight and scientific evidence, protects patient access and safety while meeting environmental objectives.

[2] Hearing on HB 212 Before the Senate Conservation Committee (Mar. 8, 2025) (testimony of Secretary Kenney, timestamp 10:28 AM).

NMED Should Expressly Exempt Medical Devices

Under the proposed waiver process, exempted product categories may only apply for a waiver if no intentionally added PFAS comes into contact with a consumer. This arbitrary threshold will capture nearly all medical devices and may not provide any additional protections for patients.

Over the last thirty years, advancements in medical device technology have transformed treatment pathways. Minimally invasive procedures, like leading cardiac surgeries, rely on flexible, fluoropolymer-coated guidewires to navigate the body safely and effectively. Many of these devices and procedures rely on PFAS. These materials have enabled lifesaving procedures, increased patient access, and improved patient outcomes.

Furthermore, there is no scientific data to suggest these products are unsafe or more harmful to the consumer than products not containing PFAS. Medical products containing PFAS have been available to patients for over 50 years, with tens of millions of devices used without demonstrating adverse health effects. Yet, the waiver process does not recognize this longstanding track record of safety and federal oversight. The process remains unclear, overly burdensome, and misaligned with the FDA's existing regulatory framework. The waiver process also creates significant uncertainty for manufacturers, as the department has no criteria for how and when a waiver will be granted.

Recommendations

We respectfully recommend that the Environmental Improvement Board:

1. Clarify that any labeling requirements under HB 212 do not apply to FDA-regulated medical devices or their packaging.
2. Maintain the statutory exemption for fluoropolymers from all requirements of HB 212, consistent with scientific and regulatory findings.

We appreciate the opportunity to provide comments on the draft rule and its potential impact on the medical device industry.

Sincerely,



Senior Director, State Government and Regional Affairs
AdvaMed

January 9, 2026

The Honorable James Kenney
Secretary, New Mexico Environment Department
1190 South St. Francis Dr.
Santa Fe, NM 87502

Re: Proposed NMED Regulations to Implement HB 212

Dear Secretary Kenney:

Hundreds of companies represented by the Motorcycle Industry Council (MIC)[1], the Specialty Vehicle Institute of America (SVIA)[2], and the Recreational Off-Highway Vehicle Association (ROHVA)[3] oppose the labeling requirements from the New Mexico Environment Department's (NMED) proposed rulemaking on the implementation of House Bill 212, the PFAS Protection Act.

HB 212 was enacted with a clear exemption for numerous products from the sales prohibition, including motor vehicles, motorcycles, ATVs, and side-by-sides. While we appreciate the exemption provided to these vehicles and products containing intentionally added PFAS which will almost never come into direct contact with consumers during intended use, we oppose NMED's proposed labeling requirements for PFAS containing parts in owner's and maintenance manuals of vehicles that are exempted from the PFAS ban. In fact, on the Environment Department's website[4], it notes that "the legislation includes important exemptions and enforcement provisions…where PFAS is essential and does not pose serious harm to those using the products." The proposed labeling requirement undermines the Department's statement and – we believe – the legislature's intent in the law.

The exemptions provided in HB 212 Section 3(A) show the legislators' intention to exclude the exempted products from the requirements and regulations. Throughout the legislative process there were several amendments made to HB 212 as the Legislature carefully considered what products should be exempted from the law. While NMED and the Environmental Improvement Board appear to be acting under the authority granted in Section 4, subsection B, that states "The board

[1] The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.
[2] The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.
[3] The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at https://rohva.org/ansi-standard/.
[4] https://www.env.nm.gov/pfas/pfas-protection-act-hb212/

may (1) adopt rules to carry out the provisions of the Per-and Poly-Fluoroalkyl Substances Protection Act, including requiring the labeling of products in English and Spanish", we believe those labeling requirements were for non-exempt products and NMED's proposed labeling requirement is not only inconsistent with legislature's intentions and outside statutory authority but also beyond the scope of HB 212.

Motor vehicle (including motorcycle, ATV, and side-side, manufacturers) produce vehicles and owner and maintenance manuals for distribution in all 50 states. Manufacturers do not produce vehicles or owner and maintenance manuals specifically for New Mexico. Should the proposed labeling requirements become effective, manufacturers will be required to apply New Mexico's labeling requirements to all U.S. vehicles and their owner and maintenance manuals. This subjects manufacturers to considerable and unnecessary costs and burdens that extends beyond New Mexico.

The proposed requirement for manufacturers to list components containing intentionally added PFAS is substantially outside the scope of HB 212. Manufacturers continue to work on developing components and systems free of intentionally added PFAS. As manufacturers develop and install these new components and systems, listings of parts containing intentionally added PFAS in owner's and maintenance manuals would become obsolete and incorrect. Vehicle owner's and maintenance manuals provide critical information about safety, proper use, maintenance, and storage to consumers and technicians. It is important for information contained in these manuals to remain accurate to avoid confusion, misuse, and unsafe conditions.

Another important consideration is replacement parts for vehicles. Replacement parts do not have a "manual", and it is not possible to put a label on replacement parts that may currently have PFAS for durability purposes such as gaskets and o-rings, for example. When powersports vehicles are manufactured, we are required to also manufacture replacement parts for the anticipated life of the vehicles. Dealerships, aftermarket suppliers, distributors, and parts stores all stock inventory in anticipation of replacements and repairs. For businesses in your state, this could account for a significant amount of inventory.

We urge NMED to follow the intent of the Legislature and exclude manufacturers of vehicles and replacement parts exempted by HB 212 from the proposed labeling and component listing requirements. We do not believe it is the intention of legislators to subject exempted manufacturers to unnecessary, costly, and burdensome.

We look forward to working with New Mexico Environment Department on this. Feel free to contact me at sschloegel@mic.org or at (571) 684-6144 if you have any questions.

Sincerely,

Scott P. Schloegel

Scott P. Schloegel
Senior Vice President, Government Relations

Karl Bodenhoefer

Dear ladies and gentlemen,
Thanks for the opportunity to provide feedback on the PFAS labeling proposal.
Products solely intended to be used by professionals should never require a labeling e.g. (11) non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes but also an other non-consumer product. The requirement to officially request for an exemption should not appear in the legislation. Instead the rule should clarify that professional products are not addressed. This is in line with the explanation provided that for exempted categories a manufacturer should demonstrate that a consumer will not come in contact with the PFAS under normal use to get exempted. For professional products this seems to be duplication that should be avoided. The rule could clarify that the labelling only applies to consumer products as defined in 2E of the rule.
Thanks in advance for your kind consideration
Best regards
Karl Bodenhoefer

Ryan J Carra
1900 N Street, NW, Suite 100
Washington, DC 20036
+1.202.789.6059
RCarra@bdlaw.com

October 7, 2025

Submitted via NMED's Public Commenting Portal and Email

James Kenney
Cabinet Secretary
New Mexico Environment Department (NMED)
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505
james.kenney@env.nm.gov

Re: PPWG Preliminary Comments on PFAS Labeling Proposal under HB 212

Dear Secretary Kenney:

The PFAS Pharmaceutical Working Group (PPWG) is a group of manufacturers and distributors of drugs, biologics, animal drugs, and medical devices. PPWG appreciates the opportunity to provide these comments on NMED's planned PFAS labeling requirements pursuant to HB 212 as presented during a recent NMED webinar.[1] PPWG's members are committed to environmental stewardship and agree that action on certain materials in products can be appropriate when risk-based, science-driven, not misleading to consumers, protective of critical products, realistic in implementation, and consistent with applicable law. Unfortunately, NMED's planned PFAS labeling requirements are problematic in several respects. PPWG therefore urges NMED to hold off on further action for this rulemaking and instead consider PPWG's concerns before proceeding.

These comments are preliminary, high-level, and offered as a means to frame more detailed discussion PPWG aims to have with NMED through a future meeting and in further advocacy if the rulemaking progresses. PPWG may also flag additional concerns once the proposed rule is made public, including on the non-labeling aspects of HB 212 as implemented in the rule.

I. Drugs, Medical Devices, Veterinary Products, and the Packaging for These Products Should Be Categorically Exempt from Labeling.

NMED's webinar indicates that all products containing intentionally added PFAS would need to be labeled by January 1, 2027. This scope would even encompass products expressly exempt from HB 212's restriction and reporting requirement, including drugs, medical devices, veterinary products, and the packaging for these items. Manufacturers of products subject to these exemptions would be able to *request* a labeling exemption, but only if those manufacturers can demonstrate that consumers will not come into direct contact with the PFAS in the product. This request process is unduly limited and inappropriate as applied to drugs, medical devices,

[1] NMED, Overview of Product Labeling (Sept. 25, 2025).

NMED Exhibit 16

veterinary products, and the packaging for these items. Instead, these products should be categorically exempt from labeling for several reasons, including:

a. *Statutory Authority*. There is no bar in HB 212 against the Environmental Improvement Board (EIB) enacting a rule that exempts certain product categories from labeling when appropriate. Instead, the opposite is true: EIB must consider the "technical practicality, necessity for and economic reasonableness" of its rulemaking actions. N.M. St. § 74-1-9(B). These considerations necessitate a labeling exemption for this industry's products.

b. *Federal Preemption*. Federal law – including the Federal Food, Drug, and Cosmetic Act – governs the labeling of this industry's products and packaging. Imposing a PFAS labeling requirement on drugs, medical devices, and veterinary products, including their packaging, risks upsetting the federal state-balance and could open up the resulting rule to challenges that are not only costly to New Mexico but would also leave manufacturers in a prolonged compliance gray area.

   Although NMED noted in the webinar slides that labeling does not apply where federally preempted, this general disclaimer conflicts with another slide noting specifically that medical products would be eligible to request a labeling exemption. For drugs, medical devices, veterinary products, and the packaging for these items, preemption is not a question that needs to be handled case-by-case under this general preemption disclaimer. Instead, a categorical exemption for these products is the appropriate approach.

c. *Policy Objectives*. For instance, the U.S. Food and Drug Administration determines in its approval processes that drugs and medical devices have favorable benefit-risk profiles. A PFAS labeling requirement for these products would be inconsistent with this determination and risk confusion that may cause consumers to forego use of critical healthcare products without a scientific basis for doing so.

II. **The Labeling Obligations Require Adjustments To Be Workable and Legally Sound**.

Even with the exemption recommended above, certain guardrails are necessary to help ensure the practicability and legal viability of any labeling program – even one that excludes drugs, medical devices, veterinary products, and their packaging. Key guardrails include:

a. *Later Compliance Deadline*. HB 212 does not require the labeling requirement to come into effect on a certain date. Instead, that date must be far enough into the future to be of technical practicality. The currently envisioned January 1, 2027 compliance date is unrealistic, especially for complex products and given that the rule is not expected to be finalized until July 2026.

b. *Exemptions for Lower-Risk PFAS*. These exemptions, such as for certain fluoropolymers, are crucial to avoid misleading consumers into believing these substances pose the same risks to human health and the environment as other PFAS.

c. *Exemptions for Industrial and Professional Use-Only Products*. The presumed intent behind labeling is to inform consumer purchasing choice, which does not apply for

industrial and professional use-only products. Furthermore, exposure to chemicals in these products is mitigated by workplace controls such as personal protective equipment.

d. *Due Diligence Standard*. HB 212 does not require the labeling obligation to follow a strict liability framework, and for good reason. NMED should incorporate the "known to or reasonably ascertainable by" due diligence standard used by other regulators to ensure compliance expectations are set to a reasonable level.

e. *De Minimis Threshold*. Without a de minimis concentration threshold above which labeling is triggered, the labeling scheme will portray trace-level PFAS the same as high-concentration PFAS. This portrayal goes against the basic tenant of chemical risk management that risk is a function of hazard and exposure.

f. *Constitutional Concerns*. Federal courts have invalidated chemical labeling requirements under the First Amendment's protection against compelled commercial speech. This case law makes clear that such disclosures must generally be limited to "purely factual and uncontroversial" information.[2] The broad PFAS labeling language NMED has planned could invite constitutional challenges that delay rule implementation, force costly labeling revisions, and undermine consumer confidence in the program.

g. *Clear Process for Granting Exemptions*. NMED must establish a clear, transparent process for granting labeling exemptions that includes firm deadlines for NMED decisions on exemption requests and a mechanism for manufacturers to appeal denials.

h. *Requirement to Only Label Packaging*. Where a physical label is to be provided, the label should only be required to be on the product packaging as opposed to on the product itself. Packaging is the primary point of consumer interaction, whereas affixing labels to products can be impractical or even impossible in some scenarios.

III. **Next Steps**.

PPWG's members share NMED's goal of protecting human health and the environment. To realize this goal under HB 212, it is essential that the labeling program be consistent with federal law, be grounded in scientific evidence, foster practical implementation, and avoid consumer confusion. NMED should therefore address the concerns outlined in these comments now rather than advancing the labeling proposal in the current form as described in the webinar. Taking the time to incorporate necessary guardrails at the outset will help ensure a durable regulatory framework. By contrast, moving forward with the rulemaking prematurely could require costly revisions down the road, delay implementation, and jeopardize consumer trust in the labeling program.

PPWG welcomes continued engagement with NMED and looks forward to discussing these topics in more detail in a meeting and throughout the rulemaking process.

[2] *National Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263 (9th Cir. 2023).

Sincerely,



Ryan J. Carra

Counsel for PFAS Pharmaceutical Working Group
Beveridge & Diamond, PC
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(202) 789-6059
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Joyce Friedenberg

This is an excellent rule and will put New Mexico out in front of other states in the protection of its citizens. Thank you!

Carol Guasti

Good! It's about time that consumers were aware of which products contain PFSAs. The enactment of this rule cannot come too soon. This is a step toward banning products where PFSAs are intentionally added.

Apparel & Footwear International RSL Management Group
afirm-group.com

10 October 2025
New Mexico Environment Department (NMED)

RE: New Mexico 2025 PFAS Protection Act Rulemaking (House Bill 212)

Thank you for the opportunity to comment on New Mexico's regulatory process for implementing House Bill 212. AFIRM is a global association of the world's leading apparel and footwear companies established in 2004 with a mission to reduce the use and impact of harmful substances in the apparel and footwear supply chain. Members include many of the world's most experienced chemicals management and testing experts with collective oversight of one of the largest and most far-reaching supply chains for consumer products. Additional information about AFIRM is available at www.afirm-group.com, including our comprehensive PFAS Phaseout Guidance published in 2023 to assist the industry in removing this class of chemicals from the global supply chain for apparel and footwear.

As an association of member brands that have worked to phase out intentional use of PFAS ahead of regulatory restrictions, AFIRM fully supports New Mexico's leadership in protecting its citizens and the environment from PFAS. To ensure this legislation is effective and successful, we offer the following technical considerations and recommendation to address potential unintended consequences, including impacts to critical textile sustainability initiatives like extended producer responsibility (EPR) and circular economy goals.

"Intentionally Added" Definition and Circular Economy Considerations

AFIRM Recommendation: **Clarify via rulemaking that residual PFAS in recycled textile input streams is not considered "intentionally added" under the PFAS Protection Act. This is critical for ensuring the viability of recycled textile articles in New Mexico and to meet ambitious circular economy goals – and it aligns with other jurisdictions enacting PFAS restrictions in textiles.**

AFIRM agrees with the enacted restriction on intentionally added PFAS. However, we are concerned about apparel containing recovered material, including recycled content, and implications for voluntary and regulatory-driven circular economy goals.

As the apparel industry transitions to more circular business models by utilizing increasing amounts of pre- and post-consumer recycled content in products, articles containing intentionally added PFAS will continue to enter recycling streams for many years, if not decades. Currently, there is no economically viable way for recycling sorters to know with certainty whether an incoming product contains PFAS or not – let alone how much. As such, there is no way for them to sort products containing PFAS out of the recycling process, and any yarns/threads made from recycling streams that had PFAS-containing materials mixed in may be contaminated with measurable amounts of PFAS.

AFIRM recommends that NMED ensures the implementation of the PFAS Protection Act does not compromise circular economy goals by making the use of recycled content unviable in New Mexico. In recognition of the

specific challenge facing recycled materials, jurisdictions such as Colorado[1] and Denmark[2] have exempted recycled textiles from their recently enacted PFAS restrictions. The EU also recently amended its pending universal PFAS restriction proposal to include a 13.5-year transition period for textile articles containing recovered materials.[3] AFIRM is confident that New Mexico following these models will help to ensure that necessary investments in circular business models and infrastructure continue and that EPR and circular economy goals can be met.

AFIRM is supportive of NMED developing a clear regulatory framework for New Mexico's PFAS restriction law in alignment with our shared goal to eliminate PFAS from apparel manufacturing. We appreciate your consideration of our recommendation and please do not hesitate to reach out if you have questions or information requests. AFIRM is available and eager to assist with the implementation of this important initiative.

Sincerely,



Nathaniel Sponsler
AFIRM Group Director
nsponsler@phylmar.com

[1] See Colorado Senate Bill 24-081 restricting textile articles with intentionally added PFAS beginning 1 January 2028

[2] See Denmark BEK no. 464 of 02/05/2025 setting a 50 ppm limit on total fluorine beginning 1 July 2026 with exemptions for the reuse and recycling of clothing and footwear

[3] See page 1427, Section E.3.4.4.2.2 of Annex E to the Background Document to the opinion on the Annex XV dossier proposing restrictions on Per- and polyfluoroalkyl substances (PFASs)

Anonymous Anonymous

The state is attempting to impose onerous labeling requirements on all product categories, including those exempted from the legislation. The only basis for these labeling requirements appears to be the language in the bill saying "The board may: (1) adopt rules to carry out the provisions of the Per- and Poly-Fluoroalkyl Substances Protection Act, including requiring the labeling of products in English and Spanish"

However, to impose labeling requirements on product categories that were chosen to be exempt is not making "rules to carry out the provisions" of the Act. The Act was written to exempt certain product categories, and therefore any rulemaking should follow suit.

Carol Norris

Do the right thing: prohibit products that contain per- and poly-fluoroalkyl substances, and require full disclosure of all products sold or distributed in New Mexico. They are dangerous and shouldn't be in consumer products. Thank you.

October 17, 2025

Mr. James Kenney, Secretary
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Dear Secretary Kenney,

I write on behalf of the Animal Health Institute (AHI) to express significant concerns about and opposition to the New Mexico Environment Department's (NMED) proposed rulemaking implementing House Bill 212, the Per-and Poly-Fluoroalkyl Substances (PFAS) Protection Act, especially the proposed 20.13.2.13 NMAC pertaining to the labeling of products containing intentionally added PFAS.

AHI represents manufacturers of animal biologics, diagnostics, medicines, pesticides, and feed additives used to maintain the health and productivity of U.S. livestock, service, and companion animals. The animal health industry serves to improve the health and welfare of nearly ten billion service, companion, and food-producing animals in the United States, resulting in significant health, economic and social benefits for Americans. The economic health of farmers and ranchers depends upon their ability to prevent disease and keep animals healthy, and the human-animal bond is strengthened due to the development of innovative products that improve our pets' quality and length of life.

As enacted, HB 212 contains an express exemption for veterinary/animal health products from the legislation's ban on products containing intentionally added PFAS. (This exemption is very similar to the one contained in Colorado and Maine's PFAS laws.) The exemption first appears in Section 3, on pages 7-8, lines 23-26 and 1-14. That exemption is reiterated four additional times in Section 3. In addition, animal health products also enjoy the benefits of the exemptions provided for in Section 3, lines 8-11, for medical devices and drugs regulated by the U.S. Food and Drug Administration and their packaging and Section 3, lines 20-23 for products regulated by or under the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Moreover, veterinary/animal health products are explicitly exempt from the legislation's reporting requirements. All told, HB 212 exempts veterinary/animal health products from the legislation's ban and reporting requirements at least 10 times.

Despite the numerous express and other exemptions for veterinary/animal health products, NMED is proposing to subject said products to labeling requirement that would go into effect on January 1, 2027. NMED is presumably acting under the authority granted it under Section 4, subsection B, lines 6-9 that reads "The board may (1) adopt rules to carry out the provisions of the Per-and Poly-Fluoroalkyl Substances Protection Act, including requiring the labeling of products in English and Spanish;"

The use of the term “may” is a clear indication that NMED petitioning the Environmental Improvement Board (EIB) to include a labeling requirement in its proposed PFAS rulemaking is entirely discretionary. Additionally, any proposed labeling requirement does not have to apply to almost every type of product that was exempted from the law’s most significant provisions.

It is also important to note that the phrase “adopt rules to carry out the provisions of the Per-and Poly-Fluoroalkyl Substances Protection Act” makes clear that any rulemaking pertaining to labeling consider the entirety or totality of the law. Given that roughly five to six pages of a 20-page bill are devoted to granting categorical exemptions to HB 212’s most onerous provisions, the proposed labeling requirement is clearly inconsistent with the spirit of the legislation and the will of the Legislature.

Indeed, it seems unlikely that legislators would have invested so much time and energy to consider, craft, and approve exemptions for veterinary/animal health and various other products from HB 212’s provisions and requirements only to want NMED to completely undermine that work through an unprecedently broad and burdensome labeling requirement, unlike any other state in the country. To that end, for many manufacturers of products containing intentionally added PFAS, NMED’s labeling mandate is akin to a de facto ban, especially those that are already labeling their products to comply with Colorado’s PFAS labeling requirement. Obviously, the Legislature did not grant express exemptions only for them to be rendered moot by an NMED labeling requirement.

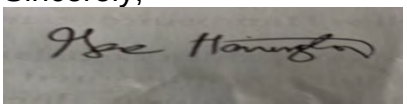
Furthermore, Section 20.13.2.13.A of the proposed rule seeks to set conditions for the exemptions for veterinary/animal health and many other products granted by the Legislature. Specifically, the provision states that “a manufacturer may not sell, offer for sale, distribute, or distribute for sale a product containing intentionally added per-or poly-fluoroalkyl” unless it complies with the labeling requirement. Nowhere in the more than five pages of HB 212 devoted to granting exemptions to the phaseout of products containing intentionally added PFAS does it mention, reference, or otherwise infer that a manufacturer must meet some condition to be granted such an exemption. Accordingly, this wording clearly exceeds NMED and EIB’s authority.

Not all PFAS are the same and since HB 212’s definition of the term likely captures more than 20,000 substances it is clear why the Legislature devoted so much time to the granting of categorial exemptions. It also makes it extremely difficult to come up with labeling that adequately covers so many disparate compounds. Unfortunately, the proposed label seems to falsely imply that all intentionally added PFAS substances are carcinogenic. This compelled misleading speech likely violates the First Amendment. Furthermore, requiring labeling for products regulated under the Federal Food, Drug, and Cosmetic Act and the FIFRA may be preempted by both statutes.

As NMED is likely aware, Colorado enacted a PFAS law in 2022 and amended it in 2024. It contains a much narrower labeling requirement than New Mexico's proposal and it mostly applies to products being labeled during the time that they are being phased out and also requires less inflammatory language. Accordingly, AHI strongly encourages NMED to honor the exemption for veterinary/animal health and other exempted products and instead consider adopting a much narrower labeling requirement like Colorado's.

AHI appreciates the opportunity to comment on NMED's proposed rulemaking. Please feel free to contact me at gharrington@ahi.org or (202) 549-5934 if you have any questions about the letter.

Sincerely,



Gene Harrington
Senior Director, State Affairs
Animal Health Institute

BUSINESS + INSTITUTIONAL FURNITURE MANUFACTURERS ASSOCIATION
678 Front Avenue NW | Suite 150 | Grand Rapids, Michigan 49504-5368

BIFMA

October 22, 2025

Harold Runnels Building
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505

Dear Secretary Kenney,

Thank you for the opportunity to comment on the State of New Mexico's HB 212: An Act Relating to the Environment, Enacting the Per- and Polyfluoroalkyl Substances Protection Act.

BIFMA supports over 150 small businesses as well as many mid-size and large businesses impacted by this regulation. We are experiencing a proliferation of PFAS regulations at the state level, all slightly different, creating challenges for our members. In light of supply chain disruptions, economic concerns, and the complex network of growing regulations, we would like to provide written comments.

BIFMA and its members have a rich history of integrating sustainability criteria into their product design, sourcing, and manufacturing. Our industry's program, BIFMA LEVEL, is based on an ANSI accredited standard called ANSI/BIFMA e3 Sustainability Furniture Standard. The program is a 1st Choice Private Sector Standards/Ecolabel as listed on the EPA's greener products website (www.epa.gove/greenerproducts/furniture). The US EPA's Office of Chemical Safety and Pollution Prevention specifically lists LEVEL as a standard and ecolabel addressing PFAS (link). In short, we support healthy chemistry and understand the difficulties in working with supply chains to move forward.

Regarding the New Mexico PFAS Protection Act, BIFMA has the following concerns with the proposed program. Note: written in order they appear in the substitute bill not by priority.

- **Section 3. Prohibition on Products Containing Intentionally Added PFAS**
  - *D. Beginning January 1, 2028, a manufacturer shall not sell, offer for sale or distribute for sale in this state, directly or indirectly through intermediaries, the following products if that product contains an intentionally added per- or poly-fluoroalkyl substance: (9) upholstered furniture.*
    - Comment: Section 3. D. prohibits fabric treatments containing PFAS by January 1, 2028. BIFMA supports this prohibition as manufacturers control the supply of fabric and fabric treatments on their products. **The prohibition of non-fabric components containing PFAS including electronics, gear lubricants, and mechanical parts to reduce friction is exponentially more difficult to meet.** These parts are purchased from large industries which furniture manufactures do not control nor influence given the low purchasing power. Alternatives, if presented by a supplier, must be evaluated to ensure quality and safety standards are met.

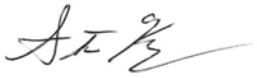
        - To date, few if any alternatives are available that meet quality and safety requirements. BIFMA recommends the date to meet this prohibition align with other states and industries. States like Maine have passed legislation setting a prohibition date of January 1, 2032, which allows for multiple industries, including those much larger and influential, to implement no intentionally added PFAS alternatives for electronics, gear lubricants, and mechanical components designed to reduce friction. BIFMA recommends this date for non-fabric items within upholstered furniture.
        - In 2025, BIFMA worked with the Minnesota Pollution Control Agency (MPCA) and Minnesota legislators to successfully add legislation that does not prohibit the sale of a product "*that contains intentionally added PFAS only in electronic components or internal components*" (ref: 2025, 1st Special Session). This modification to the existing law allowed upholstered furniture products such as task seating to remain compliant with Minnesota PFAS requirements.
- **Section 4. Rules.**
    - *B. (2) determine that a product containing intentionally added per- or poly-fluoroalkyl substances are a currently unavoidable use based on determinations made by other states.*
    - Consistent with the State of Minnesota's determination referenced above, BIFMA recommends classifying electronic and internal components that do not directly contact users as an 'unavoidable use'.
- **Section 5. Rules for Information Required**
    - **PFAS Concentration –** Laboratories are making progress in determining concentrations and chemical identification; however, the capabilities are extremely limited, expensive, and vary in quality. Furthermore, suppliers may change added PFAS for a variety of reasons (supply, quality, economics) which increases variability. BIFMA recommends a range-based disclosure for upholstered furniture.
    - **CAS level reporting** – Suppliers often will not disclose information due to confidentiality and/or variability in specific chemical added. BIFMA recommends a yes/no in terms of PFAS inclusion.
    - **Range –** BIFMA considers the range a better solution than exact numbers considering the proprietary nature of chemical mixtures.
    - **Data submittal tool** – We understand New Mexico may enter into an agreement with another state. We support this consideration given the multitude of databases, pending regulations, etc., at the state and federal level. Experience with other states or local jurisdictions suggests several meetings are often needed to ensure data provided meets the intent of the regulation. In most cases the form, if rigid, needed to be modified given the complexities of furniture.
    - **Duplicative reporting** – To ensure quality data we also seek to understand the multiple channels expected to report and ensure we remove, whenever possible, duplicative reporting (i.e. textile manufacturer, distributer/dealer, OEM, etc.). Please clarify who is the company responsible to support in the following

scenario: Manufacturer builds a product through a furniture dealer. Will the only person reporting be the furniture brand (manufacturer)? Not the textile company nor the dealer?

- **Report by Category Type –** BIFMA supports and appreciates the category approach given the diversity of product options and families within a category.

Thank you for the opportunity to provide these comments. BIFMA welcomes the opportunity to discuss this further and provide additional information. Please contact Steve Kooy, BIFMA Technical Director Health and Sustainability, at skooy@bifma.org or +1.616.591.9797.

On behalf of BIFMA,



Steve Kooy
Technical Director Health and Sustainability
BIFMA

Ryan J Carra
1900 N Street, NW, Suite 100
Washington, DC 20036
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RCarra@bdlaw.com

October 22, 2025

Submitted via email to pamela.jones@env.nm.gov

Phoebe Suina
Chair
New Mexico Environmental Improvement Board (EIB)
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Re: PPWG Response to *Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing* (EIB 25-61)

Dear Chair Suina:

The PFAS Pharmaceutical Working Group (PPWG) is a group of manufacturers and distributors of drugs, medical devices, biologics, and animal health products. PPWG appreciates the opportunity to provide these comments in response to the New Mexico Environment Department (NMED) *Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing* (EIB 25-61). This petition regards a proposed rule to implement HB 212 regulating intentionally added per- and poly-fluoroalkyl substances (PFAS) in products, including the material restriction, reporting, labeling, and product testing provisions of that law.

PPWG's members are committed to environmental stewardship and agree that action on certain materials in products can be appropriate when risk-based, science-driven, not misleading to consumers, protective of critical products, realistic in implementation, and consistent with applicable law. Unfortunately, the product labeling provisions of proposed 20.13.2 NMAC have serious problems. On October 7, 2025, PPWG submitted preliminary comments to NMED focused on the deficient labeling provisions of the proposal, and NMED has met with PPWG to discuss the group's concerns. The comments in this letter to EIB are in addition to PPWG's concurrent advocacy with NMED and are focused on providing a recommendation for EIB action on the petition at the Board's upcoming October 24, 2025 public meeting. Specifically, PPWG requests that EIB deny NMED's petition at this upcoming meeting so that NMED can correct the fatal deficiencies with the proposed labeling provisions before proceeding further.

Granting this petition prematurely would be inefficient and waste resources from all stakeholders involved as the proceeding would inevitably focus on the labeling provisions of the proposed rule that are facially and fundamentally flawed. Fruitful and necessary public consultation on the aspects of the proposed rule other than labeling – including the restriction, reporting, and testing provisions – would be eclipsed by discussion on the defective product labeling provisions. EIB should avoid this result.

PPWG therefore respectfully requests that EIB deny the petition so that NMED can proactively address the fatal aspects of proposed 20.13.2 NMAC as currently drafted. One efficient outcome of this denial is that NMED could remove the labeling provisions from the proposal and re-submit that revised proposal soon afterwards. This process will help ensure that the reporting and restriction portions of the rule (with statutory compliance deadlines upcoming in 2027) will be finalized on schedule. In contrast, HB 212 specifies that EIB has the discretion of whether or not to promulgate labeling rules, and labeling does not need to be implemented by a specific date.

I. **A Categorical Labeling Exemption For Drugs, Medical Devices, Veterinary Products, and For These Products' Packaging, is Necessary**.

NMED's petition suffers from a critical omission: NMED's proposed rule provides no categorical exemption from labeling for drugs, medical devices, veterinary products, or their packaging. Both applicable law and sound regulatory practice necessitate such an exemption – not only as a matter of statutory construction, but also to avoid federal preemption conflicts and as a matter of sound policy.

A. Statutory Authority: EIB Has The Obligation To Create Necessary Labeling Exemptions.

There is no bar in HB 212 against EIB enacting a rule that exempts certain product categories from labeling when appropriate. To the contrary, EIB must consider the "technical practicality, necessity for and economic reasonableness" of its rulemaking actions.[1] Application of these factors makes clear that a categorical exemption for drugs, medical devices, veterinary products, and their packaging is not optional but is instead essential to avoid federal preemption conflicts and serious policy harms, as explained in subsections B and C below.

B. Federal Preemption: Imposing Labeling On This Industry's Products Would Conflict With Federal Law.

(i) *Principles of Federal Preemption*.

The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land."[2] This clause gives Congress the power to preempt state law, such that "state law that conflicts with federal law is without effect."[3] "[T]he purpose of Congress is the ultimate touchstone of preemption analysis."[4]

"In general, there are three different types of preemption – express, conflict, and field."[5] "Express preemption occurs when congressional intent to preempt state law is made explicit in the language of a federal statute."[6] By contrast, "[c]onflict preemption takes place when state law imposes a duty that is 'inconsistent—i.e., in conflict—with federal law.'"[7] Conflict preemption is itself divided

[1] N.M. St. § 74-1-9(B).
[2] U.S. Const. art. VI, cl. 2.
[3] *Cipollone v. Liggett Grp., Inc.*, 505 U.S. 504, 516 (1992).
[4] *Id*. at 516; *see also Consumer Data Indus. Ass'n v. Frey*, 26 F.4th 1, 5–6 (1st Cir. 2022).
[5] *Consumer Data Indus.*, 26 F.4th at 5 (quotations omitted).
[6] *Id*.
[7] *Id*. (quoting *Murphy v. Nat'l Collegiate Athletic Ass'n*, 138 S. Ct. 1461, 1480 (2018)).

into two types: obstacle preemption and impossibility preemption. "Obstacle preemption is implicated when 'the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.' . . . 'What is a sufficient obstacle is a matter of judgment, to be informed by examining the federal statute as a whole and identifying its purpose and intended effects.'"[8]

Impossibility preemption arises from a more direct conflict of federal and state laws, "where compliance with both federal and state regulations is a physical impossibility for one engaged in interstate commerce."[9] Finally, "[f]ield preemption comes about when federal law occupies a field of regulation 'so comprehensively that it has left no room for supplementary state legislation.'"[10]

Federal courts generally begin their preemption analysis "with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress."[11] This presumption "does not apply, though, 'when the State regulates in an area where there has been a history of significant federal presence.'"[12] Furthermore, most case law related to the federal preemption of state regulation of healthcare products concerns state labeling or warning requirements for such products, often as imposed through state product liability causes of action.[13] As discussed below, the Federal Food, Drug, and Cosmetic Act (FFDCA) – along with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Virus-Serum-Toxin Act (VSTA) for certain veterinary products – would implicitly (and, in several cases, explicitly) preempt application of NMED's proposed labeling requirements to drugs, medical devices, veterinary products, and these products' packaging.

(ii) *Federal Preemption As Applied to Human and Animal Drugs*.

Both human and animal drugs are regulated by the FDA pursuant to the FFDCA. This statute explicitly preempts state-level labeling requirements as applied to over-the-counter (OTC) drugs. Specifically, 21 U.S.C. § 379r forbids states from enforcing laws relating to OTC drugs that are "different from or in addition to, or that [are] otherwise not identical with, a requirement under" the FFDCA. This statutory provision also notes that "a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug."

Courts have interpreted this express preemption provision broadly by holding that "[in] a nutshell, a plaintiff's claim [under a state failure-to-warn law] is preempted if a judgment ruling in favor of the plaintiff would compel the defendant to add labeling to its product that the FDCA does not require."[14] Furthermore, "[i]n the context of OTC drugs, the FDCA expressly preempts state law

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[8] *Maine Forest Prod. Council v. Cormier*, 51 F.4th 1, 6 (1st Cir. 2022) (quoting *Arizona v. United States*, 567 U.S. 387, 399 (2012), and *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363, 373 (2000), respectively).
[9] *Fla. Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142–43 (1963); *see also In re Celexa & Lexapro Mktg. & Sales Pracs. Litig.*, 779 F.3d 34, 40 (1st Cir. 2015).
[10] *Consumer Data Indus.*, 26 F.4th at 5 (quoting *Murphy*, 138 S. Ct. at 1480).
[11] *Maine Forest*, 51 F.4th at 6 (quoting *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 485 (1996)).
[12] *Id*. (quoting *United States v. Locke*, 529 U.S. 89, 108 (2000)).
[13] *See, e.g.*, *Wyeth v. Levine*, 555 U.S. 555 (2009); *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011); *Mutual Pharmaceutical Co., Inc. v. Bartlett*, 570 U.S. 472 (2013).
[14] *Gibson et al., v. Perrigo Co., et al.*, No. 25-CV-348, 2025 WL 2807671, at *5 (N.D. Ill. Oct. 2, 2025) (citing *Bell v. Publix Super Markets, Inc.*, 982 F.3d 468, 484 (7th Cir. 2020)).

labeling requirements that are 'different from,' 'addition[al] to,' or 'otherwise not identical with' federal labeling requirements . . . The standard, in other words, is not whether a state law actively undermines federal law. It is whether state law diverges from federal law *at all*."[15] There is therefore no question that NMED's proposed PFAS labeling requirement would be expressly preempted as applied to OTC drugs.

NMED's proposed PFAS labeling requirement would also be impliedly preempted as applied to <u>all</u> drugs and these drugs' packaging. For instance, the U.S. Supreme Court has found implied impossibility preemption of a state tort failure-to-warn action as applied to generic prescription drugs, since labeling of the generic must be the same as labeling for the brand-name drug.[16] Furthermore, the Supreme Court of California has found implied obstacle preemption of a Proposition 65 warning label as applied to nicotine replacement therapy (NRT) products given established FDA policy "reflect[ing] the concern that Proposition 65 warnings on product labels might lead pregnant women to believe that NRT products were as dangerous as smoking, or nearly so, and thus discourage the women from stopping smoking."[17]

This reasoning applies directly in the context of NMED's proposed PFAS labeling requirement. Under the FFDCA, "a manufacturer seeking federal approval to market a new drug must prove that it is safe and effective and that the proposed label[ing] is accurate and adequate . . . Meeting those requirements involves costly and lengthy clinical testing . . . A new drug application (NDA) will be refused if the FDA determines that the labeling is false or misleading in any particular, if the application contains an untrue statement of a material fact, or if the proposed labeling does not comply with ... [applicable] regulations."[18] Likewise, drug manufacturers only have a limited ability to change drug labels without prior FDA-approval under FDA's "changes being effected" (CBE) regulation.[19] However, even under CBE, drug manufacturers must notify FDA of the labeling modification and that federal agency has ultimate authority to approve or reject the change.[20] This complex federal labeling process would be undermined by the imposition of a state-level PFAS label on drug products without FDA approval. And courts considering the issue have reasoned that state labeling requirements could have the deleterious effect of discouraging consumers from using critical drug products that may save or improve their lives.

(iii) *Federal Preemption As Applied to Medical Devices for Humans and Animals*.

As with drugs, medical devices for both humans and animals are regulated by the FDA under the FFDCA. This statute at 21 U.S.C. § 360k(a) expressly preempts application of a state-level PFAS

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[15] *Bowling v. Johnson & Johnson*, 65 F. Supp. 3d 371, 375 (S.D.N.Y. 2014) (emphasis in original).
[16] *PLIVA, Inc.*, 564 U.S. 604; *see also* 21 U.S.C. § 355(j)(2)(A)(v); §355(j)(4)(G); 21 C.F.R. §§314.94(a)(8), 314.127(a)(7).
[17] *Dowhal v. SmithKline Beecham Consumer Healthcare*, 32 Cal. 4th 910, 929 (2004). The NRT product in question was an OTC drug. Proposition 65 is covered by a savings clause in 21 U.S.C. § 379r, meaning that Proposition 65 is not expressly preempted by the FFDCA for OTC drugs. Nonetheless, the court found obstacle preemption using reasoning that is relevant to all drugs.
[18] *Ctr. for Env't Health v. Perrigo Co.*, 89 Cal. App. 5th 1, 17 (2023) (internal quotations omitted).
[19] 21 C.F.R. §314.70(c).
[20] *See, e.g.*, *Sykes v. Glaxo-SmithKline*, 2007 WL 957337, at *18 (E.D. Pa. Mar. 28, 2007) ("A manufacturer may, under FDA regulations, strengthen a labeling warning, but in practice manufacturers typically consult with FDA before doing so to avoid implementing labeling changes with which the agency ultimately might disagree").

labeling requirement to Class III medical devices.[21] That provision explains that "No State ... may establish or continue in effect any requirement ... which is different from, or in addition to, any requirement applicable under this chapter to the device ... and which relates to the safety or effectiveness of the device or to any other matter included in a requirement applicable to the device." The FDA has interpreted this preemption provision in regulation by acknowledging that "State or local requirements are preempted only when the [FDA] has established specific counterpart regulations or there are other specific requirements applicable to a particular device under the [FFDCA], thereby making any existing divergent State or local requirements applicable to the device different from, or in addition to, the specific [FDA] requirements."[22]

The U.S. Supreme Court has interpreted this express preemption provision to apply to Class III medical devices since these devices are subject to a rigorous pre-market approval (PMA) process which established federal requirements in scope of 21 U.S.C. § 360k(a).[23] Specifically, as explained by another federal court, "Class III devices may enter the market only if the FDA reviews their design, labeling, and manufacturing specifications and determines that those specifications provide a reasonable assurance of safety and effectiveness. Manufacturers may not make changes to such devices that would affect safety or effectiveness unless they first seek and obtain permission from the FDA. The PMA includes a review of the device's proposed labeling."[24] With this in mind, the U.S. Supreme Court held that state safety claims against a Class III device were expressly preempted, and it necessarily follows that a state PFAS labeling requirement against Class III devices would likewise be expressly preempted.

And as with drugs, application of a state PFAS labeling requirement is impliedly preempted as applied to all medical devices and these devices' packaging. For instance, while Class I and II devices undergo a more limited pre-market approval process known as the 510(k) process, 510(k) approval requires an applicant to "demonstrate that the device to be marketed is at least as safe and effective, that is, substantially equivalent, to a legally marketed device . . . [and] the 510(k) submission 'shall contain' 'proposed labels, labeling, and advertisements sufficient to describe the device, its intended use, and the directions for its use.'"[25] The FDA has also put forward guidance explaining how the PFAS used in medical devices are safe and the agency has currently no reason to restrict their continued use in devices.[26] Using the reasoning of the Supreme Court of California as mentioned above in the context of NRT, application of a state PFAS labeling requirement to devices would conflict with this FDA determination and run counter to FDA's detailed device labeling requirements for all device classes. Accordingly, a state PFAS labeling mandate for medical devices cannot stand under federal law.

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[21] FDA categorizes medical devices into three classes based on their risk profiles, and the agency regulates those classes separately: Class I (such as bandages and toothbrushes), Class II (such as powered wheelchairs and some pregnancy test kits), and Class III (devices that typically sustain or support life, are implanted, or present potentially unreasonable risk of illness or injury, and include stents, pacemakers, and breast implant). *See* FDA, Classify Your Medical Device (updated Feb. 7, 2020).
[22] 21 C.F.R. § 808.1(d).
[23] *Riegel v. Medtronic, Inc.*, 552 U.S. 312 (2008).
[24] *Kelsey v. Alcon Laboratories, Inc.*, 2019 WL 1884225 at *4 (Utah Dist. Ct. Apr. 22, 2019).
[25] *Id*. at *4-5 (quoting 21 C.F.R. § 807.87).
[26] FDA, PFAS in Medical Devices (updated Aug. 6, 2025).

(iv) *Federal Preemption As Applied To Veterinary Parasiticides and Veterinary Biologics*.

A similar analysis applies for veterinary parasiticides and veterinary biologics. Most topical parasiticides are subject to regulation under FIFRA. FIFRA contains express language to ensure nationwide uniformity on labels: "State[s] shall not impose or continue in effect any requirements for labeling or packaging in addition to or different from those required under this subchapter."[27] Based on this language, courts have held that state-imposed warnings that go beyond U.S. Environmental Protection Agency-mandated warnings are preempted.[28] Veterinary biologics are regulated under the VSTA. U.S. Department of Agriculture (USDA) regulations promulgated under the VSTA state that: "No person shall apply or affix to or include with, or cause to be applied or affixed to or included with, any carton or final container of a biological product, any label, stamp, mark or statement that is false or misleading in any particular, is not in compliance with the regulations, or is not approved by [USDA's Animal and Plant Health Inspection Service]."[29] USDA has concluded based on the VSTA's statutory text and legislative history that "labeling requirements which are different from or in addition to those in the [USDA] regulations under the Act may not be imposed by the states."[30] Thus, NMED's proposed labeling scheme is preempted as applied to both veterinary parasiticides and veterinary biologics.

(v) *Reliance on a General Preemption Provision For This Industry's Products Is Unsuitable*.

NMED's proposed rule gestures toward federal preemption by including a blanket disclaimer that labeling requirements do not apply where preempted by federal law. But this approach is inadequate for drugs, medical devices, veterinary products, and these products' packaging. As explained above, these product categories are governed by comprehensive federal labeling regimes under the FFDCA, FIFRA, VSTA, and related regulations. A generic statement of preemption leaves manufacturers in a compliance gray zone, forcing them to make case-by-case determinations on whether the state requirement conflicts with federal law. This product-level assessment is inappropriate and inefficient for products in this industry that are clearly subject to federal preemption at a categorical level.

Instead of over-relying on a vague carveout, NMED should add to its proposed rule a categorical labeling exemption for these products and their packaging. This exemption could mirror the language used for the restriction and reporting exemptions in section 4(A)(3) and (5) of HB 212. Incorporation of this labeling exemption would provide clarity, avoid unnecessary litigation risk, and respect the federal-state balance Congress established. Anything less invites confusion, inconsistent enforcement, and potential challenges that could undermine the entire rulemaking effort.

C. Policy: A Labeling Exemption For This Industry's Products Will Support Public Health Objectives.

A categorical labeling exemption for drugs, devices, and veterinary products, as well as for these products' packaging, would advance public health objectives. These products are already subject

[27] 7 U.S.C. § 136v(b).
[28] *See, e.g.*, *Shaffner v. Monsanto Corp.*, 113 F.4th 364 (3d Cir. 2024)
[29] 7 C.F.R. § 112.1(b).
[30] 57 Fed. Reg. 38758, 38759 (Aug. 27, 1992).

to rigorous federal oversight by agencies including the FDA, which evaluates these products' safety, efficacy, and labeling under a comprehensive risk-benefit framework. Requiring PFAS labeling on these products would conflict with FDA determinations and could mislead consumers into believing that the presence of PFAS renders the product unsafe. This misunderstanding may deter patients, healthcare providers, and others from using life-saving or health-sustaining medical, pharmaceutical, and animal health products, which would ultimately harm public health. The labeling scheme proposed by NMED does not account for the unique regulatory and clinical context of these products and could unintentionally erode trust in the healthcare system.

A labeling exemption for this industry's products also helps preserve the clarity and effectiveness of public health communication. Consumers rely on labeling to make informed decisions, particularly when it comes to health-related products. Adding PFAS disclosures to these labels could distract from critical information such as dosage instructions, contraindications, and existing safety warnings. This dilution of essential content may reduce the overall utility of the label and increase the risk of product misuse. By exempting these products from PFAS labeling, EIB can help ensure that drug, device, and animal health product labeling remains focused on the information most relevant to patient safety and therapeutic outcomes.

II. **The Sweeping and Unprecedented Nature Of The Proposed Labeling Scheme Is Inconsistent With The Statute and Legislative Intent**.

Section 4(B) of HB 212 states that EIB "*may* . . . adopt rules *to carry out* the provisions of [HB 212], *including* requiring the labeling of products in English and Spanish" (emphasis added). HB 212 is 20 pages long, explaining in detail how the material restriction, reporting, product testing, and enforcement provisions of the law are to be carried out. The law also contains several exemptions from the restriction and from reporting for critical products, including for drugs, medical devices, veterinary products, and these products' packaging.[31] NMED Cabinet Secretary Kenney likewise stated during a recent webinar that product labeling is a "mere mention" in the statute.[32] This statutory framework makes clear that the legislature envisioned labeling to be a focused mechanism, not an expansive requirement that overshadows the law's core provisions restricting and requiring reporting on PFAS in products. Nevertheless, NMED has proposed a sweeping PFAS labeling mandate that would extend to all products – including to products that the legislature explicitly exempted from the law's restriction and from reporting.

Adding to the fact that labeling receives only a passing reference in the statute is the wording of that reference, as quoted above. Specifically, the phrases "to carry out" and "including" confirm that labeling is intended as an implementing measure to complement the core restriction and reporting provisions of the statute, not to override those provisions. And use of the word "may" in section 4(B) makes labeling a discretionary action with no statutory deadline, further signaling that labeling was conceived by the legislature as an optional, supporting measure rather than an expansive, rushed mandate that displaces statutory carveouts such as the exemptions for this industry's products.

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[31] NMED itself underscored that HB 212 "includes important exemptions and enforcement provisions — such medical devices and electronic — where PFAS is essential and does not pose serious harm to those using the products." NMED, PFAS in New Mexico webpage.

[32] NMED, PFAS Protection Act – Labeling Webinar (Sept. 25, 2025) (Secretary Kenney introduction, timestamp 5:33).

Another line of evidence comes from HB 212's counterparts in other states. In 2021, Maine became the first U.S. state to enact a law regulating intentionally added PFAS in all products.[33] Minnesota followed in 2023 with passage of a law similar in scope to Maine's.[34] Maine's original law proved infeasible to implement, and that law has since been amended twice to make implementation more workable. Maine's law now contains a narrowed and delayed reporting requirement, a delayed material restriction applicable to all products, and several new exemptions to all of the law's provisions – including exemptions for medical, pharmaceutical, and animal health products. New Mexico HB 212 was clearly modeled after Maine's amended law, copying many of the provisions of that Maine law word-for-word. Secretary Kenney also gave testimony before the New Mexico Senate earlier this year during which he described HB 212 as a "middle ground" among state PFAS in products legislation.[35] Secretary Kenney likewise gave testimony on HB 212 before the New Mexico House of Representatives where he stated that "we don't need to regulate everything."[36]

The text of section 4(B) and this legislative history matters.[37] Since HB 212 was intended as a "middle ground" and product labeling is just a "mere mention" in the statute, NMED's proposal for an expansive, all-products labeling regime is fundamentally at odds with the text of the statute. Secretary Kenney's own statement that "we don't need to regulate everything" further underscores that the statute was never meant to enable a labeling program applicable to essentially all products sold in New Mexico. EIB cannot transform the brief, permissive reference in section 4(B) into a sweeping mandate that rewrites the statute and disregards the legislature's deliberate balance. This disconnect makes clear that the proposed labeling scheme is so far beyond the legislature's design that granting NMED's petition would only prolong consideration of a proposed rule that cannot withstand legal scrutiny.

III. **The Labeling Scheme As Proposed Presents Serious U.S. Constitutional Concerns**.

The First Amendment of the U.S. Constitution protects against compelled speech in the commercial context. Courts have held that when the government requires businesses to include specific statements on product labels, those statements must generally be limited to "purely factual and noncontroversial information."[38] In determining whether a disclosure meets this standard, courts have emphasized that a technically accurate statement can be considered

[33] 38 M.R.S. § 1614 (L.D. 1503 (enacted July 15, 2021)), later amended by L.D. 217 (enacted June 8, 2023) and L.D. 1537 (enacted Apr. 16, 2024).
[34] Minn. St. § 116.943.
[35] Hearing on HB 212 Before the Senate Conservation Committee (Mar. 18, 2025) (testimony of Secretary Kenney, timestamp 9:54 AM).
[36] Hearing on HB 212 Before the House Energy, Environment & Natural Resources Committee (Feb. 8, 2025) (testimony of Secretary Kenney, timestamp 9:09 AM).
[37] New Mexico courts look primarily to the text of the statute itself to ascertain legislative intent, though contemporaneous documents presented to the legislature and statements of legislators made while legislation is pending can also bear on legislative intent. *See Int'l Chiropractors Ass'n v. New Mexico Bd. of Chiropractic Examiners*, 2014-NMCA-046, ¶ 32, 322 P.3d 1033.
[38] *National Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263 (9th Cir. 2023).

misleading if the statement lacks appropriate context.[39] Similarly, a disclosure may fail the "noncontroversial" requirement if that statement addresses a subject that is the focus of "robust disagreement by reputable scientific sources."[40] Based on these principles, the labeling approach currently under consideration by NMED raises significant constitutional questions.

According to the materials presented in NMED's webinar and in the proposed rule, NMED appears to envision that the proposed label for products would include a symbol of an Erlenmeyer flask containing the phrase "! PFAS." For packaging, this symbol would be accompanied by a warning that reads, "CAUTION: Associated with environmental impacts and health effects such as cancer," along with a link to the Department's PFAS webpage. The proposed rule also specifies that, for complex durable goods, the disclaimer would state "This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS, review the product's operation and maintenance manual." These disclosure phrases are problematic for several reasons.

First, the phrases imply a uniform level of risk across all PFAS, despite the fact that "PFAS" as defined in HB 212 encompass a vast and chemically diverse group of substances. Only a small subset of these compounds has been studied for adverse effects, and some, such as fluoropolymers, are recognized by the Organisation for Economic Co-operation and Development as presenting low concern for human health. Secretary Kenney acknowledged through testimony on HB 212 that fluoropolymers are "not as risky" as other PFAS.[41] Despite this background, the proposed disclosures treat all PFAS-containing products the same, without regard to concentration, exposure potential, or chemical structure. Second, inclusion of a link to a government webpage that may change over time without manufacturer input further complicates the issue. Although NMED has stated that the label design is not yet final, these constitutional concerns are substantial and warrant careful consideration before additional rulemaking steps are taken.

IV. **NMED Must Consider Other Adjustments To The Labeling Scheme To Ensure The Program Is Workable**.

PPWG's October 7, 2025 comments to NMED recommend several other guardrails to the labeling scheme to help ensure the practicability and legal viability of the program, even if that program excludes drugs, medical devices, veterinary products, and their packaging. Key guardrails include:

A. *Later Compliance Deadline*. HB 212 does not require the labeling requirement to come into effect on a certain date. Instead, that date must be far enough into the future to be of technical practicality. The currently envisioned January 1, 2027 compliance date is

[39] See *id*. at 1276 (explaining that "a statement may be literally true but nonetheless misleading and, in that sense, untrue") (quoting *CTIA - The Wireless Ass'n v. City of Berkeley, California*, 928 F.3d 832, 847 (9th Cir. 2019)).
[40] *Id*. at 1277 (quoting *California Chamber of Com. v. Council for Educ. & Rsch. on Toxics*, 29 F.4th 468, 478 (9th Cir. 2022)).
[41] Hearing on HB 212 Before the Senate Conservation Committee (Mar. 8, 2025) (testimony of Secretary Kenney, timestamp 10:28 AM).

unrealistic, especially for complex products and given that NMED does not envision the rule will be finalized until July 2026.

B. *Exemptions for Lower-Risk PFAS*. These exemptions, such as for certain fluoropolymers, are crucial to avoid misleading consumers into believing these substances pose the same risks to human health and the environment as other PFAS.

C. *Exemptions for Industrial and Professional Use-Only Products*. The presumed intent behind labeling is to inform consumer purchasing choice, which does not apply for industrial and professional use-only products. Furthermore, exposure to chemicals in these products is mitigated by workplace controls such as personal protective equipment.

D. *Due Diligence Standard*. HB 212 does not require the labeling obligation to follow a strict liability framework. NMED should incorporate the "known to or reasonably ascertainable by" due diligence standard used by other regulators to ensure compliance expectations are set to a reasonable level.

E. *De Minimis Threshold*. Without a de minimis concentration threshold above which labeling is triggered, the labeling scheme will portray trace-level PFAS the same as high-concentration PFAS. This portrayal goes against the basic tenant of chemical risk management that risk is a function of hazard and exposure.

F. *Clear Process for Granting Labeling Waivers*. NMED must establish a clear, transparent process for granting labeling waivers that includes firm deadlines for NMED decisions on waiver requests and a mechanism for manufacturers to appeal denials.

G. *Requirement to Only Label Packaging*. Where a physical label is to be provided, the label should only be required to be on the product packaging as opposed to on the product itself. Packaging is the primary point of consumer interaction, whereas affixing labels to products can be impractical or even impossible in some scenarios.

V. **Other Non-Labeling Aspects Of the Proposed Rule Should Be Refined**.

As explained above, these comments to EIB focus specifically on the proposed product labeling provisions, which raise immediate and significant legal concerns that warrant denial of NMED's petition. PPWG intends to continue engaging in the rulemaking process and may offer additional input on labeling and other elements of the proposed rule as rulemaking efforts on HB 212 progress.

For instance, one notable non-labeling concern comes from the proposed rule's product testing provision in proposed 20.13.2.14 NMAC. Section 6 of HB 212 expressly exempts from product testing drugs, medical devices, and these products' packaging. This exemption is carried over in proposed 20.13.2.14(A) NMAC, though the introduction to proposed 20.13.2.10 NMAC indicates that the exemptions to 20.13.2.14 NMAC are "limited to medical devices." This limitation must be corrected since it is directly inconsistent with the statute and with proposed 20.13.2.14(A) NMAC.

VI. **Conclusion**.

EIB's denial of the petition will help ensure that, if and when EIB does proceed with rulemaking to implement HB 212, the Board does so on a foundation that promotes constructive stakeholder collaboration and lasting public confidence in the resulting regulatory program. PPWG welcomes continued engagement with EIB and NMED to further the recommendations provided above. If you have any questions, please feel free to contact me.

Sincerely,



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October 23, 2025

Submitted via email to pamela.jones@env.nm.gov

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Chair
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Re: SEMI Response to *Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing* (EIB 25-61)

Dear Chair Suina:

On behalf of SEMI, the industry association serving the global semiconductor design and manufacturing supply chain, we write to offer these comments in response to the New Mexico Environment Department (NMED) *Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing* (EIB 25-61). The petition requests that EIB grant a hearing for, and then adopt, a proposed rule on HB 212 regulating intentionally added per- and poly-fluoroalkyl substances (PFAS) in products. The proposed rule would implement the material restriction, reporting, labeling, product testing, and enforcement provisions of that law.

SEMI represents more than 675 member companies in the United States reflecting the full range of the country's semiconductor industry, including design automation and semiconductor intellectual property (IP) suppliers, device manufacturers, equipment makers, materials producers, and subcomponent suppliers. SEMI member companies are the foundation of the $3 trillion global electronics industry, and this vital supply chain supports 350,000 high-skill and high-wage jobs across the United States.

SEMI respectfully requests that EIB deny NMED's petition due to fatal flaws with the proposed PFAS labeling requirements. If the petition proceeds as drafted, stakeholder engagement through the hearing will be consumed by discussion on labeling requirements that are facially inconsistent with statutory authority and impracticable for implementation. This outcome would hinder meaningful dialogue on the reporting and material restriction provisions, both of which are components of HB 212 that must be implemented promptly via rulemaking to meet statutory deadlines in 2027. In contrast, HB 212 gives EIB the discretion of whether or not to promulgate product labeling requirements, and the statute does not require or envision a timeframe for any such requirements. The comments provided herein are focused on explaining the fatal defects with the product labeling provisions of NMED's proposal; SEMI anticipates engaging further if this rulemaking proceeds, including on aspects of the proposal other than labeling.

A key defect with the proposed labeling scheme is that labeling would be required for all products containing intentionally added PFAS, even for products (such as semiconductors and

semiconductor manufacturing equipment) that the legislature exempted from the law's restriction and reporting requirements. This overbroad scope cannot be squared with the text of the statute or with legislative intent. The labeling scheme also presents significant U.S. constitutional concerns, as well as several practical implementation issues that SEMI discusses in more detail below.

If EIB denies the petition, NMED would have the opportunity to recalibrate its approach, such as by removing the problematic labeling provisions from the petition, resubmitting a revised petition on restrictions and reporting to align with statutory priorities, and considering whether to later pursue a separate, legally sound labeling rulemaking. This sequencing would promote regulatory clarity, conserve resources, and foster a more constructive hearing process.

I. **The Proposed Labeling Mandate Exceeds Statutory Authority And Contradicts Legislative Intent**.

HB 212 gives EIB the discretion to consider product labeling as a tool to "carry out" the statute. The operative language in section 4(B) of HB 212 is explicitly permissive: the Board "*may* . . . adopt rules *to carry out* the provisions of [HB 212], *including* requiring the labeling of products in English and Spanish" (emphasis added). The phrasing "may" and "including" signals that labeling is an optional, ancillary implementation measure designed to support the statute's core scheme, not a stand-alone, all-products mandate.

The structure of HB 212 reinforces this understanding. Across over 4,000 words, HB 212 carefully details prohibitions, reporting, testing, and enforcement, and then sets out numerous categorical exemptions to the material restriction and reporting requirement, including for semiconductors and semiconductor manufacturing equipment. Those specifics define the statute's center of gravity. By contrast, labeling is mentioned in one short phrase and only as part of EIB's general authority to implement HB 212. The legislature did not assign a compliance date to labeling or elevate labeling above the statute's other components.

NMED's proposal inverts this design. The proposed rule would impose a broad labeling obligation on all products containing intentionally added PFAS, including to products the legislature purposefully exempted from prohibitions and reporting. Nothing in HB 212 authorizes the Department to use labeling as a backdoor to regulate carte blanche and therefore undermine the exemptions the legislature incorporated into the statute. This backdoor attempt to regulate is further demonstrated by a provision in the labeling requirement that a manufacturer may request a waiver from labeling, provided that they submit specified information to NMED, clearly an attempt to overlay a reporting obligation on products which are otherwise exempt from reporting by statute.

The statutory text makes this outcome untenable. "To carry out" means to implement the legislature's plan, not to override it; "including" introduces examples, not a license to expand the statute's scope; and "may" confirms that labeling is discretionary, not mandatory – particularly where the legislature omitted any deadline for labeling while assigning concrete dates to reporting and sales restrictions. Reading these terms together requires that labeling, if adopted at all, must fit within HB 212's framework, respect the statute's express exemptions, and complement – not dominate – rulemaking regarding the law's restrictions and reporting requirements.

Supporting evidence points the same way. For instance, NMED Secretary Kenney described HB 212 as a "middle ground" among state PFAS in products legislation in testimony before the

legislature.[1] He also noted to the legislature that "we don't need to regulate everything."[2] These statements are consistent with PFAS in products legislation that predates HB 212, including Maine's law which in its original form proved to be unworkable and then was amended twice to incorporate a narrowed and delayed reporting requirement, a delayed material restriction applicable to all products, and several new exemptions to all of the law's provisions – including for semiconductors.[3] HB 212 follows a model that, in other jurisdictions, has evolved toward targeted implementation with tailored exemptions and sequencing, rather than a one-size-fits-all regulatory approach. A sweeping, all-products labeling regime – particularly one that reaches legislatively exempt sectors like semiconductors – cannot be squared with that characterization or with the statute's text.

In short, the proposed rule's labeling provisions recast a brief, permissive reference into a far-reaching mandate that displaces statutory carveouts and eclipses the regulatory programs the legislature prioritized. EIB should not read a single, optional clause to upset the statute's structure and legislative balance.

II. **Semiconductors and Semiconductor Manufacturing Equipment – As Well As Other Equipment For Which a Statutory Exemption Applies – Should Be Categorically Exempt From Labeling**.

HB 212 Section 3.A expressly exempts certain product categories and materials, including semiconductors and materials used in semiconductor manufacturing from the statute's prohibition and reporting requirements. Some of these exemptions are critical to SEMI members and we ask that all of the Section 3.A exemptions be expressly incorporated into any labeling requirement. The Section 3.A(10) and (14) exemptions reflect the legislature's recognition of the critical role semiconductors play in modern technology and the impracticality of regulating them under the same framework as consumer-facing goods. The Section 3.A(11) and (16) exemptions for non-consumer electronics and products containing fluoropolymers are also critical and relevant to SEMI members. Extending labeling obligations to these products would contradict legislative judgment and create unnecessary compliance burdens without advancing consumer protection.

As a complement to the statutory carveout, several policy considerations weigh towards a categorical labeling exemption for semiconductors and semiconductor manufacturing equipment in particular:

- Lack of Consumer Exposure Risk: Semiconductors are not standalone consumer products; semiconductors instead are embedded internally within electronic devices and industrial systems. Consumers do not handle semiconductor wafers, chips, integrated circuits, and related items during normal use, and chemicals in these components remain encapsulated within finished goods. This fact extends to semiconductor manufacturing equipment,

[1] Hearing on HB 212 Before the Senate Conservation Committee (Mar. 18, 2025) (testimony of Secretary Kenney, timestamp 9:54 AM).
[2] Hearing on HB 212 Before the House Energy, Environment & Natural Resources Committee (Feb. 8, 2025) (testimony of Secretary Kenney, timestamp 9:09 AM).
[3] 38 M.R.S. § 1614 (L.D. 1503 (enacted July 15, 2021)), later amended by L.D. 217 (enacted June 8, 2023) and L.D. 1537 (enacted Apr. 16, 2024).

NMED Exhibit 16

which is handled by professionals in facilities subject to occupational and environmental controls that minimize exposure risk. Labeling such items would provide no meaningful benefit to consumers because there is no realistic pathway for exposure.

- Global Supply Chain Complexity: Semiconductor manufacturing involves highly specialized, globally integrated processes. Imposing state-specific labeling requirements on intermediate components, and on finished products because of the presence of semiconductors in those products, would disrupt supply chains and impose disproportionate costs on an industry that already operates under stringent international standards for safety and environmental compliance.

- Negative Impacts To New Mexico's Semiconductor Manufacturing Industry. This industry employs over 4,000 people in New Mexico, and semiconductors are the state's second ranked export by value.[4] Governor Lujan Grisham has recognized the importance of the semiconductor manufacturing industry to New Mexico's economy, including through statements commending investments in semiconductor manufacturing facilities in the state that generate high-quality and high-paying jobs for New Mexicans.[5] Relatedly, chip shortages resulting from manufacturing disruptions causes by the COVID-19 pandemic highlighted the country's dependence on overseas suppliers of semiconductors and chips. Passage of the federal CHIPS and Science Act in 2022 therefore focused on strengthening domestic semiconductor manufacturing, such as through funding for research, development, and manufacturing capabilities in the states. Governor Lujan Grisham has applauded investments in New Mexican facilities under the CHIPS and Science Act as a means to fuel new technology and high-wage jobs in the state.[6]

  NMED's proposed PFAS labeling requirements have the potential to undermine these investments in the state's economy. If semiconductor manufacturers cannot feasibly comply with labeling requirements, their only alternative is to withdraw from the New Mexico market. This outcome would not only jeopardize thousands of high-paying jobs in New Mexico but also erode the state's competitive position in a growing sector that underpins technological progress.

- Necessity of PFAS in Semiconductor Manufacturing. Semiconductor manufacturing depends on highly specialized equipment and processes with extremely tight performance tolerances. Even minor deviations from specifications can result in catastrophic yield losses or device failure. PFAS-based materials provide unique combinations of properties – such as chemical resistance, thermal stability, and low friction – that are essential for maintaining these tolerances in critical applications like wafer processing,

[4] Semiconductor Industry Association (SIA), *Semiconductors in New Mexico*.
[5] *See* Office of the Governor Michelle Lujan Grisham, Press Release, *New Mexico applauds Intel's $3.5 billion expansion in Rio Rancho* (May 3, 2021).
[6] *See* New Mexico Economic Development Department, *Second New Mexico-Based Facility Awarded CHIPS Funding* (June 11, 2024).

photolithography, and etching. These characteristics cannot be replicated by alternatives without compromising reliability and performance.[7]

For this reason, PFAS labeling requirements will not serve as an incentive for substitution in this sector. Unlike some other sectors where PFAS alternative materials may already be available, PFAS use in semiconductor manufacturing is driven by functional necessity and does not have viable substitutes. Imposing a labeling mandate on these products would therefore add compliance burdens without achieving any environmental or public health benefit. Instead, labeling risks diverting resources from innovation and process optimization.

- Confidentiality Considerations. The proposed labeling framework could create serious confidentiality challenges for semiconductor manufacturers. For complex durable goods, the proposed rule would require disclosure in manuals and specification sheets of every PFAS-containing component and the location of these components within the product. Semiconductor manufacturing tools often incorporate thousands of proprietary parts, and revealing this level of detail would expose sensitive design information, supply chain relationships, and intellectual property. Similarly, for smaller components and assemblies, affixing PFAS labels or linking to detailed disclosures could force manufacturers to reveal chemical formulations and material choices that are subject to trade secret protection.

- Inefficiency of Case-by-Case Exemptions: NMED's proposed rule contemplates a labeling exemption request process for products covered by the law's restriction and reporting exemptions, such as for semiconductors. Companies would only be eligible for this exemption if they can demonstrate that consumers will not come into direct contact with PFAS in the product. As mentioned above, this demonstration is clear with respect to semiconductors and semiconductor manufacturing equipment. It would be inefficient to require companies in this sector to apply for case-by-case labeling exemptions. The simpler and better approach would be to categorically exempt this sector's products from labeling.

These important policy considerations further underscore why it is necessary for EIB to deny the petition. This denial will give NMED the opportunity to proactively address threshold labeling considerations, including by adding a categorical labeling exemption for semiconductors and semiconductor manufacturing equipment. This addition would be simple to incorporate in the proposal, since it is a matter of copying and pasting the semiconductor restriction and reporting exemption from the statute into the proposed rule with respect to labeling.

III. **The Labeling Requirements Raise Significant First Amendment Concerns**.

The First Amendment of the U.S. Constitution protects businesses from compelled speech. When the government mandates product disclosures, courts have held that such requirements must generally be confined to "purely factual and noncontroversial information."[8] This standard is not satisfied simply because a statement may be technically accurate; even accurate language can be

[7] Detailed information on PFAS uses in semiconductor manufacturing can be found in the Semiconductor PFAS Consortium Technical Papers, available here.
[8] *National Ass'n of Wheat Growers v. Bonta*, 85 F.4th 1263 (9th Cir. 2023).

misleading if presented without context or if the statement conveys an oversimplified message.[9] Likewise, a disclosure may fail the "noncontroversial" test if the disclosure addresses a subject that remains the focus of scientific debate.[10]

Against this backdrop, the labeling approach outlined by NMED raises serious constitutional questions. According to NMED's webinar materials[11], the proposed labeling design includes a prominent symbol (an Erlenmeyer flask with the term "! PFAS") and, for packaging, a warning stating "CAUTION: Associated with environmental impacts and health effects such as cancer," along with a link to a state-managed PFAS webpage. For complex durable goods, the proposed language would declare: "This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects."

These statements go well beyond neutral disclosure. They imply a uniform level of risk across all PFAS, despite the fact that PFAS encompasses thousands of substances with widely varying chemical structures. Only a small subset of PFAS have been studied, and some – such as fluoropolymers like PTFE – have been demonstrated to be low hazard based on the weight of scientific evidence and available chemical, physical and biological data, relying on criteria recognized over time by global regulatory authorities and international bodies, including the Organisation for Economic Co-operation and Development.[12] NMED's own leadership has acknowledged that fluoropolymers are "not as risky" as other PFAS.[13] Yet the proposed language treats all PFAS and PFAS-containing products identically, without regard to concentration, hazard, exposure potential, or chemical structure. Coupled with a mandatory link to a government webpage that may change over time without manufacturer input, these requirements introduce a serious risk of compelled speech beyond what the First Amendment permits.

Although NMED has indicated that label design is not final, these constitutional issues are fundamental. Before advancing this rulemaking, NMED must ensure that the labeling requirements are defensible under the First Amendment. As currently envisioned, the proposed labeling program falls short of that benchmark.

IV. **Additional Refinements Are Essential To Make Any Future Labeling Program Practical and Legally Defensible**.

The following refinements are critical to any workable PFAS labeling framework, even one that exempts semiconductors and semiconductor manufacturing equipment. These refinements are preliminary and presented at a high level for the purpose of these comments, though SEMI anticipates providing more detail on these refinements and possibly other recommendations if the rulemaking progresses.

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[9] See *id*. at 1276.
[10] *Id*. at 1277.
[11] NMED, *PFAS Protection Act – Labeling Webinar* (Sept. 25, 2025).
[12] OECD, *Polymers of Low Concern* (2023)
[13] Hearing on HB 212 Before the Senate Conservation Committee (Mar. 8, 2025) (testimony of Secretary Kenney, timestamp 10:28 AM).

- Realistic Compliance Deadline: HB 212 does not impose a statutory deadline for labeling. Any compliance date for labeling should reflect technical feasibility, particularly for complex products with long design cycles. The currently proposed January 1, 2027 compliance date is unworkable given that the rule is not anticipated to be finalized until mid-2026, leaving manufacturers insufficient time to adapt. The deadline must also take into account products that were manufactured before the compliance date but in inventory throughout the supply chain for sale after the compliance date, and the realistic limitations to affix labels or modify packaging after manufacture and distribution.

- Due Diligence Standard: HB 212 does not require the labeling scheme to be subject to strict liability. Instead, NMED should adopt a "known or reasonably ascertainable" due diligence standard, consistent with regulatory programs in other jurisdictions, to ensure compliance expectations are achievable and proportionate.

- De Minimis Threshold: Without a concentration threshold, the rule would treat trace PFAS the same as high-concentration PFAS, contradicting basic principles of chemical risk management where risk is a function of hazard and exposure. A de minimis level is necessary to align labeling with actual exposure risk and help ensure consumers are not misled to believe trace PFAS poses the same risks as PFAS present in higher concentrations.

Exemption for Fluoropolymers: As Secretary Kenney noted and as mentioned above, fluoropolymers do not possess properties associated with exposure risk, and do not warrant being treated as other, particularly non-polymeric, PFAS. Similar to the function of a de minimis threshold, a labeling exemption for fluoropolymers will avoid misleading consumers into believing these compounds pose identical risks to those associated with other PFAS.

- Exemption for Industrial and Professional Use-Only Products: Labeling is intended to inform consumer purchasing decisions, which does not apply to products used exclusively in industrial or professional settings. The handling of these products is subject to workplace safety controls, including personal protective equipment and ventilation, making consumer-facing warnings unnecessary.

- Transparent Exemption Request Process: Manufacturers require clarity on how labeling exemption requests will be evaluated by NMED, including deadlines for when the Department will decide on requests by and a structure whereby manufacturers can appeal denied requests. The current proposed rule provides no information on this process.

V. **Conclusion**.

SEMI is committed to balancing the need for environmental protection and the sustainability of semiconductor manufacturing operations, which is a complex challenge. These comments are focused on the labeling aspects of NMED's proposed rule and explaining why these aspects demonstrate why the petition should be denied. SEMI expects to provide further input on the proposed rule, such as on non-labeling aspects of the proposal, if this rulemaking progresses.

SEMI is grateful for the opportunity to engage with NMED and EIB on this petition and welcomes the opportunity to meet and further elaborate on the issues discussed in these comments. If you have

any questions or would like to discuss our positions, please do not hesitate to contact Ben Kallen (bkallen@semi.org).

Sincerely,

Ben Kallen
Senior Manager, Public Policy & Advocacy
SEMI

NMED Exhibit 16

November 2025

New Mexico Environment Department

Submission of Comments Regarding Proposed PFAS Protection Act Implementation Rules

We express our respect for the New Mexico government's efforts to regulate PFAS. Policies to mitigate the environmental and health impacts of PFAS are a crucial step toward achieving a sustainable society, and we support their intent. However, we believe it is appropriate to exempt products containing fluoropolymers from labeling requirements in the draft implementation rules under the PFAS Protection Act (HB212).

1. Proposal

We propose that products containing high molecular weight PFAS be exempt from labeling requirements. Or at the very least, the labeling wording should avoid equating them with other low molecular weight PFAS with different hazardous properties. Classification based on scientific evidence and corresponding minimum requirements should be implemented.

2. Reason for Proposal

1) The hazards of polymeric PFAS are fundamentally different from those of low-molecular-weight PFAS

In contrast to the fact that PFAS includes a wide range of chemical substances, fluoropolymers and perfluoropolyethers have high molecular structures are physically and chemically stable, and have extremely low mobility and bioaccumulation in the environment, as scientifically demonstrated, and are classified as "low-concern polymers"[1),2)]. High molecular weight PFAS, unlike other low molecular weight PFAS (e.g., PFOA, PFOS), have not been confirmed to have direct harmful effects on health or the environment, or such effects are extremely limited, according to many studies. Therefore, these high molecular weight PFAS are used in medical applications, and for example, regarding PTFE, no definitive evidence has been found of health issues for patients[3)].

2) Labeling Requirements Conflict with the Exemption Approach for Polymeric PFAS

Under the PFAS Protection Act, products containing fluoropolymers are exempt from "prohibition requirements" and "reporting obligations" (20.13.2.10). This means that the use of fluoropolymers is currently unavoidable and is judged to pose low environmental and health risks. However, the proposed implementation rules (20.13.2.13) do not clearly apply the exemption to labeling requirements, and products are required to be labeled collectively as

"PFAS-containing." This labeling may mislead consumers into believing that products containing fluoropolymers have the same harmfulness as other low molecular weight PFAS, which contradicts scientific knowledge and the intent of the PFAS Protection Act.

3) Inappropriate wording of labeling requirements

The obligation to label polymeric PFAS should be exempted; however, in case that labeling is required, we request modifications to the wording since the proposed wording for labeling requirement (e.g., "PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects") emphasizes the general risks of PFAS as a whole and is inappropriately applied uniformly to exceptional substances like high molecular weight PFAS. Such labeling may mislead consumers and foster scientifically unfounded anxiety. Additionally, imposing excessive labeling requirements on products containing high molecular weight PFAS may hinder the reasonable operation of industries.

For the above reasons, we strongly request revisions to the proposed rules regarding labeling requirements.

(References)

1) A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers, Integrated Environmental Assessment and Management, Volume 14, Issue 3, May 2018 Pages 316-334
2) A critical review of the application of polymer of low concern regulatory criteria to fluoropolymers, Journal of Fluorine Chemistry, Volumes 285-286, July 2025, 110459 Assessment and Management, Volume 19, Issue 2, March 2023, Pages 326-354
3) https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices

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December 22, 2025

Via Electronic Submission

Phoebe Suina
Chair
New Mexico Environmental Improvement Board (EIB)
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

RE: EIB 25-61 (R) – Proposed Rule to Adopt 20.13.2 NMAC (PFAS in Consumer Products)

Dear Chair Suina:

On behalf of the Medical Device Manufacturers Association (MDMA), I am submitting comments in response to the New Mexico Environment Department (NMED) proposed rule, per- and poly-fluoroalkyl (PFAS) in Consumer Products. On October 8, 2025, NMED submitted a petition to the New Mexico Environmental Improvement Board (EIB) to grant a hearing for, and then adopt, the proposed rule, which implements provisions under HB 212 related to the proposed rule. Since the proposal has the potential to place a unique and exceptional large burden on medical device manufacturers, we request that EIB deny NMED's petition to adopt the proposed rule. As it is currently proposed, NMED's rule conflicts with federal law and regulation, extends extremely burdensome administrative obligations and labeling requirements to the very products that the legislature exempted from the law's core provisions, and – as a result – jeopardizes New Mexico's access to medical devices and cost-effective health care. Furthermore, when HB 212 was enacted, the legislature specifically exempted medical devices and fluoropolymers from restriction and reporting provisions, signaling that these products were not considered to pose the same risks as other PFAS. As such, requiring a warning label on these products would be inconsistent with the statute's intent.

MDMA
The Medical Device Manufacturers Association members share NMED's commitment to public health. MDMA is a national trade association that provides educational and advocacy assistance to approximately 300 innovative companies in the field of medical technology. Our members, the majority of which are small to mid-sized medical device companies, have a strong record of delivering breakthrough therapies to treat chronic diseases and life-threatening conditions while lowering the cost of care. MDMA's mission is to ensure that patients have timely access to the latest advancements of safe and effective medical technologies that improve health outcomes. MDMA has many members that manufacture, develop, and sell medical devices in New Mexico.

ISSUES WITH THE PROPOSED RULE

In accordance with statutory requirements under HB 212 Section 3.A, the proposed rule exempts medical devices from the product prohibition (20.13.2.9), currently unavoidable use (20.13.2.11), reporting requirement (20.13.2.12), and product testing (20.13.2.14) provisions. However, there is no explicit or guaranteed exemption for medical devices under the labeling provision (20.13.2.13). Instead, manufacturers of products like medical devices may apply and be granted waivers from the labeling requirements if they demonstrate that consumers will not come into direct contact with PFAS while the product is being used as intended and throughout the product's useful life. We believe the waiver process is extremely limiting, creates a quasi-reporting obligation in conflict with the exemption pursuant to 20.13.2.12, and may unfairly impact numerous medical devices since their effectiveness often relies on interacting directly with the user or patient.

This approach alongside NMED's other proposed option for complex devices are unworkable for the reasons described below.

CONFLICTS WITH FEDERAL LAW AND REGULATIONS

To offer protections for all Americans, Congress prohibited states from setting their own standards for medical devices. States can only enact a state-specific requirement if FDA "grant[s] an exemption from preemption if the State requirement is more stringent than the Federal requirement and is required by compelling local conditions."[1] Since medical devices are not likely sources of significant PFAS releases and exposure in New Mexico, there is no compelling local condition concerning medical device management that could justify a state-specific standard under federal law.

Moreover, even if NMED proposed labeling requirements is found not to be preempted under federal law, medical devices, their chemical composition and characteristics, their packaging, and their labeling are regulated by FDA. FDA has already reviewed a device's composition and durability and biocompatibility, including the leachability of fluoropolymers and other fluorinated compounds. If a medical device manufacturer must apply the labeling in the proposed rule, manufacturers must submit this change to FDA for review. The product cannot be marketed or sold in New Mexico until FDA approves the change. This is especially concerning because, in this instance, the New Mexico labeling mandate would compel manufacturers to make a state-imposed safety statement that the FDA has not reviewed or approved. To the contrary, FDA has already concluded that comprehensive studies on many fluoropolymers like PTFE "found no conclusive evidence of patient health issues."[2] Since FDA has not found the NMED proposed information necessary for the safety and the effectiveness of the product, FDA may find the applicant's information conflicts with federal regulation. This uncertainty raises the substantial risk that New Mexico citizens will not have timely access to life saving medical devices.

EXTENSIVE BURDENS

The proposed approach also presents three unnecessary burdens on medical device

[1] U.S. Food and Drug Administration, *Exemptions from Federal Preemption of State and Local Medical Device Requirements*, 21 C.F.R. § 808.20(a) (2025).

[2] U.S. Food and Drug Administration. (2025, August 6). PFAS in medical devices. https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices

manufacturers. First, manufacturers in the medical device sector will have to file thousands of labeling waiver applications for devices that already meet the labeling exemption criteria. Therefore, manufacturers and NMED are unnecessarily burdened with significant paperwork and administrative requirements to carry out NMED's proposed case-by-case exemption mechanism. Like New Mexico, Congress and other U.S. states have exempted medical devices from PFAS reporting requirements. Unlike many other manufacturing sectors, medical device manufacturers would have to gather the extensive and detailed information from a complex supply chain of components and materials sourced from all over the globe in order to confirm whether compliance with the labeling provision is required.

Second, the application mechanism presents significant uncertainty to applicants. NMED only states that eligible manufacturers may apply for the labeling waiver and includes the two aforementioned eligibility prerequisites. NMED does not guarantee exemption should manufacturers meet these or other criteria that NMED would use to make decisions on applications. Importantly, NMED's proposed rule does not establish a timeframe within which NMED must act to respond to such labeling waiver request. Manufacturers will, consequently, have to wait for an indeterminate period of time for individual outcomes to each application without certainty. Furthermore, NMED's proposed rule states that a product containing an intentionally added PFAS is banned unless labeled by January 1, 2027. For medical devices, as just one category of products exempted from product prohibitions pursuant to 20.13.2.9, this presents a direct and impermissible conflict with the statute's intent.

Third, medical device distribution channels are complex and nationally integrated. Requiring a state-specific PFAS warning label for New Mexico would introduce significant operational challenges for manufacturers. Shipping devices to different states would require a state-specific distribution process for New Mexico, involving tracking, separating, and labeling products. This change would impact packaging, distribution, and IT systems, and increase both delivery time and costs. Moreover, doctors often order multiple sizes and/or configurations of the same medical device for a single patient so that the doctor can fit the patient with the best device for the patient's situation. For the devices not used, the doctor then returns the others back to the manufacturer/distribution center. For returns from New Mexico, there would be additional cost to repackage or remove the labels at the distribution center. The complexity, investment, and resources needed to create and manage this state-specific labeling system may outweigh the economic benefits of serving the New Mexico market, making it possible that some manufacturers would choose not to offer their products in the state.

For complex medical devices, there is further risk to confidential business information. The proposed rule requires disclosure for complex durable goods in manuals and specification sheets of each PFAS-containing component. If NMED denies a waiver for a complex medical device, the manufacturer would be obligated to disclose proprietary information and release sensitive design information. As mentioned previously, our members include approximately 300 innovative companies in the field of medical technology. The risk to intellectual property is a considerable concern.

SCIENTIFIC AND FUNCTIONAL BASIS FOR EXEMPTING FLUOROPOLYMERS

PFAS refers to a very broad group of over 10,000 chemicals that vary widely in structure and properties. Not all PFAS are the same, and only a small subset of these chemicals have been associated with potential environmental or health effects. Fluoropolymers used in medical devices are chemically distinct. These materials are stable, inert, non-bioavailable, and have been used safely for decades in critical healthcare applications, including catheters, pacemakers, and surgical instruments.

The aforementioned publication by the FDA indicates that fluoropolymers used in medical devices are not linked to toxicity or adverse health effects. Because of their high molecular weight and chemical stability, these materials do not migrate, dissolve, or cross cell membranes. FDA's review – including an extensive 2021 study in partnership with ECRI – found no evidence of patient harm or degradation from fluoropolymer-based devices. As the FDA states, "The PFAS used in medical devices are not the same as those identified as being potentially harmful to people in other contexts. The PFAS materials used in medical devices (known as fluoropolymers) have a long history of use. The best-known of these materials is polytetrafluoroethylene (PTFE), which is used in multiple consumer products, and was first used in a medical device in the 1950s" and "The FDA's evaluation is that currently there is no reason to restrict their continued use in devices".

In addition to their safety record, fluoropolymers provide unique performance characteristics that make them essential to modern medicine, such as chemical resistance, biostability, and low friction. There are currently no known alternatives with equivalent technical performance as fluoropolymers. For these reasons, the decision to exempt fluoropolymers from HB 212's requirements was consistent with both scientific understanding and patient care needs.

PROPOSED ACTION

All these consequences of NMED's proposed labeling requirements for medical devices raise barriers and costs that will discourage innovative companies like MDMA members from serving the New Mexico market. MDMA's small businesses face substantial hurdles to bring novel, cost saving therapies to market. The proposed labeling requirements raises another, unnecessary obstacle and risk to better health care in New Mexico.

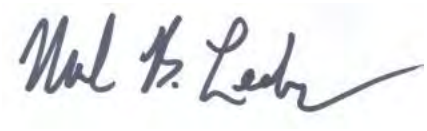
We note that HB 212 gives EIB discretion not to apply the product labeling regulations to medical devices: "[EIB] *may*…adopt rules to carry out [HB 212], including requiring the labeling of products" (emphasis added). HB 212 does not include a compliance timeframe for labeling nor does it frame labeling as a necessary regulatory tool. Rather, the statutory language indicates that labeling is an optional measure that should be implemented only to the extent that it support the law's core intentions. Product prohibitions, reporting requirements, and product testing, on the other hand, are statutorily mandated mechanisms and included categorical exemptions for medical devices. Furthermore, NMED's proposed rule states that a product containing an intentionally added PFAS is banned unless labeled by January 1, 2027. For medical devices, as just one category of products exempted from product prohibitions pursuant to 20.13.2.9, this presents a direct and impermissible conflict with the statute's intent. HB 212

does not direct NMED or EIB to expand the statute's scope by applying the optional labeling implementation measure in a way that undermines and conflicts with (instead of complementing) the exemption framework incorporated into the statute's core provisions.

For these reasons, we ask EIB to deny NMED's petition to approve the proposed rule unless it is amended to include language explicitly exempting medical devices and fluoropolymers from the labeling requirements. Extending labeling obligations and requiring waiver applications for otherwise exempt products and materials contradicts legislative intent, imposing regulatory uncertainties and compliance burdens that can risk undermining patient safety without advancing consumer protection.

Thank you for your attention to our comments. If we can provide additional information, please contact me at mleahey@medicaldevices.org or (202) 354-7171.

Sincerely,



Mark Leahey
President & CEO
MDMA

SUSTAINABLE PFAS ACTION NETWORK

December 22, 2025

New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
Santa Fe, New Mexico 87505

Comments Submitted Via NMED Public Comment Portal

Sustainable PFAS Action Network (SPAN) Comments on Proposed Rules for Implementation of HB212, *The PFAS Protection Act*

Background on SPAN

SPAN is a coalition of PFAS users and producers committed to sustainable, risk-based PFAS management. Our members advocate for responsible policies grounded in science that provide assurance of long-term human health and environmental protection while recognizing the critical need for certain PFAS materials for U.S. economic growth and global competitiveness. SPAN was formed with the objectives of ensuring legislators and regulatory agencies are aware of the essentiality of products generated by our members while simultaneously supporting practical regulatory programs focused on protecting human health and the environment and maintaining America's global economic edge.

Comments Regarding Draft PFAS Rules

SPAN appreciates the productive and collaborative dialogue we have had with legislators and policymakers in New Mexico on developing an effective and practicable PFAS program. SPAN has been supportive of many aspects of both HB212 and the proposed rule, such as its consideration of certain essential PFAS uses. SPAN appreciates policymakers' willingness to consider a more targeted approach to PFAS product use controls. However, certain provisions of the Proposed Rule, particularly with the labeling provisions, should be improved to make New Mexico's PFAS in Products program more effective and aligned with the statute. Below are some suggestions SPAN encourages the Department to consider before formally adopting the Proposed Rule.

20.13.2.10 Exemptions

This section establishes exemptions for certain product categories from the general PFAS sales prohibitions, testing, and reporting requirements. However, as currently drafted, the exemptions would not apply to the proposed labeling requirements. As discussed in greater detail below, SPAN believes that when the legislature established certain exemptions, it was the intent of the statute that these categories would be exempt from the entire regulatory structure, labeling included. SPAN

believes that the regulations are not within the intention of the statute and products exempt from the statute should not be within scope of the regulation and exempt from the labeling requirements. In addition, SPAN believes that the requirements of the Proposed Rule should not apply to PFAS substances solely used for research and development purposes, or products when PFAS is only present in trace (i.e., *de minimis*) concentrations.

Consequently, SPAN suggests that this proposed provision be amended to read: (**bold** – new language; ~~strikethrough~~ – deletions).

"20.13.2.10 EXEMPTIONS: The following are exempt from the requirements in Sections 20.13.2.11, 20.13.2.12, ***20.13.2.13*** *and 20.13.2.14 4* ~~(limited to medical devices outlined in 20.13.2.10.C)~~ of this rule: …

Q. a product that contains intentionally added per- or poly-fluoroalkyl substances at a concentration at or below 1%; or

R. a product that contains intentionally added per- or poly-fluoroalkyl substances that is used exclusively for research and development purposes.

SPAN would also like to note there are PFAS used in laboratories and manufacturing sites that are handled by carefully trained professionals with very minimal risk of exposure. These chemicals have undergone extensive testing, and are handled only at facilities where exposure and risk of emission are minimized. SPAN would encourage NMED to consider the below additional language in consideration of products that contain these chemicals.

S. a product that contains intentionally added per- or poly-fluoroalkyl substances that is handled in laboratories or manufacturing sites or is managed exclusively by trained professionals in facilities that adhere to strict occupational and environmental safety standards that minimize exposure risk.

20.13.2.11 Currently Unavoidable Use

The Proposed Rule requires CUU submissions to include extensive data on alternatives and detailed human and environmental impact assessments for PFAS in products. While these objectives are understandable, the process as drafted is impractical for manufacturers—particularly makers of complex goods—because much of this information is not available at the product level.

Manufacturers typically rely on upstream suppliers for chemical composition data, and even under existing federal frameworks like TSCA, such disclosures are limited to what is "known or reasonably ascertainable." Imposing a higher standard would create a barrier that effectively prevents companies from applying for CUU determinations.

Further, the rule's treatment of confidential business information compounds the problem: if proposals containing trade-secret data can be deemed insufficient, manufacturers will have no viable path forward. Confidentiality agreements are often the only mechanism for obtaining component-level PFAS data, and excluding this information undermines the practicality of the CUU process. SPAN recommends revising the rule to align with established federal practices by requiring information only to the extent it is known or reasonably ascertainable and allowing confidential data to support CUU applications.

At a minimum, SPAN suggests the following amendments:

A. *. . . A proposal must, at a minimum, contain,* ***to the extent that such information is known or reasonably ascertainable: . . .***

~~C. *Should a proposal for a currently unavoidable use determination contain claims of confidentiality, the department may determine that there is insufficient publicly available information to evaluate the proposal. The department strongly recommends that all proposals for currently unavoidable use determinations do not contain claims of confidentiality.*~~

In addition to the language changes above, SPAN would strongly recommend that New Mexico adopt the definition of "known or reasonably ascertainable" used by EPA for the TSCA Section 8(a)7 PFAS Reporting Rules, as promulgated in 2023. This will allow New Mexico's PFAS statute to align with the federal government to the greatest extent possible, and assure manufacturers do not have to comply with different definitions. The definition of "known or reasonably ascertainable," as used in 40 CFR 705.3, is below:

> Known or reasonably ascertainable by *means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.*

20.13.2.13 Labeling

Overall Suggestions for Labeling in New Mexico

1. **Labeling Requirements Should Not Apply to Exempted Products**
   SPAN recommends that labeling requirements, if any, should not apply to those products which are specifically exempt from restriction and/or reporting by Subsection A of Section 3 of the PFAS Protection Act. If the legislature recognized that PFAS in certain applications are critical and not currently replaceable, or that they do not pose a potential risk in certain applications, or that they are adequately regulated under other laws, labeling is not needed for such products, and labels would only serve to confuse the public.

NMED Exhibit 16

Additionally, labeling requirements should not extend to products that are intended for industrial or professional uses or applied by a skilled technician or medical applications. The purpose of labeling is, presumably, to inform consumers. In these industrial and professional use settings, potential exposures are already controlled through workplace safety measures—such as the use of personal protective equipment and other occupational safeguards—making labeling unnecessary and duplicative. For medical applications, labeling could mislead patients by suggesting a health risk for products prescribed by their doctor.

2. Compelled Speech Concerns

If the agency chooses to require labeling as proposed, the proposed labeling requirement will require product manufacturers to make statements about their product's PFAS content which may not be factual or accurate. Before moving ahead with this proposal, NMED must recognize that under the First Amendment, compelled commercial speech must be "purely factual and uncontroversial," as reaffirmed in National Association of Wheat Growers v. Bonta.[1] Federal courts have struck down labeling mandates that convey disputed or misleading messages about chemical risks. The indiscriminate PFAS labeling language under consideration risks exceeding these constitutional limits, making the rule vulnerable to First Amendment challenges that could likely result in delayed implementation and unnecessary additional costs. This has recently been the case with Proposition 65 in California, where courts have ruled that labeling in certain applications is a violation of the First Amendment. Continuing with such a broad rule threatens to delay the successful implementation of the law's initial intent.

3. Delay Development of Rule

If NMED moves forward with labeling requirements, SPAN strongly urges the Department to postpone this provision and first prioritize implementing the regulations mandated by statute, as several other elements of the Proposed Rule require attention before labeling is considered. HB 212 does not require NMED to mandate product labeling, nor does it authorize labeling for products exempted by statute. The law simply grants discretionary authority without imposing a timeline. Given this statutory framework, SPAN believes labeling should not proceed at this time. Numerous other provisions in the Proposed Rule warrant implementation before labeling is contemplated.

Moreover, the proposed enforcement date of January 1, 2027, is not feasible. Industry cannot meet this timeline because internal systems for product tracking and labeling workflows require approximately six months to develop and can only begin after the final rule is published to ensure alignment. With the rule expected to be finalized no earlier than July 2026, compliance by January 2027 is unrealistic, particularly for complex products. Should NMED proceed with labeling, SPAN recommends setting the compliance date at least one year after publication of the final rule to ensure compliance is reasonably achievable.

[1] National Ass'n of Wheat Growers v. Bonta, 85 F.4th 1263 (9th Cir. 2023).

As mentioned above, SPAN recommends that labeling requirements, if any, should not apply to those products which are specifically exempt from restriction and/or reporting by Subsection A of Section 3 of the PFAS Protection Act. If the legislature determined that certain PFAS applications are critical, irreplaceable, pose minimal risk, or are already regulated under other laws, labeling these products is unnecessary and could confuse the public.

Suggestions for Improvements to Proposed Rules

As SPAN stated previously, we strongly urge the EIB to reconsider the timing of this labeling requirement, and reconsider the need to institute a labeling requirement at all for the success of New Mexico's PFAS in Product program. However, if the rules go forward, SPAN has several suggestions on needed improvements.

1. **De Minimis Threshold / List of PFAS**
   SPAN recommends that a minimum concentration (*de minimis*) threshold level should be established to determine when labeling for PFAS content would be required. Without such a threshold, the program would treat all PFAS identically, regardless of concentration, misrepresenting relative potential risk.

   As mentioned, for complex manufactured products, it can often be difficult for manufacturers to ascertain if specific components were manufactured with, or otherwise include, PFAS. The labeling requirements for such components should only be triggered if the presence of PFAS is known or reasonably ascertainable, and such requirements should not differ from those for any other product. SPAN would also like to acknowledge that the definition of PFAS passed into law in HB212 uses a definition of PFAS that is estimated to contain over 10,000 compounds, of which only a fraction are expected to currently be used in commerce. To aid in implementation, SPAN strongly urges NMED release a list of the compounds, identified by their CASRN, that meet the NMED's interpretation of PFAS to facilitate the supply chain surveys undertaken by manufacturers.

2. **Choice of Labeling Placement**
   When a physical label is required, SPAN recommends that manufacturers have the option to place the label on the product itself, or the packaging. The placement must ensure that the label is visible and readable to the purchaser before initial use. It is important that manufacturers have this choice as packaging provides a practical location for such disclosures. Affixing labels directly to many products, including especially small products, is often technically infeasible making it difficult for the label to be readable.

3. **Clarity needed on Labeling for Bulk or Small packaging**
   Although the Proposed Rule briefly addresses retailer repackaging, it does not address labeling requirements for bulk packaging or very small products with small packaging. SPAN suggests that

these scenarios be specifically addressed and allow for the greatest flexibility possible for manufacturers to meet the labeling requirements.

4. **Clarity needed on the process for Labels from Other States**
   The Proposed Rule theoretically allows the labeling used for another jurisdiction to satisfy the NMED labeling requirement. However, the Proposed Rule contains provisions that require New Mexico-specific changes, such as specific website references, which diminishes the utility and practicability of this provision. Manufacturers should not need to place multiple labels on a product to satisfy similar requirements. The Department should carefully consider the costs and benefits of provisions in the Proposal that, as a practical matter, may require that multiple labels appear on a product that provide no significant new information to a consumer and only serve to impose a costly compliance mandate.

5. **Recommended to outline a clear process for label waiver applications**
   Lastly, NMED should include a transparent and predictable process for requesting labeling waivers for those products exempt from statute. Such a process should include clear eligibility criteria, firm deadlines for agency review and decisions, and an appeals procedure. SPAN recommends using the same timeframe for the labeling waiver as outlined in the section regarding labeling requirements in other states. This timing allows for consistency across the regulation.

6. **Clarity on Definitions**
   The proposed rules contain several definitions for which different interpretations could mean unintentional noncompliance if the proposed rules go forward, despite manufacturers making a good-faith attempt to provide the necessary information according to NMED's standards. SPAN recommends that NMED provide additional clarification on:

   - **Useful Life**: Flexibility will be needed when assessing the "useful life" of a product, which the rules mention but do not elaborate on. A product's "useful life" could be determined by several factors that are not necessarily considered during the manufacturing process, when a product is being labeled.
   - **HVAC**: The proposed rule should clarify the definition of HVAC by specifying that "cooling, heating, ventilation, air conditioning, water heating or refrigeration equipment" includes all components of an HVAC system. This definition should explicitly cover parts such as filters, even when they are sold separately, to ensure consistent interpretation.
   - **Textile Articles**: The proposed rule should provide a clear definition for "textile articles". SPAN recommends that NMED adopt language similar to California AB-1817 (California HSC, Division 104, Part 3, Chapter 13.5), which specifies that "textile articles" means textile goods of a type customarily and ordinarily used in households and businesses, and include, but are not limited to, apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and tablecloths. Including such examples will eliminate ambiguity and ensure consistent interpretation and compliance across states.

SPAN suggests that this section be amended to read:

A. *Labeling required. Unless exempted under Section 20.13.2.13.B of this rule, after January 1,* ***2032*** ~~*2027*~~*, a manufacturer may not sell, offer for sale, distribute, or distribute for sale a product containing intentionally added per- or poly-fluoroalkyl substances* ***at a concentration greater than 1% whose presence is known or reasonably ascertainable*** *unless the manufacturer does one of the following: …*

B. *Labeling exemptions. The labeling requirements of this rule do not apply to* ***products listed in 20.13.2.10 A through P, products sold exclusively for industrial or professional use, or*** *used products offered for sale or resale.*

C. *Labeling standards. Prior to sale of a product that contains intentionally added per- or poly-fluoroalkyl substances, the manufacturer of the product shall affix or cause to be affixed* ***to either the product or the product packaging****, a label that conforms to the requirements of this section. Complex durable goods and components of complex durable goods are exempt from the requirements of this section and are addressed in Section 20.13.2.13.D of this rule.*

(1) *The label must clearly inform the consumer, using words and symbols approved by the department, that the product contains intentionally added per- and poly-fluoroalkyl substances in both English and Spanish. The label must be affixed to* ***either the packaging or*** *the product such that the label is clearly visible and legible prior to sale. The label must be displayed with such conspicuousness as compared with other words, statements, design or devices on the* ***packaging or*** *product as to render the label likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use. Text shall be no smaller than the largest font used for other consumer information on the* ***packaging or*** *product.*

~~*D. Labeling of complex durable goods with intentionally added per- or poly-fluoroalkyl substances. Prior to sale of a complex durable good that contains intentionally added per- or poly-fluoroalkyl substances or components that contain intentionally added per- or poly-fluoroalkyl substances, the manufacturer shall conform to the information requirements of this section.*~~

~~*(1) A symbol approved by the department accompanied by a statement indicating the presence of intentionally added per- or poly-fluoroalkyl substances and/or component parts with intentionally added per- or poly-fluoroalkyl substances shall be included in the specification sheet and other product labeling information available to potential consumers prior to purchase. The following wording is acceptable: This product is made with PFAS or contains component parts made with PFAS. PFAS are a family of chemicals, exposure to which are associated with negative health and environmental effects. For more information on the location of components made with PFAS, review the product's operation and maintenance manual.*~~

~~*(2) The statement shall also be included in Spanish and shall include an internet website address for a web page hosted by the department [https://www.env.nm.gov/pfas/] that provides information about per- and poly-fluoroalkyl substances in products or a quick response (QR) code or other machine-readable code, consisting of an array of squares, used for storing an internet website [https://www.env.nm.gov/pfas/] for a web page hosted by the department that provides information about per- and poly-fluoroalkyl substances in products.*~~

~~*(3) The statement must be easily identified and legible on the specification sheet and other information available to potential consumers prior to purchase. A 10-point font or larger is presumed to be legible.*~~

~~*(4) The operation and maintenance manual associated with the complex durable good shall include a statement indicating the presence of intentionally added per- or poly-fluoroalkyl substances and/or component parts with intentionally added per- or poly-fluoroalkyl substances, using words and symbols approved by the department, followed by a complete list of components with intentionally added per- and poly-fluoroalkyl substances, including sufficient detail about the components' locations within the complex durable good such that they can be readily located. The statement must also include an internet website address for a web page hosted by the department [https://www.env.nm.gov/pfas/] that provides information about per- and poly-fluoroalkyl substances in products or a quick response (QR) code or other machine-readable code, consisting of an array of squares, used for storing an internet website for a web page hosted by the department [https://www.env.nm.gov/pfas/] that provides information about per- and poly-fluoroalkyl substances in products.*~~

~~*(5) Where product information and labeling include consumer information about a product in a language other than English or Spanish, the requirements of Section 20.13.2.13.D.1 through 20.13.2.13.D.4 of this rule shall also be provided in that language in addition to English and Spanish.*~~

~~*(6) Nothing in this section shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law.*~~ *. . .*

~~*F.*~~ ***E. Upon application by a product manufacturer,*** ~~*T*~~*the department may waive the obligation of a manufacturer to label a product as required by this 5 section* ~~*if the product is exempt pursuant to Section 20.13.2.8 of this part,*~~ *and* ***if*** *none of the product's material containing intentionally added per- or poly-fluoroalkyl substances will ever come into direct contact with a consumer while the product is being used as intended during the useful life of the product.* ***Waiver requests must be submitted to the Department at least one year before the effective date for the labeling requirement, and for products introduced into commerce after that time, at least six months prior to sale in the state.*** *The waiver request must contain the following information:*

(1) ~~*Information contained in Section 20.13.2.12.B.4 of this Part;*~~ ***The name and address of the manufacturer and the name, address and phone number of a contact person for the manufacturer;***

(2) A description of the product for which a waiver is requested; ***and***

~~*(3) Identification of the specific per- or poly-fluoroalkyl substance(s) intentionally added to the product or its components by the chemical name and the Chemical Abstracts Service Registry number (CASRN), or if no CASRN exists, another chemical identifying number; and*~~

*(4****3****) An explanation of why the product should not require a label pursuant to this section.*

~~*and 15 (5) any other information the department deems necessary for the evaluation of the waiver 16 request*~~

The Department shall either approve or deny waiver requests within three months of receipt of the request. Failure to either approve or deny after that time shall be deemed an approval. Should the

Department deny the request, the manufacturer may appeal the determination to the Secretary of the Department.

Conclusion

As stated previously, SPAN appreciates the dialogue that we have established with policymakers in New Mexico. SPAN members are supportive of certain provisions of HB 212 and the Proposed Rule, and believe they set important precedents in practical, risk-based PFAS regulatory policy. However, SPAN strongly encourages the Department to consider the above comments and recommendations when considering modifications to the Proposed Rule. We look forward to working with the Department on further adjustments to the Proposed Rules throughout the comment period.

NMED Exhibit 16

February 10, 2025

Full Name
Mailing Address
City, State Zip Code

Subject: PFAS Blood Test Results

Dear Full Name,

Thank you for participating in the New Mexico PFAS Blood Testing (NM-PBT) project. The goals of this inter-agency project are to determine if PFAS (per- and polyfluoroalkyl substances) are present in the blood of people who have lived or worked at or near Cannon Air Force Base, which PFAS chemicals might be detected and at what concentrations, and to compare those PFAS levels to the general U.S. population.

This letter provides your test results along with how they compare to others in the United States. The New Mexico Department of Health and the New Mexico Environment Department expects to release the final project report in the summer of 2025. That report will compare your results to the other Curry County residents and workers who participated in the NM-PBT project.

When reviewing your results, please remember that PFAS are widely used in firefighting foams and many consumer products. They are persistent in the environment and have been found in the blood of people all over the world. PFAS blood tests reflect exposures from all sources, including drinking water, food packaging, fabrics, and certain building materials. For some PFAS, blood test results reflect a combination of recent exposures and exposures that occurred months or years ago.

If you have further questions about the meaning of your PFAS test results, you can share them with your doctor and/or call the New Mexico Department of Health's Helpline at 1-833-SWNURSE (1-833-796-8773). Additionally, the New Mexico Department of Health and the New Mexico Environment Department will host an open office session at the Youth Recreation Building in Clovis to answer any questions that you have. The Youth Recreation Building is located at 1504 E 7th Street, at the corner of 7th Street and Sycamore Street. It is where you originally provided your blood sample. Here are the dates and times for the open office session:

- Thursday, February 20, 2025, from 12:00 p.m. to 8:00 p.m.
- Friday, February 21, 2025, from 12:00 p.m. to 8:00 p.m.
- Saturday, February 22, 2025, from 9:00 a.m. to 5:00 p.m.

Thank you again for participating in this project.

- The New Mexico PFAS Blood Testing Project Team

What do the results in Table 1 mean?
The following explains what the abbreviations are for the PFAS that were tested. The table also indicates which PFAS were detected in your blood and at what levels.

Table 1. Your Test Results

PFAS	Full Name of PFAS Chemical	Was This PFAS Detected in Your Blood?	Your Result (µg/L)
PFBA	Perfluorobutanoic acid	No/Yes	ND/#
PFPeA	Perfluoropentanoic acid	No/Yes	ND/#
PFHxA	Perfluorohexanoic acid	No/Yes	ND/#
PFHpA	Perfluoroheptanoic acid	No/Yes	ND/#
PFOA	Perfluorooctanoic acid	No/Yes	ND/#
PFNA	Perfluorononanoic acid	No/Yes	ND/#
PFDA	Perfluorodecanoic acid	No/Yes	ND/#
PFUnA	Perfluoroundecanoic acid	No/Yes	ND/#
PFDoA	Perfluorododecanoic acid	No/Yes	ND/#
[…and so on]			

ND = Not detected; the PFAS analyte was not detected in your sample.

What do the results in Table 2 mean?

The following table compares your results for certain PFAS chemicals to levels in the general U.S population, as reported by the Centers for Disease Control and Prevention (CDC). You will see in this table if your results are higher, lower, or about the same as others nationwide. Information for the U.S. population is only available for seven PFAS chemicals.

(1) PFAS	(2) Your Result (µg/L)	(3) U.S. Population Geometric Mean (µg/L)	(4) U.S. Population 95th Percentile (µg/L)
PFDA			

(1) This column lists the different PFAS that we measured in your blood.

(2) This column shows the amount (the concentration) of the PFAS that we found in your blood. If this number is bold, that means your level is above the national average. If this number is bold and italicized, that means your level is higher than that found in 95% of Americans.

(3) This column shows the geometric mean PFAS level, which is a measure of the average amount of PFAS in blood for the U.S. population.

(4) This column indicates the 95th percentile amount of PFAS in blood for the U.S. population. This means that 95 percent of the U.S. population has PFAS in their blood lower than this level.

Table 2. Your PFAS Results Compared to the U.S. General Population

PFAS	Your Result (µg/L)	U.S. Population Geometric Mean (µg/L)	U.S. Population 95th Percentile (µg/L)
MeFOSAA	#	0.130	0.60
PFDA	#	0.193	0.60
PFHxS	#	1.08	3.80
PFNA	#	0.411	1.40
PFOA	#	1.42	3.87
PFOS	#	4.25	15.1
PFUnA	#	0.125	0.40

Notes:

- The U.S. population numbers are based on data from CDC's 2017-2018 National Health and Nutrition Examination Survey (NHANES). That study only includes blood concentrations for the seven PFAS shown in the table, and NHANES focuses on the civilian non-institutionalized population.
- Not enough data are available from NHANES to compare your results to people of similar demographic characteristics: we cannot match your data to others with the same age, sex, race/ethnicity, and other factors.
- The comparison to the nationwide population is provided for context only. Having PFAS blood test results above or below the national averages does not tell you anything about possible adverse health effects.

What do the results in Table 3 mean?

The following table shows how we calculated the combined amount of seven common PFAS. The text after the table tells you if any health screenings are recommended for you based on the combined amount. We are using guidelines issued by the National Academies of Sciences, Engineering, and Medicine to let you know about health screenings. While some PFAS may increase the risk of certain diseases, which is why some screenings are recommended, your test results alone cannot tell you if a past, current, or future health issue is caused by your PFAS exposure. Scientists continue to evaluate the connections between PFAS blood levels and health effects.

Table 3. Sum of Blood Concentrations for Seven Common PFAS and Health Screenings

PFAS	Your Result (µg/L)
MeFOSAA	#
PFDA	#
PFHxS	#
PFNA	#
PFOA	#
PFOS	#
PFUnDA	#
Sum of seven PFAS	#

Note:

When calculating the "sum of seven PFAS" value, all non-detect results were replaced with the laboratory's detection limit divided by the square root of two. This is the approach recommended by the National Academies of Sciences, Engineering, and Medicine.

Understanding Table 3:

[Option 1]

Your "sum of seven PFAS" result is # µg/L.

That value is less than 2 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends no special health screenings for adults with "sum of seven PFAS" blood concentrations in this range.

[Option 2]

Your "sum of seven PFAS" result is # µg/L.

That value is between 2 and 20 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends the following for adults with “sum of seven PFAS” blood concentrations in this range:

- Reduce ongoing PFAS exposure if a source of exposure has been identified, especially for pregnant women. Refer to the attached fact sheet, “How can I reduce my PFAS exposure?”, for further information.
- Screening for high cholesterol, for high blood pressure (among pregnant women only), and for breast cancer (among women only).
- Here is the technical terminology used by the National Academies. This language might be useful to share with your doctor:

  “With the usual standard of care physicians should:

  1) Prioritize screening for dyslipidemia with a lipid panel (…once every 4 to 6 years over age 20) as recommended by the Association of American Physicians and the American Heart Association.
  2) Screen for hypertensive disorders of pregnancy at all prenatal visits per the American College of Obstetricians and Gynecologists.
  3) Screen for breast cancer based on clinical practice guidelines based on age and other risk factors such as those recommended by the U.S. Preventive Services Task Force.”

- Remember: These health screenings are recommended as a preventive measure. They do not mean that you will necessarily develop the associated health conditions.

[Option 3]

Your “sum of seven PFAS” result is # µg/L.

That value is above 20 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends the following for adults with “sum of seven PFAS” blood concentrations in this range:

- Reduce ongoing PFAS exposure if a source of exposure has been identified, especially for pregnant women. Refer to the attached fact sheet named “How can I reduce my PFAS exposure?” for further information.
- Screening for high cholesterol, testing of thyroid function, and looking for signs and symptoms of testicular cancer (in males), kidney cancer, and ulcerative colitis.
- Here is the technical terminology used by the National Academies. This language might be useful to share with your doctor:

"In addition to the usual standard of care physicians should:

1) Prioritize screening for dyslipidemia with a lipid panel…following recommendations…and American Heart Association guidance for high-risk adults.

2) At all well visits:

    a. Conduct thyroid function testing (for patients over age 18) with serum thyroid stimulating hormone (TSH);

    b. Assess for signs and symptoms of kidney cancer (for patients over age 45), including with urinalysis; and

    c. For patients over age 15, assess for signs and symptoms of testicular cancer and ulcerative colitis."

- Remember: These health screenings are recommended as a preventive measure. They do not mean that you will necessarily develop the associated health conditions.

Attachment 1. Websites for Further Information

Below, we provide links to several scientific authorities' websites with more information on PFAS.

- New Mexico Environment Department's PFAS in New Mexico website (https://www.env.nm.gov/pfas).
- New Mexico Department of Health's PFAS website (https://nmtracking.doh.nm.gov/ environment/contaminants/PFCS.html).
- PFAS and Your Health website (https://www.atsdr.cdc.gov/pfas) and PFAS "fact facts" (https://www.atsdr.cdc.gov/pfas/data-research/facts-stats) developed by the Agency for Toxic Substances and Disease Registry.
- National Academies of Sciences, Engineering, and Medicine fact sheet on PFAS exposure, blood testing, and clinical follow-up (https://nap.nationalacademies.org/resource/26156/interactive).

NMHealth

PFAS and Your Health

How to Reduce Exposure

What are PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a group of synthetic chemicals used in many consumer products and industrial processes. PFAS are sometimes referred to as “forever chemicals” because they last a long time in the environment and in our bodies. Some PFAS will stay in your body years after exposure.

There is currently no medical way to remove PFAS once they are in your body. However, you can take steps to lower your exposure and prevent the chemicals from entering your body. That will help decrease the PFAS levels in your body over time.

How can someone reduce PFAS exposure?

Check your drinking water

- If your drinking water comes from a public supply, ask your local water provider if they’ve tested for PFAS and if the PFAS levels are below the Environmental Protection Agency’s (EPA) health standards. Your water provider might also share tips for reducing exposure.
- If you have a private drinking water well, test your drinking water for PFAS. Visit https://service.web.env.nm.gov/urls/gxQmotPU. for more information on testing your drinking water for PFAS and what to do if PFAS are found.
- To reduce PFAS in your drinking water, think about using a home filter that is certified to lower PFAS. Visit https://www.epa.gov/system/files/documents/2024-04/water-filter-fact-sheet.pdf to learn about options.

Limit use of consumer products containing PFAS.

- Reduce the use of non-stick cookware because many products contain PFAS. Stainless steel, cast iron, or porcelain cookware products are good PFAS-free alternatives.
- Avoid products with ingredients that include “fluoro” or “perfluoro”. Be aware some lists will not identify PFAS ingredients – or will not list them in a way that is easy to understand.
- Before buying household products, check online resources to see which products contain PFAS. One reliable resource is the Consumer Products Information Database: http://www.whatsinproducts.com.

- Choose clothing, carpets, upholstery, and other textiles that are not labeled as stain-resistant or water-resistant and avoid applying these treatments to items, unless they're marked as "PFAS-free."
- Eat less food that comes in oil-, grease- or water-resistant packaging like pizza boxes, microwave popcorn bags, candy wrappers, and fast-food containers. Some of these single-use containers and food packaging contain PFAS. Look for packaging labeled as "PFAS-free."

Additional steps to reduce PFAS exposure.

- Regularly clean floors and surfaces in your home to remove dust that might contain PFAS.
- If you fish, check state advisories (https://www.env.nm.gov/surface-water-quality/fish-consumption-advisories) before catching and eating the fish.
- If you grow fruits or vegetables at home, use soil, fertilizer, and water that is PFAS-free. For both homegrown and store-bought food, wash items in clean water and peel root vegetables before eating.

New Mexico PFAS Blood Testing

I received my PFAS blood testing results. Now what?

You can speak with State of New Mexico agency staff and healthcare professionals in a **confidential**, **private** setting to learn more about what your PFAS blood test results mean. They will also answer your questions about PFAS in drinking water and private wells.

When?

Noon-8 p.m., Thursday, February 20
Noon-8 p.m., Friday, February 21
9 a.m.-5 p.m., Saturday, February 22

Where?

Youth Recreation Building
1504 E 7th St
Clovis, New Mexico 88101

To schedule an appointment, call **575-575-PFAS (575-575-7327)**.
Walk-ins are welcome on a first-come, first-served basis.

Please bring your results with you to discuss.

NMHealth

New Mexico PFAS Blood Testing

Recibí los resultados de mi análisis de sangre de PFAS. ¿Y ahora qué?

Puede hablar con el personal de la agencia del Estado de Nuevo México y con los profesionales de la salud en un entorno privado y confidencial para obtener más información sobre el significado de los resultados de su análisis de sangre de PFAS. También responderán sus preguntas sobre las PFAS en el agua potable y los pozos privados.

¿Cuándo?

De mediodía a 8 p. m., jueves 20 de febrero
De mediodía a 8 p. m., viernes 21 de febrero
De 9 a. m. a 5 p. m., sábado 22 de febrero

¿Dónde?

Edificio de recreación para jóvenes
(Youth Recreation Building)
1504 E 7th St, Clovis, NM 88101

Para programar una cita, llame al **575-575-PFAS (575-575-7327)**. Se aceptan personas sin cita previa por orden de llegada.

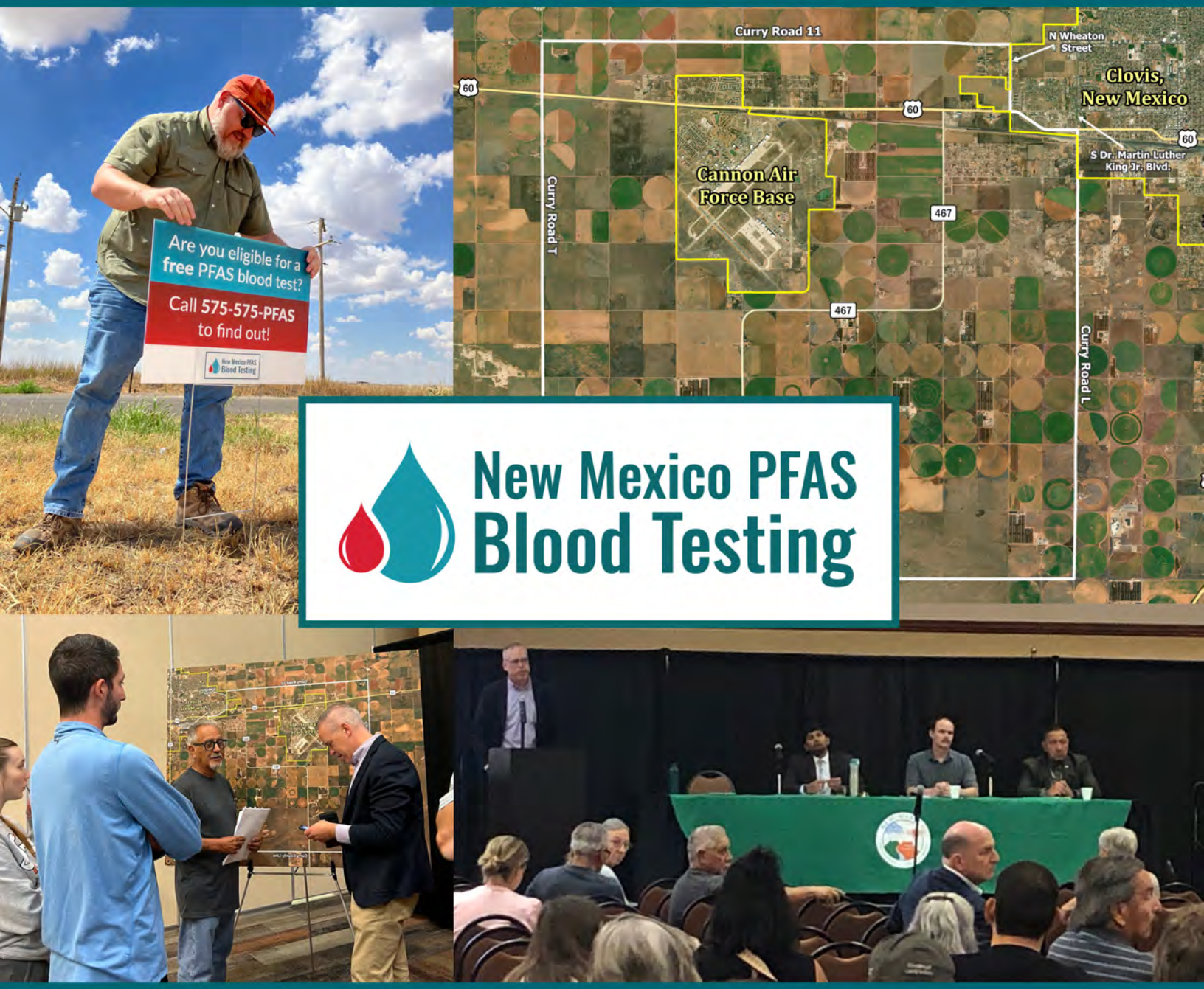
Traiga sus resultados para analizarlos.

NMHealth

New Mexico PFAS Blood Testing Project Final Report

August 12, 2025

NMHealth



Final Report prepared with support from:

Eastern Research Group, Inc.
561 Virginia Road, Suite 300, Building 4
Concord, Massachusetts 01742

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ABBREVIATIONS

AFB	Air Force Base
ATSDR	Agency for Toxic Substances and Disease Registry
CDC	Centers for Disease Control and Prevention
EPA	U.S. Environmental Protection Agency
NASEM	National Academies of Sciences, Engineering, and Medicine
NHANES	National Health and Nutrition Examination Survey
NMDOH	New Mexico Department of Health
NMDVS	New Mexico Department of Veterans' Services
NMED	New Mexico Environment Department
NM-PBT	New Mexico PFAS Blood Testing Project
PFAS	per- and polyfluoroalkyl substances
SGS AXYS	SGS AXYS Analytical Services Ltd.
µg/L	micrograms per liter
ppt	part per trillion
MCL	Maximum Contaminant Level
USGS	United States Geological Survey

Refer to Table 1 for a list of abbreviations for specific PFAS.

New Mexico PFAS Blood Testing Project

August 2025

Project Factsheet

1,085 incoming hotline calls

724 scheduled appointments

638 blood samples collected

628 blood samples analyzed

33 different PFAS chemicals

99.7% of participants had PFAS in their blood

3X More PFAS for participants who live/work on plume

14 participants in the highest national tier for PFAS in blood

$1.2M project cost

The New Mexico Department of Health (NMDOH) and the New Mexico Environment Department (NMED) launched the New Mexico PFAS Blood Testing Project (NM-PBT) to measure PFAS blood levels of people who lived or worked near Cannon Air Force Base in Curry County.

The results show that almost all participants had one or more PFAS in their blood. The most common PFAS chemicals found in the participants' blood is associated with firefighting foams.

Participants living or working above the PFAS plume extending off-base show a statistically significant higher blood level than other participants who do not live or work above the PFAS plume.

Reducing PFAS Exposure

Test Your Well Water: If you use well water, test it for PFAS.

Treat Your Well Water: If you use well water, consider a home water treatment system to reduce PFAS. Contact NMED for technical/financial information: strategic.initiatives@state.nm.us

Replace Your Filters Regularly: If you have a water filter, replace it regularly to maintain its effectiveness in reducing PFAS.

Use Public Water When Possible: If possible, use water from a public system to avoid potential PFAS exposure from well water.

Learn More: Guidance on PFAS Exposure, Testing, and Clinical Follow-Up and PFAS Information for Clinicians.

Project Factsheet

The most detected PFAS chemicals in blood samples were:

- **PFOS: 99.7% of blood samples.** Heavily used in firefighting foam often in military and airport settings.
- **PFOA: 99.5% of blood samples.** Found in firefighting foam, nonstick cookware, waterproof clothing, and food packaging.
- **PFHxS: 98.2% of blood samples**. Found in firefighting foam as a replacement to PFOS and water-repellent coatings.
- **PFNA: 90.4% of blood samples.** Occasionally used in firefighting foam and other industrial applications.

What are PFAS?

PFAS are a group of manmade chemicals found in firefighting foams like those used at Cannon Air Force Base for decades. PFAS are used in other industrial processes and consumer goods.

PFAS are linked to a range of health issues, including increased cancer risk, immune system suppression, elevated cholesterol, and more. PFAS accumulate in our bodies and do not break down and are not excreted. Cannon Air Force Base has released PFAS into the soil and groundwater on- and off-base for decades.

People who **lived or worked in the plume area** had PFHxS levels **more than 3x higher than the U.S. average,** likely from drinking PFAS-contaminated water.

26% of plume area participants had PFAS levels in the **highest concentration tier** used in National Academies of Sciences, Engineering, and Medicine's guidelines, which was over 10x the rate of the broader testing group.

Next Steps and Future Action

Public Health Actions. NMDOH will:

- ✓ Follow up with participants who have the highest PFAS levels, offering health screenings and addressing ongoing exposures.
- ✓ Educate healthcare providers on PFAS health effects and share new public resources.

Environmental Remediation Actions. NMED will:

- ✓ Continue evaluating groundwater PFAS mitigation and remediation opportunities.
- ✓ Expand PFAS exposure assessments to other communities, like Holloman Air Force Base.
- ✓ Strengthen and enforce regulations to protect against future contamination.

ACKNOWLEDGEMENTS

The New Mexico Environment Department (NMED) extends its sincere appreciation to the many individuals and organizations whose collaboration made the PFAS Blood Testing Project possible. This effort reflects our shared commitment to protecting public health and the environment in communities adversely impacted by the U.S. Department of Defense and the U.S. Air Force in New Mexico.

We thank the **New Mexico Department of Veterans Services** for providing valuable guidance and recommendations during the early planning stages. Their support helped shape a project focused on addressing the health concerns of those who have served our country and advised on strategies to encourage veterans to participate in the project.

We are deeply grateful to the **New Mexico Department of Health (NMDOH)** for their essential partnership throughout this project. As the public health authority, NMDOH safeguarded participants' personal health data, provided training to the project contractor, and ensured that the project design aligned with public health surveillance standards. Their involvement in public meetings and panel discussions, along with their ongoing support through the public health hotline, helped strengthen community trust and engagement.

We also thank **Curry County Manager Lance Pyle**, the **Curry County Commission**, and the **Curry County Health Council** for their strong community partnership and logistical support.

We acknowledge the **City of Clovis** for generously providing the **Youth Recreation Building**, which served as a welcoming and accessible space for participants, and thank the **Curry County Fairgrounds** for additional site accommodations.

We appreciate the support of **State Representative Martin Zamora, State Senator Pat Woods, the New Mexico Congressional Delegation and their staff,** and the **Office of the Governor of New Mexico** for championing this effort at the state level. Special thanks go to **John Wilhelmi** of **Eastern Research Group** for his technical expertise and dedicated assistance from planning through implementation.

Finally, we extend our deepest gratitude to the **participants, residents, and stakeholders** who contributed their time and trust to this project. Your involvement is vital to advancing environmental health and ensuring a safer, healthier future for New Mexico communities.

NMED Exhibit 17

1.0 EXECUTIVE SUMMARY

In 2024, the New Mexico Department of Health (NMDOH) and the New Mexico Environment Department (NMED) designed and launched the New Mexico PFAS Blood Testing (NM-PBT) project. This public health surveillance project focused on per- and polyfluoroalkyl substances (PFAS), which are a group of synthetic chemicals that are highly persistent in the environment, resistant to breakdown, and toxic. The NM-PBT project was the first ever PFAS blood testing initiative of this scale conducted in New Mexico. This project was funded entirely by the NMED Hazardous Waste Bureau at the cost of $1,214,284. The U.S. Department of Defense and the U.S. Air Force did not provide any financial or technical support related to this project.

The state agencies designed the NM-PBT project to measure PFAS concentrations in the serum fraction of blood among adult New Mexico residents who have ever lived or worked in an area near a PFAS contamination site. The measured PFAS concentrations in serum would also be compared to nationwide averages, and statistical analyses would explore how serum PFAS concentrations relate to indicators of exposure history. The agencies decided to conduct the NM-PBT project in an area of Curry County around Cannon Air Force Base (AFB) primarily due to evidence of high levels of PFAS contamination in groundwater and some drinking water sources.

Recruitment efforts relied on community engagement and outreach strategies to encourage eligible individuals to enroll in the blood testing project primarily via a hotline. This recruitment strategy resulted in a convenience sample of eligible residents and workers from the project focus area; no attempt was made to recruit a statistically representative sample of the eligible population. Blood test appointments were scheduled during three week-long sampling events held at the Youth Recreation Building in Clovis, New Mexico. The events took place in September 2024, October 2024, and November 2024. During appointments, participants completed an exposure history questionnaire and provided a blood sample. A commercial laboratory analyzed the serum fraction of the blood samples for 33 PFAS. All participants received letters with their test results, including information on what their individual results mean and where participants can get more information on PFAS and its potential health effects.

This report summarizes the serum PFAS concentrations measured during the NM-PBT project. Participants' privacy and protected health information were safeguarded throughout the project to the extent required by law, and no protected health information has been released or appears in this report. NMDOH is the long-term custodian of all records and data generated during the project and will continue to protect participants' privacy.

Key project findings include:

1. Across the three week-long blood collection events, 724 PFAS blood test appointments were scheduled, and 638 of these appointments were kept. Otherwise stated, 88.1% of the scheduled appointments were kept. See Section 5.0.

2. Subsequent data analysis confirmed that 628 of the 638 kept appointments were for individuals who met the project's eligibility criteria. Ten individuals who kept their appointments were later found to have not met the project's eligibility criteria. These ten individuals' data are not evaluated in this report. See Section 5.0.

3. Every serum sample collected during the project was tested for 33 different PFAS. The number of PFAS detected in serum varied across the participants. Across all 628 blood samples from eligible participants, 16 PFAS were detected in at least one sample. The analytes detected most frequently were PFOS (detected in 99.7% of samples), PFOA (99.5%), PFHxS (98.2%), and PFNA

(90.4%). See Table 1 for the full chemical names for these PFAS. The data analyses in this report focus largely on these four PFAS. See Section 5.2.

4. 626 out of the 628 eligible participants—or 99.7% of participants—had at least one PFAS analyte detected in their serum samples. Only two participants of the 628 eligible participants—or 0.3% of participants—had no PFAS detected in their serum. This frequency of detection is generally consistent with what has been observed in nationwide PFAS blood testing efforts (ATSDR, 2022b; Calafat et al., 2007). See Section 5.2.

5. Measured concentrations for the sum of seven PFAS (ΣPFAS7) were compared to the National Academies of Sciences, Engineering, and Medicine's (NASEM's) medical screening guidelines for PFAS. Among the project's 628 eligible participants, 2.2% (n=14) had serum ΣPFAS7 concentrations greater than or equal to 20 µg/L—the highest concentration tier used in NASEM's guidelines. For comparison, an estimated 9% of the adult nationwide population has serum ΣPFAS7 concentrations above this level. See Section 5.3.

6. The age-adjusted geometric mean concentrations of PFOS, PFOA, PFNA, and PFHxS for the 628 NM-PBT project participants were all lower than the corresponding national averages, based on blood samples collected by the Centers for Disease Control and Prevention (CDC) in 2017 and 2018. These were all statistically significant findings, but there are two limitations. One limitation of this comparison is the different time frames when samples were collected. All NM-PBT project blood samples were collected in 2024, and the nationwide comparison data, although the most recent results published in an NHANES data release, were collected six to seven years prior. This is a limitation because serum PFAS concentrations in the general U.S. population are known to have been declining for years, but more recent statistically representative nationwide data are currently not available. Another limitation is that NHANES data are representative of the nationwide civilian, non-institutionalized population. These data are not necessarily representative of military populations. A nationally representative PFAS blood testing data set is currently not available to comment on whether PFAS levels among military households near Clovis, New Mexico are higher or lower than those found in military households nationwide. See Section 5.4 for further details on this topic, including additional comparisons of the NM-PBT blood testing results to those published in more recent studies that are not at a national scale.

7. Geometric mean serum PFAS concentrations were also calculated for the subset of NM-PBT project participants who have ever lived or worked in the "plume area" near Cannon AFB. NMED developed the plume area boundaries based on results from previous groundwater monitoring and private well sampling. For this subset of participants, the geometric mean serum concentrations for PFOS and PFHxS were considerably higher than the corresponding geometric mean concentrations for all other NM-PBT project participants. Further, for PFHxS, the geometric mean serum concentration for participants who lived or worked in the plume area was higher than the 2017-2018 nationwide average. The findings in this paragraph were all statistically significant. A logical inference is that exposure to PFAS-contaminated drinking water was the likely source of the elevated concentrations, but other pathways (e.g. inhalation) might have also contributed. See Section 5.6.

8. Regression models were used to identify participant characteristics and exposure factors that were correlated with serum PFAS concentrations. The models found that participant age, sex, and frequency of blood donation were the only variables correlated with serum concentrations for all five PFAS considered in this analysis (PFHxS, PFNA, PFOA, PFOS, ΣPFAS7). The analyses indicated that serum concentrations of these PFAS increased with participants' age, were higher

in male participants than in female participants, and were lower in participants who donated blood at least once per year than in those who donated blood less frequently. Other blood testing initiatives (e.g., ATSDR, 2022b) identified these same relationships between these variables and serum PFAS concentrations. See Section 5.5.

Section 7.0 of this report describes how NMDOH and NMED plan to use the NM-PBT project findings to support decision-making and to prioritize public health actions related to PFAS environmental contamination. The New Mexico agencies plan to host a public meeting in Curry County to present the blood test results to the local community.

NMED Exhibit 17

2.0 INTRODUCTION

The New Mexico PFAS Blood Testing (NM-PBT) project was a public health surveillance effort conducted to determine the levels of per- and polyfluoroalkyl substances (PFAS) in the blood of people who live and/or work near Cannon Air Force Base (AFB) in Curry County, New Mexico. The project measured PFAS concentrations in blood samples from 638 individuals, and this report summarizes the results. This report summarizes the NM-PBT results and is organized as follows:

- Section 3.0, "Background and Purpose," includes background information on PFAS, describes PFAS contamination issues near Cannon AFB, and presents the NM-PBT project objectives.
- Section 4.0, "Methods," details various aspects of the NM-PBT project design, including participation eligibility criteria, recruitment strategies, and how data were collected and analyzed.
- Section 5.0, "Results and Discussion," summarizes all data collected during the project. It presents a profile of the participants, reviews the PFAS blood test results, and reports on associations between PFAS blood levels and indicators of PFAS exposure.
- Section 6.0, "Limitations," lists limitations associated with interpreting PFAS blood testing results.
- Section 7.0, "Future Directions and Use of Results," describes how New Mexico agencies might use the project results to improve public health and protect the environment.
- Section 8.0, "References," lists the references for all citations included in the report.

All figures and tables identified appear in the report text. Appendices to this report include copies of selected project resources and detailed tables and figures for the data analyses presented in Section 5.0.

NMED Exhibit 17

3.0 BACKGROUND AND PURPOSE

In October 2018, Cannon AFB notified the NMED that PFAS had been detected in groundwater. While this is when the detection and notification occurred, the military's use of PFAS-containing firefighting foams dates back to the 1970s, suggesting that the release of these chemicals into the environment likely began much earlier. Exposure to PFAS is of concern due to these contaminants' widespread occurrence, their persistence, and their toxicity.

In an effort to better understand human exposure to PFAS in New Mexico, NMDOH and NMED launched a public health surveillance project to measure PFAS blood levels among adult New Mexico residents who have ever lived or worked in an area near Cannon AFB. As the PFAS blood testing project was public health surveillance rather than research, a human subjects review was not required. The agencies intend to use this project's findings to inform future public health actions and environmental initiatives. This section presents background information that factored into the agencies' decision to conduct the PFAS blood testing and identifies the NM-PBT project objectives.

3.1 What are PFAS?

PFAS are a group of thousands of synthetic chemicals commonly found in various consumer products and in many industrial formulations and processes. For example, PFAS have been used in paper and carboard packaging; as a component of water- and stain-resistant coatings applied to carpet, upholstery, and clothing; and in aqueous film-forming foam (AFFF) used in firefighting and various military practices (ATSDR, 2021). PFAS are extremely resistant to most natural degradation processes, making them highly persistent in the environment and in our bodies. Scientists have documented the presence of PFAS in ambient air, soil, water resources, aquatic and terrestrial biota, and other environmental media at locations throughout the country (ITRC, 2023).

People in the United States (U.S.) and elsewhere can be exposed to PFAS through the air they breathe, the water they drink, the food they eat, and other pathways. Once PFAS are in the human body, they are often found in the blood, kidneys, and liver (ATSDR, 2021; 2024). Because of their persistence, some PFAS can be identified in human blood several years after they entered someone's body. The U.S. Environmental Protection Agency (EPA) recently reported that it can take weeks to years for levels of many PFAS to decrease by half in human blood, assuming exposure is not ongoing (EPA, 2023); and for some PFAS, estimates of half-life in human blood are longer than a decade (ATSDR, 2021).

Multiple parties have documented the presence of PFAS in the serum fraction of human blood, and epidemiological studies generally use serum levels as the primary biomarker of PFAS exposure (ATSDR, 2021). Since 1999, the Centers for Disease Control and Prevention (CDC) has measured PFAS in serum as part of the agency's National Health and Nutrition Examination Survey (NHANES)—a statistically representative survey of health and nutritional status of U.S. residents that includes analysis of blood samples from participants. In the 1999-2000 survey cycle, NHANES detected at least one PFAS in the serum fraction of blood in more than 99% of the samples collected (Calafat et al., 2007). Similar findings have been reported in other NHANES survey cycles.

Additionally, the Agency for Toxic Substances and Disease Registry (ATSDR) conducted PFAS exposure assessments across ten U.S. sites near current and former military bases, where local drinking water suppliers were known to be contaminated with PFAS. Blood samples were collected from 2,384 individuals and the results indicated that the average age-adjusted levels for three PFAS compounds (PFOA; PFOS; PFHxS) tended to be higher in these communities as compared to national levels (ATSDR, 2022a). Section 5.4 compares this project's blood testing results to those reported by ATSDR in its PFAS

exposure assessments. Multiple recent assessments thoroughly summarize the literature on releases of PFAS, their presence in the environment, and potential health effects in humans (e.g., ATSDR, 2021; ITRC, 2023).

The presence of PFAS in human blood is concerning due to scientific evidence of adverse health effects that are associated with exposures to these chemicals. Government agencies and other scientific bodies have published assessments of the evidence of toxicity for selected PFAS (e.g., ATSDR, 2021; EPA, 2024a, 2024b; ITRC, 2023). The adverse health effects linked to exposure vary from one PFAS to the next, and many PFAS have limited or no toxicity information. Examples of adverse health effects reported as being associated with exposures to certain PFAS include increased cholesterol levels, small decreases in birth weight, decreased antibody response to vaccines in children, kidney and testicular cancer, pregnancy-induced high blood pressure, and changes in liver enzymes (ATSDR, 2024; NASEM, 2022). While PFAS have been found in the blood of most humans who have been tested whether health effects occur depends on the magnitude, frequency, and duration of exposure, the life stages at which exposure occurs, individual susceptibilities, and other factors.

Recently, EPA set national standards for five PFAS compounds (PFOA; PFOS; PFNA; PFHxS; HFPO-DA) in drinking water. The maximum contaminant levels (MCLs) for these compounds range from 4 parts per trillion (ppt) to 10 ppt for individual concentrations and up to a hazard index (a long-established approach that EPA applies to chemical mixtures consisting of a sum of fractions) of 1 for mixtures (EPA, 2024c). This regulation aims to reduce overall PFAS levels in drinking water across the U.S., which would be expected to result in decreased human exposure.

3.2 Rationale for Conducting Blood Testing

While multiple public health and environmental programs across the United States have investigated PFAS levels in individuals' blood at the federal and state level, no such systematically collected data were previously available for New Mexico. To fill this critical gap, the New Mexico Department of Health (NMDOH), in collaboration with the New Mexico Environment Department (NMED) launched the New Mexico PFAS Blood Testing (NM-PBT) Project. This public health surveillance effort provides, for the first time, insights into PFAS levels in the blood of selected New Mexico residents.

The project was initiated in the community surrounding Cannon Air Force Base (CAFB) near Clovis, NM—an area with a known high concentration of PFAS in groundwater and contamination plume. The decision to focus on this location was based on the potential for elevated PFAS exposure through contaminated drinking water, other potential local environmental pathways, and to provide a health service to this impacted community.

The NM-PBT project aimed to assess both baseline and potentially elevated PFAS levels in the blood of participants. To accomplish this, the study involved direct collection of blood samples and the administration of an exposure assessment survey. The survey followed a protocol developed by the ATSDR to help identify likely sources and pathways of PFAS exposure for each participant.

Data collected through this project was compared to existing national and state data to better understand how PFAS exposure in this community compares to broader trends. NMDOH intends to use the results to determine whether public health interventions are needed to reduce exposure and improve health outcomes. At the same time, the results will enable NMED to evaluate environmental exposure pathways and guide the implementation of effective remedial actions to mitigate or eliminate future exposures and associated health risks.

NMED Exhibit 17

The remainder of this section presents the rationale for selecting the area near Cannon AFB for the project (Section 3.3) and lists the objectives for the blood testing (Section 3.4).

3.3 Cannon Air Force Base PFAS Contamination

New Mexico, like most states nationwide, has numerous known areas of PFAS contamination. NMED, federal agencies, academics, consultants, and other parties have conducted sampling studies to characterize the nature and extent of PFAS contamination at multiple locations in New Mexico. Multiple studies have reported on PFAS found in groundwater, surface water, drinking water, and private wells across the state (NMED, 2024; USGS, 2024). Researchers have also measured alarming levels of PFAS in wildlife (UNM, 2024).

The state agencies selected the area near Cannon AFB, located in Curry County, for the blood testing project. That is because Cannon AFB is one of the most extensively studied PFAS contamination sites in New Mexico (NMDOH, 2022; NMED, 2024; USGS 2024); and the area had some of the highest known environmental contamination levels statewide. Several specific observations were considered when selecting this site for the project:

- *Known PFAS sources.* Studies have documented the presence of multiple sources of PFAS releases to the environment from Cannon AFB. These include fire training areas where PFAS-containing firefighting foam was previously used, former sewage lagoons and landfills that received waste containing PFAS, and current wastewater discharge sites (DBS&A, 2022). Documented releases have occurred as recently as July 2024, when approximately 7,000 gallons of PFAS-containing water were released to a retention pond with a compromised liner at the base (Cannon AFB, 2024).
- *PFAS groundwater contamination.* NMDOH, NMED, and the U.S. Geological Survey (USGS) have all reported on PFAS contamination in groundwater at or near the base (NMDOH, 2022; NMED, 2024; USGS, 2024). PFOA and PFOS have been detected at 26,200 parts per trillion in the groundwater at Cannon AFB (Cannon AFB Site Inspection Report, 2018). Multiple parties have generated maps showing the extent of PFAS groundwater contamination near Cannon AFB, with the highest concentrations generally found in the southeastern portion of the base. The groundwater contamination has migrated off the base in the direction of groundwater flow, which generally moves toward the southeast (DBS&A, 2022). Figure 1 shows the PFAS “plume area” map that this project considered when evaluating the blood sampling results. NMED generated this map based on PFAS sampling data collected in 2018 and 2019, and the yellow boundary estimates areas within which PFAS groundwater concentrations exceed 70 ppt which exceeds EPA health advisories and drinking water standards.

Figure 1: PFAS Plume Area near Cannon AFB



Note: NMED generated this map based on measured concentrations of six PFAS in groundwater. The chemicals considered when making this map were PFBS, PFHxS, PFOS, PFHpA, PFOA, and PFNA. See Table 1 for the full chemical names for these abbreviations.

- *PFAS drinking water contamination.* Some PFAS compounds have been detected in the drinking water systems that serve Cannon AFB and the Turquoise Estates development and in private wells near the base (NMED, 2024). Among the water sources used for drinking water, irrigation, and dairy supply, the highest contamination levels were observed in private wells located in areas southeast of Cannon AFB (NMED, 2024).
- *PFAS impacts.* The PFAS contamination originating from Cannon AFB led to contamination of cattle in a nearby dairy, which eventually had to euthanize its entire herd of 3,600 cattle due to the PFAS in their milk (NMED, 2022).

The information presented above only briefly reviews information on PFAS sources, contamination, and impacts at and near Cannon AFB. NMED's Cannon AFB website (https://www.env.nm.gov/hazardous-waste/cafb/) has a more complete and detailed chronology of the PFAS investigations that have been conducted there, and research into the PFAS contamination at the base is both ongoing and under litigation.

3.4 Project Goals and Objectives

NMDOH, NMDVS, and NMED launched the NM-PBT project to provide insights into PFAS blood levels in select New Mexico Residents and to achieve the following objectives:

- Characterize the magnitude of serum PFAS concentrations among adult New Mexico residents who have ever lived or worked in an area (see Section 4.1) near Cannon AFB.
- Compare the observed serum PFAS concentrations among these adult residents to national averages.

The results presented in this report are discussed in the context of **blood serum**, a fraction of blood that does not include blood cells or other clotting factors. PFAS are known to partition to blood serum as opposed to other blood components. The project collected blood samples from participants, and the serum that was extracted from these blood samples was then analyzed for PFAS. Therefore, when presenting results, this report consistently refers to serum PFAS concentrations.

- Determine how the serum PFAS concentrations among the participants relate to indicators of exposure history.

To achieve these objectives, the agencies developed a project that collected blood samples and exposure history information from eligible adults, and PFAS concentrations in the serum fraction of the blood were measured by a commercial laboratory. As described later in this report, the serum PFAS concentrations were then compared to the most recent CDC NHANES survey to understand how levels near Cannon AFB compare to national averages. CDC publishes summary statistics for its ongoing NHANES biological sampling. At the writing of this report, the most recent CDC-published summary of PFAS serum results is for the 2017-2018 NHANES cycle.

The overarching goal of this project was to identify whether and what interventions are needed to reduce PFAS exposure and to improve overall public health among residents and workers on or near the base. Further, the project findings were expected to inform understanding of PFAS exposure pathways and effective remedial efforts that can be used to mitigate or eliminate future exposure risks for individuals working and living near Cannon AFB. The remainder of this document details the methodology and findings of the NM-PBT project.

4.0 METHODS

This section describes the methodology used to conduct the NM-PBT project, including the eligibility criteria for participants, the community engagement and outreach strategies used in recruitment, how data were collected, the laboratory methods used to measure PFAS concentrations in serum, and the statistical analyses used to understand trends and patterns among the data. A more complete description of the methodology is found in the project protocol (NMDOH, NMDVS, NMED, 2024). This section summarizes key points from the protocol, including instances where the approach deviated from the steps outlined in the protocol.

NMDOH and NMED contributed to this project. NMDOH served as the public health authority, and its roles included helping to develop the project protocol, providing oversight for protected health information, and deciding how blood sampling results will be used to enhance public health. NMED funded the effort, provided insights on PFAS contamination levels at and near Cannon AFB, and issued and managed the contract used for contractor support. Eastern Research Group, Inc. (ERG) provided contractor support by developing standard operating procedures, recruiting participants, hosting the appointments, processing the blood samples into serum, coordinating with the analytical laboratory, and performing statistical analyses of data. SGS AXYS Analytical Services Ltd. (SGS), as a subcontractor to ERG, performed the laboratory analyses to measure PFAS concentrations in participants' serum.

4.1 Participant Eligibility Criteria

One of the first decisions made by the New Mexico agencies was deciding who would be eligible to participate in the NM-PBT project. The agencies established three participant eligibility criteria. To participate in the project, individuals had to:

- Have ever lived or worked in a geographic region that was referred to as the "project focus area."
- Be 18 years of age or older.
- Be a New Mexico resident.

The first criterion did not specify minimum residency or employment durations for participating. As a result, people who lived or worked in the project focus area for as little as one day were eligible to participate.

Figure 2 presents the project focus area used to assess eligibility. This area was based on NMDOH's 2018-2019 evaluation of private well contamination near Cannon AFB. That evaluation considered areas within 4 miles of the southeast corner of Cannon AFB as having the highest potential risk of PFAS groundwater contamination (NMDOH, 2022). The same area was initially considered for the NM-PBT project focus area. However, the circle drawn with a 4-mile radius cut through neighborhoods and through individual residential properties, which would have complicated efforts to define who is eligible to participate. The boundaries shown in Figure 2 were used because they approximated the area with a 4-mile radius and followed roadways and other landmarks that residents would likely recognize.

The final project focus area included all households located within 4 miles of the southeast corner of Cannon AFB, plus approximately 100 additional households just beyond 4 miles from that location but within the street boundaries shown in the map. The entire project focus area was within Curry County. The project focus area boundaries were:

- South Dr. Martin Luther King Jr. Boulevard and Curry Road L formed the eastern boundary of the project focus area.

- Curry Road 3 (and the county line) was the southern boundary of the project focus area.
- Curry Road T was the western boundary of the project focus area.
- Curry Road 11 was the northern boundary of the project focus area.
- In the northeast corner of the project focus area, the boundary ran south from Curry Road 11 along North Wheaton Ave. It then extended east along U.S. Highway 60 (Grand Avenue) to South Dr. Martin Luther King Jr. Boulevard (which becomes Curry Road L when the road passes south beyond the Clovis city limits).

Based on the 2022 American Community Survey, an estimated 3,243 adult residents who live in 1,375 households were in the project focus area; approximately 2% of these households have limited English spoken in the home, and Spanish is presumed to be the primary language in these households. The number of additional people who were eligible because they had ever worked in the project focus area is not known. Some people were eligible because they both lived and worked in the project focus area.

Figure 2: NM-PBT Project Focus Area



People who live in the project focus area get drinking water from different sources, which was an important consideration when evaluating the PFAS blood test results. Most residents in the area have drinking water provided by a community water system. According to EPA's Safe Drinking Water Information System (EPA, 2025a), the water systems that serve different portions of the project focus area include:

- EPCOR Water New Mexico, which serves a population of more than 41,000 in Clovis. However, a relatively small subset of the population served by this utility lives in the project focus area.
- The Cannon AFB water system, which serves an estimated population of more than 7,800.

- The Turquoise Estates Water Co-op, which serves a population of 265.
- The Desert Village RV and Mobile Home Park water system, which serves a population of 223.

In addition, residents of the project focus area who are not connected to community water systems generally obtain their drinking water from private wells, which include wells dedicated to individual households and shared wells that provide drinking water to multiple households. Private wells primarily serve households in the rural portions of the project focus area, including the area southeast of Cannon AFB.

4.2 Recruitment

The project used a convenience sample of eligible residents and workers in the project focus area, with no attempt to recruit a statistically representative sample of the eligible population. In other words, every adult who is a New Mexico resident and who has ever lived or worked in the project focus area was eligible to participate, provided they enrolled during the time frame when appointments were being scheduled. The enrollment hotline (1-575-575-PFAS) was staffed from August 27, 2024, to November 20, 2024; and several hotline staff who are fluent in Spanish were available to answer calls. Blood test appointments were scheduled for eligible individuals who called the hotline and who were available at the times when appointments were offered. See the "check-in" section below for how project staff handled individuals who requested walk-in appointments.

Participation in the NM-PBT project was voluntary, and the project relied on community engagement and outreach strategies to encourage eligible individuals to enroll. The engagement and outreach educated individuals about the project, made them aware of the eligibility criteria, and explained how they can make appointments. All printed outreach materials distributed for the project were issued in English and Spanish. The following strategies were used to boost recruitment:

- In August 2024, before recruitment began, project representatives hosted a booth at the Curry County Fair to inform local residents of the upcoming project. The representatives handed out postcards and flyers describing the NM-PBT project and encouraging people to attend the public meeting that launched the project.

- Representatives of NMDOH, NMDVS, and NMED hosted a public meeting at the Clovis Civic Center on August 27, 2024, to formally launch the project. Their presentations addressed many topics, including the goals and objectives of the NM-PBT project, how individuals could sign up for appointments, the risks and benefits of participating, the efforts that would be taken to protect participants' privacy, and how data would be used to inform public health actions. After the meeting, project representatives scheduled appointments for attendees who met the eligibility criteria and who wished to participate. The enrollment hotline (1-575-575-PFAS) opened on the day of the public meeting.

- Also on August 27, 2024, project representatives mailed invitation packages to every residential address within the project focus area. A commercial service was used to obtain the address list, and the packages contained a letter signed by New Mexico agency officials, a fact sheet, a post card, and a list of frequently asked questions. The invitation package encouraged residents to call the enrollment hotline to schedule appointments. (Note: Invitation packages were not mailed to households on Cannon AFB, instead informational materials were provided to CAFB Public Relations staff and leadership for distribution to on-base households and staff.)

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- In the week after the public meeting, project representatives attempted to call every residential household in the project focus area. Telephone numbers were obtained from a commercial service, though some phone numbers were no longer in service or were otherwise incorrect. Project representatives made up to three calls to every valid telephone number, and they scheduled appointments for residents who answered their phones, who met the eligibility criteria, and who wanted to participate. All calls followed a script approved by NMDOH and NMED.
- Numerous other strategies were used to promote awareness of the NM-PBT project and to encourage participation. These strategies included placing yard signs at highly visible locations in the project focus area, issuing press releases about the project, and reaching out to Cannon AFB officials and to local organizations and requesting that they promote the project to their constituencies.

Participants scheduled appointments via one of the following ways: in-person at the end of the public meeting; during a recruitment phone call received at their household; or by calling the project hotline. For all three communications, an individual spoke with a project representative to enroll; and these communications were made in English or Spanish, depending on the individuals' preference. These conversations started with the project representative confirming that an individual met the eligibility criteria. Next, project representatives requested that individuals provide the following information:

- First and last name
- Home address, telephone number, and email address
- Employer and work address (only for participants who were eligible due to where they work)
- Preferred appointment date and time

Project representatives then scheduled appointments. Individuals who provided email addresses immediately received email confirmation of their appointments, and participants received up to two additional appointment reminders, using phone calls and email messages. The reminders indicated that participants must bring documentation proving they met the project's eligibility criteria. Overall, more than 700 appointments were scheduled across three week-long sampling events. See Section 5.1 for further information on the number of appointments scheduled, the number of appointments kept, and a breakdown of the participants in the NM-PBT project.

4.3 Data Collection and Analysis

This section presents the methodology that the project team followed to collect data during the PFAS blood test appointments, to measure serum PFAS concentrations, and to conduct statistical analyses of the data. Section 5.0 presents the findings that were generated by following the methodology described below.

4.3.1 Data Collection during Blood Test Appointments

All PFAS blood test appointments occurred during three week-long events held at the Youth Recreation Building in Clovis, New Mexico. The three events occurred on the following dates:

- September 12-18, 2024
- October 3-9, 2024

- November 14-20, 2024

During each event, up to 30 appointments were scheduled per day. Appointments typically lasted 45 minutes and comprised of participants completing five stations, described below. Participants generally completed appointments by themselves; however, participants that were part of the same household were allowed to complete appointments together. Appointments were offered in English and Spanish, depending on a participant's preference. The following text describes what occurred at the five stations for the PFAS blood test appointments.

All staff who worked at the appointments were trained in processes for handling protected health information, Health Insurance Portability and Accountability Act (HIPAA) privacy protections, health and safety requirements for handling blood samples, and various other relevant topics. The onsite staff were primarily ERG employees.

Check-In

The check-in station involved greeting incoming participants, verifying that participants met the eligibility criteria, and checking participants in for their scheduled appointments. Walk-in appointments were accepted when schedules permitted. However, because most days had full schedules, project staff generally were not able to accommodate walk-in appointments. Individuals who came to the sampling venue without an appointment and who could not be accepted as walk-ins were asked to call the project hotline to schedule an appointment during an available time.

At check-in, project representatives asked participants to provide their name, home and mailing address, phone number, and email address. Participants were also asked whether they wanted to receive their PFAS blood test results by email, U.S. mail, or both. All information provided by participants was logged into a project tracking spreadsheet on a secure central laptop that was not connected to the internet.

Additionally, project representatives reviewed participants' documentation demonstrating eligibility and recorded the document type in the project tracking spreadsheet. Acceptable documentation included proof of age, proof of New Mexico residency, and proof of employment or residence within the project focus area. Examples of acceptable documentation included:

- New Mexico driver's license or identification card.
- Military badge or orders listing Cannon AFB as the base where stationed.
- Pay stub or employment verification letter from an employer within the project focus area.
- Utility bill, bank statement, or other document listing an address within the project focus area.

Eligibility for participants who had no such documentation (e.g., people who grew up in the project focus area decades ago but had no proof of that residency) was evaluated on a case-by-case basis.

Once the check-in process was complete, project staff assigned a unique identification number to the participant. The number (e.g., "NM125") was a string of five characters that included the state abbreviation ("NM") and three digits (e.g., "125"). Project staff at the check-in station explained to participants that the unique identification number was assigned to protect participants' privacy. As noted below, blood samples collected during appointments were labeled only with the unique identification numbers—not with participants' names. After completing check-in, participants were directed to the next station.

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Participation Acknowledgment Forms

All participants, after check-in, immediately were directed to a station to complete a participation acknowledgment form. For privacy purposes, these forms were completed in an area at the Youth Recreation Building separated from others by partitions. The purpose of the acknowledgement form was to ensure that participants fully understood the NM-PBT project and to give participants an opportunity to ask questions before proceeding with their appointments. See Appendix A for a blank copy of the participation acknowledgment form.

Project representatives from ERG worked at the station where participation acknowledgment forms were completed. Participants were given the option of either reading the form on their own or having the project representative review the contents with them; participants were also offered copies of the form. The project representatives at the station reviewed the first two pages of the participation acknowledgment form with each participant. Those two pages included an introduction to the project, an explanation for why NMDOH was collecting blood samples and what the department intends to do with the results, information on privacy protections, discussion of the benefits and risks of participating, and a summary of the strengths and limitations of PFAS blood test results. During this discussion, participants were given the opportunity to ask questions.

Once participants confirmed that all their questions were answered, project representatives read ten acknowledgment statements out loud; and participants were asked to indicate whether they agreed with these statements by writing their initials in the appropriate box on the form (see the third page of the form). Participants were then asked to sign and date the final page of the form, and the project representative who worked in the station also signed and dated the form.

All completed forms were immediately placed in a locked file cabinet. Participants were then typically directed to the exposure history questionnaire station, but in some cases, participants were directed to the blood collection station before they completed their questionnaires.

Exposure History Questionnaire

Project representatives from ERG administered an exposure history questionnaire to every participant. For privacy, the questionnaires were also completed in an area at the Youth Recreation Building separated from others by partitions. The purpose of the questionnaire was to collect information on participants relevant to their potential PFAS exposures.

Appendix A has a copy of the exposure history questionnaire for the NM-PBT project. The questionnaires began with a review of NMDOH's Privacy Policy and how it applied to the blood testing project. Participants were given the option to take a copy of the policy. Project representatives then began asking questions from the questionnaire and logged responses in Epi Info software on dedicated laptops. This software is maintained by CDC and commonly used when collecting data for projects of this nature, and it included several quality control checks to ensure that questions were not inadvertently skipped. To protect participants' privacy, the laptops used for questionnaires were not connected to the internet.

The exposure history questionnaire included 39 questions that addressed numerous topics, including: participant information (e.g., name, contact details, eligibility), residential history, occupational history, sources of drinking water at home and work, and other potential sources of PFAS exposure (e.g., usage of stain resistant products, contact with soil, fast food consumption). For most questions, participants had the option to not answer or indicate that they did not know the answer.

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After administering the questionnaire, project representatives closed the file on their laptop and escorted the participant to the next station, which was typically the blood collection station.

Note: The default approach involved in-person administration of exposure history questionnaires. This approach was used when the sampling event was fully staffed with project representatives. However, on days when the event was not fully staffed (e.g., when some project representatives were ill), a subset of exposure history questionnaires were administered by phone.

Blood Collection

The primary activity at the blood collection station was participants providing a blood sample, which was taken by a licensed phlebotomist. When participants arrived at the station, project representatives from ERG entered the participants' identification numbers in a hard copy blood collection log, and pre-printed sample labels were retrieved. These labels only included participation identification numbers and dates. Participants' names were not entered into the log or written on the sample labels.

Participants then entered the blood collection area, which was also in an area at the Youth Recreation Building separated from others by partitions. A phlebotomist collected blood samples according to the project's manual of procedures, and blood was drawn into 10 milliliter (mL) red top blood tubes. After providing their blood samples, participants were observed for any adverse reactions, then escorted to a waiting area where they were offered snacks and beverages.

The phlebotomist, after finishing drawing blood, placed sample labels on the 10-mL red top blood tubes and temporarily stored them upright in a rack. Figure 3 shows a rack of blood samples collected during the project. The samples remained on the rack until the collected blood began to clot—a process that took between 30 minutes and 2 hours. Project representatives then placed the red top blood tubes in a centrifuge and spun the samples at 2,400 revolutions per minute for 15 minutes. This step was required to separate serum (which was the portion of the blood samples to be sent to the laboratory for analysis) from other blood components. After spinning samples, the less dense serum portion of the blood separated from and remained atop the denser material containing other blood components, as shown in Figure 4.

Figure 3: Photograph of Collected Blood Samples

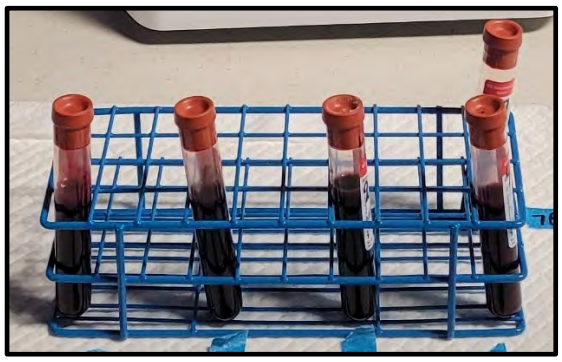


Figure 4: Photograph of Processed Sample



Note: Figure 4 shows how serum separates from other blood components after a blood sample is centrifuged. The serum is the pale, yellow fluid at the top of the sample, and that portion of the sample was sent to the laboratory for PFAS analysis. The dark material at the bottom of the sample is blood cells, clotting factors, and other materials. That material and the used red top blood tubes were disposed of and managed as regulated medical waste.

Project representatives who were trained in blood sample processing then pipetted the serum fraction of the spun blood sample into 6-mL cryovials. As shown in Figure 5, this task was typically performed by

two individuals: one pipetted the material from the original red top blood tube, and the other held the cryovial into which the serum was placed. Unique labels were affixed to every cryovial, and the labels contained participant identification numbers and collection dates.

Per specifications from the laboratory, project representatives attempted to transfer at least 4 mL of serum from the processed blood sample into the cryovial. The laboratory indicated that 4 mL of serum was preferred for analysis, but it could analyze samples that contained less than this amount. In some cases, samples initially yielded less than 4 mL of serum after being centrifuged. To achieve the desired sample volume, the project representatives typically re-spun these sample at the same settings noted above and pipetted additional serum into the cryovials.

After cryovials were filled, project representatives immediately sealed them and placed each sealed cryovial in its own 2”x4” plastic bag. The individual bagged serum samples were then placed in a labeled specimen box, which held up to 25 samples. The specimen boxes were stored on dry ice in coolers throughout each week-long sampling event. Section 4.3.2 describes subsequent steps of shipping the coolers to the analytical laboratory for analysis.

Figure 5: Photograph of Transferring Serum from Red Top Blood Tube to Cryovial



Note: Figure 5 shows how project representatives transferred serum from red top blood tubes to cryovials. The employee on the left is inserting a pipette into the serum portion of a red cap blood tube that had already been centrifuged. The employee then transferred the serum from the pipette (not shown in the photograph) into the cryovial that the employee on the right is holding.

The blood collection and processing steps described above were based on those that ATSDR used in its nationwide PFAS exposure assessment project (ATSDR, 2022b). In fact, some NM-PBT project representatives who processed blood samples also did so for ATSDR’s PFAS exposure assessments, as ERG was the contractor for that effort. All project representatives who staffed the blood collection station were trained on bloodborne pathogens, personal protective equipment, centrifuge safety, and other relevant topics; and they followed standard laboratory practices related to safety and sterility.

Check-Out

The final station for every blood test appointment was check-out, which occurred at the same location where participants originally checked in. After confirming that a participant had completed all appointment stations, project representatives at check-out presented the participant with a $25 gift card for their time. Participants were required to sign a gift card acknowledgment form to confirm that they received the card. Participants were also provided a "What to Expect Next" factsheet that indicated when participants would receive results and that instructed participants to call the project hotline with any questions or updates to their contact information.

Quality Assurance and Quality Control

Project representatives took numerous steps to ensure the samples and information collected were of a known and high quality. The following list describes several quality control steps taken at the end of every sampling day. Additional measures are documented in the project manual of procedures. By implementing the following steps, project representatives ensured that every participant had a completed participation acknowledgment form, exposure history questionnaire, blood sample[1], and gift card acknowledgment form. Examples of quality control steps included:

- Project representatives reviewed and reconciled entries in the participation acknowledgment forms, the gift card acknowledgment forms, the blood collection log entries, and the check-in tracking spreadsheet. This step ensured that all appointment documentation was accounted for, internally consistent, and retained for every participant.
- Project representatives performed several cross-checks on the exposure history questionnaires. They checked names, addresses, and participation identification numbers entered in the Epi Info questionnaire database against corresponding entries from the check-in tracking spreadsheet and against the signed acknowledgment forms. After confirming that the number of complete questionnaires in the database matched the number of appointments from the day, the project representatives used an encrypted, secure external flash drive to transfer the database of questionnaire responses from data collection laptops to the central laptop.
- Project representatives compared the number of serum samples against the number of appointments completed per day. They also reviewed the blood collection log to ensure that all fields were completed for every participant, and they inspected the coolers with specimen boxes to ensure that enough dry ice was present to keep samples frozen.

4.3.2 Laboratory Analysis

On the last day of the three week-long field events, project representatives sealed coolers that contained serum samples, prepared required shipment manifests, and brought the coolers to a delivery service for overnight shipment to SGS, the commercial analytical laboratory that analyzed the serum samples for PFAS. SGS, an accredited laboratory, was chosen to conduct the analysis as it met the National Academy of Sciences, Engineering, and Medicine's (NASEM's) criteria for PFAS testing of human blood and serum (NASEM, 2022). Specifically:

- SGS has an extensive quality assurance and quality control program.
- SGS has confirmed the quality of its serum PFAS measurements using standard reference materials.

[1] The phlebotomist was not able to draw a blood sample for one participant.

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- SGS's analytical method achieves a relative standard deviation of less than 15% for replicate analyses of samples; and the laboratory's detection limits are comparable to those achieved by CDC.

SGS used EPA Method 1633A to measure serum PFAS concentrations. This method can be used for multiple matrixes and can reliably measure trace amounts of PFAS in serum, tissues, and other media (EPA, 2024d). Table 1 lists the 33 PFAS analytes that SGS tested for in the serum samples. The table also shows the analytes' associated abbreviations and reporting limits—all of which were between 0.1 and 1.0 µg/L. SGS destroyed any excess serum that remained after analyzing the samples.

Table 1: PFAS Analytes Measured in Serum

Analyte	Abbreviation	Laboratory Reporting Limit (µg/L)
Perfluorobutanoic acid	PFBA	0.4
Perfluoropentanoic acid	PFPeA	0.2
Perfluorohexanoic acid	PFHxA	0.1
Perfluoroheptanoic acid	PFHpA	0.1
Perfluorooctanoic acid	PFOA	0.1
Perfluorononanoic acid	PFNA	0.1
Perfluorodecanoic acid	PFDA	0.1
Perfluoroundecanoic acid	PFUnA	0.1
Perfluorododecanoic acid	PFDoA	0.1
Perfluorotridecanoic acid	PFTrDA	0.1
Perfluorotetradecanoic acid	PFTeDA	0.1
Perfluorobutanesulfonic acid	PFBS	0.1
Perfluoropentanesulfonic acid	PFPeS	0.1
Perfluorohexanesulfonic acid	PFHxS	0.1
Perfluoroheptanesulfonic acid	PFHpS	0.1
Perfluorooctanesulfonic acid	PFOS	0.1
Perfluorononanesulfonic acid	PFNS	0.1
Perfluorodecanesulfonic acid	PFDS	0.1
Perfluorododecanesulfonic acid	PFDoS	0.1
4:2 fluorotelomersulfonic acid	4:2 FTS	0.4
6:2 fluorotelomersulfonic acid	6:2 FTS	0.4
8:2 fluorotelomersulfonic acid	8:2 FTS	0.4
N-Methylperfluorooctanesulfonamidoacetic acid	N-MeFOSAA	0.1
N-Ethylperfluorooctanesulfonamidoacetic acid	N-EtFOSAA	0.1
Perfluorooctanesulfonamide	PFOSA	0.1
N-Methylperfluorooctanesulfonamide	N-MeFOSA	0.1
N-Ethylperfluorooctanesulfonamide	N-EtFOSA	0.1
N-Methylperfluorooctanesulfonamidoethanol	N-MeFOSE	1.0
N-Ethylperfluorooctanesulfonamidoethanol	N-EtFOSE	1.0
Perfluoro-2-propoxypropanoic acid	HFPO-DA	0.4
4-dioxa-3H-perfluorononanoic acid	ADONA	0.4
9-chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	0.4
11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	0.4

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SGS took several steps to confirm that measurements were of a known and high quality. Examples included analyzing blank samples to assess presence of contamination in laboratory equipment, spiking samples with known amounts of analytes and measuring the amounts recovered, performing routine equipment calibrations and analyzing calibration verification samples, and others. SGS used data qualifiers for results that did not meet the laboratory's quality control criteria, and that typically occurred for selected analytes that were detected infrequently. Measured serum PFAS concentrations for the analytes detected most frequently (e.g., PFOS, PFOA, PFHxS, PFNA) consistently met the laboratory's quality control criteria.

SGS sent all measured serum PFAS concentrations in electronic data deliverables to the ERG project manager. The ERG data analysis team performed statistical analyses (see Section 4.3.3) of these deidentified results when preparing this report. ERG provided the complete set of measured serum PFAS concentrations to NMDOH, who will be the long-term custodian of the NM-PBT project data.

4.3.3 Statistical Analysis

The NM-PBT project generated a large volume of exposure history questionnaire data and measured serum PFAS concentrations for analysis. This section describes the statistical approach taken to analyze these data sources, with the goal being to understand meaningful trends and patterns among the extensive data set. The statistical approach was based on the one ATSDR used when conducting its nationwide PFAS exposure assessment.

How Exposure History Questionnaire Data Were Processed

The first step in processing exposure history questionnaire data was to compile a database that contained the original responses from all participants across the field sampling events. Project representatives reviewed the responses for accuracy and completeness. For example, numeric fields were checked for unexpected values (e.g., ages less than 18 or greater than 110). Any outliers were run by the project representative who administered the questionnaire, and that individual either confirmed or corrected the entry. Data completeness was not a concern because the Epi Info survey instrument was coded to require entries for all mandatory fields.

Many questions had multiple-choice response options. This occurred primarily for questions that asked about the frequency of a potential exposure. For example, the response options for "how often do you eat eggs from chickens or other fowl that are raised in the project focus area?" were: never, a few times per year, a few times per month, a few times per week, and daily. When processing data for this question, multiple response categories were collapsed into broader groups due to low counts of responses to the original categories. In this case, all responses were collapsed into two new categories of "once a month or more" and "yearly or less." A similar approach was applied to other questions that had response options with low response counts.

Another data processing step involved responses related to residential and occupational histories. The underlying questions asked participants to provide addresses where they had worked or lived. These responses were logged during the questionnaires and were not validated in real time. When processing the questionnaire database, project representatives geocoded all reported addresses to confirm whether they were inside or outside the project focus area. This geocoding revealed that some participants had never lived or worked within the project focus area and therefore did not meet the NM-PBT project eligibility criteria; these individuals were deemed ineligible and removed from the data analysis (see Section 5.0). For the participants whose eligibility was confirmed, project representatives used address information to confirm whether the participants had ever lived in, ever worked in, or both lived and

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worked in the project focus area; they also calculated from the questionnaire responses the total number of years that each participant lived or worked at addresses in the project focus area.

Two other data processing steps were implemented. First, the exposure history questionnaire asked participants about occupational histories in aviation-related jobs or the military. Participants reported various aviation-related occupations, including for the Air Force (not limited to Cannon AFB), for other branches of the military, and for commercial aviation. Because of the overlap of aviation and military occupations in this sample, these responses were collapsed into a new variable that documented whether participants had ever worked in aviation- or military-related jobs to facilitate statistical analyses. Second, the exposure history questionnaire asked participants a few questions that prompted narrative responses. Project representatives reviewed these responses to better understand participants' responses to selected multiple-choice questions.

After completing the aforementioned data processing steps, a final exposure history questionnaire database was available for further evaluation.

How Serum PFAS Concentration Data Were Processed

Project representatives assembled a database of serum PFAS concentrations from the electronic data deliverable files provided by SGS. They processed the serum data as follows:

- For analytes that were not detected in a serum sample, project representatives replaced the measured result with a value equal to the analyte reporting limit divided by the square root of two. This data processing convention is used by CDC when processing its NHANES data, which has reported on serum PFAS concentrations in the U.S. population for more than 20 years (CDC, 2025).
- Project representatives calculated a summed serum PFAS concentration for comparison to NASEM's PFAS screening thresholds (NASEM, 2022). This total, referred to as ΣPFAS7, is the sum of the following seven PFAS: MeFOSAA, PFDA, PFHxS, PFNA, PFOA, PFOS, and PFUnDA. This sum was calculated after non-detects were replaced with the reporting limits divided by the square root of two.

After completing these steps, a final serum PFAS concentration database was available for further evaluation; this could be linked to the exposure history questionnaire database using the unique participant identification numbers. All PFAS serum data that met laboratory quality control criteria were considered valid for purposes of this report.

How Statistical Analyses Were Conducted

The project team used statistical analysis software (SAS version 9.4) to analyze the exposure history questionnaire data and the serum PFAS concentration data. The following list describes some of the analyses that were performed:

- Throughout the report, demographic and exposure characteristics were summarized for three mutually exclusive eligibility categories: (1) participants who had ever worked in the project focus area but never lived in this area are referred to in this report as "only worked"; (2) participants who had ever lived in the project focus area but never worked in this area are referred to in this report as "only lived"; and (3) participants who both lived and worked in the project area.

- Descriptive statistics were calculated for exposure history questionnaire responses. For numeric variables (e.g., age, years of residence), statistics included ranges, arithmetic means, and standard deviations. For categorical variables (e.g., sex, source of drinking water), frequencies of responses were tabulated. To protect participant privacy, this report does not present statistics for subsets of participants with fewer than 10 individuals.
- Descriptive statistics were also calculated for serum PFAS concentrations. For every PFAS analyte and for ΣPFAS7, detection frequencies and the 25th, 50th, 75th, and 95th percentiles concentrations were calculated. For the four PFAS analytes detected in more than 60% of the samples (i.e., PFOS, PFOA, PFHxS, and PFNA), geometric mean concentrations and 95 percent confidence intervals were also calculated. These statistics were calculated for the entire NM-PBT project population and for subsets of participants stratified by eligibility category, age, sex, drinking water source, years lived and years worked in the project focus area, and years lived and years worked in the plume area.
- Two additional calculations were performed to provide further context for the results. First, the number of participants with serum ΣPFAS7 concentrations in the following ranges was tabulated: <2 µg/L; 2 to <20 µg/L; and ≥20 µg/L. These are ranges for which NASEM recommends certain types of medical screening (see Section 5.3). Second, geometric mean concentrations for different subsets of participants were compared to those for adults nationwide, as reported in the NHANES 2017-2018 survey cycle, which was the most recently available complete survey data at the writing of this report. To be consistent with NHANES, this comparison was limited to NM-PBT project participants aged 20 years and older; and to avoid any biases by populations having different age distributions, the comparison to NHANES was based on age-adjusted serum PFAS concentrations. Age-adjusted calculations were performed using the PROC SURVEYMEANS function in SAS 9.4.

Statistical Terms Used in This Report
Geometric mean: Used to represent the central tendency of serum PFAS concentrations among participants.
Confidence interval: Used to estimate the range of values within which the true average PFAS level likely falls.
P-value: Used to assess the likelihood that the observed PFAS results occurred by chance; p-values less than 0.05 were considered statistically significant.

- Using univariate linear regression models, correlations were investigated between serum PFAS concentrations and individual exposure history questionnaire variables. The correlations were calculated for concentrations of the four PFAS that were detected in more than 60% of the participants (i.e., PFOS, PFOA, PFHxS, and PFNA) and for ΣPFAS7. The correlations considered a range of exposure history parameters including, but not limited to: duration of residency and employment in the project focus area, cups of tap water consumed at home and work, primary drinking water source, age, sex, fast food consumption, blood donation frequency, and experience working in occupations with high potential for PFAS exposure (e.g., firefighting). The univariate correlations were run on log-transformed PFAS levels using the PROC GLM function in SAS version 9.4.
- Multivariate regression models were used to further explore relationships that the univariate analyses identified between serum PFAS concentrations and exposure factors. Unlike univariate models, which consider only how two parameters are related (e.g., serum PFOS concentration vs. age), multivariate models explore relationships between numerous parameters and can

explore more complex data interactions. Multivariate models were constructed and run both for the entire population of participants and for different subsets of participants based on eligibility category (e.g., “only lived”, “only worked”). The outputs for these models quantified the relationship between different metrics of serum PFAS concentrations and exposure factors and identified which relationships were statistically significant. As with the univariate modeling, all multivariate modeling was run on log-transformed PFAS levels using the PROC GLM function in SAS 9.4.

- Additional analyses were performed to investigate serum PFAS concentration data for participants with a residential or work history within the PFAS plume area (see Figure 1). This subset of participants was identified by geocoding participants’ residential and occupational addresses and overlaying them with plume boundaries provided by NMED. Analyses for this population considered whether serum PFAS concentrations were higher than participants with no occupational or residential history in the plume area, whether serum PFAS concentrations were higher than national averages, how serum PFAS concentrations compare to NASEM medical screening guidelines, and how serum PFAS concentrations compared to selected exposure history parameters. Analyses for this population were limited by the limited number of participants (n=19) in this subset.

4.4 Data Reporting

Immediately after receiving the serum PFAS concentration data from SGS, project representatives began preparing results letters to inform participants of their serum PFAS concentrations and what those results mean. Appendix A has a copy of the result letter that was used. Based on participants’ preferences, letters were sent either by encrypted email from a NMDOH account or by certified U.S. mail with return receipts sent to NMDOH. Some participants requested and received results via both email and U.S. mail. The results were sent to participants in February 2025 and March 2025.

The letters invited participants to attend open availability sessions at the Youth Recreation Building in Clovis, where they could speak one-on-one with NMDOH representatives about their blood test results or with NMED representatives with questions about PFAS contamination in groundwater and drinking water. State officials hosted open availability sessions on the following dates: February 20-22, 2025; and April 5, 2025.

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5.0 RESULTS AND DISCUSSION

This section presents the results of the PFAS blood tests, including information on participants, measured serum PFAS concentrations, and trends and patterns among those concentrations. As Table 2 shows, across the three week-long blood collection events, 724 PFAS blood test appointments were scheduled, and 638 of these appointments were kept. Otherwise stated, 88.1% of the scheduled appointments were kept. (Note: A "kept appointment" was an appointment for which a participant arrived at their scheduled time and began their appointment. As noted below, two participants kept their appointments but did not complete them.)

Table 2: Participant Counts by Blood Sample Collection Event

Event	Dates	Number of Appointments Scheduled	Number of Appointments Kept	Response Rate
1	September 12-18, 2024	252	228	90.5%
2	October 3-9, 2024	253	222	87.7%
3	November 14-20, 2024	219	188	85.8%
	Totals	**724**	**638**	**88.1%**

All analyses in this section are based on results from the 628 that kept appointments (out of the 638 scheduled appointments). Results from ten participants were not considered for the following reasons:

- One participant attended their appointment but left the venue while completing the participation acknowledgment form. This participant did not return to complete the appointment.
- The phlebotomist was not able to draw a blood sample from one participant.
- Eight participants scheduled and kept their appointments. During subsequent data analyses, however, these participants were found to not meet the eligibility criteria, primarily because the residential or occupational addresses that they provided were determined to be outside the project focus area.

Note that all participants, including the 10 found to be ineligible, were notified of their blood test results; and they were provided resources to understand what the results mean. See Section 4.4 for more information on how results were communicated to all participants.

The 628 eligible participants fell into the following three mutually exclusive eligibility categories:

- 182 participants had worked in the project focus area at some time but never lived there. These are referred to in this section as "only worked" participants.
- 167 participants had lived in the project focus area at some time but never worked there. These are referred to in this section as "only lived" participants.
- 279 participants had lived and worked in the project focus area at some time, but not necessarily at the same time.

The remainder of this section presents a profile of the 628 eligible participants who kept appointments (Section 5.1), summarizes their serum PFAS concentrations (Sections 5.2, 5.3, and 5.4), and reports on associations between their serum PFAS concentrations and exposure parameters (Section 5.5). The

section also summarizes serum PFAS concentrations for the subset of the participants who ever lived or worked in the plume area (Section 5.6).

5.1 Profile of Participants

Table 3 summarizes the demographic and exposure characteristics of the 628 eligible participants. These data are also broken down by the three eligibility categories (i.e., "only lived" in the project focus area, "only worked" in the project focus area, both lived and worked in the project focus area). Selected characteristics of the NM-PBT project participants follow:

- The average age of participants was 44 years; 55% identified as male, and 44% identified as female. More than half of participants (64%) identified their race as non-Hispanic white; and 23% identified as Hispanic or Latino.
- The participants had a broad range of responses for the number of years that they worked or lived in the project focus area: 24.3% of the "ever lived" participants resided in the project focus area for more than 25 years, and 23.6% of the "ever worked" participants were employed in the project focus area for more than 8 years.
- The participants (n=167) who only lived in the project focus area obtained drinking water at their household from various sources: 43.7% of these participants obtained drinking water from private wells; 35.3% obtained drinking water from a public water system; and 20.4% reported using bottled water as their primary drinking water source. More than half of these participants indicated that their drinking water at home was not treated. On average, and regardless of the drinking water source, these participants drank 6.7 eight-ounce cups of drinking water per day. Similar statistics are shown in Table 3 for drinking water patterns for participants who worked in the project focus area.
- Of the 628 participants considered in this analysis, 294 participants—or 46.3% of them—currently or previously lived at Cannon AFB, currently or previously worked there, or both.

Table 3: Characteristics of NM-PBT Participants

Note: Unless otherwise indicated, the data in each cell is presented as the number of participants, followed by the percentage of participants shown in parentheses.

Characteristic	All Participants* (n=628)	Participants who only worked in the project focus area* (n=182)	Participants who only lived in the project focus area* (n=167)	Participants who both lived and worked in the project focus area* (n=279)
Average age, years (standard deviation)	44 (±17)	40 (±14)	47 (±18)	45 (±18)
<30 years	146 (23.2%)	42 (23.1%)	41 (24.6%)	63 (22.6%)
30 to <50 years	270 (43.0%)	101 (55.5%)	55 (32.9%)	114 (40.9%)
≥50 years	212 (33.8%)	39 (21.4%)	71 (42.5%)	102 (36.5%)
Sex				
Male	348 (55.4%)	122 (67.0%)	44 (26.4%)	182 (65.2%)
Female	279 (44.4%)	60 (33.0%)	122 (73.0%)	97 (34.8%)
Race and ethnicity**				
Hispanic or Latino	145 (23.1%)	31 (17.0%)	66 (39.5%)	48 (17.2%)
Non-Hispanic Black	31 (4.9%)	***	***	21 (7.5%)
Non-Hispanic White	404 (64.3%)	126 (69.2%)	92 (55.1%)	186 (66.7%)
Non-Hispanic other/more than one race	45 (7.2%)	16 (8.8%)	***	22 (7.9%)

Characteristic	All Participants* (n=628)	Participants who only worked in the project focus area* (n=182)	Participants who only lived in the project focus area* (n=167)	Participants who both lived and worked in the project focus area* (n=279)
Did not answer or missing	***	0 (0%)	***	***
Average years lived in project focus area (standard deviation)	8.5 (±13.0)	--	14.7 (±14.4)	10.2 (±13.6)
<5 years	405 (64.5%)	182 (100%)	63 (37.7%)	160 (57.4%)
5 to <15 years	83 (13.2%)	0	31 (18.6%)	52 (18.6%)
15 to <25 years	55 (8.8%)	0	32 (19.2%)	23 (8.2%)
25+ years	85 (13.5%)	0	41 (24.6%)	44 (15.8%)
Average years worked in project focus area (standard deviation)	5.6 (±8.9)	6.6 (±8.6)	0	8.3 (±10.3)
<2 years	275 (43.8%)	47 (25.8%)	167 (100%)	61 (21.9%)
2 to <4 years	123 (19.6%)	58 (31.9%)	0	65 (23.3%)
4 to <8 years	92 (14.7%)	34 (18.7%)	0	58 (20.8%)
8+ years	138 (22.0%)	43 (23.6%)	0	95 (34.1%)
Average number of 8-ounce cups of tap water consumed per day at current home or at the most recent residence within the project focus area (standard deviation)	7.5 (±7.7)	--	6.7 (±7.2)	8.0 (±8.0)
0 cups	86 (19.5%)	--	38 (22.9%)	48 (17.4%)
>0 to ≤5 cups	127 (28.7%)	--	52 (31.3%)	75 (27.2%)
>5 to ≤10 cups	122 (27.6%)	--	42 (25.3%)	80 (29.0%)
>10 cups	107 (24.2%)	--	35 (21.1%)	72 (26.1%)
Average number of 8-ounce cups of tap water consumed per day at work within the project focus area (standard deviation)	5.4 (±6.2)	5.4 (±6.2)	--	5.4 (±6.2)
0 cups	105 (22.8%)	40 (22.0%)	--	65 (23.3%)
>0 to ≤3 cups	87 (18.9%)	36 (19.8%)	--	51 (18.3%)
>3 to ≤6 cups	83 (18.0%)	44 (24.2%)	--	39 (14.0%)
>6 cups	142 (30.8%)	55 (30.2%)	--	87 (31.2%)
Current primary drinking water source at home				
Public water system	211 (33.6%)	0	59 (35.3%)	152 (54.5%)
Private well	136 (21.7%)	0	73 (43.7%)	63 (22.6%)
Bottled water	95 (15.1%)	0	34 (20.4%)	61 (21.9%)
Live outside of project area	182 (29.0%)	182 (100%)	0 (0%)	0 (0%)
Do not know	***	0	***	***
Current use of drinking water treatment or filtration device at home				
One or more devices	229 (51.4%)	--	73 (43.7%)	156 (55.9%)
No treatment or filtration	217 (48.6%)	--	94 (56.3%)	123 (44.1%)
Work history in industries with potentially high PFAS exposures				
Aviation (not U.S. Air Force)	21 (3.3%)	10 (5.5%)	***	***
Firefighting	34 (5.4%)	14 (7.7%)	***	15 (5.4%)
Stain coatings	***	0 (0%)	***	***
Aviation-related role in the military	135 (21.5%)	61 (33.5%)	***	72 (25.8%)
Military non-aviation roles	163 (26.0%)	70 (38.5%)	***	85 (30.5%)

* The sums of participants for different fields in this table do not always add up to expected values, because not every participant answered corresponding questions on the exposure history questionnaire. In addition, the sums of percentages for

different fields in this table do not always add up to 100%, because not every participant answered corresponding questions during the questionnaire and because of rounding conventions used.
** Some race and ethnicity categories were collapsed because of limited responses in certain categories.
*** As noted previously, this report does not present statistics for subsets of participants with fewer than 10 individuals. Data points are not shown for these entries because they did not have 10 or more responses.

The questionnaire gathered information on additional topics not summarized in Table 3. For example, the questionnaire asked participants with private wells if their well water had been tested for PFAS. Of the 136 participants who obtained household drinking water from private wells, nearly half of them (n=64) reported their water had been tested for PFAS. Some of these participants described their test results when completing their exposure history questionnaires, but most could not recall detailed information (e.g., measured concentrations) from their well water tests.

5.2 Serum PFAS Concentrations Among NM-PBT Participants

The 628 participants' serum samples were analyzed for 33 unique PFAS analytes. This provided 20,724 serum PFAS measurements (i.e., 628 x 33) to evaluate. Table 4 presents descriptive statistics for the 16 PFAS analytes that were detected above reporting limits in at least one serum sample. The table also presents descriptive statistics for ΣPFAS7. As noted previously, ΣPFAS7 is the sum of concentrations of the seven PFAS compounds (MeFOSAA, PFDA, PFHxS, PFNA, PFOA, PFOS, and PFUnDA) considered in the NASEM medical screening recommendations, and this sum is calculated after replacing non-detects with concentrations equal to the analytes' reporting limits divided by the square root of two. Entries in the table are presented in decreasing order of frequency of detection: the analyte detected most frequently (PFOS) is shown first, and the analyte detected least frequently (NEtFOSAA) is shown last.

For each analyte, the table presents the following parameters:

- The frequency of detection, which is the percentage of samples for which the laboratory reported a measured concentration, as opposed to a non-detect.
- The maximum measured concentration.
- The geometric mean concentration and the 95 percent confidence interval around that value. These parameters are shown only for analytes detected in at least 60% of the samples, and they were calculated after replacing non-detect observations with the analyte's reporting limit divided by the square root of two. The values shown in Table 4 are not age-adjusted.
- The 25th, 50th, 75th, and 95th percentile concentrations. These values were based only on measured concentrations above the reporting limits.

For a visual depiction of the measured serum PFAS concentrations, Figure 6 shows the distribution of concentrations for the four PFAS detected in at least 60% of the samples and for ΣPFAS7. The data points are further stratified by eligibility category. The figure is a "box and whisker" plot with data shown on a logarithmic scale—a scale that allows for highly variable data to be better displayed on one figure. In this plot, the shaded boxes represent the interquartile range of data or the "middle 50%" of serum PFAS concentrations for a particular analyte and eligibility category. The horizontal lines within these shaded boxes are median concentrations; and the diamonds are geometric mean concentrations. The vertical lines extending beneath and above the shaded boxes indicate the spread of data beyond the

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interquartile range, and the circles shown in the plot are outliers as defined by the software used to generate the plots.[2]

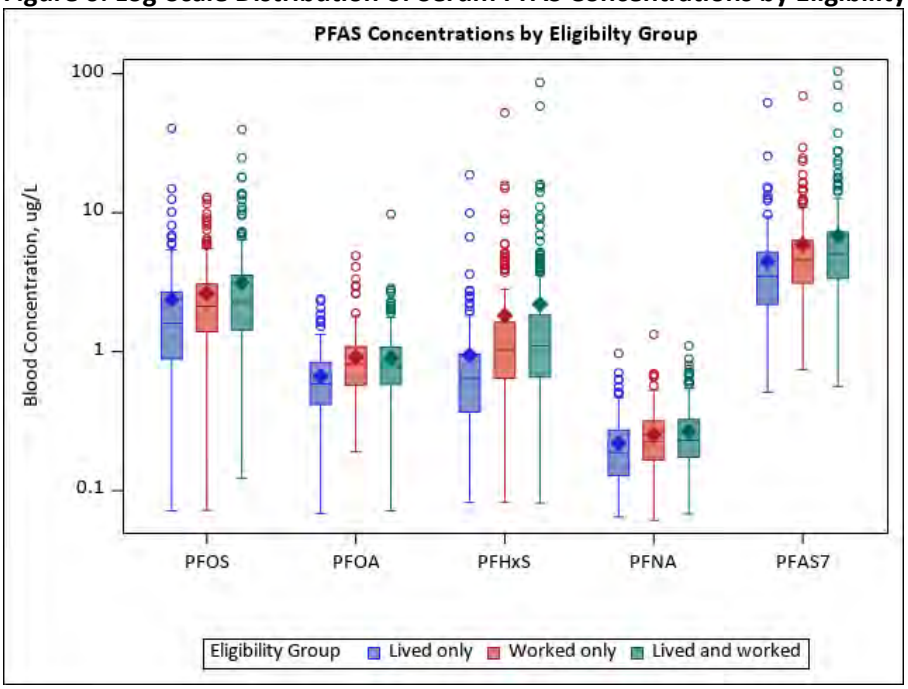
Table 4: Statistics for PFAS in Blood Among NM-PBT participants

PFAS	FOD (%)	Max (µg/L)	Geometric Mean (µg/L)	95% CI for Geometric Mean (µg/L)	Percentiles			
					25th	50th (median)	75th	95th
PFOS	99.7%	40.5	2.00	1.88-2.13	1.25	2.04	3.16	6.71
PFOA	99.5%	9.77	0.713	0.681-0.746	0.522	0.739	1.02	1.69
PFHxS	98.2%	86.4	0.927	0.859-0.999	0.528	0.912	1.53	4.54
PFNA	90.4%	1.33	0.216	0.206-0.225	0.157	0.221	0.311	0.502
PFDA	37.9%	1.61	--	--	<0.100	<0.100	0.128	0.258
PFHpS	36.8%	2.67	--	--	<0.100	<0.100	0.129	0.259
PFUnA	15.9%	0.721	--	--	<0.100	<0.100	<0.100	0.165
PFPeS	8.3%	0.649	--	--	<0.100	<0.100	<0.100	0.140
NMeFOSAA	7.8%	1.23	--	--	<0.100	<0.100	<0.100	0.180
PFHpA	3.0%	0.415	--	--	<0.100	<0.100	<0.100	<0.100
PFBA	1.0%	0.889	--	--	<0.400	<0.400	<0.400	<0.400
PFTrDA	1.0%	0.298	--	--	<0.100	<0.100	<0.100	<0.100
PFBS	0.8%	0.177	--	--	<0.100	<0.100	<0.100	<0.100
PFDoA	0.8%	0.159	--	--	<0.100	<0.100	<0.100	<0.100
PFHxA	0.3%	0.136	--	--	<0.100	<0.100	<0.100	<0.100
NEtFOSAA	0.2%	0.108	--	--	<0.100	<0.100	<0.100	<0.100
ΣPFAS7	--	104	4.44	4.21-4.69	2.86	4.49	6.50	12.7

FOD = frequency of detection, µg/L=micrograms per liter, CI=confidence interval.
Concentrations that begin with "<" are non-detects, and the values shown are the analytes' reporting limits (see Table 1).

[2] Outliers in the box and whisker plot are concentrations greater than the 75th percentile plus 1.5 times the interquartile range. This algorithm is routinely used when generating box-and-whisker plots.

Figure 6: Log-Scale Distribution of Serum PFAS Concentrations by Eligibility Category



The serum PFAS concentration descriptive statistics support the following summary statements:

- The laboratory tested every serum sample for 33 PFAS. The number of PFAS detected in serum varied across the participants, and 16 PFAS were detected in at least one sample. The analytes detected most frequently were PFOS (detected in 99.7% of samples), PFOA (99.5%), PFHxS (98.2%), and PFNA (90.4%). Statistical analyses throughout this section focus on these four analytes and ΣPFAS7.
- 626 out of the 628 eligible participants—or 99.7% of participants—had at least one PFAS analyte detected in their serum samples. Only two participants of the 628 eligible participants—or 0.3% of participants—had no PFAS detected in their serum. This frequency of detection is generally consistent with what has been observed in other PFAS blood testing efforts nationwide (e.g., ATSDR, 2022b; Calafat et al., 2007).
- The three analytes with the highest serum concentrations were PFHxS (86.4 µg/L), PFOS (40.5 µg/L), and PFOA (9.77 µg/L). All other analytes had serum concentrations no higher than 3 µg/L across all samples.
- Geometric mean concentrations were calculated for the four analytes detected most frequently. These concentrations are a measure of the central tendency of serum PFAS concentrations among the NM-PBT project participants. The geometric mean concentrations, in decreasing order, are 2.00 µg/L for PFOS, 0.927 µg/L for PFHxS, 0.713 µg/L for PFOA, and 0.216 µg/L for PFNA.

Appendix B presents additional box and whisker plots showing how serum concentrations for the four most frequently detected PFAS varied by the participants' age and sex. The first plot in the appendix indicates that, on average, serum concentrations of the four PFAS were highest among participants aged 50 years and older and lowest among participants under 30 years of age. The second plot indicates that, on average, serum concentrations of the four PFAS were higher among males when compared to

females. The trends implied by these plots—serum PFAS concentrations increasing with age in adulthood and serum PFAS concentrations higher in men than in women—are consistent with those reported in nationwide studies (e.g., ATSDR, 2022b). Section 5.5 explores the relationships between serum PFAS concentrations and participants' age and sex using more refined statistical approaches.

5.3 Comparison of Serum PFAS Concentrations to NASEM Medical Screening Guidelines

In their results letters, participants learned how their individual blood test results compare to NASEM's medical screening guidelines (NASEM, 2022). The results letters (see Appendix A) informed participants of recommended screenings. This section makes similar comparisons, except for the entire population of 628 participants. For reference, the NASEM guidelines are:

- **ΣPFAS7 serum concentrations less than 2 µg/L.** NASEM recommends no special health screenings for adults with serum ΣPFAS7 concentrations in this range. NASEM estimates that 2% of the nation's adult population has a serum concentration in this range.
- **ΣPFAS7 serum concentrations greater than or equal to 2 µg/L and less than 20 µg/L.** NASEM recommends adults with serum concentrations in this range receive screenings for high cholesterol, for high blood pressure (among pregnant women only), and for breast cancer (among women only).[3] NASEM also recommends exposure reduction, especially for pregnant women, if a PFAS source has been identified. NASEM estimates that 89% of the nation's adult population has serum concentrations in this range.
- **ΣPFAS7 serum concentrations greater than or equal to 20 µg/L.** NASEM recommends adults with serum concentrations in this range receive screenings for screenings for high cholesterol, thyroid function tests, and assessments of signs and symptoms of testicular cancer (in males), kidney cancer, and ulcerative colitis.[4] NASEM also recommends exposure reduction, especially for pregnant women, if a PFAS source has been identified. NASEM estimates that 9% of the nation's adult population has serum concentrations in this range.

Table 5 shows how the NM-PBT project participants' serum ΣPFAS7 concentrations compared to the NASEM medical screening guidelines. The table makes similar comparisons for the project's three eligibility categories. Overall, 2.2% of the 628 NM-PBT project participants had serum ΣPFAS7 concentrations greater than or equal to 20 µg/L—a percentage that is lower than what NASEM estimated for the nationwide population. The majority of participants (86.6%) fell into the middle category of NASEM's medical screening guidelines, with ΣPFAS7 levels between 2 and <20 µg/L; and the remaining 11.2% of participants had ΣPFAS7 levels below 2 µg/L.

[3] Refer to page 149 in NASEM's *Guidance on PFAS Exposure, Testing, and Clinical Follow-Up* (NASEM, 2022) for the exact wording used for recommended medical screening. This reference is available for free at https://nap.nationalacademies.org/download/26156.

[4] Refer to page 149 in NASEM's *Guidance on PFAS Exposure, Testing, and Clinical Follow-Up* (NASEM, 2022) for the exact wording used for recommended medical screening. This reference is available for free at https://nap.nationalacademies.org/download/26156.

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Table 5: Comparison of Participants' Serum ΣPFAS7 Concentrations to NASEM's Medical Screening Guidelines

NASEM Category (ΣPFAS7)	All Participants (n=628)	Participants who only worked in the project focus area (n=182)	Participants who only lived in the project focus area (n=167)	Participants who both lived and worked in the project focus area (n=279)
<2 µg/L	70 (11.2%)	17 (9.3%)	36 (21.6%)	17 (6.1%)
2 to <20 µg/L	544 (86.6%)	161 (88.5%)	129 (77.3%)	254 (91.0%)
≥20 µg/L	14 (2.2%)	4 (2.2%)	2 (1.2%)	8 (2.9%)

µg/L=micrograms per liter

5.4 Comparison of Serum PFAS Concentrations to National Levels

This section compares serum PFAS concentrations measured during the NM-PBT project to nationwide levels reported in NHANES. NHANES is a long-running, nationally representative survey that collects data on various health indicators, including serum PFAS concentrations. The survey is designed to be representative of the nationwide population of adults aged 20 years and older. At the writing of this report, the most recent published NHANES data for serum PFAS concentrations is from the 2017-2018 survey cycle. This section first compares the NM-PBT results to the 2017-2018 NHANES data, then presents two additional comparisons of NM-PBT results to other data sets for additional context.

Two data processing steps were taken to ensure a meaningful data comparison. First, the comparison was limited to NM-PBT project participants who were 20 years and older, as this is the same age range used in NHANES. This data processing step removed six participants from the comparison because they were under 20 years old at the time when they provided their blood samples. Second, the NM-PBT project serum PFAS concentrations were age-adjusted to account for differences in the age distributions between the two data sets. Age adjustment was based on the U.S. population distribution from the 2017-2018 NHANES survey, ensuring comparability between the two groups.

Table 6 compares geometric mean serum PFAS concentrations from the 2017-2018 NHANES survey to the corresponding age-adjusted geometric mean serum PFAS concentrations from the NM-PBT project. For the four PFAS detected most frequently in the present work, comparisons were made for geometric mean concentrations and for 95th percentile concentrations. The comparisons revealed the following:

- **Geometric mean concentrations.** The age-adjusted geometric mean concentrations of PFOS, PFOA, PFNA, and PFHxS for NM-PBT project participants were all lower than the corresponding national averages, based on the 2017-2018 NHANES survey. These were all statistically significant findings.
- **95th percentile concentrations.** For PFOS, PFOA, and PFNA, the 95th percentile age-adjusted serum concentrations from the NM-PBT project were lower than the corresponding 95th percentiles nationwide, based on the 2017-2018 NHANES survey. On the other hand, the age-adjusted 95th percentile serum PFHxS concentration from the NM-PBT project (4.50 µg/L) was higher than the corresponding 95th percentile nationwide (3.80 µg/L). Further, 6.9% of the NM-PBT project participants had serum PFHxS concentrations greater than the NHANES 95th percentile. This indicates that serum PFHxS concentrations from project participants have a skewed distribution, because the central tendency measure is lower than the national averages, yet the 95th percentile concentrations are higher.

The data comparisons noted above have two limitations. One limitation of this section's data comparisons is the different time frames that samples were collected. All NM-PBT project blood samples were collected in 2024, but all NHANES blood samples used for comparison were collected six to seven years earlier (i.e., in 2017 and 2018). This difference is important because serum PFAS concentrations in the general U.S. population have been declining for years (Sonnenberg et al., 2023). The rate of decline in nationwide serum levels varies from one PFAS analyte to the next and can be viewed in the "human exposure" section of ATSDR's *PFAS Information for Clinicians* resource (ATSDR, 2024). Therefore, even though Table 6 indicates that NM-PBT project participants' serum PFAS concentrations from 2024 are lower than the national averages from 2017-2018, it is unclear whether the participants' levels are lower than current nationwide averages because nationally representative serum PFAS data are not available for 2024.

Another limitation is that the NHANES comparison data pertain to the nationwide civilian, non-institutionalized population. These data are not necessarily representative of military populations. CDC has not conducted a similar biomonitoring effort to characterize nationwide average PFAS serum concentrations for military personnel or military households.

Table 6: Comparison of PFAS Blood Levels in NM-PBT Participants to the U.S. Nationwide Averages

PFAS	2017-18 NHANES Geometric Mean (95% CI)*	NM-PBT Age-adjusted Geometric Mean (95% CI)*; and *p-value*	NHANES 95th Percentile	NM-PBT 95th Percentile (adjusted)	Percent of NM-PBT Participants with Results over NHANES 95th Percentile
PFOS	4.50 (4.15-4.89)	2.08 (1.94-2.24) *p<0.001*	15.1	8.08	0.8%
PFOA	1.45 (1.35-1.56)	0.719 (0.684-0.755) *p<0.001*	3.87	1.70	0.5%
PFHxS	1.11 (1.03-1.21)	0.935 (0.862-1.02) *p=0.007*	3.80	4.50	6.9%
PFNA	0.419 (0.371-0.474)	0.215 (0.205- 0.225) *p<0.001*	1.40	0.499	0%

95% CI = 95% confidence interval.
All results are shown in units of µg/L.
P-values represent a t-test comparison between the NM-PBT and the NHANES geometric means. A p-value of <0.05 indicates a statistically significant difference between NM-PBT and NHANES geometric means.
**For compatibility with NHANES, these geometric means only include participants aged 20 years and older.*

Two other data comparisons were conducted for further context. First, even though CDC has not issued its standard NHANES data summary tables for PFAS serum measurements in the 2019-2020 cycle, some CDC scientists recently authored an article in the peer-reviewed literature that, among other things, reported NHANES summary statistics for samples collected between 2017 and March 2020 (Botelho et al., 2025). NHANES data for the entire calendar year 2020 are not available because sample collection was interrupted by the emerging COVID pandemic in March 2020. The geometric mean concentrations reported for NHANES 2017-March 2020 in that article (PFOA, 3.93 µg/L; PFOS, 1.38 µg/L; PFHxS, 1.04 µg/L; PFNA, 0.460 µg/L) (Botelho et al., 2025) are all higher than the corresponding NM-PBT age-adjusted geometric mean concentrations (see Table 6). The journal article does not provide enough data to determine if the differences between the NM-PBT results and the NHANES 2017-2020 results are statistically significant.

Second, the NM-PBT blood test results were compared to the age-adjusted geometric mean PFAS concentrations reported for the ten sites that were part of ATSDR's PFAS exposure assessment project (ATSDR, 2022b). Those ten sites were selected due to their documented evidence of PFAS-contaminated drinking water due to PFAS releases from military installations, not because the sites are nationally representative. For the four PFAS analytes shown in Table 6, the age-adjusted geometric mean concentrations from the NM-PBT project were considerably lower than those reported for the ten ATSDR exposure assessment sites:

- The age-adjusted geometric mean PFOS concentrations at the ten ATSDR sites ranged from 3.58 to 39.1 µg/L; and all ten sites had higher values than the age-adjusted geometric mean PFOS concentration (2.08 µg/L) in the NM-PBT project.
- The age-adjusted geometric mean PFOA concentrations at the ten ATSDR sites ranged from 1.32 to 8.91 µg/L; and all ten sites had higher values than the age-adjusted geometric mean PFOA concentration (0.719 µg/L) in the NM-PBT project.
- The age-adjusted geometric mean PFHxS concentrations at the ten ATSDR sites ranged from 2.62 to 65.6 µg/L; and all ten sites had higher values than the age-adjusted geometric mean PFHxS concentration (0.935 µg/L) in the NM-PBT project.
- The age-adjusted geometric mean PFNA concentrations at the ten ATSDR sites ranged from 0.169 to 0.692 µg/L; and nine of the ten sites had higher values than the age-adjusted geometric mean PFNA concentration (0.215 µg/L) in the NM-PBT project.

The previous comparisons indicate that serum PFAS levels in selected areas with documented evidence of community-wide drinking water contamination were consistently (and for some sites, considerably) higher than the corresponding serum PFAS levels from the NM-PBT project, which included participants with widely varying levels of PFAS exposures via contaminated drinking water.

5.5 Associations Between PFAS Exposure Variables and Serum PFAS Concentrations

This section presents data analyses conducted to achieve the NM-PBT project's third objective (see Section 3.4): evaluating how serum PFAS concentrations among participants relate to indicators of exposure history. The analyses investigated associations between dozens of variables from the exposure history questionnaires and serum concentrations of PFOS, PFOA, PFHxS, PFNA, and ΣPFAS7; and the analyses were also stratified by eligibility category.

Three tiers of data analyses were used to identify and characterize the associations. First, data for different variables were plotted to visualize how variables were related to serum PFAS concentrations. Next, univariate linear regression models were used to identify the subset of variables that should be further investigated. Finally, these variables were evaluated further using multivariate regression models, which were the most robust statistical tools used in this evaluation. The NM-PBT project's main findings are based on statistically significant associations identified with the multivariate models. Results from all three tiers of data analyses follow, with more emphasis placed on the multivariate regression models.

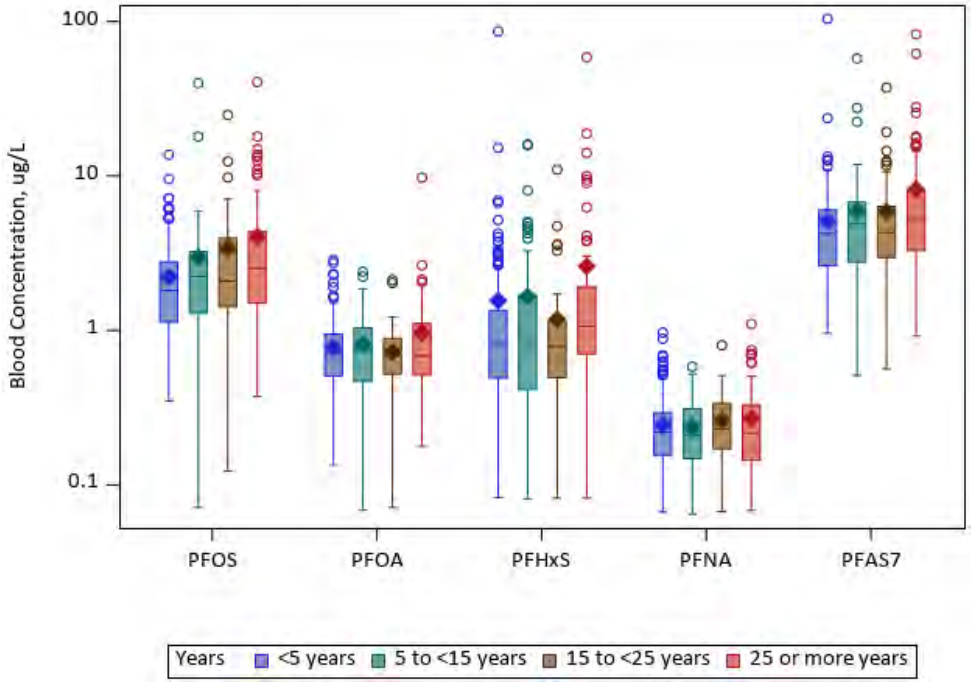
Initial Data Exploration

For initial insights into trends and patterns among the data, project representatives generated box and whisker plots to visualize how an exposure variable related to serum PFAS concentrations. For example, Figure 7 shows how serum PFAS concentrations vary with duration of residency in the project focus area for the subset of participants who lived, but never worked, in the area. Figure 8 shows a similar plot, except it is based on duration of employment in the project focus area for the subset of participants who

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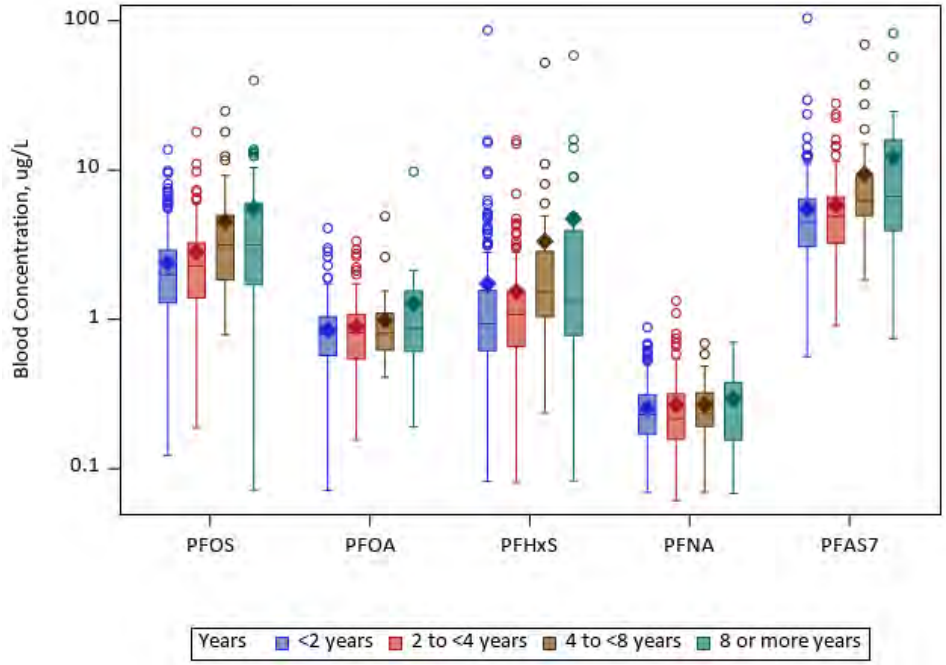
worked, but never lived, in the area. Both figures suggest that serum PFAS concentrations—particularly for PFOS—increased with duration of residency and employment in the project focus area. Similar plots were generated for other variables, but the plots do not identify statistically significant trends and only supported initial data visualizations. The regression models described below investigated the associations more rigorously.

Figure 7: Log-Scale Distribution of Serum PFAS Concentrations by Years Lived in the Project Area



Note: Only includes NM-PBT participants who only ever lived in the project focus area.

Figure 8: Log-Scale Distribution of Serum PFAS Concentrations by Years Worked in the Project Area



Note: Only includes NM-PBT participants who only ever worked in the project focus area.

Correlations in Univariate Regression Models

The next step in the data evaluation was to use univariate regression models to determine which variables are independently associated with serum concentrations for PFOS, PFOA, PFHxS, PFNA, or ΣPFAS7. The models were run for 31 different exposure variables, and Appendix C presents the univariate modeling results. The following variables had statistically significant ($p < 0.05$) associations with at least one PFAS analyte in the univariate analyses, and these variables were further evaluated using the more robust multiple regression models, described later in this section:

- Variables indicative of PFAS drinking water exposures
  - Number of years lived in the project focus area
  - Number of years worked in the project focus area
  - Source of water at home (private well, public water system, bottled water)
  - Source of water at work (bottled water, tap water from home, tap water from work)
  - Eight-ounce cups of tap water consumed per day at home
  - Eight-ounce cups of tap water consumed per day at work
- Demographic variables
  - Age
  - Race and ethnicity
  - Sex
- Behavioral and occupational exposure variables
  - Blood donation frequency
  - Dirt exposure frequency
  - Whether participant consumed local eggs
  - Local egg consumption frequency
  - Fast food consumption frequency
  - Local fruit and vegetable consumption frequency
  - Firefighting experience
  - Military and/or aviation experience

Although the univariate regression models identified variables that are independently associated with serum PFAS concentrations, these models do not account for confounding factors—or whether and to what extent other variables might have explained the independent associations. Multivariate regression models were run to address this limitation, and the models were only run for the 11 variables with statistically significant associations identified in the univariate analysis.

Note that the univariate models did not find significant findings for the variables specific to female participants (e.g., number of pregnancies carried to term, history of breastfeeding). Because of this, these variables were not considered in the multivariate regression models.

Correlations in Multivariate Regression Models

Multivariate regression models were run to explore correlations between the variables listed above and serum PFAS concentrations. For every variable, separate models were run for concentrations of PFOS, PFOA, PFHxS, PFNA, and ΣPFAS7; and separate models were run for the entire population of eligible participants and for two eligibility categories. Appendix E presents output for the variables found to have statistically significant correlations, and Table 7 summarizes the findings. Specifically, Table 7 indicates which specific variables had statistically significant correlations with serum concentrations of different PFAS.

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The modeling results found that age, sex, and frequency of blood donation were the only variables correlated with serum concentrations for all five PFAS considered. Other blood testing initiatives identified these same three variables as being related to serum PFAS concentrations (e.g., ATSDR, 2022b). Further details of these correlations follow:

- **Age.** Across the entire pool of participants, serum concentrations of PFOS, PFOA, PFHxS, PFNA, and ΣPFAS7 all increased with age; and this finding was statistically significant. This finding was also observed in the subset of participants who had ever lived in the project focus area, but who had never worked there. For the entire population, the strongest correlation with age was observed for PFNA for which serum concentrations increased by 2.0% per year.
- **Sex.** For the complete set of 628 eligible participants, serum concentrations of PFOS, PFOA, PFHxS, PFNA, and ΣPFAS7 in men were higher than those in women; and the concentration difference was statistically significant. The magnitude of the concentration difference varied across the PFAS analytes.
- **Frequency of blood donation.** Across all participants, serum concentrations of PFOS, PFOA, PFHxS, PFNA, and ΣPFAS7 in people who donate blood at least once per year were lower than the concentrations in people who "rarely" or "never" donate blood; and the concentration difference was statistically significant. The magnitude of the concentration difference varied across the PFAS analytes and among the eligibility categories.

Other variables had statistically significant correlations with serum concentrations of certain PFAS, but not for all five of the PFAS considered in the multivariate models. Some findings noted below are consistent with expectations and with findings reported in other research; and other findings are inconsistent with expectations or may have occurred by chance. Examples include:

- **Race and ethnicity.** Participants identifying as Hispanic or Latino had lower serum concentrations of PFHxS, PFNA, and PFOA when compared to participants identifying as white, non-Hispanic. However, statistically significant concentration differences were not observed for PFOS or ΣPFAS7.
- **Indicators of drinking water exposure.** Three variables that relate to drinking water exposure (e.g., years worked in the project area, years lived in the project area, and cups of tap water consumed at work) had statistically significant correlations with serum concentrations of some, but not all, PFAS analytes considered. For example, the number of years worked in the project focus area had the strongest association with serum PFHxS concentrations. For the complete participant population, each additional year of work in the project focus area corresponded to a 1.6% increase in serum PFHxS concentration. A significant but weaker finding was also observed for the number of years participants lived in the project focus area when looking only at the subset of participants who have "only lived" in the area. However, residency duration and employment duration were not significantly associated with serum concentrations of PFNA, PFOA, or PFOS.
- **Fast-food consumption.** Self-reported frequency of fast-food consumption had statistically significant negative correlations with PFAS serum levels. In other words, participants who reported eating fast-food most frequently had statistically lower PFAS serum levels for certain analytes when compared to those who reported never eating fast-food or eating it infrequently. The reason for this association, which is not consistent with expectations (because PFAS have been found in fast-food wrappers) is not clear.

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- **Other variables.** As Table 7 shows, additional variables had statistically significant correlations with serum concentrations of certain PFAS. For example, participants with a work history in firefighting had higher serum PFOS concentrations when compared to participants without this work history. Similarly, participants with a work history in the military or aviation had higher serum PFNA and PFOA serum concentrations when compared to all other participants. As another example, participants who ate eggs from chickens or other fowl that are raised in the project focus area a few times a month or more had higher serum PFNA concentrations than participants who rarely or never consumed the locally produced eggs. Finally, participants who are exposed to dirt while at work had higher serum concentrations of ΣPFAS7 than participants who did not report this exposure pathway. All correlations noted in this paragraph were statistically significant.

5.6 Serum PFAS Concentration Trends for Participants in the Plume Area

The final data analysis considered whether participants who ever lived or worked in the plume area near Cannon AFB (see Figure 1) had different serum PFAS concentrations when compared to all other participants and to nationwide averages. This analysis was performed due to the PFAS contamination in the groundwater plume and the fact that residents in this area generally get their drinking water from private wells. Overall, 19 participants had either worked, lived, or both within the plume area.

The box and whisker plot in Figure 9 shows serum concentrations for the four most frequently detected PFAS and for ΣPFAS7. The figure suggests that the serum concentrations among those who lived or worked in the plume area are higher than the concentrations among NM-PBT project participants who did not. Table 8 provides quantitative context for these comparisons:

- For PFHxS, the geometric mean concentration for the plume area participants (3.56 µg/L) is four times higher than the corresponding geometric mean concentration for all other participants (0.89 µg/L). Similarly, for PFOS, the geometric mean concentration for the plume area participants (4.38 µg/L) is 2.2 times higher than the corresponding geometric mean concentration for all other participants (1.95 µg/L). Finally, for ∑PFAS7, the geometric mean concentration for the plume area participants (11.28 µg/L) is 2.6 times higher than the corresponding geometric mean concentration for the remainder of participants (4.31 µg/L). The concentration differences for these three PFAS are all statistically significant.
- The table also indicates that two PFAS analytes—PFHpS and PFDA—were detected in more than 60% of the serum samples from participants who ever lived or worked in the plume area. In comparison, these analytes were detected less frequently in the serum from the remainder of NM-PBT project participants.

A logical inference is that exposures to PFAS-contaminated drinking water was the likely source of the elevated serum concentrations for participants who lived or worked in the plume area, but other pathways (e.g. inhalation) might have also contributed.

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Table 7: Associations Characterized Using Multivariate Linear Regression Models

Parameter	PFHxS			PFNA			PFOA			PFOS			ΣPFAS7		
	Entire Sample	Lived only	Worked only	Entire Sample	Lived only	Worked only	Entire Sample	Lived only	Worked only	Entire Sample	Lived only	Worked only	Entire Sample	Lived only	Worked only
Age	✓	✓	—	✓	✓	—	✓	✓	—	✓	✓	—	✓	✓	—
Sex	✓	✓	✓	✓	—	✓	✓	—	✓	✓	✓	✓	✓	✓	✓
Race	✓	—	—	✓	—	✓	✓	—	✓	NA	NA	NA	NA	NA	NA
Years working in the project area	✓	NA	✓	—	NA	—	—	NA	—	—	NA	—	✓	NA	—
Years lived in the project area	—	✓	NA	—	—	NA	NA	NA	NA	—	—	NA	—	—	NA
8-oz cups of water consumed at work each day	—	NA	—	—	NA	✓	—	NA	—	—	NA	✓	—	NA	—
Blood donation	✓	—	✓	✓	—	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Local egg consumption frequency	NA	NA	NA	✓	—	—	NA	NA	NA	—	—	—	NA	NA	NA
Dirt exposure frequency	—	—	—	NA	NA	NA	NA	NA	NA	—	—	—	—	—	✓
Firefighting work history	—	✓	—	NA	NA	NA	NA	NA	NA	✓	—	✓	—	—	✓
Work history in the USAF, military, or aviation	—	—	—	✓	—	✓	✓	—	—	—	—	—	—	—	—

✓= statistically significant association identified in the multivariate regression model.
'—' = association was not statistically significant.
NA = not applicable; these variables were not explored in the multivariate analysis because they did not have statistically significant independent associations identified in the univariate analysis.

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Figure 9: Log-Scale Distribution of Serum PFAS Concentrations by History in the Plume Area

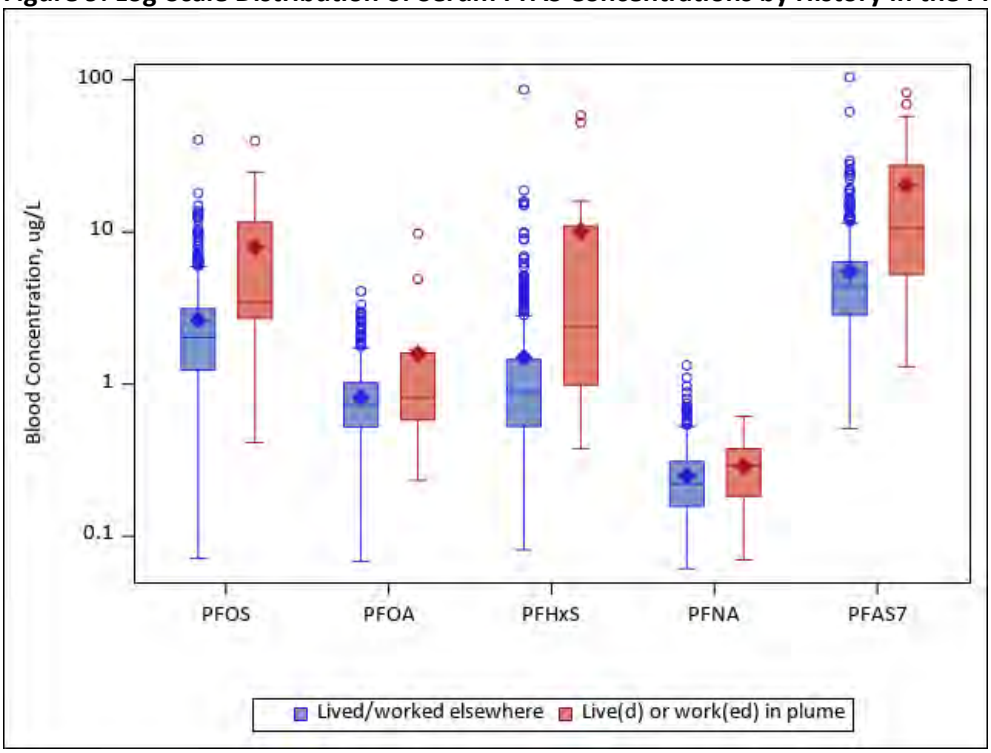


Table 8: Comparison of PFAS Blood Levels Among those with and without History in the Plume Area

PFAS	Never Lived or Worked in Plume Area (n=607)				Ever Lived or Worked in Plume Area (n=19)				p-value
	FOD	Geometric Mean	95% CI		FOD	Geometric Mean	95% CI		
PFOS	100%	1.95	0.83	0.96	100%	4.38	2.55	7.52	0.006
PFOA	100%	0.71	0.67	0.74	100%	1.00	0.66	1.52	0.101
PFHxS	98%	0.89	0.83	0.96	100%	3.56	1.71	7.41	0.036
PFNA	90%	0.21	0.21	0.22	95%	0.26	0.20	0.33	0.162
PFHpS	35%	0.10	0.09	0.10	79%	0.29	0.16	0.53	--
PFDA	37%	0.10	0.09	0.10	63%	0.11	0.09	0.14	--
PFAS7	NA	4.31	4.09	4.54	NA	11.28	6.58	19.32	0.001

T-tests between groups were performed for PFAS detected in 60% or more of the entire sample as well as for PFAS7. T-tests were performed on log-transformed concentrations due to the skewed nature of the data.
**P-values represent a t-test comparison between geometric mean values for those who never lived or worked in the plume area and those who did. A p-value of <0.05 indicates a significant difference between these groups.*

The plume area serum PFAS concentration results were also compared to nationwide averages, using the 2017-2018 NHANES survey data. This comparison found that the geometric mean serum PFHxS concentration for the plume area participants (3.56 µg/L) was higher than the nationwide average (1.11 µg/L); and the concentration difference was statistically significant. Geometric mean serum concentrations for PFNA, PFOA, and PFOS among plume area participants were all lower than those reported for the adult population in the 2017-2018 NHANES survey cycle.

Among the 19 participants who had ever lived or ever worked in the plume area, 5 had serum ΣPFAS7 concentrations greater than 20 µg/L—the higher concentration threshold used in NASEM's medical screening guidelines for PFAS. Thus, 26% of the plume area participants had ΣPFAS7 concentrations in the highest medical screening tier issued by NASEM; on the other hand, 2.2% of the overall NM-PBT participants had serum concentrations in this range.

The previous observations indicate that serum concentrations for certain PFAS are elevated for people who lived or worked in the plume area both when compared to other NM-PBT project participants and to nationwide results. While multivariate models could explore the underlying factors that contributed to these elevated serum PFAS concentrations in the plume area, the small sample size (i.e., 19 participants) caused the multivariate models to be unstable.

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6.0 LIMITATIONS

The serum PFAS concentrations measured during the NM-PBT project provide valuable insight into PFAS exposures among Curry County residents who have worked or lived near a site (Cannon AFB) with known PFAS contamination. However, there are known limitations that should be considered when interpreting this project's serum concentration data. Examples include:

- Recruitment focused on people who have ever lived or worked in a specific area within Curry County (i.e., the project focus area). The serum concentration results pertain to the individuals who voluntarily participated and should not be generalized to people who chose not to participate, to people in other Curry County locations, or to people living elsewhere in New Mexico.
- By design, the NM-PBT project considered a convenience sample of those who chose to participate. However, that sample might not be statistically representative of all eligible participants due to self-selection bias. For example, individuals who are more informed about local PFAS contamination issues might have been more inclined to participate; and other individual characteristics (e.g., poor health status, inability to drive) might have limited participation in certain segments of the population.
- The most recent nationwide comparison data for serum PFAS concentrations are from the 2017-2018 NHANES survey. Nationwide comparison data are not available for 2024, when the NM-PBT project samples were collected.
- The exposure history questionnaire data were based entirely on self-reported responses, which introduces the potential for recall bias. Participants might not have accurately remembered or reported past behaviors, which could affect data quality. Additionally, the questionnaire responses provided insights on potential PFAS exposure pathways, but they do not quantify actual PFAS exposures.
- The current state of the science does not allow one to determine whether serum PFAS concentrations are harmful to health. Test results cannot tell someone if an existing health problem is related to PFAS exposure or if an adverse health effect will develop in the future (ATSDR, 2024). The blood test results should not be interpreted as diagnostic or prognostic tools for individual health outcomes.
- The laboratory analytical method used in the NM-PBT project provided extensive insights by measuring serum concentrations of 33 PFAS, but the method did not provide comprehensive insights. No analytical method measures the full range of PFAS compounds that might be encountered in the environment.
- PFAS blood test results indicate serum concentrations on the date that samples were collected. The serum concentrations may increase or decrease over time, depending on the magnitude and frequency of ongoing exposures and other factors. Further, the test results do not indicate when a participant was exposed to PFAS or where the PFAS in the blood sample came from.

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7.0 FUTURE DIRECTIONS AND USE OF RESULTS

This report summarizes the main findings from the NM-PBT project. As of the report date, three week-long PFAS blood testing events were held, PFAS blood tests were given to 638 participants, results letters were sent to all participants, and NMDOH and NMED held two open availability sessions in Clovis to discuss results with participants in a confidential setting. The agencies intend to hold a public meeting in Curry County to present NM-PBT results to the entire community, not just to those who participated in the project. Further, the agencies that sponsored this project have several planned follow-up activities based on the project findings.

NMDOH will:

- Follow up with the participants who have the highest serum PFAS concentrations. This will include discussing recommended health screenings and helping to identify and address any ongoing exposures.

- Continue to educate local physicians on the health effects associated with PFAS exposure, and on the NASEM medical screening recommendations for different ranges of serum PFAS concentrations.

- Develop and disseminate new resources with the latest scientific information on what residents and other stakeholders can do to reduce their PFAS exposure.

NMED will:

- Continue evaluating water mitigation and remediation opportunities including pursuing alternative drinking water solutions for residents, businesses, and agricultural operations impacted by Cannon AFB's PFAS contamination, including:

    - Water treatment systems for residents, businesses, and agricultural operations; and

    - Public drinking water supply lines for nearby and willing residents currently serviced by private drinking water wells located, or within the path of, the PFAS groundwater plume that remains uncontrolled and untreated.

- Expand PFAS exposure assessments to other impacted communities across New Mexico, such as Holloman Air Force Base as well as additional sites identified through federal or state monitoring data.

- Develop and strengthen regulatory frameworks and advancing legal action against the U.S. Air Force until such time the community is adequately protected from off-site releases, including:

    - Enforcing the recently passed HB212 which requires an end to the use of PFAS-containing AFFF for anything other than emergency purposes; and

    - Incorporate PFAS into hazardous waste permitting and compliance frameworks.

In addition, NMDOH and NMED will continue to review national, regional, and state data sets related to PFAS exposures and may update this report to compare the NM-PBT project data with more recent data sets. This may result in updated conclusions, stakeholder engagement, and community interventions.

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9.0 APPENDICES

Appendix A: Selected NM-PBT Project Resources
Appendix B: Distribution of Serum PFAS Concentrations by Participants' Age and Sex
Appendix C: Descriptive Statistics for PFHxS, PFNA, PFOA, PFOS and ΣPFAS7 by Eligibility Group
Appendix D: Univariate Model Results for PFHxS, PFNA, PFOA, PFOS, and ΣPFAS7
Appendix E: Multivariate Models

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APPENDIX A: SELECTED NM-PBT PROJECT RESOURCES

PARTICIPATION ACKNOWLEDGMENT FORM

Thank you for scheduling a blood sampling appointment for the New Mexico PFAS Blood Testing Project. PFAS refers to a large group of chemicals named per- and polyfluoroalkyl substances. The New Mexico Department of Health, in collaboration with NMED, initiated this project to determine the amounts of PFAS in the blood of people who live and work near Cannon Air Force Base, where PFAS contamination has been found in the environment. This form provides further information about this project, such that you can confirm with us that you want to proceed with your appointment.

Why is the New Mexico Department of Health conducting this project?

PFAS are of public health importance because they are found in many parts of the environment, they do not break down easily, and they are harmful to human health. Nationwide programs have found PFAS in nearly everyone's blood, but similar programs have not taken place in New Mexico. The New Mexico Department of Health is launching this project to fill that data gap.

What will the New Mexico Department of Health do with the PFAS blood sampling results?

The Department will use the results from all participants to inform public health actions and other decisions in New Mexico with respect to PFAS. These actions might include educating healthcare professionals about PFAS and advising people how to reduce exposures. The specific public health actions taken will depend on the amounts of PFAS found in participants' blood.

Who will see my results?

Your test results will be protected to the greatest extent provided by law. Only you, the New Mexico Department of Health, and the contractor that is assisting with this project will see your PFAS blood sampling results along with your name attached to them. After preparing a final report for this project, the contractor will transfer all its files from this project to the New Mexico Department of Health. The New Mexico Department of Health might share blood sampling results with other parties, but that would only be "de-identified" data that does not include any names of the participants.

What will your PFAS blood sampling results tell you? What will they not tell you?

Your blood will be analyzed for more than 30 different PFAS. Your test results will tell you which PFAS were detected, at what levels, and for some PFAS chemicals, how those levels compare to nationwide averages. Your PFAS levels will also be compared to guidelines issued by the National Academies of Sciences, Engineering, and Medicine about whether health screenings are appropriate.

Your blood results will not tell you if the PFAS levels are harmful to your health. The results cannot tell you if an existing health problem is related to your PFAS exposure or if you will develop a health problem in the future. The results also will not tell you when you were exposed to PFAS or where the PFAS in your body came from, because the PFAS could have come from many sources.

What are the benefits of participating?

Your participation will help the New Mexico Department of Health understand which PFAS, and how much PFAS, are found in the blood of some Curry County residents who live and work at and near Cannon AFB and how levels of certain PFAS compare to the average person in the United States. This understanding will help the New Mexico Department of Health determine if there are any public health actions needed for PFAS.

You will learn how your PFAS blood levels compare with those observed nationwide, and you will learn if certain health screenings are recommended based on your PFAS blood levels. This comparison will be made for those PFAS chemicals with national data. You will not have to pay for participating, but if your doctor should order health screenings, you will be responsible for covering those costs.

What are the risks of participating?

The main risk of participating is that associated with providing a blood sample. We will collect approximately 6 milliliters of blood, which is roughly 1 teaspoon. You might feel a sting from the needle used to draw blood, and you might develop a bruise or small blood clot at the puncture site. Although it is not common, the needle could irritate a nerve and that may cause localized numbness.

The risks associated with blood draws are higher for people with bleeding disorders, people who are anemic, and for anyone on blood thinning medications, such as Coumadin. If any of these apply to you, we recommend you either consult with your physician first about participating in this project or you do not participate in this project. Finally, even though we will use sterilized needles, there is always risk of infection as a result of the needle puncture through the skin. You or your health insurance company would be responsible for any follow-up care if you are injured as a result of the blood draw.

What else should I know about my PFAS blood test?

- You will have a small amount of blood drawn from your arm by a trained phlebotomist.
- You will not have to pay for your test. If you complete your appointment, you will receive a $25 gift card for your time.
- Your name will not be included with your blood sample. Your sample will only have a code attached to it. Only the site lead here will know who gave each sample.
- Your blood will only be tested for PFAS. It will not be tested for diseases, DNA, or the presence of alcohol or drugs.
- Your blood sample will be destroyed after the lab analyzes it.

How will I learn about my results? And who can help me understand what they mean?

It will be your choice as to whether you receive your results by secure email or by U.S. mail. You will get your results approximately 3 months after your test. The results will come to you in a letter that indicates which PFAS were found in your blood, at what levels, and for certain PFAS chemicals, how those levels compare to national averages. There will also be information related to health screenings that might be appropriate based on your PFAS levels. The letter will include a phone number that you can call if you

have further questions about your results. Also, after all participants have received their results, the New Mexico Department of Health and partners will host a public meeting in the greater Clovis area to discuss what the results mean and to answer any questions. The Department will also provide informational materials on PFAS to healthcare providers in your area.

What if I change my mind?

Participation in this project is voluntary. If you ever choose not to participate, please call 1-575-575-PFAS. If you decide after today to no longer participate and call this phone number, we will destroy your blood sample and you will not get your result.

Acknowledgments

By marking the check boxes below and signing this form, you are confirming that you understand the goals of the project, and that you agree, of your own free will, to participate. You are also confirming that you will allow the project staff to collect and store the information gathered for the project as described above. A copy of this form will be provided for your records if you request one.

A project representative will read the following statements out loud to you. We ask that you answer each statement with either "Yes" or "No." *[Check boxes for "Yes" and "No" will be included on the final form.]*

1) I confirm that I have read and understood the information provided to me about the New Mexico PFAS Blood Testing project.
2) I confirm that I have had the opportunity to ask questions and the coordinator has answered any questions about the study to my satisfaction.
3) I understand that my participation is voluntary and that I do not have to participate.
4) I agree to participate in the New Mexico PFAS Blood Testing project and provide a blood sample.
5) I understand that this project is being done to further public health in New Mexico and to help the Department of Health understand the public health issues in my area that are subject to this project.
6) I understand that I will receive my PFAS blood test results by *[circle one: mail/email]* and that my results package will tell me how my blood test compares with national averages for certain PFAS.
7) I understand that public health surveillance involves collecting, testing, analyzing, and using information or biospecimens to improve public health and prevent disease and that the Department of Health may use combined data to inform public health actions.
8) I understand that my PFAS blood test results will be able to tell me if certain health screenings are recommended, but my PFAS blood test results will not be able to tell me where the PFAS in my blood came from, when I was exposed, and how the PFAS levels might impact my health.
9) I understand that any protected health information (PHI) collected during the course of the project will eventually be retained by the New Mexico Department of Health and no other party. The information collected may not be used for analyses not described here.

10) I agree to let the New Mexico Department of Health keep my contact information and contact me in the future with follow-up information related to my PFAS blood test results.

[Participant will be prompted to fill out the rest of the form, which will include fields for: printed name, signature, date signed, mailing address, and phone number. The senior ERG employee who described this form to the participant will also sign the form.]

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EXPOSURE HISTORY QUESTIONNAIRE

General information:

1. What is your first and last name?
2. What is your date of birth?
3. What is your sex or gender identity?
    - Male
    - Female
    - Transgender Man
    - Transgender Woman
    - Non-binary
    - Something else – please specify
    - Decline or prefer not to answer
4. What is your height?
5. What is your weight?
6. Which of the following would you say is your race/ethnicity? You can give multiple responses. (Mexican American, Other Hispanic, Non-Hispanic White, Non-Hispanic Black, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, Other, prefer not to say)
7. Reason for eligibility in the NM-PBT project:
    - Currently live in the project focus area
    - Currently work in the project focus area
    - Currently both live and work in the project focus area

Residential History

8. What is your home address? (Street number, street name, city, state, zip code)
9. How long have you lived at this address? (Years, months; estimates accepted)
10. Is this currently your full-time residence? (Yes/No; if no, ask how much time the participant lives at the address in terms of days per week, weeks per month, and months per year)
11. Please list the places in the project focus area that you have lived over the last 10 years, starting with the most recent. (Complete Table 5. If a former residence is in the Clovis area, ask for the street address. If a former residence is outside the Clovis area, ask for just the city and state.)
12. Please indicate the number of years you have lived outside the project focus area.

Table 5. Residential History Response Form

Entry	Location of Former Residence	Start Date at Residence (mm/yy)	End Date at Residence (mm/yy)
1			
2			
3			
4			
5			

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6			
7			
8			
9			
10			

Source of Drinking Water at Home

13. What is your current main source of drinking water in your home?
    - Public water system – ask for name on their water bill (e.g., Cannon AFB, City of Clovis Water Division, Turquoise Estates, etc.)
    - Private well
    - Bottled water
    - Do not know
14. If you have a private well, has it been tested for PFAS? (Yes/No/Do not know)
    - If yes, ask for details on when the well was tested, how many times the well was tested, who performed the tests, and what the tests found.
15. At your current residence, on average, how many 8-ounce cups of tap water or beverages prepared with tap water, such as tea or coffee, do you drink while at home per day? (ERG field team member will display a coffee mug, a glass, or some other item to demonstrate during the interview what an 8-ounce cup is.)
    - Indicate number of cups
    - Not applicable, participant does not drink tap water at home
    - Do not know
16. Which, if any, water filters or treatment devices are you currently using to filter or treat the tap water that you drink at home? (Multiple responses are allowed; photographs will be available to explain what the response options mean)
    - Not applicable, participant does not drink tap water at home
    - Whole house carbon filter
    - Under the sink carbon filter
    - A filter at the faucet
    - A filter on a water pitcher
    - A refrigerator filter
    - A reverse osmosis (RO) system
    - Other treatment device (ask for details)
    - No filters or treatment devices
    - Do not know if the tap water is filtered or treated

Occupational History

17. Are you currently employed? (If “no,” questionnaire software will skip many of the questions that follow.)

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18. What is your occupation or job title?
19. For whom do you work?
20. Is this work full-time or part-time?
21. What is the address of your employer? (Street number, street name, city, state, zip code)
22. How long have you held this job? (Years, months; estimates accepted)
23. Please indicate the main source of drinking water that you consume while you are at work.
    - o Tap water from work
    - o Tap water from home (i.e., participant brings tap water from home to work). Use this selection for farmers and other individuals who work from home and who drink that tap water.
    - o Bottled water
    - o Does not drink water at work
    - o Do not know
24. Please list all other places in the project focus area that you have worked over the last 10 years, starting with the most recent. (Complete Table 6. If a former occupation is in the Clovis area, enter a street address in the location field. If a former occupation is outside the Clovis area, just enter the city and state in the location field. Enter full-time or part-time under status. Use codes beneath the table for the drinking water source.)

Table 6. Occupational History Response Form

Entry	Employer	Location	Job Title	Status	Year Started	Year Ended	Drinking Water Source
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Drinking water source codes:

1 = Tap water from work 3 = Bottled water

2 = Tap water from home 4 = Do not know

25. During the time that you worked, including at your current job, how many 8-ounce cups of tap water or beverages prepared with tap water, like tea or coffee, did you drink while at work per day? (ERG field team member will display a coffee mug, a glass, or some other item to demonstrate during the interview what an 8-ounce cup is.)
    - o Indicate number of cups
    - o Not applicable, participant did not drink water at work
    - o Not applicable, participant has not held a job

- Do not know

26. Please indicate (Yes/No) if you worked in any of the following industries in the past 20 years? (Multiple responses allowed)
    - Manufacturing of nonstick cookware such as Teflon® coated pots/pans
    - Manufacturing of stain resistant coatings (e.g., Scotchgard®) used on carpets, upholstery, and other fabrics
    - Manufacturing of water-resistant clothing (e.g., Gore-Tex®)
    - Manufacturing of aqueous film-forming foam (AFFF)
    - Manufacturing/processing/formulating facility of PFAS (3M, DuPont, Chemours, etc.)
    - Military
    - Aviation
    - Firefighting – full-time
    - Firefighting – volunteer
27. (For every Yes response to the previous question…) Please indicate the employer, how many years worked in the position, and daily job duties, including any that involved working with PFAS.

Health-Related Questions

28. How frequently do you donate blood and/or plasma?
    - Once every 2 months
    - A few times per year
    - Once per year
    - Rarely
    - Never
29. Have you ever had your blood tested for any PFAS? (Yes/No/Do not know)
    - If yes, ask for details on when and where the test occurred, who performed the test, and what the test found.
30. *For female participants only:* Have you given birth to any children? (Yes/No; if yes, ask how many)
31. *For female participants only:* Have you ever breastfed an infant? (Yes/No; if yes ask for estimated total duration [months] of breastfeeding; this will be the sum across all children. Do not know will be an acceptable answer.)

Potential Sources of PFAS Exposure

32. Do you apply stain resistant products to carpeting, upholstered furniture, clothing, and other items in your home? (Mention Scotchgard® as an example.)
    - No
    - Do not know
    - Yes. How often do you apply stain resistant products in your home?
        - Daily
        - A few times per week
        - A few times per month
        - A few times per year

33. Do you eat fruits or vegetables that are grown at home or grown at other locations in the project focus area? (Show map of the project focus area.)
    - No
    - Do not know
    - Yes. How often do you eat these locally grown or home-grown fruits and vegetables?
        - Daily
        - A few times per week
        - A few times per month
        - A few times per year
34. Do you consume milk from animals that are raised in the project focus area? (Show map of the project focus area.)
    - No
    - Do not know
    - Yes. How often do you consume locally produced milk?
        - Daily
        - A few times per week
        - A few times per month
        - A few times per year
35. Do you eat eggs from chickens or other fowl that are raised in the project focus area? (Show map of the project focus area.)
    - No
    - Do not know
    - Yes. How often do you consume these eggs?
        - Daily
        - A few times per week
        - A few times per month
        - A few times per year
36. Do you eat fast food?
    - No
    - Do not know
    - Yes. How often do you eat fast food?
        - Daily
        - A few times per week
        - A few times per month
        - A few times per year
37. Do you come in direct contact with soil at any location in the project focus area? This may occur through digging, gardening, farming, and other activities. (Show map of the project focus area.)
    - No
    - Do not know
    - Yes. How often do you come into contact with the soil in the project focus area?
        - Daily

- A few times per week
- A few times per month
- A few times per year
- Rarely

- If yes, at what location do you come into contact with soil most frequently? (Enter enough information to pinpoint the location. If necessary, use the map of the project focus area to help the participant answer this question.)

Final Question

19. Is there anything else you want to tell us about your PFAS exposures? (Open response)

NMED Exhibit 17

RESULTS LETTER TEMPLATE

February 10, 2025

Full Name
Mailing Address
City, State Zip Code

Subject: PFAS Blood Test Results

Dear Full Name,

Thank you for participating in the New Mexico PFAS Blood Testing (NM-PBT) project. The goals of this inter-agency project are to determine if PFAS (per- and polyfluoroalkyl substances) are present in the blood of people who have lived or worked at or near Cannon Air Force Base, which PFAS chemicals might be detected and at what concentrations, and to compare those PFAS levels to the general U.S. population.

This letter provides your test results along with how they compare to others in the United States. The New Mexico Department of Health and the New Mexico Environment Department expects to release the final project report in the summer of 2025. That report will compare your results to the other Curry County residents and workers who participated in the NM-PBT project.

When reviewing your results, please remember that PFAS are widely used in firefighting foams and many consumer products. They are persistent in the environment and have been found in the blood of people all over the world. PFAS blood tests reflect exposures from all sources, including drinking water, food packaging, fabrics, and certain building materials. For some PFAS, blood test results reflect a combination of recent exposures and exposures that occurred months or years ago.

If you have further questions about the meaning of your PFAS test results, you can share them with your doctor and/or call the New Mexico Department of Health's Helpline at 1-833-SWNURSE (1-833-796-8773). Additionally, the New Mexico Department of Health and the New Mexico Environment Department will host an open office session at the Youth Recreation Building in Clovis to answer any questions that you have. The Youth Recreation Building is located at 1504 E 7th Street, at the corner of 7th Street and Sycamore Street. It is where you originally provided your blood sample. Here are the dates and times for the open office session:

- Thursday, February 20, 2025, from 12:00 p.m. to 8:00 p.m.
- Friday, February 21, 2025, from 12:00 p.m. to 8:00 p.m.
- Saturday, February 22, 2025, from 9:00 a.m. to 5:00 p.m.

Thank you again for participating in this project.

- The New Mexico PFAS Blood Testing Project Team

What do the results in Table 1 mean?

The following explains what the abbreviations are for the PFAS that were tested. The table also indicates which PFAS were detected in your blood and at what levels.

Table 1. Your Test Results

PFAS	Full Name of PFAS Chemical	Was This PFAS Detected in Your Blood?	Your Result (µg/L)
PFBA	Perfluorobutanoic acid	No/Yes	ND/#
PFPeA	Perfluoropentanoic acid	No/Yes	ND/#
PFHxA	Perfluorohexanoic acid	No/Yes	ND/#
PFHpA	Perfluoroheptanoic acid	No/Yes	ND/#
PFOA	Perfluorooctanoic acid	No/Yes	ND/#
PFNA	Perfluorononanoic acid	No/Yes	ND/#
PFDA	Perfluorodecanoic acid	No/Yes	ND/#
PFUnA	Perfluoroundecanoic acid	No/Yes	ND/#
PFDoA	Perfluorododecanoic acid	No/Yes	ND/#
[…and so on]			

ND = Not detected; the PFAS analyte was not detected in your sample.

What do the results in Table 2 mean?

The following table compares your results for certain PFAS chemicals to levels in the general U.S population, as reported by the Centers for Disease Control and Prevention (CDC). You will see in this table if your results are higher, lower, or about the same as others nationwide. Information for the U.S. population is only available for seven PFAS chemicals.

(1) PFAS	(2) Your Result (µg/L)	(3) U.S. Population Geometric Mean (µg/L)	(4) U.S. Population 95th Percentile (µg/L)
PFDA			

(4) This column lists the different PFAS that we measured in your blood.

(4) This column shows the amount (the concentration) of the PFAS that we found in your blood. If this number is bold, that means your level is above the national average. If this number is bold and italicized, that means your level is higher than that found in 95% of Americans.
(4) This column shows the geometric mean PFAS level, which is a measure of the average amount of PFAS in blood for the U.S. population.
(4) This column indicates the 95th percentile amount of PFAS in blood for the U.S. population. This means that 95 percent of the U.S. population has PFAS in their blood lower than this level.

Table 2. Your PFAS Results Compared to the U.S. General Population

PFAS	Your Result (µg/L)	U.S. Population Geometric Mean (µg/L)	U.S. Population 95th Percentile (µg/L)
MeFOSAA	#	0.130	0.60
PFDA	#	0.193	0.60
PFHxS	#	1.08	3.80
PFNA	#	0.411	1.40
PFOA	#	1.42	3.87
PFOS	#	4.25	15.1
PFUnA	#	0.125	0.40

Notes:

- The U.S. population numbers are based on data from CDC's 2017-2018 National Health and Nutrition Examination Survey (NHANES). That study only includes blood concentrations for the seven PFAS shown in the table, and NHANES focuses on the civilian non-institutionalized population.
- Not enough data are available from NHANES to compare your results to people of similar demographic characteristics: we cannot match your data to others with the same age, sex, race/ethnicity, and other factors.
- The comparison to the nationwide population is provided for context only. Having PFAS blood test results above or below the national averages does not tell you anything about possible adverse health effects.

What do the results in Table 3 mean?

The following table shows how we calculated the combined amount of seven common PFAS. The text after the table tells you if any health screenings are recommended for you based on the combined amount. We are using guidelines issued by the National Academies of Sciences, Engineering, and Medicine to let you know about health screenings. While some PFAS may increase the risk of certain diseases, which is why some screenings are recommended, your test results alone cannot tell you if a past, current, or future health issue is caused by your PFAS exposure. Scientists continue to evaluate the connections between PFAS blood levels and health effects.

Table 3. Sum of Blood Concentrations for Seven Common PFAS and Health Screenings

PFAS	Your Result (µg/L)
MeFOSAA	#
PFDA	#
PFHxS	#
PFNA	#
PFOA	#
PFOS	#
PFUnDA	#
Sum of seven PFAS	#

Note:

When calculating the "sum of seven PFAS" value, all non-detect results were replaced with the laboratory's detection limit divided by the square root of two. This is the approach recommended by the National Academies of Sciences, Engineering, and Medicine.

Understanding Table 3:

[Option 1]

Your "sum of seven PFAS" result is # µg/L.

That value is less than 2 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends no special health screenings for adults with "sum of seven PFAS" blood concentrations in this range.

[Option 2]

Your "sum of seven PFAS" result is # µg/L.

That value is between 2 and 20 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends the following for adults with "sum of seven PFAS" blood concentrations in this range:

- Reduce ongoing PFAS exposure if a source of exposure has been identified, especially for pregnant women. Refer to the attached fact sheet, "How can I reduce my PFAS exposure?", for further information.

- Screening for high cholesterol, for high blood pressure (among pregnant women only), and for breast cancer (among women only).
- Here is the technical terminology used by the National Academies. This language might be useful to share with your doctor:

  "With the usual standard of care physicians should:

  3) Prioritize screening for dyslipidemia with a lipid panel (…once every 4 to 6 years over age 20) as recommended by the Association of American Physicians and the American Heart Association.
  3) Screen for hypertensive disorders of pregnancy at all prenatal visits per the American College of Obstetricians and Gynecologists.
  3) Screen for breast cancer based on clinical practice guidelines based on age and other risk factors such as those recommended by the U.S. Preventive Services Task Force."
- Remember: These health screenings are recommended as a preventive measure. They do not mean that you will necessarily develop the associated health conditions.

[Option 3]

Your "sum of seven PFAS" result is # µg/L.

That value is above 20 µg/L.

The National Academies of Sciences, Engineering, and Medicine recommends the following for adults with "sum of seven PFAS" blood concentrations in this range:

- Reduce ongoing PFAS exposure if a source of exposure has been identified, especially for pregnant women. Refer to the attached fact sheet named "How can I reduce my PFAS exposure?" for further information.
- Screening for high cholesterol, testing of thyroid function, and looking for signs and symptoms of testicular cancer (in males), kidney cancer, and ulcerative colitis.
- Here is the technical terminology used by the National Academies. This language might be useful to share with your doctor:

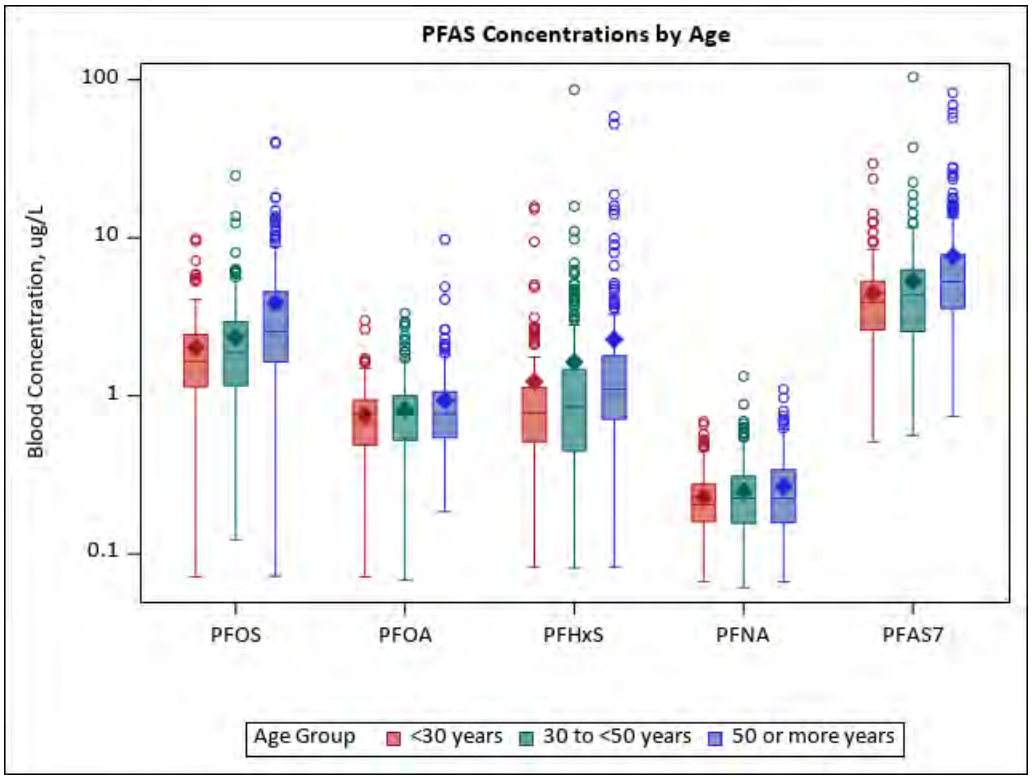
  "In addition to the usual standard of care physicians should:

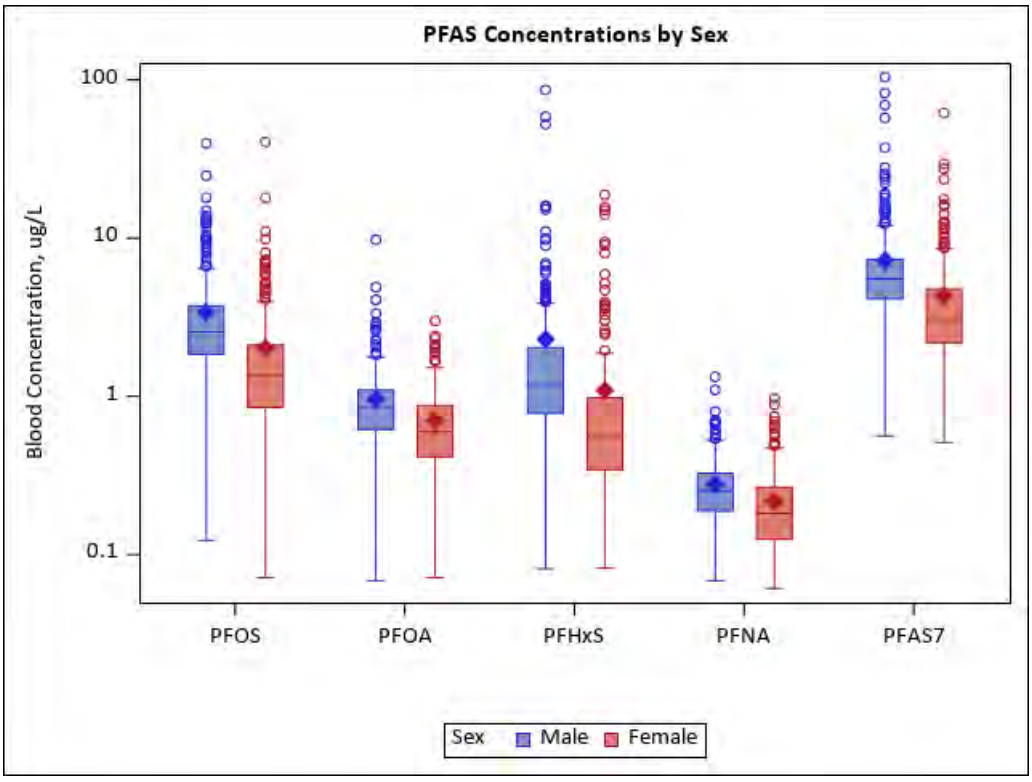
  2) Prioritize screening for dyslipidemia with a lipid panel…following recommendations…and American Heart Association guidance for high-risk adults.
  2) At all well visits:

a. Conduct thyroid function testing (for patients over age 18) with serum thyroid stimulating hormone (TSH);
b. Assess for signs and symptoms of kidney cancer (for patients over age 45), including with urinalysis; and
c. For patients over age 15, assess for signs and symptoms of testicular cancer and ulcerative colitis."

- Remember: These health screenings are recommended as a preventive measure. They do not mean that you will necessarily develop the associated health conditions.

APPENDIX B: DISTRIBUTION OF SERUM PFAS CONCENTRATIONS BY PARTICIPANTS' AGE AND SEX





APPENDIX C: DESCRIPTIVE STATISTICS FOR PFHxS, PFNA, PFOA, PFOS AND ΣPFAS7 BY ELIGIBILITY GROUP

Descriptive statistics for those who only lived in the project focus area (n=167)

PFAS	FOD	Max	Geometric Mean	95% CI for Geometric mean	Percentiles			
					25th	50th (median)	75th	95th
PFOS	99.4%	40.5	1.58	(1.39, 1.8)	0.88	1.56	2.67	5.72
PFOA	98.8%	2.40	0.565	(0.52, 0.62)	0.41	0.583	0.828	1.32
PFHxS	98.2%	18.8	0.609	(0.54, 0.69)	0.36	0.629	0.956	2.20
PFNA	82.6%	0.969	0.183	(0.17, 0.2)	0.13	0.186	0.269	0.468
ΣPFAS7	--	61.8	3.41	(3.08, 3.79)	2.2	3.48	5.12	9.13

Descriptive statistics for those who worked only in the project focus area (n=182)

PFAS	FOD	Max	Geometric Mean	95% CI for Geometric mean	Percentiles			
					25th	50th (median)	75th	95th
PFOS	99.5%	12.9	2.03	(1.82, 2.26)	1.38	2.11	3.05	6.48
PFOA	100.0%	4.90	0.783	(0.723, 0.848)	0.571	0.807	1.08	1.73
PFHxS	97.3%	52.4	1.01	(0.872, 1.16)	0.633	1.01	1.63	4.85
PFNA	92.3%	1.33	0.221	(0.205, 0.238)	0.165	0.226	0.314	0.451
ΣPFAS7	--	69.3	4.59	(4.17, 5.06)	3.11	4.52	6.25	14.1

Descriptive statistics for those who both lived and worked in the project focus area (n=279)

PFAS	FOD	Max	Geometric Mean	95% CI for Geometric mean	Percentiles			
					25th	50th (median)	75th	95th
PFOS	100.0%	39.8	2.29	(2.09, 2.5)	1.43	2.29	3.53	7.14
PFOA	99.6%	9.77	0.770	(0.722, 0.821)	0.579	0.790	1.07	1.71
PFHxS	98.9%	86.4	1.13	(1.01, 1.26)	0.653	1.10	1.83	4.94
PFNA	93.9%	1.10	0.234	(0.22, 0.249)	0.174	0.230	0.321	0.541
ΣPFAS7	--	104	5.08	(4.69, 5.51)	3.35	5.02	7.21	14.6

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APPENDIX D: UNIVARIATE MODEL RESULTS FOR PFHxS, PFNA, PFOA, PFOS, AND ΣPFAS7

Univariate Models

Variable	N	Category	PFHxS		PFNA		PFOA		PFOS		ΣPFAS 7	
			Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value
Age	628	NA – continuous variable	**0.010**	**<.0001**	**0.003**	**0.0147**	**0.004**	**0.0016**	**0.012**	**<.0001**	**0.009**	**<.0001**
Aviation (non-USAF)	628	No aviation experience (reference)	--	--	--	--	--	--	--	--	--	--
		Aviation experience	0.300	0.1602	0.218	0.0771	0.124	0.3346	0.244	0.1669	0.223	0.1468
USAF, Military, and/or Aviation	628	Yes, experience in the USAF, military, and/or aviation	**0.259**	**0.0007**	**0.224**	**<.0001**	**0.241**	**<.0001**	**0.152**	**0.0162**	**0.160**	**0.0037**
		No (reference)	--	--	--	--	--	--	--	--	--	--
Birth	279	Given birth	-0.0296	0.8058	-0.0076	0.9207	-0.091	0.2259	-0.0068	0.9472	-0.010	0.9044
		Never given birth	--	--	--	--	--	--	--	--	--	--
Blood Donation	628	Once per year or more	**-0.243**	**0.0415**	**-0.203**	**0.0031**	**-0.189**	**0.0081**	**-0.321**	**0.0011**	**-0.251**	**0.0034**
		Never or rarely	--	--	--	--	--	--	--	--	--	--
Breast-feeding	278	Yes	-0.036	0.7532	-0.0196	0.7844	-0.085	0.2284	-0.085	0.3790	-0.053	0.5094
		No	--	--	--	--	--	--	--	--	--	--
Dirt Exposure	627	Yes	0.066	0.4123	0.018	0.6981	-0.011	0.8169	0.091	0.1712	0.0699	0.2279
		No	--	--	--	--	--	--	--	--	--	--
Dirt Exposure Frequency	355	A few times a month or more	0.198	0.0584	0.074	0.2316	0.059	0.3406	**0.282**	**0.0015**	**0.214**	**0.0053**
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
Egg Consumption	557	Yes	-0.021	0.8110	**0.1157**	**0.0231**	0.0025	0.9625	**0.1576**	**0.0297**	0.078	0.2230
		No	--	--	--	--	--	--	--	--	--	--
Egg Consumption Frequency	577	A few times a month or more	-0.028	0.7719	**0.131**	**0.0179**	0.005	0.9328	**0.190**	**0.0157**	0.094	0.1740
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
Fast Food Consumption	627	Yes	-0.154	0.2542	-0.134	0.0847	-0.120	0.1387	-0.125	0.2607	-0.123	0.2053
		No	--	--	--	--	--	--	--	--	--	--

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Variable	N	Category	PFHxS		PFNA		PFOA		PFOS		ΣPFAS 7	
			Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value
Fast Food Consumption Frequency	626	A few times a month or more	**-0.230**	**0.0130**	**-0.1897**	**0.0004**	**-0.141**	**0.0110**	**-0.197**	**0.0103**	**-0.184**	**0.0059**
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
Water Filtration (Home)	446	Any	-0.056	0.5335	-0.060	0.2622	0.042	0.4527	-0.139	0.0711	-0.87	0.1901
		None	--	--	--	--	--	--	--	--	--	--
Reverse Osmosis or Carbon Filter	446	Home has reverse osmosis or whole-house carbon filter	0.186	0.1715	0.081	0.3186	0.160	0.0547	0.016	0.8902	0.076	0.4483
		Home does not have reverse osmosis or whole-house carbon filter	--	--	--	--	--	--	--	--	--	--
Firefighting	628	Firefighting experience	**0.477**	**0.0049**	0.078	0.4290	0.155	0.1281	**0.435**	**0.0019**	**0.352**	**0.0039**
		No firefighting experience (reference)	--	--	--	--	--	--	--	--	--	--
Fruit and Vegetable Consumption	557	Yes	-0.075	0.3833	-0.029	0.5552	-0.088	0.0879	0.014	0.8408	-0.032	0.6064
		No	--	--	--	--	--	--	--	--	--	--
Fruit and Vegetable Consumption Frequency	407	A few times a month or more	0.093	0.5330	**0.186**	**0.0315**	0.036	0.6915	**0.248**	**0.0441**	0.164	0.1341
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
8 oz Cups of Tap Water/Day	441	NA – continuous variable	0.0098	0.0991	0.006	0.0905	**0.007**	**0.0460**	**0.011**	**0.0258**	**0.009**	**0.0318**
Source of Water at Home	442	Bottled water	-0.224	0.0566	0.024	0.7367	-0.065	0.3659	-0.021	0.8314	-0.0796	0.3549
		Private well	0.099	0.3444	0.116	0.0642	0.068	0.2901	**0.275**	**0.0019**	**0.191**	**0.0130**
		Public water system	--	--	--	--	--	--	--	--	--	--
Source of Water at Work	460	Bottled water	-0.099	0.3373	-0041	0.4613	-0.023	0.6933	-0.069	0.3980	-0.069	0.3368
		Do not drink water at work	0.637	0.0841	**0.491**	**0.0151**	**0.5697**	**0.0066**	0.506	0.0829	**0.607**	**0.0190**
		Tap water from home	0.114	0.3574	-0.01999	0.7669	0.061	0.3832	-0.051	0.6030	0.022	0.7965
		Tap water from work	--	--	--	--	--	--	--	--	--	--
Milk Consumption	546	Yes	0.054	0.6662	0.140	0.0551	0.112	0.1430	**0.241**	**0.0219**	0.149	0.1046
		No	--	--	--	--	--	--	--	--	--	--

Variable	N	Category	PFHxS		PFNA		PFOA		PFOS		ΣPFAS 7	
			Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value
Milk Consumption Frequency	546	A few times a month or more	0.078	0.5846	0.141	0.0876	0.1297	0.1307	0.226	0.0564	0.153	0.1393
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
Number of pregnancies carried to term	279	NA – continuous variable	-0.005	0.9015	-0.014	0.6182	-0.043	0.1106	0.008	0.8283	-0.00005	0.9986
Race	625	Hispanic or Latino	**-0.249**	**0.0072**	**-0.115**	**0.0309**	**-0.156**	**0.0051**	-0.066	0.3943	-0.105	0.1189
		Non-Hispanic Black	**-0.501**	**0.0050**	-0.039	0.7042	-0.197	0.0651	-0.165	0.2664	-0.202	0.1183
		Non-Hispanic Other	0.050	0.7388	**0.274**	**0.0016**	**0.208**	**0.0211**	0.028	0.8240	0.104	0.3410
		Non-Hispanic White	--	--	--	--	--	--	--	--	--	--
Sex	627	Female	**-0.7598**	**<0.0001**	**-0.313**	**<0.0001**	**-0.328**	**<0.0001**	**-0.641**	**<0.0001**	**-0.547**	**<0.0001**
		Male	--	--	--	--	--	--	--	--	--	--
Application of Stain Resistant Products to Carpeting, Upholstered Furniture, Clothing, or Other Items	622	Yes	-0.156	0.1519	-0.087	0.1648	-0.021	0.7421	-0.104	0.2454	-0.093	0.2357
		No	--	--	--	--	--	--	--	--	--	--
Application of Stain Resistant Products to Carpeting, Upholstered Furniture, Clothing, or Other Items Frequency	622	A few times a month or more	0.515	0.0791	-0.030	0.8587	0.135	0.4440	0.322	0.1831	0.329	0.1193
		A few times a year or less	--	--	--	--	--	--	--	--	--	--
Occupation in Staincoating	628	Yes	0.149	0.7892	-0.189	0.5575	0.185	0.5817	-0.117	0.7989	-0.066	0.8692
		No	--	--	--	--	--	--	--	--	--	--
8 oz Cups of Tap Water/Day at Work	417	NA – continuous variable	00.004	0.5923	0.008	0.0524	0.005	0.2910	**0.013**	**0.0271**	0.008	0.1368

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Variable	N	Category	PFHxS		PFNA		PFOA		PFOS		ΣPFAS 7	
			Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value	Coef.	P value
Total Number of Years Living in the Project Focus Area	628	NA – continuous variable	**0.006**	**0.0394**	0.001	0.5188	0.009	0.6277	**0.009**	**0.0002**	**0.007**	**0.0014**
Total Number of Years Working in the Project Focus Area	628	NA – continuous variable	**0.028**	**<0.0001**	**0.006**	**0.0217**	**0.011**	**<0.0001**	**0.019**	**<0.0001**	**0.020**	**<0.0001**

Note: Associations significant at $\alpha<0.05$ are shown in bold text.

APPENDIX E: MULTIVARIATE MODELING RESULTS

PFHxS

Final Multivariate Model for PFHxS – All Eligible Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.007	0.003	0.002, 0.012
Sex*	-0.712	<.001	-0.850, -0.574
Race**			
Hispanic or Latino	-0.206	0.014	-0.370, -0.042
Non-Hispanic Black	-0.416	0.010	-0.731, -0.101
Non-Hispanic Other	0.090	0.502	-.0173, 0.353
Blood Donation***	-0.288	0.007	-0.498, -0.078
Total years working in project area	0.016	<0.001	0.008, 0.025

Model statistics: R^2=0.230; p-value= <.0001; n=624; intercept = -.043
*Reference category: Male
**Reference category: White, non-Hispanic
***Reference category: Never or rarely donate

Final Multivariate Model for PFHxS – "Lived Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age (years)	0.014	<0.001	0.007, 0.021
Sex*	-0.536	<0.001	-0.793, -0.280
Years lived in project area	0.009	0.045	0.000, 0.018
Firefighting**	0.633	0.056	-0.015, 1.281

Model stats: R^2= 0.289; p-value= <.0001; n=156; intercept = -0.921
*Reference category: Male
**Reference category: Never worked as a firefighter

Final Multivariate Model for PFHxS – "Worked Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Sex*	-0.952	<0.001	-1.220, -0.685
Blood Donation**	-0.374	0.039	-0.727, -0.020
Years worked in project area	0.013	0.072	-0.001, 0.028

Model stats: R^2= 0.239; p-value= <.0001; n=182; intercept = 0.287
*Reference category: Male
**Reference category: Never or rarely donate

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PFNA

Final Multivariate Model for PFNA – All Eligible Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.004	<0.001	0.002, 0.007
Sex*	-0.253	<.0001	-0.344, -0.162
Race**			
Hispanic or Latino	-0.094	0.086	-0.201, 0.013
Non-Hispanic Black	0.002	0.983	-0.200, 0.204
Non-Hispanic Other	0.298	0.001	0.125, 0.470
Blood donation***	-0.226	0.001	-0.363, -0.089
Egg consumption****	0.124	0.019	0.020, 0.227
Work history in the military and/or aviation, including USAF	0.160	0.001	0.063, 0.257

Model stats: R2=0.151; p-value= <.0001; n=574; intercept =-1.690
*Reference category: Male
**Reference category: White, non-Hispanic
***Reference category: Never or rarely donate
****Reference category: A few times a year or less

Final Multivariate Model for PFNA – "Lived Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.010	<0.001	0.006, 0.015

Model stats: R^2= 0.099; p-value= <.0001; n=167; intercept = -2.179

Final Multivariate Model for PFNA – "Worked Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Sex*	-0.391	<0.001	-0.549, -0.233
Race**			
Hispanic or Latino	-0.115	0.264	-0.316, 0.087
Non-Hispanic Black	-0.133	0.437	-0.471, 0.204
Non-Hispanic Other	0.261	0.043	0.008, 0.514
Blood donation***	-0.231	0.022	-0.429, -0.034
Work history in the military and/or aviation, including USAF	0.188	0.033	0.015, 0.360
8-oz cups of water consumed at work each day	0.012	0.044	0.000, 0.024

Model stats: R^2= 0.232; p-value= <.0001; n=175; intercept = -1.551
*Reference category: Male
**Reference category: White, non-Hispanic
*** Reference category: Never or rarely donate

PFOA

Final Multivariate Model for PFOA – All Eligible Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.006	<0.001	0.003, 0.008
Sex*	-0.268	<0.001	-0.359, -0.176
Race**			
Hispanic or Latino	-0.113	0.037	-0.219, -0.007
Non-Hispanic Black	-0.177	0.079	-0.375, 0.021
Non-Hispanic Other	0.232	0.006	0.066, 0.397
Blood donation***	-0.230	0.007	-0.362, -0.098
Work history in the military and/or aviation, including USAF	0.179	0.003	0.083, 0.275

Model stats: R^2=0.157; p-value= <.0001; n=624; intercept =-0.508
*Reference category: Male
**Reference category: White, non-Hispanic
*** Reference category: Never or rarely donate

Final Multivariate Model for PFOA – "Lived Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.011	<0.001	0.006, 0.016
Blood donation*	-0.413	0.007	-0.712, -0.114

Model stats: R^2= 0.147; p-value= <.0001; n=166; intercept = -1.038
* Reference category: Never or rarely donate

Final Multivariate Model for PFOA – "Worked Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Sex*	-0.440	<0.001	-0.597, -0.283
Race**			
Hispanic or Latino	-0.003	0.974	-0.1992, 0.192
Non-Hispanic Black	-0.308	0.079	-0.651, 0.035
Non-Hispanic Other	0.226	0.086	-0.033, 0.484
Blood donation***	-0.216	0.039	-0.420, -0.011

Model stats: R^2=0.210; p-value= <.0001; n=182; intercept = -0.072
*Reference category: Male
**Reference category: White, non-Hispanic
*** Reference category: Never or rarely donate

NMED Exhibit 17

PFOS

Final Multivariate Model for PFOS – All Eligible Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.012	<0.001	0.009, 0.015
Sex*	-0.656	<0.001	-0.766, -0.547
Blood donation**	-0.312	<0.001	-0.480, -0.144
Firefighting***	0.234	0.057	-0.007, 0.475

Model stats: R^2=0.256; p-value= <.0001; n=627; intercept =0.469
*Reference category: Male
** Reference category: Never or rarely donate
***Reference category: Never worked as a firefighter

Final Multivariate Model for PFOS – "Lived Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.019	<0.001	0.013, 0.025
Sex*	-0.500	<0.001	-0.749, -0.251
Blood donation**	-0.497	0.011	-0.879, -0.115

Model stats: R2=0.301; p-value= <.0001; n=166; intercept = -.038
*Reference category: Male
** Reference category: Never or rarely donate

Final Multivariate Model for PFOS – "Worked Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Sex*	-0.806	<0.001	-1.01, -0.600
Blood donation**	-0.332	0.015	-0.599, -0.065
Firefighting***	0.370	0.044	0.011, 0.729
8-oz cups of water consumed at work per day	0.017	0.033	0.001, 0.032

Model stats: R2= 0.314; p-value= <.0001; n=175; intercept = 0.898
*Reference category: Male
** Reference category: Never or rarely donate
***Reference category: Never worked as a firefighter

ΣPFAS7

Final Multivariate Model for ΣPFAS7 – All Eligible Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.008	<0.001	0.005, 0.011
Sex*	-0.540	<0.001	-0.638, -0.443
Blood donation**	-0.235	0.002	-0.383, -0.087
Years of work in the project area	0.009	0.004	0.003, 0.015

Model stats: R^2=0.2424; p-value= <.0001; n=627; intercept =1.346
*Reference category: Male
** Reference category: Never or rarely donate

Final Multivariate Model for ΣPFAS7 – "Lived Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Age	0.016	<0.001	0.011, 0.021
Sex*	-0.390	<0.001	-0.590, -0.191
Blood donation**	-0.359	0.022	-0.665, -0.054

Model stats: R^2=0.305089; p-value= <.0001; n=166; intercept = 0.790
*Reference category: Male
** Reference category: Never or rarely donate

Final Multivariate Model for ΣPFAS7 – "Worked Only" Participants

Parameter	Coefficient	p-value	95% Confidence Interval
Sex*	-0.628	<0.001	-0.810, -0.446
Blood donation**	-0.294	0.017	-0.534, -0.054
Firefighting***	0.330	0.044	0.009, 0.651
Dirt exposure frequency****	0.161	0.072	-0.014, 0.336

Model stats: R^2=0.278; p-value= <.0001; n=182; intercept =1.687
*Reference category: Male
** Reference category: Never or rarely donate
***Reference category: Never worked as a firefighter
****Reference category: A few times a year or less

PFAS Protection Act Labeling Requirements Frequently Asked Questions

Question	Answer
When do labeling requirements go into effect?	*Labeling of products containing intentionally added PFAS begins January 1, 2027.*
Is the labeling requirement for products manufactured after 1/1/2027? What if we have inventory from before 1/1/2027 that's still on the market in retailers?	*The proposed rule states that when a product is phased out for containing intentionally added PFAS, "a manufacturer may not sell, offer for sale, distribute or distribute for sale in this state, directly or indirectly or through intermediaries."*
We cannot meet labeling requirement deadlines. Does NMED plan to extend that date?	*Currently, there is no plan to extend the labeling requirement deadline.*
If my product is exempt from reporting requirements in the PFAS Protection Act, why does it need to be labeled?	*Labeling provides consumers with the ability to make informed choices about the products that they choose to buy.*
Do labels need to be submitted to NMED for advance approval? Does NMED need copies/samples of labels that appear on products?	*The proposed rule specifies labeling requirements and NMED will provide approved labels and language for manufacturer use. NMED does not need to pre-approve label use on products, product packaging, or other product literature.*
When will final label graphics be available for manufacturers to download?	*NMED will provide final label graphics following the rulemaking process. Graphics will be available for download on our website.*
What about products with a "private label" that are made by a manufacturer but branded by a retailer—who is responsible for labeling the product?	*The manufacturer of the product containing intentionally added PFAS is the party responsible for labeling the product unless the retailer agrees to accept responsibility for labeling.*
How is NMED going to explain the label to New Mexicans? Will there be an education campaign and/or PFAS "hotline" for manufacturer and consumer questions?	*As part of the PFAS Protection Act implementation, NMED will be engaging the public in education campaigns that highlight environmental and human health harms of PFAS, how consumers can minimize their exposure to PFAS, and the law is designed to protect consumers from products that contain PFAS.*

My product is too small to include a legible and permanent label. How would you suggest that my product be labeled?	*The PFAS Protection Act specifies that a label of a product containing intentionally added PFAS must be conspicuous at the time of product purchase. In the case of a product that is too small for a legible and permanent label, the product packaging must be labeled with an approved and conspicuous label indicating that the product contains intentionally added PFAS.*
Can you explain the labeling exemption for an exempt product? For example, for motor vehicles? If PFAS is in interiors, buttons, etc...	*If the only intentionally added PFAS are on an internal component of a product that a consumer will not interact with when the product is used as intended, then the product is eligible for a labeling exemption. However, If PFAS was used in the interior which a consumer may interact with, labeling would be required on the vehicle.*
Does exemption eligibility depend on location of PFAS in the product?	*Generally, yes. Labeling is to inform consumers if they would come into contact with material containing intentionally added PFAS while using the product as intended.*
For requesting an exemption from labeling, does NMED intend to offer a streamlined form/template? How long does NMED anticipate that the turnaround time will be to process a request for exemption from labelling?	*NMED plans to implement this rule electronically (i.e., paperless process) which will improve implementation. Intake of such requests and responses will be electronic. NMED is currently developing this functionality.*
Will labeling webinar slides be shared with participants?	*Yes, they are currently on env.nm.gov/PFAS.*
Will the stakeholder webinar recording be posted?	*Yes, on NMED's YouTube channel and website.*
Do other states have labeling requirements?	*NMED is aware of states developing labeling requirements and they are in various stages of legislation or rulemaking. CO, NY, MN, and others require the labeling of certain products.*
Are products required to have potentially additional labeling in Spanish, even if in compliance with other states' labeling requirements?	*Yes, the PFAS Protection Act stipulates that manufacturers must have labeling in both English and Spanish.*

When will the proposed rule be available?	*The proposed rule became available when NMED petitioned the EIB on October 8, 2025, and can be found under docketed matters on NMED's website*
For currently unavoidable use (CUU) decisions, when will industry know what use cases will be exempted from the prohibition?	*Manufacturers may submit proposals for NMED review to have products with intentionally added PFAS considered a CUU. Any proposal received by October 2026 will be considered CUU for January 1, 2027 product phaseout. CUU proposals will be evaluated upon receipt*
Would the labeling requirement apply for products sold from online marketplace websites; and if so, how?	*The PFAS Protection Act specifies that a label of a product containing intentionally added PFAS must be conspicuous at the time of product purchase. This can include product specification sheets, photographs of the product, etc.*
How may I contact at NMED to find out more information on product labeling requirements?	*To find out more information on product labeling requirements for PFAS Protection Act please visit our website at env.nm.gov/PFAS.*