Labeling Guidance for Consumer Products With Intentionally Added PFAS in New Mexico

Requirements and Best Practices for Complying With the Per- and Poly-Fluoroalkyl Substances (PFAS) Protection Act and 20.13.2 NMAC

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Background and Governing Documents

New Mexico's Per- and Poly-Fluoroalkyl Substances (PFAS) Protection Act, passed as House Bill 212 in the 2025 Legislative Session, phases out many products in the state with intentionally added PFAS by prohibiting the sale or distribution of these products in New Mexico. In product categories still permitted for sale in the state, it also requires manufacturers to report information about intentionally added PFAS in products for sale in New Mexico and label affected products to indicate the presence of intentionally added PFAS.

Rules and requirements associated with the PFAS Protection Act are included in Title 20, Chapter 13, Part 2 of the New Mexico Administrative Code (20.13.2 NMAC).

This labeling guidance is provided to assist manufacturers in complying with New Mexico's requirements for labeling consumer products containing intentionally added PFAS and may summarize or paraphrase some text from that rule. Manufacturers with specific questions regarding labeling should reference the original text of the PFAS Protection Act and the accompanying requirements found in 20.13.2 NMAC. The content provided in this document is for informational purposes only and does not constitute legal advice. Consult a licensed attorney for specific legal needs.

This document also includes labeling best practices and recommendations to promote consistency in labeling practices in order to better communicate the meaning of the label to consumers and other purchasers.

For additional information about PFAS Protection Act implementation in New Mexico, visit the New Mexico Environment Department's (NMED) PFAS website.

Applicable Terms and Definitions

Below are definitions applicable to product labeling from the PFAS Protection Act and 20.13.2 NMAC.

Term	PFAS Protection Act or 20.13.2 NMAC Definition
Brand name	A name, symbol, word, or mark that identifies a product and attributes the product to the owner of the brand.
Complex durable good	A product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of five or more years, where the product is typically not consumed, destroyed, or discarded after a single use.
Consumer	One who seeks or acquires by purchase or lease, any consumer product as that term is defined in Section 2 of the Per- and Poly-Fluoroalkyl Substances Protection Act, Section 74-15-2 NMSA 1978.

Term	PFAS Protection Act or 20.13.2 NMAC Definition
Consumer information	Warnings, directions for use, ingredient lists, and nutritional information. "Consumer information" does not include the brand name, product name, company name, location of manufacturer, or product advertising.
Consumer packaging	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.
Consumer product	A tangible personal property that is distributed in commerce and normally used for personal, family, or household use, including product categories that are normally used in households but designed for or sold to businesses, such as commercial carpet or floor waxes.
Intentionally added	A per- or poly-fluoroalkyl substance deliberately added or used during the manufacture of a product where the continued presence, at any level or concentration, of the per- or poly-fluoroalkyl substance is desired or expected in the final product or one of the product's components.
Labeling	Any written, printed, graphic, or electronically provided communication that accompanies a product, such as a package insert.
Legible	Capable of being read by a person with normal vision. A 10-point font or larger is presumed to be legible.
Manufacturer	(1) A person, a firm, an association, a partnership, a corporation, an organization, or a combination or a joint venture that creates, produces, or assembles a product or whose brand name is affixed to a product; or (2) in the case of a product imported into the United States, an importer or first domestic distributor of the product; provided that the entity or person that created, produced, or assembled the product or whose brand name is affixed to the product does not have an office or employees in the United States.
Product	An item created, produced, assembled, packaged, or otherwise prepared for sale to a consumer, including a product component sold or distributed for personal, residential, commercial, or industrial use or for use in making a product.
Product label	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.
Retailer	Any person or business that sells or otherwise provides products containing intentionally added per- and poly-fluoroalkyl substances in New Mexico, including persons who sell directly to consumers and persons who sell to others for resale by any means, including via the internet.

Consumer Product Labeling

Overview

By January 1, 2027, all consumer products containing intentionally added PFAS manufactured to be sold in New Mexico must adhere to the following labeling requirements, **unless** 1) the product falls within one of a few product categories that are exempt from labeling; or 2) is a complex durable good, as defined above, and must adhere to separate requirements:

- Consumer products must include a label that is an image of an Erlenmeyer flask with the word "PFAS" inside the flask (see sample labels below).
- The label must be affixed to the product such that the label is clearly visible and legible to a consumer or other purchaser prior to sale.
- The label must be displayed with such conspicuousness as compared with other words, statements, design, or devices on the product as to render the label likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use.
- The PFAS text inside the flask shall be no smaller than the largest font used for other consumer information (e.g., disclosures, warnings, directions for use, and ingredient lists) on the product.
- Labels affixed to products must be printed, mounted, molded, engraved, embossed, or otherwise affixed to the product.
- If the product is sold in consumer packaging that obscures the label on the product, then the consumer packaging must also be labeled in the same manner as described in the bullets above.
- Where a consumer or other purchaser is unable to view the label on the product or consumer packaging at the time of purchase or receipt, such as in catalog or online sales transactions that occur over the internet or telephone, the manufacturer or retailer shall, prior to sale or distribution, clearly include the labeling information to the prospective consumer prior to purchase.
- The manufacturer is primarily responsible for labeling, but a wholesaler or retailer may agree, in writing, to label products or packaging in lieu of the manufacturer. A retailer that re-packages the labeled product must relabel the new packaging.

Complex durable goods, as defined above, do not need to be labeled in this manner. Instead, these products must adhere to separate requirements described on page 6.

Use of the Label on Consumer Products, Packaging, and Catalog or Online Sales Pages

The following chart includes sample labels that can be used on products and product packaging and in associated online or catalog sales materials to adhere to New Mexico's PFAS labeling requirements. It also includes general requirements and best practices for label usage.

These sample labels can be downloaded in a variety of file formats at www.env.nm.gov/pfas/manufacturers/.

Label Type	Example Graphic	Recommended Use Cases	Usage Requirements and Best Practices
Solid image in white with black outline (or other single color)		• For use on light or dark color backgrounds. • For use with smaller label sizes.	• If the product is large enough to have other consumer information text (e.g., disclosures, warnings, directions for use, ingredient lists), it must also include the PFAS label. • PFAS lettering shall be no smaller than the largest font used for other consumer information (e.g., warnings, directions for use, ingredient lists) on the product. • PFAS lettering shall be inside the flask. Do not separate the flask and PFAS lettering (i.e., "PFAS" should not be next to, under, or above flask). • If the label is not artwork provided by NMED, it should match the clarity, design, and proportions of the NMED provided graphics (i.e., the word "PFAS" should be bold and approximately the same size and location within the Erlenmeyer flask).
Solid image in black (or single color)		• For use on light color backgrounds. • For use with larger label sizes.	
Transparent, reversed image with white outline (or other single color)		• For use on dark color backgrounds.	

Examples of Label Use on Consumer Products, Product Packaging, and Online Sales Page

The following figures provide examples of the PFAS label used on products, product packaging, and on online sales web pages associated with products with intentionally added PFAS.

Figure 1. Example PFAS Label (Solid Image in White With Black Outline) on Glass Cleaner Spray Bottle Label

Figure 2. Example PFAS Label (Solid Image in Black) on Children's Shampoo Bottle Label

Figure 3. Example PFAS Label (Transparent Image With White Outline) on Fabric Protector Spray Bottle Label

Figure 4. Example PFAS Label (Alternate One-Color Label) on Ski Wax Packaging

Figure 5. Example PFAS Label (Solid Image in White) on Product Webpage for Paint

Complex Durable Good Labeling

Overview

Complex durable goods, as defined by 20.13.2 NMAC, must adhere to separate labeling requirements from other products. While use of the PFAS label imagery is still required, the PFAS label does not need to be affixed to the product itself; rather, the label must be included in consumer-facing specification sheets and operations and maintenance manuals (commonly referred to as the owner's manual, user manual, technical manual, service manual, maintenance manual, or instruction manual) associated with the complex durable good. The following requirements and best practices apply to PFAS labeling for complex durable goods sold in New Mexico:

Requirements

- The PFAS label is required on consumer-facing product specification sheets available to potential consumers prior to purchase, including product specification sheets available to view or download online.
- The PFAS label is required on consumer-facing operations and maintenance manuals.
- PFAS lettering inside the flask must be minimum 10-point font.

Best Practices

- Manufacturers of complex durable goods should also consider including the PFAS label on other consumer-facing materials, such as sales brochures, internet web pages, and other guides associated with purchasing, installation, use, and maintenance of the product.
- It is recommended that the PFAS label be placed in proximity to other environmental and public health warnings and disclosures.

Use of the Label on Specification Sheets and Manuals for Complex Durable Goods

The following chart includes sample labels that can be used in product specification sheets and operations and maintenance or instruction manuals for complex durable goods. It also includes general requirements and best practices for label usage.

These sample labels can be downloaded in a variety of file formats for use from www.env.nm.gov/pfas/manufacturers.

Label Type	Example Graphic	Recommended Use Cases	Usage Requirements and Best Practices
Solid image in white with black outline (or other single color)		• For use on light or dark color backgrounds. • Better for when PFAS graphic is smaller.	• PFAS lettering inside the flask must be minimum 10-point font. • PFAS lettering shall be inside the flask. Do not separate the flask and PFAS lettering (i.e., “PFAS” should not be next to, under, or above flask). • If the label is not artwork provided by NMED, it should match the clarity, design, and proportions of the NMED provided graphics (i.e., the word “PFAS” should be bold and approximately the same size and location within the Erlenmeyer flask).
Solid image in black (or single color)		• For use on light color backgrounds. • Better for when PFAS graphic is larger.	
Transparent, reversed image with white outline (or other single color)		• For use on dark color backgrounds.	

Examples of Label Use on Product Specification Sheets and Manuals

The following figures provide examples of the PFAS label used within operations and maintenance manuals and on a consumer-facing product specification sheet for different complex durable goods with intentionally added PFAS.

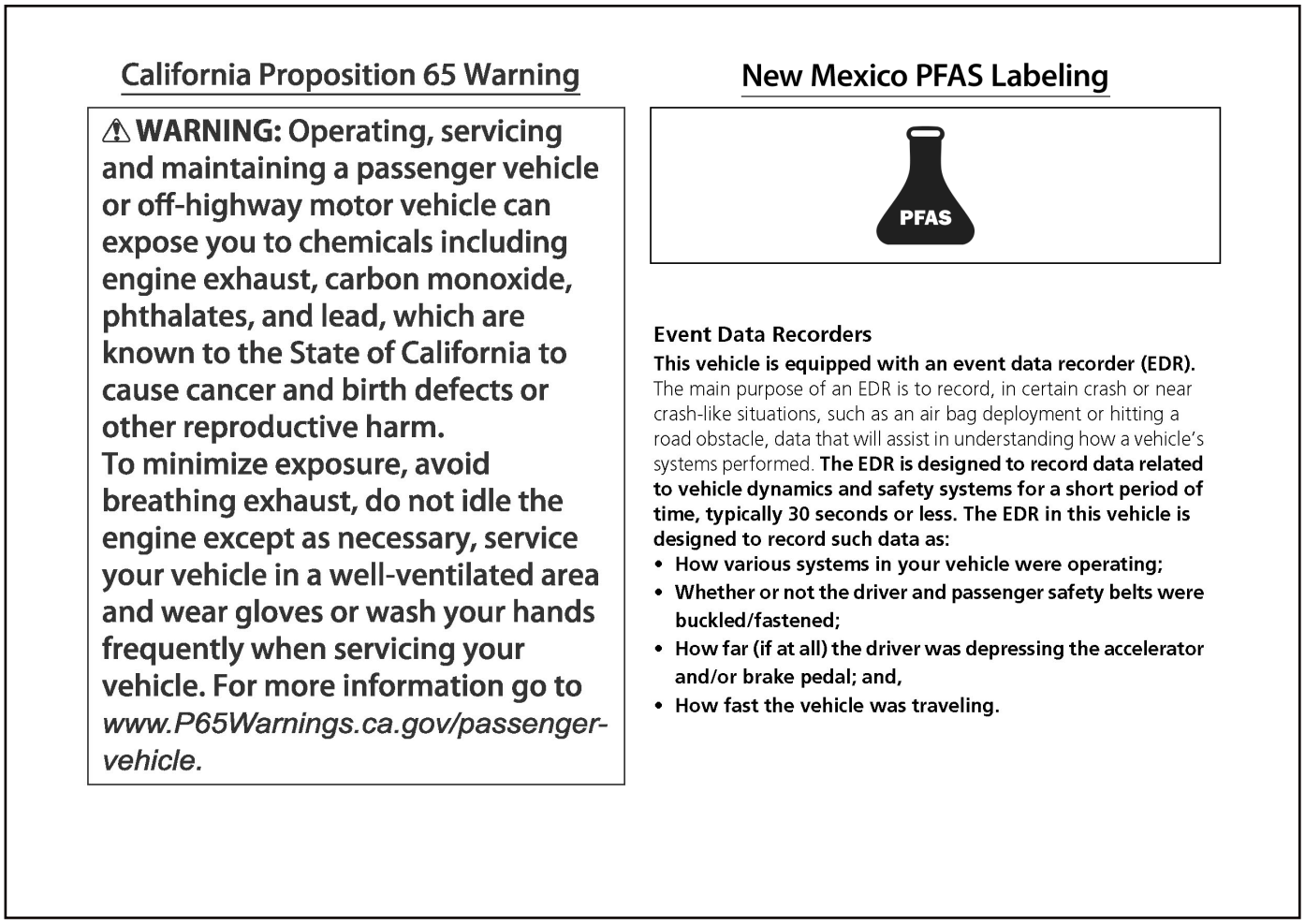

Figure 6. Example PFAS Label (Solid Image in Black 10-point font) Within Motor Vehicle Manual

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 COMPRESSOR 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.

PFAS

Pair with an efficient Champion gas furnace for optimal performance.

Figure 7. Example PFAS Label (Solid Image in Black 10-point font) on Consumer-Facing Specification Sheet for an Air-Conditioning Unit

Use of Other State Labeling to Comply With New Mexico's Requirements

Manufacturers may demonstrate compliance with New Mexico's PFAS labeling requirements by demonstrating their product is labeled in accordance with another state's PFAS labeling or disclaimer requirements.

To do this, manufacturers must provide NMED with a copy of the label or disclaimer as it appears on the product or packaging and a narrative explaining how it fulfills the intent of New Mexico's PFAS labeling requirements. If the planned label used in another state has state-specific elements, such as telephone numbers, statutory references, websites, or public outreach measures, the manufacturer must also provide a description of the adjustments that will be made to implement the label or disclaimer in New Mexico.

Manufacturers must submit this information to NMED through its New Mexico PFAS Reporting System (NMPRS).

Labeling Exemptions and Waivers

Any product sold or distributed in New Mexico that includes intentionally added PFAS or a component containing intentionally added PFAS must include the PFAS label as described above, unless it falls within a product category exempted by 20.13.2 NMAC or a label waiver is requested by the manufacturer and granted by NMED.

Labeling Exemptions

The following product categories are exempt from labeling requirements under 20.13.2 NMAC:

- Used products for resale.
- Pesticides for which labeling requirements are preempted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, U.S.C. Section 136v, or for which labeling requirements currently exist at 40 C.F.R. 156.10.
- Veterinary products regulated by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, or the U.S. Environmental Protection Agency.
- Medical devices and drugs and associated packaging that is regulated by the U.S. Food and Drug Administration.

Label Waivers

Manufacturers may request a label waiver for a product or product class if:

- The product belongs to a product category that is exempt from prohibitions and reporting requirements of 20.13.2 NMAC; and

- The manufacturer can demonstrate that none of the product's material containing intentionally added PFAS will ever come in direct contact with a consumer while the product is being used as intended throughout its useful life.

A label waiver can be requested through NMED's New Mexico PFAS Reporting System (NMPRS). If a label waiver request is denied, the manufacturer must label the product sold in New Mexico to meet the PFAS labeling requirements within 90 days of denial.

A manufacturer applying for a label waiver must pay an associated fee to NMED as part of its waiver request.

Label waiver approvals are valid for three years after the approval date, at which point manufacturers are required to resubmit for a new label waiver or comply with the PFAS labeling requirements of 20.13.2 NMAC.

Labeling Enforcement

NMED is responsible for enforcing 20.13.2 NMAC. When NMED has credible information that a violation has occurred, it can initiate an enforcement action in accordance with 20.13.2.23 NMAC and NMSA 1978, Section 74-15-7.

Enforcement actions can be supported through product testing to identify the presence of intentionally added PFAS. NMED may test or require a manufacturer to test a product when there is reasonable suspicion that the manufacturer has not complied with labeling requirements and the manufacturer continues to sell the product in New Mexico.

A manufacturer that does not appropriately label a product that is sold in New Mexico and contains intentionally added PFAS can be assessed a civil penalty of up to $15,000 in addition to administrative costs that NMED incurs to enforce the labeling requirements.

If a manufacturer fails to take corrective action, such as by appropriately labeling products or by removing the non-compliant products from sale or distribution in New Mexico, NMED can assess a civil penalty of up to $25,000 for each day of continued non-compliance.

Additional Resources

Manufacturers with additional questions about labeling products that contain intentionally added PFAS in New Mexico can contact NMED at NMED-PFAS@env.nm.gov.

For additional information about PFAS Protection Act implementation in New Mexico, visit the New Mexico Environment Department's (NMED) PFAS website.