

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

**NOTICE AND CONCISE EXPLANATORY STATEMENT OF
THE ENVIRONMENTAL IMPROVEMENT BOARD'S
DECISION TO ADOPT 20.13.2 NMAC
CASE NO. EIB 25-61(R)**

Pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-8 and 74-1-9, the Department of Environment Act, NMSA 1978, Section 9-7A-6(C) and (D), and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Section 75-15-1, et seq. the Environmental Improvement Board (“EIB”) is authorized to adopt the proposed rule 20.13.2 NMAC.

New Rule 20.13.2 NMAC phases out and prohibits certain products that contain intentionally added per or polyfluoroalkyl substances (“PFAS”), requires the reporting for manufacturers of products containing intentionally added PFAS, identifies currently unavoidable uses for PFAS that are essential for the health, safety, or functioning of society, requires labeling of consumer products containing intentionally added PFAS, establishes penalties and fees related to the new rule, and establishes enforcement provisions.

Petitioners brought the proposed new rule before the EIB in a petition for public hearing. Notice of the hearing was published at least 60 days prior to the hearing in accordance with 20.1.1.301 NMAC. A public hearing was docketed at EIB 25-61(R), was held from February 23, 2026, to February 26, 2026. The EIB deliberated on March 6, 2026, and March 23, 2026. After deliberating, the majority of the Board voted to adopt the new rule. In adopting the new rule, the EIB considered all the facts and circumstances and concluded that the standards in the new rule protect the health, welfare, animal and plant life, property and the environment and serve the purposes of the Environmental Improvement Act and the PFAS Protection Act. The EIB provided its reasons for the action taken in the Statement of Reasons and Final order dated April 17, 2026.

Adoption of the new rule occurred upon the signature of the Statement of Reasons and Final Order. 20.1.1.407(C) NMAC. The new rule adopted by the EIB shall become effective no less

than thirty days after its filing in accordance with the provisions of the State Rules Act. NMSA 1978, § 74-1-9(G). In accordance with the State Rules Act, no rule shall be valid and enforceable until it is filed with the Administrative Law Division and published in the *New Mexico Register*. NMSA 1978, § 14-4-5. To ensure these requirements have been met, this rule will be effective no earlier than its publication in the *New Mexico Register* or thirty days from filing with the Administrative Law Division, whichever comes later.

A copy of the new rule is attached to this notice.

- [EXHIBIT A - 20.13.2 NMAC \(FINAL\).pdf](#)