

HOUSE JOINT MEMORIAL 3

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THAT THE ENVIRONMENTAL IMPROVEMENT BOARD AND THE
DEPARTMENT OF ENVIRONMENT PROVIDE A REPORT ON THE
IMPLEMENTATION OF THE PER- AND POLY-FLUOROALKYL SUBSTANCES
PROTECTION ACT AND RECOMMENDATIONS TO IMPROVE CONSUMER
PROTECTIONS FROM PER- AND POLYFLUOROALKYL SUBSTANCES.

WHEREAS, per- and polyfluoroalkyl substances are a class of thousands of synthetic chemicals added to consumer products for both essential and nonessential purposes; and

WHEREAS, per- and polyfluoroalkyl substances may cause adverse health implications, bioaccumulation in people and wildlife and exhibit high persistence in the environment; and

WHEREAS, consumer products containing per- and polyfluoroalkyl substances have been sold in New Mexico for decades without required disclosures; and

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underscored material = new
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1 WHEREAS, New Mexico is facing significant and increasing
2 costs to address per- and polyfluoroalkyl substances
3 contamination from the purchase, use and disposal of consumer
4 products that adversely impact public health, public drinking
5 water supplies, public wastewater systems, private drinking
6 water supplies, private septic systems, municipal solid waste
7 management and disposal infrastructure and more at the expense
8 of taxpayers; and

9 WHEREAS, during the 2025 regular legislative session, the
10 legislature passed House Bill 212, the Per- and Poly-
11 Fluoroalkyl Substances Protection Act, which Governor Michelle
12 Lujan Grisham signed into law on April 8, 2025; and

13 WHEREAS, the Per- and Poly-Fluoroalkyl Substances
14 Protection Act:

15 A. broadly establishes a phaseout and prohibition
16 of products with intentionally added per- and polyfluoroalkyl
17 substances and applies to the manufacturers of such products;

18 B. authorizes the environmental improvement board
19 to promulgate rules to implement the law and protect consumers
20 and the state from per- and polyfluoroalkyl substances
21 contamination;

22 C. exempts certain products containing
23 intentionally added per- and polyfluoroalkyl substances from
24 the phaseout and prohibition based on limited scientific
25 literature regarding chemical degradation, environmental

1 mobility and persistence, potential human exposure pathways and
2 possible health impacts, but does not exempt such products from
3 other aspects of the environmental improvement board's
4 authority; and

5 D. requires manufacturers of products containing
6 intentionally added per- and polyfluoroalkyl substances to
7 label such products in English and Spanish, including products
8 exempted from the phaseout and prohibition; and

9 WHEREAS, additional health and environmental studies are
10 needed to understand more fully the toxicological profiles,
11 exposure risks and public health implications of
12 fluoropolymers;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
14 STATE OF NEW MEXICO that the environmental improvement board be
15 requested to develop a report on the implementation of the Per-
16 and Poly-Fluoroalkyl Substances Protection Act, including the
17 efficacy of the rules promulgated by the environmental
18 improvement board pursuant to that act; and

19 BE IT FURTHER RESOLVED that the department of environment,
20 in consultation with other state agencies, be requested to
21 develop a report on the public health, environmental and
22 economic risks of the exemptions codified in the Per- and Poly-
23 Fluoroalkyl Substances Protection Act and to provide
24 recommendations to the legislature regarding whether such
25 exemptions, such as the exemption for fluoropolymers, should be

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1 continued, modified or removed; and

2 BE IT FURTHER RESOLVED that the department of environment
3 be requested to present preliminary findings to the appropriate
4 interim legislative committees on or before December 1, 2026
5 and the final report to the governor and legislature on or
6 before August 1, 2027; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the secretary of environment, the chair of the
9 environmental improvement board and the office of the governor.

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