

# THE PER- AND POLY- FLUOROALKYL SUBSTANCES PROTECTION ACT & RULEMAKING

New Mexico Environment Department  
November 2025



# 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



# What's Unique About PFAS?

The same properties that are beneficial for product applications have created significant challenges for human health and the environment.

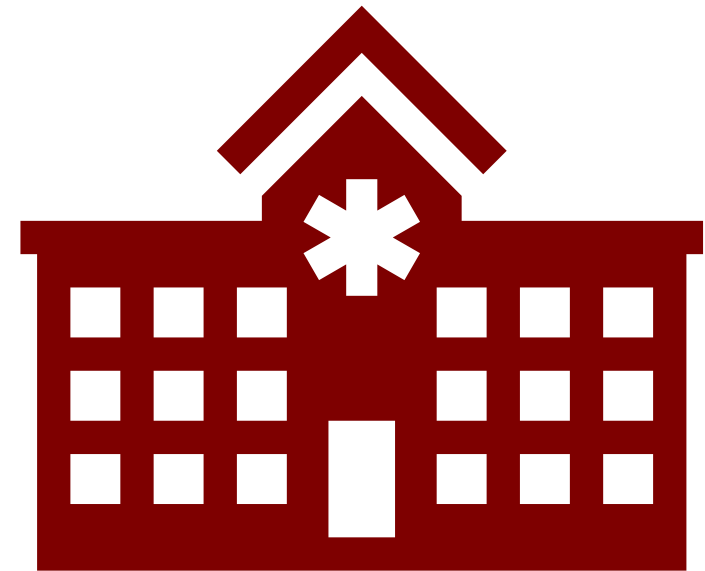
- Surfactant properties
  - Repel water, oil, grease
  - Make self-forming films



# 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



# NMED Activities to Understand and Reduce PFAS Contamination

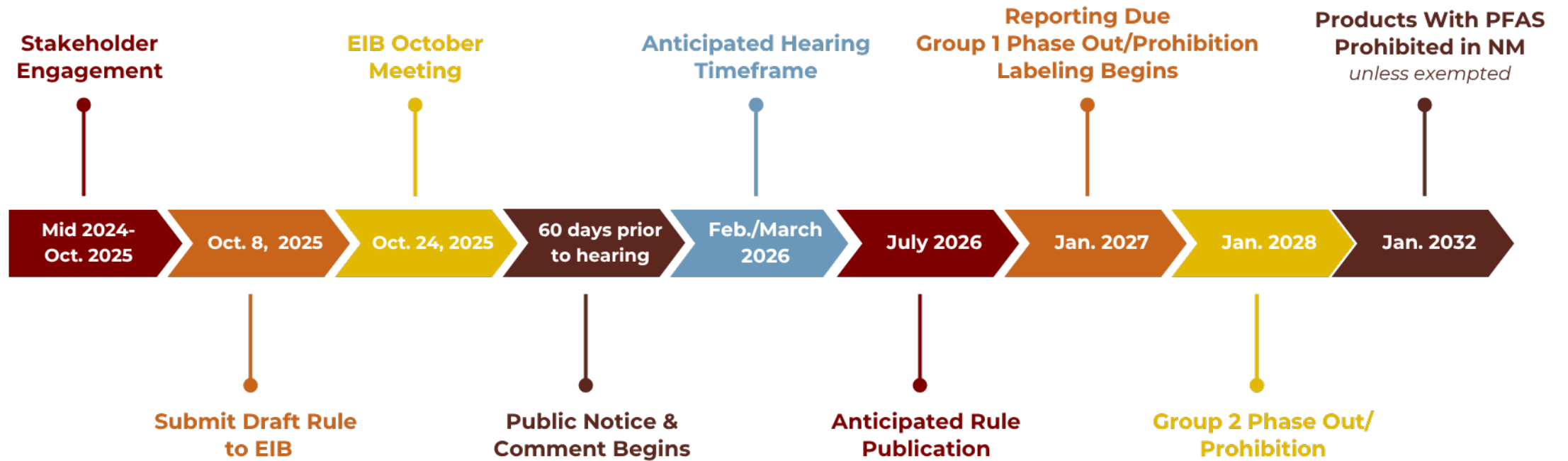
- AFFF as hazardous waste
- Landfill study
- Cannon AFB and blood study
- Holloman AFB/Holloman Lake
  - Survey about community recreation and PFAS exposure
- Emerging contaminants program



# 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

# Rule Implementation Timeline



**Environmental Improvement Board**  
Responsible for conducting public hearings to adopt many of the regulations administered by the New Mexico Environment Department.

# 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>





# Phaseouts/Prohibitions

## Phased Out January 1, 2027

- Cookware
- Food packaging
- Dental floss
- Juvenile products
- Firefighting foam

## Phased Out January 1, 2028

- Carpets and rugs
- Cleaning products
- Cosmetics
- Fabric treatments
- Textiles/textile furnishing
- Feminine hygiene
- Ski wax
- Upholstered furniture

## Phased Out January 1, 2032

- All products not otherwise exempt and not designated a “Currently Unavoidable Use”

# Product Categories Eligible for Exemptions



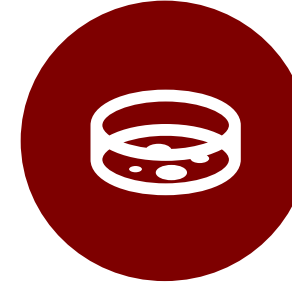
Medical



Heating, Cooling, Ventilation,  
Air-Conditioning, Refrigeration



Veterinary



Public Health, Environmental  
& Water Testing Equipment



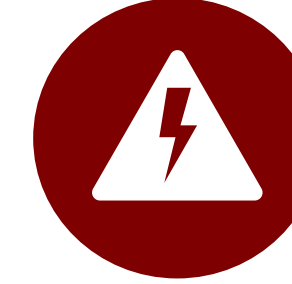
Motor Vehicles



Other Motor Vehicles



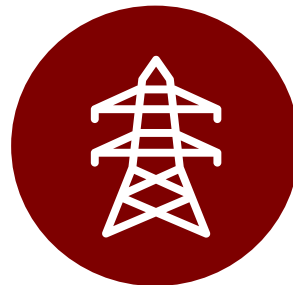
Watercraft & Aircraft



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

- 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 was not submitted are prohibited from sale as of January 1, 2028

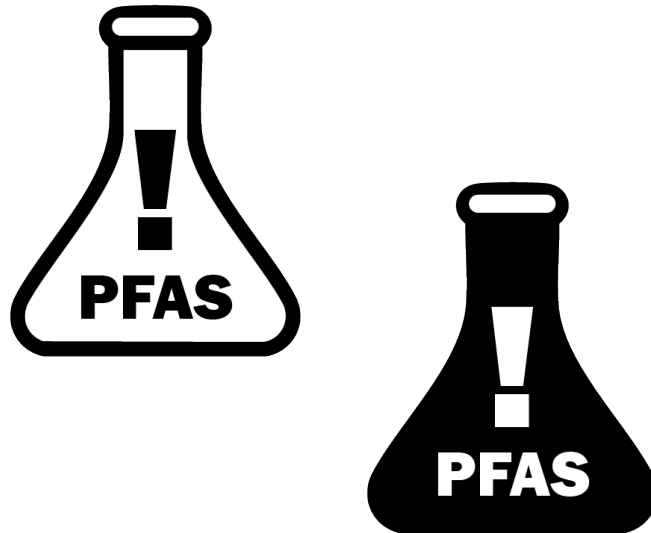


# Labeling Requirements Overview

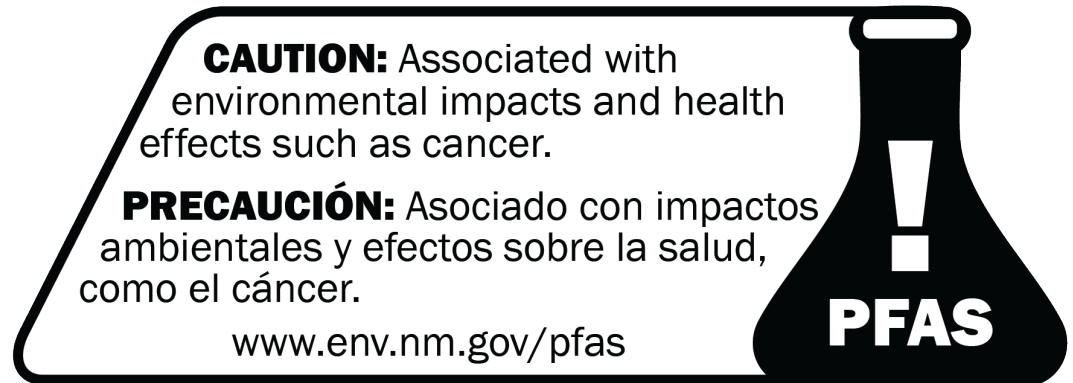
- Labeling requirements will apply to **all products that contain intentionally added PFAS sold, offered for sale, or distributed in New Mexico.**
- Packaging will include a web address or QR (Quick Response) code to a NMED website with information on PFAS use in products ([www.env.nm.gov/pfas/](http://www.env.nm.gov/pfas/)).
- 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



520  
CREAMY NATURAL  
NATUREL CRÈMEUX

## 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

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LE FOND DE TEINT EN POUDRE CLEAN POUR PEAU NORMALE COUVRE COMME UN FOND DE TEINT LIQUIDE, MAIS PROCURE LA MÊME COUVRANCE LÉGÈRE ET RAFFRAÎCHISANTE 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](http://www.env.nm.gov/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.*

# 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		
KC318E2S11	1.5	120	26-3/4	24	24	3/8	3/4
KC324E2S11	2	135	33-1/4	24	24	3/8	3/4
KC330E2S11	2.5	140	36-1/4	24	24	3/8	3/4
KC336E2S11	3	150	36-1/4	24	24	3/8	3/4
KC342E2S11	3.5	195	36-1/4	29-1/4	29-1/4	3/8	7/8
KC348E2S11	4	210	33-1/4	35-1/4	31-3/4	3/8	7/8
KC360E2S11	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 LIMITED WARRANTY**  
 All limited warranties are subject to terms, conditions and restrictions set forth in the applicable limited warranty statement. See applicable limited warranty statement for details.

Pair with an efficient Champion gas furnace for optimal performance.

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.amc-usa.com/pfas](http://www.amc-usa.com/pfas)

## 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](http://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:

- AAA
- BBB
- 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:

- AAA
- BBB
- CCC

*Please note: graphics and language have not been finalized.*



# 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

# 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 granting hearing
60 Days Prior to Hearing	Public notice of hearing; public comment period
February/March 2026	Potential hearing