



New Mexico Environment Department



PFAS Update
Radioactive and Hazardous Materials Committee Meeting
Presented by James Kenney
Cabinet Secretary
September 2025



PFAS Update

Part 1: Preventing PFAS Exposure

- ❑ PFAS Protection Act (HB212)
- ❑ Hazardous Waste Act Amendments (HB140)

Part 2: Managing PFAS Exposure

- ❑ PFAS Blood Testing Project in Curry County
- ❑ U.S. Air Force Litigation Update



PFAS Protection Act (HB212)



Labeling Requirements: Requires that most consumer products containing intentionally added PFAS carry a label in English and Spanish.



Reporting Requirements: Requires manufacturers to report information about the PFAS their products contain. Establishes reporting ranges for PFAS.



Currently Unavoidable Use: Establishes the process that manufacturers will use to seek exemptions to the product ban.



Enforcement, Penalties and Fees: Establishes enforcement provisions and fee structures for reporting/currently unavoidable use fees.



PFAS Protection Act (HB212)



July-Sept
2025: Develop
draft rules

Oct 30, 2025:
Petition to EIB

Summer 2026:
Rules finalized

Draft rule(s):

1. Labeling Requirements
2. Reporting Requirements
3. Currently Unavoidable Use
4. Enforcement, Penalties, and Fees



Hazardous Waste Act Amendments (HB140)

HB140 amends the Hazardous Waste Act:

- Added “discarded aqueous film-forming foam (AFFF) containing intentionally added per- or polyfluoroalkyl substances” to the hazardous waste definition.
- Authorizes the Environmental Improvement Board (EIB) to adopt rules for AFFF.
- Preserves all listed hazardous wastes as of July 1, 2025 will remain regulated under New Mexico law.



Hazardous Waste Act Amendments (HB140)



Draft rule(s):

- Establish waste listing codes for AFFF to provide storage, tracking, and disposal requirements.
- Specify characterization and acceptable treatment and disposal methods.
- Integrate enforcement into existing framework for other listed hazardous wastes.



PFAS Blood Testing Project

- Launched by NMDOH and NMED in 2024.
- Measured PFAS blood levels in people living or working near Cannon AFB (Curry County).
- \$1.2 million project, funded by NMED.
- 99.7% of participants had PFAS detected in their blood, most commonly from chemicals linked to firefighting foams.



1,085 incoming
hotline calls



724 scheduled
appointments



638 blood samples
collected



628 blood samples
analyzed



33 different
PFAS chemicals



PFAS Blood Testing Project

Participants residing near plume area showed statistically significantly higher PFAS blood levels:

- PFHxS levels 3.2x higher than national average
- PFOS levels 2.2x higher than other project participants
- 26% in highest national concentration tier for PFAS





PFAS Blood Testing Project



NMED:

- 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.



NMDOH:

- 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.
- Co-hosting with NMED a Clovis public meeting on October 23.



U.S. Air Force Litigation Update

U.S. Department of the Air Force v. State of New Mexico

- 10th Circuit Court of Appeals
- U.S. Air Force (USAF) is challenging New Mexico's authority to regulate PFAS in a hazardous waste permit, with the central question being whether such a lawsuit belongs in federal or state court
- New Mexico argues the case should stay in state court
- The court heard oral arguments in March 2025, waiting for a decision.

State of New Mexico v. U.S. Department of Air Force

- United States District Court in South Carolina (Multidistrict Litigation)
- New Mexico is seeking damages from military use of firefighting foam at five military bases in New Mexico
- Includes hazardous waste/Superfund claims for response and natural resource damages
- USAF subsequently denied access to sample for PFAS at Cannon AFB resulting in an additional legal action