

LFC Requester:

Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 3/17/2025 *Check all that apply:*
HB212 Committee Original Correction
Bill Number: Substitute Amendment Substitute

Sponsor: Ferrary, Hochman-Vigil, Sarinana, Cates **Agency Name and Code** New Mexico Environment Department 667
Person Writing Greg Smithkier
Short Title: PER- & POLY-FLOUROALKYL PROTECTION ACT **Phone:** 505-531-7736 **Email:** gregory.smithkier@env.nm.gov

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$1,400	\$1,400	\$2,800	Recurring	GF

(Parenthesis () Indicate Expenditure Decreases)

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

The committee substitute for House Bill (“HB”) 212 maintains the same structure of the bill but modifies definitions, exemptions, etc. House Bill 212 works as follows:

If a product does not have intentionally added PFAS, House Bill 212 does not apply. If a product contains intentionally added PFAS, then one 16 exceptions may apply. These exceptions are products where PFAS is essential to its function – like medical devices, semiconductors, or motor vehicles. If a product has intentionally added PFAS and one of the 16 exemptions does not apply, the product may be subject to prohibitions under House Bill 212.

Starting in 2027, products in the following categories with PFAS are prohibited. These categories include: Cookware, Food packaging, Dental Floss, Juvenile products, and Firefighting foam. Then, starting in 2028, products in the following categories with PFAS are prohibited. These categories include: Carpets or rugs, Cleaning products, Cosmetics, Fabric treatments, Feminine hygiene products, Textiles, Upholstered furniture, and Ski wax. Finally, in 2032, other products with intentionally added PFAS may be prohibited.

The committee substitute modified four definitions:

- It modified “cookware” to include the words “intended for direct food contact.”
- It replaces the current definition of “firefighting foam” with the one in House Bill 140.
- It defines “official compendium” as it relates to the exemption for medical devices.
- The definition of “PFAS” was modified for consistency with other states.

The committee substitute also extended the timeframe for compliance from January 1, 2029 to January 1, 2032 for certain types of PFAS-containing products. The committee substitute also allowed for additional exemptions when PFAS is unavoidable in certain products. The committee substitute addresses confidential business information and trade secrets.

FISCAL IMPLICATIONS

The New Mexico Environment Department (“NMED”) will hire temporary full-time employees (FTE), contractors, or combination thereof to implement the work identified in House Bill 212. Technical and legal staff will need to hold stakeholder meetings, draft rules, petition the board, etc. NMED estimates \$140,000 per year for salary, benefits, and overhead (i.e., \$1.4M annually for 8-10 employees); \$10,000 for computers, software, equipment, office spaces, vehicles, etc. (\$10,000 annually), and \$400,000 per year for two years in contractual support.

The three-year cost to the State of New Mexico to prevent PFAS contamination of water and land is \$2.8M. However, the cost to the State of New Mexico to remove and destroy one pound of PFAS from water is between \$2.7M to \$18M. With approximately 1,100 public drinking water systems in New Mexico serving 94% of our residents, preventing contamination is the only affordable means of securing our drinking water supply. Further, biosolids from water treatment are widely

used in support New Mexico's agricultural industry so preventing PFAS contamination of our drinking water and wastewater will further protect this \$3.99 billion industry.

At least 16 states adopted 22 PFAS-related measures. At least 13 state legislatures have enacted laws to restrict the use of PFAS in everyday consumer products. Since 2007, 30 states have approved 155 PFAS policies, most of them in the past five years. These laws, rules, and policies generally recognize the fiscal prudence of eliminating PFAS pollution to avoid exorbitant taxpayer costs of remediation and disposal.

SIGNIFICANT ISSUES

None identified.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

HB 212 establishes most requirements in law and provides limited authority to NMED to administer certain provisions within the context of what the legislature adopts via public rulemaking adopted by the board.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Not applicable.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Not enacting this bill will create risk to New Mexicans from PFAS products and increase costs to the state due to public drinking water systems, public wastewater systems, private wells/septic systems, groundwater cleanup, etc. PFAS chemicals are conclusively linked to adverse health impacts, including thyroid disease, cancer, liver damage, birth defects, and increased risk of miscarriage.

AMENDMENTS

None identified.

