

LFC Requester:

Davidson

AGENCY BILL ANALYSIS - 2026 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: 1/30/2026 *Check all that apply:*
Bill Number: HJM 3 Original Correction
 Amendment Substitute

Sponsor: Hochman-Vigil
 PER- & POLYFLUOROALKYL
 SUBSTANCES REPORT
 (NMLR Title: ENVIRONMENTAL
 REPORT ON CHEMICAL
 SUBSTANCES)

Short Title:

**Agency Name
and Code
Number:** New Mexico Environment
Department-667

**Person Writing
Analysis:** Christina Keyes
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	>\$0	>\$0	Recurring	SRF

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2026 HB212
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Joint Memorial 3 (HJM3) supplements existing state law, the Per- and Poly-Fluoroalkyl Substances Protection Act (PFAS Protection Act), with the requirement for the Environmental Improvement Board (EIB) to report on the implementation of the act and the efficacy of the rules promulgated by the EIB. The New Mexico Environment Department (NMED) is required to report on the public health, environmental and economic risks of the exemptions as outlined in the PFAS Protection Act and to provide recommendations to the legislature as to whether the exemptions should be continued, modified or removed.

FISCAL IMPLICATIONS

There are no fiscal implications associated with HJM3 as NMED can complete the actions required within the scope of its proposed FY27 operating budget.

SIGNIFICANT ISSUES

On February 23, 2026, the EIB will commence a hearing on NMED’s petition to adopt proposed rules to implement the PFAS Protection Act. Final rules implementing the PFAS Protection Act must be in place by no later than early Summer of 2026 for the regulated community and NMED to meet the first deadline of January 1, 2027, codified by state law. Depending on the outcome of the EIB hearing, NMED will be in the position to begin reporting to the legislative interim committees on the status of the EIB’s decision in the Spring of this year.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

HJM3 will responsibly position the New Mexico Legislature with the necessary information to conduct oversight of the implementation of the PFAS Protection Act and the rules which implement the law in advance of the 2027 Legislative Session. HJM3 will also allow the New Mexico Legislature to conduct oversight of the EIB and NMED. Finally, HJM3 will assist NMED in preparing its Fiscal Year 2028 budget request (due September 1, 2027) as it relates to the fee schedule set by the EIB. HJM3 provide the necessary checks and balances between the New Mexico Legislature, the EIB, and the NMED while ensuring the PFAS Protection Act and associated rules achieve the necessary protections for New Mexico.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

HJM3 is consistent with NMED's approach to address the impacts of PFAS moving through our economy and environment. NMED has taken proactive and reactive steps – chasing the PFAS risks to protect and safeguard families and businesses, land and property values, food supplies and drinking water. Such efforts are intensive as they require a “whole of Department” approach to properly mitigate risks. For example, removing PFAS from a drinking water source and landfilling or incinerating PFAS-containing filter material could spread PFAS further in the environment if the landfill or incinerator are not designed for this insidious waste stream.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

The alternative to HJM3 is to draft amendments to the PFAS Protection Act that strengthens PFAS protections by modifying or removing exemptions in light of weakened federal protections.

Last year, the U.S. Environmental Protection Agency (EPA) proposed amendments to the Toxic Substances Control Act (TSCA) regulation for PFAS. EPA is proposing to incorporate certain exemptions and other modifications that allow for more PFAS in consumer products and to exempt reporting of PFAS levels in these products.

EPA's drinking water containing 4.0 part per trillion levels of PFAS stand in stark contrast to exempting manufacturers from reporting PFAS below 1,000 parts per million. To put this in perspective, a consumer product could contain **250,000,000 times** the level of PFAS than EPA's own drinking water standard. EPA's proposal will open the door to a multitude of PFAS-containing products at concentrations that could devastate municipal drinking water treatment plants, municipal wastewater treatment plants, and municipal landfills – costing communities millions of dollars in operational and remedial costs.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HJM3 is not enacted, the New Mexico Legislature, EIB, and NMED may have less information for decision-making in the 2027 Legislative Session.

AMENDMENTS

None.