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

WHEREAS, New Mexico is facing significant and increasing costs to address per- and polyfluoroalkyl substances contamination from the purchase, use and disposal of consumer products that adversely impact public health, public drinking water supplies, public wastewater systems, private drinking water supplies, private septic systems, municipal solid waste management and disposal infrastructure and more at the expense of taxpayers; and

WHEREAS, during the 2025 regular legislative session,

the legislature passed House Bill 212, the Per- and Poly-Fluoroalkyl Substances Protection Act, which Governor Michelle Lujan Grisham signed into law on April 8, 2025; and

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

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

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

C. exempts certain products containing intentionally added per- and polyfluoroalkyl substances from the phaseout and prohibition based on limited scientific literature regarding chemical degradation, environmental mobility and persistence, potential human exposure pathways and possible health impacts, but does not exempt such products from other aspects of the environmental improvement board's authority; and

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

WHEREAS, additional health and environmental studies are

needed to understand more fully the toxicological profiles, exposure risks and public health implications of fluoropolymers;

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

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

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

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

governor.