

HOUSE JOINT MEMORIAL 3

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE ENVIRONMENTAL IMPROVEMENT BOARD AND THE  
12 DEPARTMENT OF ENVIRONMENT PROVIDE A REPORT ON THE  
13 IMPLEMENTATION OF THE PER- AND POLY-FLUOROALKYL SUBSTANCES  
14 PROTECTION ACT AND RECOMMENDATIONS TO IMPROVE CONSUMER  
15 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

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

9           WHEREAS, during the 2025 regular legislative session, the  
10 legislature passed House Bill 212, the Per- and Poly-  
11 Fluoroalkyl Substances Protection Act, which Governor Michelle  
12 Lujan Grisham signed into law on April 8, 2025; and

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

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

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

22           C. exempts certain products containing  
23 intentionally added per- and polyfluoroalkyl substances from  
24 the phaseout and prohibition based on limited scientific  
25 literature regarding chemical degradation, environmental

1 mobility and persistence, potential human exposure pathways and  
2 possible health impacts, but does not exempt such products from  
3 other aspects of the environmental improvement board's  
4 authority; and

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

9 WHEREAS, additional health and environmental studies are  
10 needed to understand more fully the toxicological profiles,  
11 exposure risks and public health implications of  
12 fluoropolymers;

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

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

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1 continued, modified or removed; and

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

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

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