

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED
ADOPTION OF 20.13.2 NMAC-**
*Per- and Poly-Fluoroalkyl Substances in
Consumer Products*

No. EIB 25-61 (R)

**New Mexico Environment Department,
Office of Strategic Initiatives**
Petitioner.

FINAL ORDER AND STATEMENT OF REASONS

This matter comes before the New Mexico Environmental Improvement Board (“Board”) upon a petition filed by the New Mexico Environment Department (“NMED”) on October 8, 2025, proposing the adoption of 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products.

An evidentiary hearing was held February 23, 2026, through February 26, 2026, in Santa Fe, New Mexico. All interested persons had an opportunity to submit data, views, and arguments and to examine witnesses testifying at the hearing.

Persons and organizations participating as a party in addition to Petitioner included CropLife America and the American Chemistry Council (“ACC”), represented by Dalva L. Moellenberg, Anthony J. Trujillo, and Serafina I. Seluja, PFAS Pharmaceutical Working Group (“PPWG”), represented by Stuart R. Butzier, Stan N. Harris, and Benjamin C. Rossi, Alliance for Automotive Innovation (“AAI”) and Complex Products Manufacturers Coalition (“CPMC”), represented by Rebecca J. Fiebig and Martha Marrapese, and Bruce Wetherbee with The Candle. Petitioner was represented by Gregory S. Smithkier, Mark F. Rosebrough, and Andrew P. Knight from the NMED Office of General Counsel. Eduardo Ugarte II of the New Mexico Department

of Justice served as Board Counsel, and Pamela Jones and Luis Lopez of the Department's Office of Public Facilitation provided administrative and technical support.

On March 6, 2026, and March 23, 2026, the Board deliberated and voted to adopt Proposed New Rule 20.13.2 NMAC, as adjusted, based on the substantial evidence in the record for the reasons set forth below. The new rule in its final form for submission to the State Records Center and Archives is attached as Exhibit A.

PROCEDURAL BACKGROUND

On October 8, 2025, NMED filed its Petition for Regulatory Change to Adopt 20.13.2 NMAC and Request for Hearing ("Petition"). In accordance with the rulemaking procedures at 20.1.1 NMAC, the Board met with a quorum in Santa Fe, New Mexico on October 24, 2025, and considered NMED's Petition. The Board granted NMED's Petition at the meeting, and on October 30, 2025, the Board entered an Order that designated Felicia Orth to serve as Hearing Officer and directed her to issue a scheduling order setting the date, time, and location of the hearing. *See* Order Scheduling Hearing on Petition, and Hearing Officer Appointment (filed 10/30/25). Hearing Officer Orth entered a Pre-Hearing Order on December 3, 2025. Among other things, the Pre-Hearing Order set a hearing to begin on February 23, 2026, at 9 a.m. to continue as long as necessary to hear all testimony, evidence, and public comment through March 6, 2026. *See* Pre-Hearing Order (filed 12/3/25).

A public hearing was held in Santa Fe, New Mexico between February 23 and February 26, 2026, with a quorum of the Board present during the hearing. The Board heard technical testimony from NMED and other parties and admitted exhibits into the record. On March 6, 2026, and March 23, 2026, the Board deliberated and voted to adopt the proposed rule for the reasons that follow.

BACKGROUND

1. Many per- and poly-fluoroalkyl substances (“PFAS”) exhibit toxic properties and can harm both the environment and human health. Written Testimony of Jamie C. DeWitt, PhD, NMED Exhibit 23, p. 2; Written Testimony of Andy Jochems, NMED Exhibit 21, p. 6; Written Testimony of Eric J. Chapman, PhD, NMED Exhibit 3, p. 7.

2. Numerous drinking water systems throughout New Mexico have already been impacted by contamination from PFAS released into the environment from a variety of sources. Written Testimony of James C. Kenney, NMED Exhibit 57, p. 16; Written Testimony of Andy Jochems, NMED Exhibit 21, p. 6.

3. Some of the major sources of PFAS exposure for humans include PFAS in consumer products such as food packaging, dental floss, waterproof and stain resistant clothing, rugs, and furniture. Written Testimony of Dr. Alison Ling, NMED Exhibit 32, pp. 2, 4.

4. Approximately 95 percent of New Mexicans depend on public drinking water utilities for their drinking water. Written Testimony of Andy Jochems, NMED Exhibit 21, p. 6.

5. Once released into the environment, PFAS contamination can be economically unfeasible to remediate, due to the persistence and mobility of many forms of PFAS, and the extremely low concentrations at which they affect the safety of groundwater. Written Testimony of Dr. Alison Ling, NMED Exhibit 32, p. 2; Written Testimony of Andy Jochems, NMED Exhibit 21, p. 6; Written Testimony of James C. Kenney, NMED Exhibit 57, p. 11; Written Testimony of Dr. Mitchell Olson, NMED Exhibit 18, p. 3.

6. All types of PFAS are persistent in the environment. Written Testimony of Dr. Alison Ling, NMED Exhibit 32, p. 2; Written Testimony of Dr. Mitchell Olson, NMED Exhibit 18, pp. 6, 10.

7. PFAS do not break down in the environment into anything other than smaller forms of PFAS. Mobile PFAS continually cycle through air, land, and water, while bioaccumulating in plant and animal tissue. NMED Exhibit 62 (Birnbaum Testimony); Written Testimony of James C. Kenney, NMED Exhibit 57, p. 6; Written Testimony of Andy Jochems, NMED Exhibit 21, p. 3; Written Testimony of Dr. Alison Ling, NMED Exhibit 32, p. 2; Written Testimony of Eric J. Chapman, PhD, NMED Exhibit 3, p. 47; Written Testimony of Jamie C. DeWitt, PhD, NMED Exhibit 23, p. 6.

8. Many PFAS take years to decades to exit the body and can cause health effects such as high cholesterol, hormonal impacts, reproductive irregularities, and even cancer over these intervals. Written Testimony of Jamie C. DeWitt, PhD, NMED Exhibit 23, p. 6-13; Testimony of Andy Jochems, NMED Exhibit 21, p. 3.

THE PFAS PROTECTION ACT

9. The Per- and Poly-Fluoroalkyl Protection Act (“PFAS Protection Act”) was passed by the New Mexico Legislature and signed into law by the Governor on April 8, 2025. The PFAS Protection Act is codified at NMSA 1978, Article 15, Section 74-15-1, *et seq.*

10. The PFAS Protection Act, at Section 74-15-4(A), mandates that the Board shall adopt rules to: (a) exempt from the reporting requirements any product that contains an intentionally added PFAS that is exempt pursuant to Section 74-15-3(A) of the PFAS Protection Act or that has been designated as a currently unavoidable use; (b) create a series of ranges for the amount of PFAS in a product that contains an intentionally added PFAS for reporting purposes unless exempted in Section 74-15-3(A) of the PFAS Protection Act; and (c) identify currently unavoidable uses of PFAS that are essential for health, safety or the functioning of society and for

which alternatives are not reasonably available unless exempted in Section 74-15-3(A) of the PFAS Protection Act.

11. The PFAS Protection Act, at Section 74-15-5(A), mandates that the Board shall also adopt rules that enumerate the information required of a manufacturer of a product containing intentionally added PFAS.

12. Additionally, the PFAS Protection Act provides that, pursuant to Section 74-15-4(B), the Board may adopt rules to carry out the provisions of the PFAS Protection Act, including requiring the labeling of products in English and Spanish.

13. On February 19, 2026, the New Mexico Legislature passed House Joint Memorial 3, clarifying the Board's authority to require labeling for products that are exempt from phase out or prohibition under the PFAS Protection Act.

PETITION AND HEARING

14. On October 8, 2025, NMED filed a petition with the Board for a public hearing to adopt new rule 20.13.2 NMAC for the purpose of implementing the PFAS Protection Act. See NMED Petition.

15. At a meeting conducted in compliance with the Open Meetings Act and other applicable requirements, the Board granted NMED's request for a hearing and scheduled the hearing to begin on February 23, 2026.

16. Public notice of the hearing was published in English and in Spanish in the *New Mexico Register* on December 23, 2025, in the *Albuquerque Journal* on December 14, 2025, the *Santa Fe New Mexican* on December 15, 2025, and in the *Las Cruces Sun News* on December 21, 2025. See NMED Exhibit 6.

17. The notice stated that the Board may make a decision on the proposed rule at the conclusion of the hearing or may convene at a later date to take action on the proposal. *Id.*

18. Additionally, NMED met the public notice requirements outlined in 20.1.1.407 NMAC by providing public notice of the hearing in English and Spanish to members of the general public by the methods outlined in 20.1.1.7(N) NMAC and as described in paragraph 4, above. Written Testimony of Eric J. Chapman, Ph.D., NMED Exhibit. 3, p. 11.

19. The Board therefore finds that all public notice requirements were met for this rulemaking.

20. NMED, the American Chemistry Council, the Complex Manufacturers Coalition, and CropLife America each filed a Notice of Intent to Present Technical Testimony (“NOI”) on January 16, 2026, in accordance with 20.1.1.302 NMAC and the Pre-hearing Order.

21. The parties also filed rebuttal testimony pursuant to the Pre-hearing Order on February 16, 2026.

22. A public hearing in this matter was held in Santa Fe, New Mexico, between February 23 and February 26, 2026, at which a reasonable opportunity for all persons to be heard was provided. The Board heard testimony, admitted exhibits, and received extensive public comment.

SUMMARY OF THE RULE

23. New Rule 20.13.2 NMAC establishes rules for the prohibition of certain products that contain intentionally added PFAS, for the reporting of information and testing of products sold, offered for sale, distributed or distributed for sale in New Mexico that contain intentionally added PFAS, and for the labeling of certain products sold, offered for sale, distributed or distributed for sale in New Mexico that contain intentionally added PFAS.

24. New Rule 20.13.2 NMAC also establishes fees for mandatory reporting and applications for currently unavoidable use designations. Written Testimony of Eric J. Chapman, Ph.D., NMED Exhibit 3, pp. 31-32; Written Testimony of James C. Kenney, NMED Exhibit 57, pp. 9-10.

25. New Rule 20.13.2 NMAC establishes provisions for enforcement, penalties and administrative costs related to violations of the PFAS Protection Act. Written Testimony of Eric J. Chapman, Ph.D., NMED Exhibit 3, pp. 32-33; Written Testimony of Dr. Kyle Staggs, NMED Exhibit 55.

26. As required by Section 74-15-3(A), New Rule 20.13.2 NMAC lists the products and categories of products which are exempt from regulation under the PFAS Protection Act.

27. As required by Section 74-15-3(B), New Rule 20.13.2 NMAC establishes that, except as provided in Section 74-15-3(A), beginning January 1, 2027, a manufacturer may not sell, offer to sell, distribute or distribute for sale in New Mexico, directly or indirectly or through intermediaries, cookware, food packaging, dental floss, juvenile products, and firefighting foam, if that product contains intentionally added PFAS.

28. As required by Section 74-15-3(C), New Rule 20.13.2 NMAC establishes that, except as provided in Section 74-15-3(A), beginning January 1, 2028, a manufacturer may not sell, offer to sell, distribute or distribute for sale in New Mexico, directly or indirectly through intermediaries, carpets or rugs, cleaning products, cosmetics, fabric treatments, feminine hygiene products, textiles, textile furnishings, ski wax, and upholstered furniture, if that product contains intentionally added PFAS.

29. As required by Section 74-15-3(E), New Rule 20.13.2 NMAC establishes that, except as provided in Section 74-15-3(A), beginning January 1, 2032, a manufacturer may not

sell, offer to sell, distribute or distribute for sale in New Mexico, directly or indirectly through intermediaries, a product containing intentionally added PFAS, unless said use is deemed to be a currently unavoidable use pursuant to a rule adopted by the Board.

30. As required by Section 74-15-4(A), New Rule 20.13.2 NMAC exempts from reporting requirements certain products and classes of products outlined at Section 74-15-3(A).

31. As required by Section 74-15-4(A)(1), New Rule 20.13.2 NMAC establishes a process to exempt from reporting requirement products or classes of products which contain intentionally added PFAS that are either expressly enumerated in Section 74-15-3(A) or designated as a currently unavoidable use.

32. As required by Section 74-15-4(A)(2), New Rule 20.13.2 NMAC creates a series of ranges for the amount of PFAS in a product that contains an intentionally added PFAS for reporting purposes.

33. As required by Section 74-15-4(A)(3), New Rule 20.13.2 NMAC proposes the process by which the department will identify currently unavoidable uses of PFAS that are essential for health, safety or the functioning of society and for which alternatives are not reasonably available.

34. As permitted by Section 74-14-4(B)(1), New Rule 20.13.2 NMAC requires the labeling of products containing intentionally added PFAS.

35. As required by Section 74-15-5(A), New Rule 20.13.2 NMAC lists the information required of a manufacturer of a product containing intentionally added PFAS.

GENERAL PROVISIONS OF THE RULE

36. New Rule 20.13.2 NMAC creates a new Part 2 in Chapter 13 of Title 20 of the New Mexico Administrative Code.

37. 20.13.2.1 NMAC (“Issuing Agency”) identifies the Board as the issuing agency.

38. 20.13.2.2 NMAC (“Scope”) identifies that the New Rule will apply to manufacturers, distributors, and retailers that sell, offer for sale, distribute or distribute for sale in the State of New Mexico, directly or indirectly or through intermediaries, certain products to which PFAS are intentionally added.

39. 20.13.2.3 NMAC (“Statutory Authority”) cites the statutes that provide authority for the New Rule, which are the Environmental Improvement Act, NMSA 1978, Sections 74-1-1, *et seq.* and the PFAS Protection Act, NMSA 1978, Sections 74-15-4, *et. seq.*

40. 20.13.2.4 NMAC (“Duration”) indicates that the New Rule will be permanent.

41. 20.13.2.5 NMAC (“Effective Date”) states the effective date of the New Rule will be July 1, 2026, unless a later date is cited at the end of a section.

42. 20.13.2.6 (“Objective”) identifies that the purpose of the New Rule is to establish rules for the prohibition of certain products that contain an intentionally added PFAS, for the reporting of information and testing of products sold, offered for sale, distributed or distributed for sale in New Mexico that contain intentionally added PFAS, for the labeling of certain products sold, offered for sale, distributed or distributed for sale in New Mexico that contain an intentionally added PFAS, and to establish provisions for the enforcement, penalties, and administrative costs related to violations of the PFAS Protection Act.

43. 20.13.2.6 NMAC also identifies that penalties, fees and administrative costs paid shall be deposited into the recycling and illegal dumping fund.

44. 20.13.2.7 (“Definitions”) provides the definitions for commonly used terms in the New Rule. Definitions for specific terms only appearing in a section of the New Rule are contained in that section.

45. 20.13.2.8 (“Severability”) provides for enforceability of the remainder of the New Rule where a provision or application of a provision in a specific circumstance is held to be unconstitutional or invalid.

46. 20.13.2.9 (“Prohibitions on Products Containing Per- and Poly-fluoroalkyl Substances”) identifies the dates on which specific products and classes of products containing intentionally added PFAS will be prohibited for sale and distribution in the State of New Mexico.

47. 20.13.2.10 (“Exemptions”) identifies the products or classes of products which are exempt from Sections 20.13.2.11 (“Currently Unavoidable Use”), 20.13.2.12 (“Reporting Requirement”), and 20.13.2.14 (“Testing”) of the New Rule.

48. 20.13.2.11 (“Currently Unavoidable Use”) provides the directions for submitting Currently Unavoidable Use proposals to the department, the contents required in a Currently Unavoidable Use proposal, the process by which the department will consider Currently Unavoidable Use determinations made by other states, potential implications arising from claims of confidentiality in association with Currently Unavoidable Use proposals, the duration of approved Currently Unavoidable Use designations, and the means by which approved Currently Unavoidable Use designations will be made available to the public.

49. 20.13.2.12 (“Reporting Requirement”) establishes reporting requirements for manufacturers of products containing intentionally added PFAS sold, offered for sale, distributed or distributed for sale in the state as well as setting forth a process for manufacturers to request a

waiver of reporting obligations when publicly available information satisfies enumerated requirements, and outlining certain products that are exempt from the reporting requirements.

50. 20.13.2.13 (“Labeling”) establishes labeling requirements for manufacturers of products containing intentionally added PFAS sold offered for sale, distributed or distributed for sale in the state as well as outlining the process for manufacturers of certain statutorily exempt products to seek a waiver from the department of the labeling requirement.

51. 20.13.2.14 (“Testing”) establishes testing requirements for manufacturers to test for PFAS if there is a reasonable suspicion that the product contains intentionally added PFAS as well as establishing the department’s authority to test products for PFAS under the same circumstances.

52. 20.13.2.15 (“Reporting Fees”) requires manufacturers of products containing intentionally added PFAS sold offered for sale, distributed or distributed for sale in the state to pay a reporting fee in accordance with 20.13.2.16.

53. 20.13.2.16 (“Reporting Fee Schedule”) establishes a schedule of reasonable fees for the department’s processing and review of required reports related to products containing intentionally added PFAS sold offered for sale, distributed or distributed for sale in the state as required by 20.13.2.12.

54. 20.13.2.17 (“Currently Unavoidable Use Designation Application Fees”) requires manufacturers that apply to designate the use of a PFAS in a product as a currently unavoidable use to pay a fee to the department in accordance with 20.13.2.18.

55. 20.13.2.18 (“Currently Unavoidable Use Designation Application Fee Schedule”) establishes a schedule of reasonable fees for the department’s processing and review of currently unavoidable use applications submitted to the department by manufacturers pursuant to 20.13.2.11.

56. 20.13.2.19 (“Label Waiver Application Fee”) requires manufacturers that apply for a label waiver for a product to pay a fee to the department in accordance with 20.13.2.20.

57. 20.13.2.20 (“Label Waiver Application Fee Schedule”) establishes a schedule of reasonable fees for the department’s process and review of label waiver requests submitted to the department pursuant to 20.13.2.19.

58. 20.13.2.21 (“Manner of Payment”) outlines the acceptable methods of payment for manufacturers to pay fees to the department as established in 20.13.2.15, 20.13.2.16, 20.13.2.17, 20.13.2.18, 20.13.2.19, and 20.13.2.20.

59. 20.13.2.22 (“Late Charges”) establishes reasonable fees for the department’s processing and collection of fees owed pursuant to 20.13.2.15, 20.13.2.16, 20.13.2.17, 20.13.2.18, 20.13.2.19, and 20.13.2.20 but not paid to the department by the due dates established in 20.13.2.

60. 20.13.2.23 (“Enforcement, Compliance Orders, Penalties”) outlines the department’s authority to enforce the PFAS Protection Act and 20.13.2 as well as the penalties and fees associated with violations of the PFAS Protection Act.

FEES AND PENALTIES

61. The Rule requires reporting from manufacturers and allows manufacturers to apply for a waiver from labeling, or for an exemption as a “Currently Unavoidable Use.” See 20.13.2.11 - 13 NMAC.

62. The Rule sets reporting fees, as well as application fees for a label waiver or designation as a Currently Unavoidable Use. See 20.13.2.15 - 20 NMAC.

63. The New Mexico Legislature did not provide NMED with recurring general fund revenue to implement the PFAS Protection Act. Written Testimony of James C. Kenney, NMED Exhibit 57, p. 6.

64. NMED is pursuing a fee-based approach to implement the PFAS Protection Act and proposed rule, reflecting the New Mexico Legislature's direction toward self-funded regulatory programs. Id., p. 7.

65. Beginning in 2028, these fees will be adjusted for inflation as measured from the Consumer Price Index for All Urban Consumers (CPI-U). See Section 20.13.2.16 NMAC.

66. The Board finds both the initial reporting fee of \$2,500.00 and the subsequent reporting fee of \$1,000.00 to be reasonable. See 20.13.2.16(A) and (B).

67. The Board finds both the \$5,000.00 initial fee to apply for an exemption as a “Currently Unavoidable Use” and the \$2,500.00 fee for subsequent submittals to be reasonable. See 20.13.2.18(A) and (B) NMAC.

68. The Board finds both the \$2,000.00 fee to apply for a labeling waiver for an individual product and the \$5,000.00 fee to apply for a label waiver for a class of products to be reasonable. See 20.13.2.20(A) and (B) NMAC.

69. The Board finds that NMED is authorized to charge these fees under the Environmental Improvement Act, Section 74-1-6(J), NMSA, 1978 and the Department of Environment Act, Section 9-7A-6(C) and (D).

70. The fees are necessary to fund these exemption and waiver programs, and to avoid shifting even more of the cost of PFAS regulation onto New Mexico taxpayers. See Written Testimony of James C. Kenney, NMED Exhibit 57, p. 7.

71. The Board finds the maximum civil penalty of \$15,000.00 for violations of the PFAS Protection Act or the rule, as well as the \$25,000.00 penalty for each day of continued non-compliance with an order issued by NMED, to be reasonable.

CHANGES FROM THE REBUTTAL RULE TO THE FINAL RULE

72. In response to public comments and stakeholder input, NMED proposed a number of changes to the final rule from the version submitted with rebuttal testimony (known as the “Rebuttal Rule”). The Board finds that these changes greatly simplify the labeling requirements and reduce the regulatory burden on manufacturers.

73. NMED removed the requirements for additional text and a web address in Sections 20.13.2.13.C(1) and D(1) NMAC, so that the required label is now simply, “[T]he outline of an Erlenmeyer flask with the word ‘PFAS’ inside the flask.”

74. NMED added rule language throughout Subsection D of 20.13.2.13 NMAC to specify that labels for complex durable goods are to be placed only on the “consumer-facing” specification sheet and the “consumer facing” operation and maintenance manuals.

75. NMED removed the requirement to list specific parts containing intentionally added PFAS from the specification sheet for complex durable goods.

76. NMED removed the requirement for a permanent label to be affixed to a product for the useful life of the product.

77. The Board considered these proposed changes during deliberations on March 6, 2026, and March 23, 2026.

78. On March 6, 2026, the Board discussed whether PFAS should be regulated as a class. *See* Tr. Vol. V 1481:22 to 1490:7. Following these discussions, the majority of the Board expressed that they supported regulating PFAS as a class. *See* Tr. Vol. V 1491:22.

79. During deliberations on March 6, 2026, the Board discussed NMED’s suggested revisions to the labeling rule language discussed above and noted that proposed changes create simplified labeling requirements for all products including complex durable goods, and that the

changes were responsive to comments made by CPMC. *See* Tr. Vol. V 1500:16 to 1517:10. The Board was in agreement with simplifying the labeling requirements as proposed by NMED. Tr. Vol. V 1517:08 to 1517:10.

80. Throughout the discussions of NMED's suggested revisions to the labeling requirements, the majority of the Board expressed support for the proposed revisions. *See* Tr. Vol. V 1502:24 to 1503:11; 1505:14 to 1505:24; 1506:08 to 1506:15; 1509:08 to 1509:14; 1509:18 to 1510:06; 1511:02 to 1511:17; 1512:05 to 1513:01; 1514:02 to 1515:01; 1516:08 to 1516:17.

81. For these reasons, and those stated on the record during deliberations, the Board finds that each of these changes, as well as other minor wording changes throughout the rule, are supported by evidence in the administrative record.

ADOPTION OF RULE LANGUAGE

82. The Board adopts the Rule as proposed by the Department in NMED Attachment A to NMED's Statement of Reasons and Proposed Order filed March 5, 2026, except as expressly changed herein.

83. Adoption of the Rule creates a new Chapter 13, Part 2, in Title 20 of the New Mexico Administrative Code.

ACC'S FINAL PROPOSED CHANGES TO NMED'S REBUTTAL RULE

84. On March 5, 2026, ACC filed its Proposed Statement of Reasons and included its final proposed rule language in ACC Exhibit 7. *See* American Chemistry Council's Proposed Statement of Reasons (filed 3/5/26) ("ACC's Proposed S.O.R.").

85. In ACC Exhibit 7, ACC proposed removing the word "FEES" from the title of PART 2. *Id.*

86. The Board considered this proposed revision during deliberations. *See* Tr. Vol. V 1519:25 to 1520:22. The Board rejected the proposed revision because the Board found that it had the authority to pass rules regarding fees. *Id.*

87. In ACC Exhibit 7, ACC proposed removing the definition of consumer from 20.13.2.7(D) NMAC. *See* ACC's Proposed S.O.R.

88. The Board considered this proposed revision during deliberations. *See* Tr. Vol. V 1520:23 to 1522:16. The Board rejected this proposed revision because the term "consumer" is used throughout the New Rule, and removing the term consumer would result in an undefined term. *Id.*

89. In ACC Exhibit 7, ACC proposed adding 20.13.2.9, to Section 20.13.2.10 Exemptions. *See* ACC's Proposed S.O.R.

90. The Board considered this proposed revision during deliberations. *See* Tr. Vol. V 1522:17 to 1523:21. The Board rejected this proposed revision because they determined that it would not add any clarity to the New Rule and would add some confusion. *Id.*

91. In ACC Exhibit 7, ACC proposed changing the date for the beginning of the labeling requirement in 20.13.2.13(A) from January 1, 2027, to January 1, 2028. *See* ACC's Proposed S.O.R.

92. The Board considered this proposed revision during deliberations. *See* Tr. Vol. VI 1589:6 to 1593:20; Tr. Vol. V 1523:22 to 1528:11. The Board discussed the proposed revision with some members expressing support. Discussions in support of the bill included the opinion that it would help manufacturers with supply chain lead times, processes, and inventory. *See* Tr. Vol. V 1524:11-17. Discussions with respect to not accepting the proposed revisions included the opinion that because the labeling requirements were simplified through revisions to the rule, the

deadline of January 1, 2027, should remain the same. *See* Tr. Vol. 1589:6 to 1590:3. Ultimately, the Board rejected this proposed revision in a roll call vote in which a motion to adopt the revision failed in a vote of 2 in support and 3 against. *Id.* at 1593:17 to 1594:11.

93. In ACC Exhibit 7, ACC proposed adding a new subparagraph 20.13.2.13(B)(5) which would add “products listed in Section 20.13.2.10 of this rule” to the labeling exemptions. *See* ACC’s Proposed S.O.R.

94. The Board considered this proposed revision during deliberations. *See* Tr. Vol. VI 1594:24 to 1599:7. The Board discussed the proposed revision with those in support of rejecting the revision expressing an opinion that because there are already specific products excluded from labeling such as veterinary products and medical devices, additional products should not be excluded from the labeling requirement. *Id.* at 1596:15 to 1597:17. Further, those in support of rejecting the proposed revision expressed the opinion that labeling should be as broad as possible so that the public knows what items have PFAS and what items do not. *Id.* at 1597:2-7. There was also discussion about the technical testimony provided with respect to the manufacturing of products containing PFAS as well as the end of the life of a product through incineration or incomplete incineration and the environmental impacts of that. *Id.* at 1597:8-17. The Board voted unanimously in support of a motion to reject this proposed revision. *Id.* at 1599:8 to 1600:7.

CPMC’S AND AAI’S PROPOSED CHANGES TO NMED’S REBUTTAL RULE

95. On March 5, 2026, CPMC and AAI filed their Proposed Order and Statement of Reasons and included their final proposed rule language in Attachment A. *See* Complex Products Manufacturers Coalition and the Alliance for Automotive Innovation’s Proposed Order and Statement of Reasons (filed 3/5/26)(“CPMC and AAI’s Proposed Order and S.O.R.”).

96. In CPMC and AAI's Attachment A, they proposed changing the definition of consumer in 20.13.2.7 to "consumer" means one who seeks or acquires by purchase or lease, any consumer product as that term is defined in Section 2 of the Per- and Poly-Fluoroalkyl Substances Protection Act, Section 74-15-2 NMSA 1978[.]” *See* Attachment A, p. 2, of CPMC and AAI's Proposed Order and S.O.R.

97. The Board considered this proposed change during deliberations on March 6, 2026, and found that CPMC and AAI's proposed definition of "consumer" used fewer words and was consistent with the PFAS Protection Act. The Board voted to adopt this proposed change during deliberations on March 6, 2026. *See* Tr. Vol. V 1533:11 to 1539:4.

98. In CPMC and AAI's Attachment A, they proposed adding a new paragraph Q to 20.13.2.7 which states "watercraft" means any contrivance used or designed for navigation on water including but not limited to any vessel, ship, boat, motor vessel, personal watercraft, steam vessel, vessel operated by machinery either permanently or temporarily affixed, motorboat, sailboat, barge, tugboat and rowboat. *See* Attachment A, p. 2, of CPMC and AAI's Proposed Order and S.O.R.

99. The Board considered this proposed change during deliberations on March 6, 2026. The Board discussed the fact that watercraft is used elsewhere in the New Rule, and that the language was all-encompassing with respect to including language "used or designed for navigation on water including but not limited to." The Board also discussed that the proposed revision included more specific language about what constitutes a watercraft. The Board voted to adopt the proposed change during deliberations on March 6, 2026. *See* Tr. Vol. V 1539:6 to 1541:23.

100. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.10(G) by adding "and is not covered by Subsection A or L of this section. Textile articles contained in motor vehicles that require the use of intentionally added per- or poly-fluoroalkyl substances to meet federal motor vehicle safety standards are exempted by Subsection A of this section[.]" See Attachment A, p. 4, of CPMC and AAI's Proposed Order and S.O.R.

101. The Board considered this proposed revision during deliberations on March 6, 2026. See Tr. Vol. V 1545:8 to 154. The Board discussed that there is already a catchall in Paragraph A that covers the preemption issues and that they did not need to specify further exemptions. *Id.* at 1544:8-22. The Board rejected this proposed revision. *Id.* at 1544:18 to 1545:7.

102. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.10(H) by adding "low speed personal transportation vehicle, golf car[.]" See Attachment A, p. 4, of CPMC and AAI's Proposed Order and S.O.R.

103. The Board considered this proposed revision during deliberations on March 6, 2026. See Tr. Vol. V 1545:8 to 1546:16. The Board discussed the fact that there is already a catch all for "any other motor vehicle," and that whether a golf cart was exempt could be addressed in a guidance document. *Id.* The Board rejected this proposed revision. *Id.* at 1546:3-18.

104. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.10(I) by adding "marine accessories and marine equipment regulated by the Federal Boat Safety Act, 46 U.S.C. 43[.]" See Attachment A, p. 4, of CPMC and AAI's Proposed Order and S.O.R.

105. The Board considered this proposed revision during deliberations on March 6, 2026. See Tr. Vol. V 1546:17 to 1547:5. The Board discussed that they thought that this was covered under Paragraph A because it was preempted by federal law. *Id.* The Board rejected this proposed revision. *Id.* at 1547:4-10.

106. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.11(A)(4)(i) as follows:

If the use of per- or poly-fluoroalkyl substances in the product is required by federal or state law or regulation, provide citations to that requirement. For the purposes of this section, "required" means ~~the~~ either that an applicable statute or regulation specifically states that per- or poly-fluoroalkyl substances or a specific per- or polyfluoroalkyl substance is required to be present in the product, ~~not or~~ or that the ~~proposer's understanding or experience of~~ per- or poly-fluoroalkyl substances is necessary to meet a performance standard; such performance standards may be addressed below[.]

See Attachment A, p. 6, of CPMC and AAI's Proposed Order and S.O.R.

107. The Board considered this proposed revision during deliberations on March 6, 2026. *See* Tr. Vol. V 1547:11 to 1548:9. The Board discussed that they wanted to know how PFAS is being used for CUU designation requests and the standards manufacturers are meeting. *Id.* at 1547:11 to 1548:4. The Board rejected this proposed revision. *Id.* at 1548:2-9.

108. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.11(C) as follows:

Should a proposal for a currently unavoidable use determination contain claims of trade secret or confidentiality, the department may evaluate and determine that whether there is insufficient sufficient publicly available information to evaluate support a final determination on the proposal. ~~The department strongly recommends that all proposals for currently unavoidable use determinations do not contain claims of confidentiality.~~

See Attachment A, p. 8, of CPMC and AAI's Proposed Order and S.O.R.

109. The Board considered this proposed revision during deliberations on March 6, 2026. *See* Tr. Vol. V 1548:10 to 1549:24. The Board discussed the proposed revision and stated that they did not think that CPMC's proposed language was strong enough. *Id.* at 1549:4-15. The Board rejected this proposed revision. *Id.* at 1549:14-24.

110. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.12(B)(3) as follows:

the amount, expressed as a percentage concentration in the product, of each per- or polyfluoroalkyl substance in the product, identified by its chemical abstracts service registry number and reported as an exact quantity determined using commercially available analytical methods or as falling within the following reporting ranges. The manufacturer shall provide documentation verifying analytical method results to the department.

- i. Less than 100 ppm (0.01 percent);
- ii. Equal to or more than ~~100 ppm (0.01 percent), but less than 500 ppm (0.05 percent);~~
- iii. ~~Equal to or more than 500 ppm (0.05 percent), but less than 1,000 ppm (0.1 percent);~~
- iv. ~~Equal to or more than 1,000 ppm (0.1 percent), but less than 5,000 ppm (0.5 percent);~~
- v. ~~Equal to or more than 5,000 ppm (0.5 percent), but less than 10,000 ppm (1.0 percent); or~~
- vi. ~~Equal to or more than~~ iii. Equal to or more than 10,000 ppm (1.0 percent).

See Attachment A, p. 9, of CPMC and AAI's Proposed Order and S.O.R.

111. The Board considered this proposed revision during deliberations on March 6, 2026. *See* Tr. Vol. V 1549:25 to 1550:20. The Board discussed the fact that CPMC did not present any testimony with respect to the proposed revision during the hearing and that CPMC's NOI did

not contain anything related to the proposed revision. *Id.* The Board rejected this proposed revision. *Id.* at 1550:21 to 1551:1.

112. In CPMC and AAI's Attachment A, they proposed changing the date for the requirement of labeling in 20.13.2.13(A) from January 1, 2027, to January 1, 2028. *See* Attachment A, p. 11, of CPMC and AAI's Proposed Order and S.O.R.

113. The Board considered this proposed revision during deliberations. *See* Tr. Vol. VI 1589:6 to 1593:20; Tr. Vol. V 1523:22 to 1528:11. The Board discussed the proposed revision with some members expressing support. Discussions in support of the bill included the expression of the opinion that it would help manufacturers with supply chain lead times, processes, and inventory. *See* Tr. Vol. V 1524:11-17. Discussions with respect to not accepting the proposed revisions included the opinion that because the labeling requirements were simplified through revisions to the rule, the deadline of January 1, 2027, should remain the same. *See* Tr. Vol. 1589:6 to 1590:3. Ultimately, the Board rejected this proposed revision in a roll call vote in which a motion to adopt the revision failed in a vote of 2 for and 3 against. *Id.* at 1593:17 to 1594:11.

114. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.13(B) as follows:

Labeling exemptions. The labeling requirements of this rule do not apply

to:

(1) used products offered for sale or resale;

(2) products that are exempt as specified in Section 20.13.2.10 of this rule

or that have been designated as a currently unavoidable use pursuant to Section

20.13.2.11 of this rule

(3) products for which labeling requirements are preempted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136v, or for which labeling requirements currently exist at 40 C.F.R. 156.10;

~~(34)~~ veterinary products, including veterinary parasiticides and veterinary biologics, and the packaging of veterinary products regulated by the United States food and drug administration, the United States department of agriculture, or the United States environmental protection agency; ~~and~~

~~(45)~~ medical devices, drugs, and the packaging of medical devices and drugs regulated by the United States food and drug administration. ~~and~~

(6) motor vehicles and motor vehicle equipment regulated by the Federal Motor Vehicle Safety Standards.

(7) Watercraft, including marine accessories and marine equipment regulated by the Federal Boat Safety Act, 46 U.S.C. 43, an aircraft, a lighter-than air aircraft or a sea-plane.

(8) A product that contains intentionally added per- or poly-fluoroalkyl substances with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the United States environmental protection agency's rules under the significant new alternatives policy program; provided that the product contains per- or poly-fluoroalkyl substances that are being used as substitutes for ozone-depleting substances under the conditions specified in the rules.

9) A product consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a

perfluorinated polyether backbone that is a solid at standard temperature and pressure.

See Attachment A, pp. 11-12, of CPMC and AAI's Proposed Order and S.O.R.

115. The Board considered these proposed revisions during deliberations. *See* Tr. Vol. VI 1600:8 to 1604:24. The Board discussed the proposed revisions, and some members expressed opinions in favor of rejecting the proposed revisions because this section of the New Rule was consistent and supported by the record. *Id.* at 1602:16 to 1603:17. The Board voted on a motion to reject these proposed revisions and the motion passed with 3 voting in favor of rejecting the proposed revisions and 2 against. *Id.* at 1603:23 to 1605:14.

116. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.13(D) as follows:

Labeling of complex durable goods with intentionally added per- or poly-fluoroalkyl substances. Prior to sale of a consumer facing complex durable good that contains intentionally added per- or poly-fluoroalkyl substances or components that contain intentionally added per- or poly-fluoroalkyl substances, the manufacturer shall conform to the information requirements of this section.

(1) A ~~statement~~ label indicating the presence of intentionally added per- or poly-fluoroalkyl substances and/or component parts with intentionally added per- or poly-fluoroalkyl substances shall be included ~~in the~~ in the consumer facing specification sheet, ~~and other product labeling information~~ available to potential consumers prior to purchase. ~~The specification sheet and other product labeling information shall include a symbol. The symbol~~ label shall be an outline in the form of a symbol comprised of an outline of an Erlenmeyer flask with the word "PFAS"

inside the flask. ~~The label may also include the following words directly adjacent to the flask: “This product is made with PFAS,” “Made with PFAS” or “Contains PFAS.”~~

(32) The ~~statement~~ label must be easily identified and legible on the consumer facing product specification sheet. A 10-point font or larger is presumed to be legible.

~~(43) The operation and maintenance~~ A consumer facing manual associated with the complex durable good ~~shall include~~ shall also include a ~~symbol~~ label in the form as described in 20.13.2.13.D.1 of this rule indicating the presence of intentionally added ~~per- or poly-fluoroalkyl substances and/or component parts with intentionally added per- or poly-fluoroalkyl substances, followed by a complete list of components with intentionally added per- and poly-fluoroalkyl substances, including sufficient detail~~

~~about the components’ locations within the complex durable good such that they can be readily located~~ or poly-fluoroalkyl substances.

~~(5) Where product information and labeling include consumer information about a product in a language other than English or Spanish, the requirements of Section 20.13.2.13.D.1 through 20.13.2.13.D.4 of this rule shall also be provided in that language in addition to English and Spanish.~~

~~(64)~~ Nothing in this section shall be construed to require or replace such disclosure, notice or labeling that is otherwise prohibited or prescribed by federal law.

See Attachment A, pp. 12-13, of CPMC and AAI’s Proposed Order and S.O.R.

117. The Board considered these proposed revisions during deliberations. *See* Tr. Vol. V 1559:7 to 1560:3. The Board discussed these proposed revisions and determined that they already accepted NMED's proposed language in 20.13.2.13(D), so they did not need to take further action on this. *See* 1560:6 to 1562:1.

118. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.13(E) as follows:

Consistency with other states. The manufacturer of a product with intentionally added per- or polyfluoroalkyl substances may comply with the labeling requirements of this rule by labeling all units or, as applicable, consumer facing specification sheets and consumer facing manuals, of ~~the product~~ the product sold in New Mexico in compliance with corresponding requirements adopted by another state. ~~A manufacturer may comply in this manner by providing the department with the following:~~

- ~~(1) A copy of the label as it will appear on products and consumer packaging sold in New Mexico and a narrative explaining how it fulfills the intent of the requirements established in this rule; and~~
- ~~(2) If the approved labeling plan includes state-specific elements such as telephone numbers, statutory references, websites or public outreach measures, a description of the adjustments that will be made to implement the plan in New Mexico. Submittal of these documents to the department constitutes compliance with this rule unless, within ninety days of receipt, the department notifies the manufacturer that the label or labeling alternative violates New Mexico law and explains in writing the nature of the violation.~~

See Attachment A, p. 13, of CPMC and AAI's Proposed Order and S.O.R.

119. The Board considered these proposed revisions during deliberations. *See* Tr. Vol V 1562:2-19. The Board discussed that to be consistent with other states, the proposed revisions should be rejected. *Id.* at 1562:9-19.

120. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.13(F) as follows:

The department may waive the obligation of a manufacturer to label a product or product class as required by this section ~~if the product is exempt pursuant to Section 20.13.2.10 of this part, and none of the product's material containing intentionally added per- or poly-fluoroalkyl substances will ever come into direct contact with a consumer while the product is being used as intended during the useful life of the product.~~ The waiver request must contain the following information:

(1) Information contained in paragraphs (1), (3), and (4), of Subsection B of Section 20.13.2.12 of this Part;

(2) Identification of the specific per- or poly-fluoroalkyl substance(s) intentionally added to the product or its components by the chemical name and the Chemical Abstracts Service Registry number (CASRN), or if no CASRN exists, another chemical identifying number;

(3) An explanation of why the product should not require a label pursuant to this section;

and

(4) Any other information the department deems necessary for the evaluation of the waiver request.

See Attachment A, p. 13, of CPMC and AAI's Proposed Order and S.O.R.

121. The Board considered these proposed revisions during deliberations. *See* Tr. Vol V 1562:20 to 1564:6. The Board discussed the proposed revisions and that they did not support striking the language as proposed by CPMC because the items are safeguards and that they wanted to leave the language in the New Rule for the manufacturers with regard to applying for waivers. *Id.* 1563:21-25. The Board rejected these proposed revisions. *Id.* at 1564:1-6.

122. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.14 as follows:

TESTING: ~~If there is reasonable suspicion~~ the department has reason to believe that a product contains intentionally added per- or poly-fluoroalkyl substances but either has not fulfilled the reporting requirements specified in Section 20.13.2.12 of this rule or has not labeled the product in accordance with Section 20.13.2.13 of this rule, the department may test or may require a manufacturer to test their product to determine the presence and concentration of per- and poly-fluoroalkyl substances in the product. For the purposes of this section, the presence of fluorine in a product or product component above 100 ppm, as measured by a commercially available analytical method, creates a rebuttable presumption that per- or poly-fluoroalkyl substances were intentionally added to the product. A manufacturer must rebut the presumption by demonstrating that the per- or poly-fluoroalkyl substances were not intentionally added.

See Attachment A, p. 14, of CPMC and AAI's Proposed Order and S.O.R.

123. The Board considered this proposed revision during deliberations. Tr. Vol V 1564:7-22. The Board discussed the fact that CPMC did not present any testimony with respect to the proposed revision during the hearing and that CPMC's NOI did not contain anything related to the proposed revision. *Id.* at 1564:7-12. The Board rejected this proposed revision. *Id.* at 1564:21 to 1565:3.

124. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.14(B)(1) as follows:

Each per- or poly-fluoroalkyl substance's name, chemical abstracts services (CAS) number, and chemical formula, if known or the amount, expressed as a percentage concentration in the product, of each per- or poly-fluoroalkyl substance or the range of each per- and poly-fluoroalkyl substance, as falling within the following reporting ranges:

- i. Less than 100 ppm (0.01 percent);
 - ii. Equal to or more than ~~100 ppm (0.01 percent), but less than 500 ppm (0.05 percent);~~
 - iii. ~~Equal to or more than 500 ppm (0.05 percent), but less than 1,000 ppm (0.1 percent);~~
 - iv. ~~Equal to or more than 1,000 ppm (0.1 percent), but less than 5,000 ppm (0.5 percent);~~
 - v. ~~Equal to or more than 5,000 ppm (0.5 percent), but less than 10,000 ppm (1.0 percent);~~
- or
- vi iii. Equal to or more than 10,000 ppm (1.0 percent); and

See Attachment A, p. 14, of CPMC and AAI's Proposed Order and S.O.R.

125. The Board considered this proposed revision during deliberations. Tr. Vol V 1565:4 to 1565:19. The Board discussed the fact that CPMC did not present any testimony with respect to the proposed revision during the hearing and that CPMC's NOI did not contain anything related to the proposed revision. *Id.* at 1565:4-15. The Board rejected this proposed revision. *Id.* at 1565:16-20.

126. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.18(A) by changing the initial fee for a manufacturer applying to designate the use of a per- or poly-fluoroalkyl substance in a product as a currently unavoidable use from \$5,000 to \$2,500. *See* Attachment A, p. 15, of CPMC and AAI's Proposed Order and S.O.R.

127. The Board considered this proposed revision during deliberations. Tr. Vol V 1566:15 to 1569:8. The Board discussed their opinion that Secretary James C. Kenney provided testimony that made a good case about fees that are required to run the program. *Id.* at 1568:22 to 1569:8. The Board rejected this proposed revision. *Id.* at 1569:9-14.

128. In CPMC and AAI's Attachment A, they proposed revising 20.13.2.18(B) by changing the fee for the New CUU determination to designate a per- or poly-fluoroalkyl substance in a product from \$2,500 to \$500. *See* Attachment A, p. 15, of CPMC and AAI's Proposed Order and S.O.R.

129. The Board considered this proposed revision during deliberations. Tr. Vol V 1566:15 to 1569:8. The Board discussed their opinion that Secretary James C. Kenney provided testimony that made a good case about fees that are required to run the program. *Id.* at 1568:22 to 1569:8. The Board rejected this proposed revision. *Id.* at 1569:9-14.

CONCLUSIONS OF LAW

130. The Board has the authority to adopt the New Rule and associated fees pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-8 (2024) and 74-1-9 (1985), the Department of Environment Act, NMSA 1978, Section 9-7A-6(C) and (D), and the Per- and Poly-Fluoroalkyl Substances Protection Act, NMSA 1978, Section 74-15-1, *et seq.*

131. In considering the New Rule, the Board is required by the Environmental Improvement Act, NMSA 1978, Section 74-1-9 (1985), to give weight it deems appropriate to all

facts and circumstances, including but not limited to (1) character and degree of injury to or interference with health, welfare, animal and plant life, property and the environment; (2) the public interest, including the social, economic and cultural value of the regulated activity and the social, economic and cultural effects of environmental degradation; and (3) technical practicability, necessity for and economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

132. The Per- and Poly-Fluoroalkyl Protection Act (“PFAS Protection Act”) was passed by the New Mexico Legislature and signed into law by the Governor on April 8, 2025. The PFAS Protection Act is codified at NMSA 1978, Section 74-15-1, *et seq.*

133. The PFAS Protection Act, at Section 74-15-4(A), mandates that the Board shall adopt rules to: (a) exempt from the reporting requirements any product that contains intentionally added PFAS that is exempt pursuant to Section 74-15-3(A) of the PFAS Protection Act or that has been designated as a currently unavoidable use; (b) create a series of ranges for the amount of PFAS in a product that contains intentionally added PFAS for reporting purposes unless exempted in Section 74-15-3(A) of the PFAS Protection Act; and (c) identify currently unavoidable uses of PFAS that are essential for health, safety or the functioning of society and for which alternatives are not reasonably available unless exempted in Section 74-15-3(A) of the PFAS Protection Act.

134. The PFAS Protection Act, at Section 74-15-5(A), mandates that the Board shall also adopt rules that enumerate the information required of a manufacturer of a product containing intentionally added PFAS.

135. Additionally, the PFAS Protection Act provides that, pursuant to Section 74-15-4(B), the Board may adopt rules to carry out the provisions of the PFAS Protection Act, including requiring the labeling of products in English and Spanish.

136. The Board finds that adoption of New Rule 20.13.2 NMAC is justified given the character and degree of injury to or interference with health, welfare, animal and plant life, property, and the environment. See NMSA 1978, § 74-1-9(B)(1).

137. The Board finds that adoption of New Rule 20.13.2 NMAC is in the public interest, including when considering the social, economic and cultural value of the regulated activity, and the rule aims to address the environmental degradation and human health effects caused by PFAS in consumer products. See NMSA 1978 § 74-1-9(B)(2).

138. The Board finds that New Rule 20.13.2 NMAC is technically practicable and economically reasonable in the methods the rule employs to address environmental degradation and human health effects caused by PFAS in consumer products. See NMSA § 74-1-9(B)(3).

139. The Board finds that all public notice and procedural requirements were met for this rulemaking.

FINAL ORDER

By a majority vote of a quorum of the Board’s members, the proposed adoption of New Rule 20.13.2 NMAC, Prohibitions on Products Containing Per- or Poly-Fluoroalkyl Substances; Currently Unavoidable Use; Reporting; Labeling; Testing; Fees and Penalties, as contained in NMED’s Final Proposed Rule filed with the Board on March 5, 2026, with the changes discussed herein was approved by the Board on March 23, 2026. New Rule 20.13.2 NMAC shall be filed with the New Mexico State Records Center and Archives as expeditiously as possible by the department.

4/17/2026

SIGNED this _____ day of April, 2026.

Signed by:
Sandra Ely
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Sandra Ely, Chair
New Mexico Environmental Improvement Board