

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMERICAN CHEMISTRY COUNCIL, *et al.*,

Plaintiffs,

v.

JAMES C. KENNEY, *in his official capacity as
Secretary of the New Mexico Environment
Department*; and RAÚL TORREZ, *in his official
capacity as Attorney General of New Mexico*,

Defendants.

Case No.: 1:26-cv-02130-MIS-SCY

AMENDED NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1292(a)(1) and Fed. R. App. P. 3(c)(6), Defendants appeal to the United States Court of Appeals for the Tenth Circuit only the portions of this Court's Order Granting Plaintiffs' Motion for a Preliminary Injunction, filed September 16, 2026, holding that New Mexico's PFAS label is unlikely to pass rational basis scrutiny under *Zauderer v. Off. of Disciplinary Counsel*, 471 U.S. 626 (1985). Doc. 46 at 17-22.

Respectfully submitted,

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Secretary of Environment

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CERTIFICATE OF SERVICE

I certify that on October 16, 2026, I served the foregoing on counsel of record for all parties via the CM/ECF system.

/s/ Alexander W. Tucker
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