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## Trying to Fight Fluoropolymers' Remorse in New Mexico

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We have previously discussed here the somewhat groundbreaking approach (in the U.S. anyway) taken by New Mexico's Per- and Polyfluoroalkyl Substances (PFAS) Protection Act, enacted in March 2025, which included a first of its kind exemption for fluoropolymers from the law's sales bans on PFAS-containing products. Subsequent regulatory actions in the state proposed excluding certain federally-regulated (and fluoropolymer-containing) products, including U.S. Food and Drug Administration (FDA) regulated medical devices, from the scope of labeling requirements. The New Mexico Environmental Improvement Board (EIB) currently is accepting public input on those proposed labeling rules, with public testimony scheduled to begin February 23 and written comments due by March 31. After recent legislative moves, it appears that participation in this comment period may be of the utmost importance to the regulated community. On February 5, 2026, the House Energy, Environment and Natural Resources Committee recommended passage of House Joint Memorial 3, which alleges a "limited scientific literature" supporting the above moves to exempt fluoropolymers and requests that the New Mexico Environment Department prepare a report evaluating implementation of the PFAS Protection Act, including the effectiveness of EIB's rules and assessing the health, environmental and economic implications of statutory and regulatory exemptions, and provide recommendations on whether exemptions such as the fluoropolymer carve out should be maintained, revised or eliminated. Manufacturers seeking to maintain the exemptions will want to use the comment period to support doing so.

We will continue to report on the fate of fluoropolymers in New Mexico and elsewhere.

## Categories

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