

New Mexico Acts on PFAS: Governor Signs Bills to Shift Remediation Costs and Ban Toxic Chemicals

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On April 8, 2025, New Mexico Governor Michelle Lujan Grisham signed and thereby enacted House Bill 140 and House Bill 212, which are designed to address per- and polyfluoroalkyl substances (PFAS) contamination across New Mexico.

The goal of House Bill 140 is to shift remediation costs of contaminated sites from taxpayers to polluters. Specifically, House Bill 140 designates discarded firefighting foams as hazardous waste, which now allows New Mexico to regulate such substances, despite the federal government's inability to list same as hazardous. House Bill 140 also expands the New Mexico Environmental Department's authority to cure cleanup of firefighting foams containing PFAS in response to litigation surrounding its use at military bases in New Mexico. Additionally, the bill limits the use of PFAS-containing firefighting foams for emergencies only; use of PFAS-containing firefighting foams for training exercises is no longer permitted and inventories of firefighting foams containing PFAS must be reported.

As to House Bill 212, intentionally added PFAS will be banned in consumer goods sold in New Mexico. Beginning in 2027, House Bill 212 will prohibit PFAS in cookware, food packaging and juvenile products, and in 2028, other products, such as cosmetics, furniture, and carpets, will also be banned. By 2032, PFAS will be prohibited in almost all manufactured products sold in New Mexico. That said, there are limited exemptions to the intentionally added PFAS ban, which include medical, electronic and manufacturing sectors.

Like others, New Mexico Environment Department Secretary James Kennedy continues to push for legislation on federal and state levels to address PFAS. As such, it is imperative for all persons, businesses and industries to keep abreast of evolving regulations to ensure compliance and minimize potential risks and liabilities.

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