

<b>LFC Requester:</b>	<b>Davidson</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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***(Analysis must be uploaded as a PDF)***

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/30/2025 *Check all that apply:*  
**Bill Number:** HB212 Original  Correction   
 Amendment  Substitute

**Sponsor:** Cates, Ferrary, Sariñana **Agency Name and Code** New Mexico Environmental Department 667  
**Person Writing** Greg Smithkier  
**Short Title:** PER- & POLY-FLOUROALKYL PROTECTION ACT **Phone:** 505-531-7736 **Email:** gregory.smithkier@env.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	\$1,800	\$1,800	\$3,600	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**  
**BILL SUMMARY**

House Bill 212 (“HB 212”) enacts the Per- and Polyfluoroalkyl Substances Protection Act (“PFAS Protection Act”) which requires manufacturers of certain consumer products to remove intentionally added PFAS from their products offered for sale in New Mexico or phase out the sale of certain consumer products. HB212 includes broad exceptions for all medical devices, all drugs that are regulated by the U.S. food and drug administration, all used products (secondhand products) offered for sale or resale, and all products for which federal law governs the presence of PFAS in the product that preempts state authority. Additional exceptions may be established by rule and explained below.

Starting in January 2027, the first phase out of consumer products with intentionally added PFAS applies to cookware, food packaging, dental floss, and juvenile products. Starting in January 2028, the second phase out of consumer products with intentionally added PFAS applies to carpets and rugs, cleaning supplies, fabric treatments, cosmetics, feminine hygiene products, textiles, upholstered furniture, and ski wax that contain intentionally added PFAS.

In addition to the categories identified in phase one and phase two, all products containing intentionally added PFAS will be prohibited from sale in January 2028 unless they meet an exception enumerated in the PFAS Protection Act or in a rule adopted by the Environmental Improvement Board (“EIB”) pursuant to the Act.

In addition to the enumerated exceptions, the bill enables the EIB to adopt rules to create, enforce, or terminate a per- and polyfluoroalkyl substance stewardship program (“PFAS Stewardship Program”). Essentially, a PFAS Stewardship Program is a state-wide program that manages discarded consumer products with intentionally added PFAS. A rule establishing a PFAS Stewardship Program would allow a manufacturer to sell consumer products containing intentionally added PFAS.

HB 212 also prohibits the State of New Mexico from procuring consumer products with intentionally added PFAS in January of 2027 unless the consumer product is exempt by law or rule.

HB 212 includes an enforcement provision which caps civil penalties at \$15,000 per day per violation. It also includes a private right of action which enables individuals to sue to enforce the PFAS Protection Act.

**FISCAL IMPLICATIONS**

The New Mexico Environment Department (“NMED”) will need to hire 10 full-time employees (FTE) to implement the work identified in HB212. Technical and legal staff will need to hold stakeholder meetings, draft rules, petition the EIB, etc. NMED estimates as \$140,000 per year for salary, benefits, and overhead (\$1.4M annually); \$10,000 for computers, software, equipment, office spaces, vehicles, etc. (\$10,000 annually), and \$400,000 per year for two years in contractual support.

The three-year cost to the State of New Mexico to prevent PFAS contamination of water and land is \$3.6M. However, the cost to the State of New Mexico to remove and destroy one pound of PFAS from water is between \$2.7 million to \$18 million. With approximately 1,100 public drinking water systems in New Mexico serving 94% of our residents, preventing contamination is the only affordable means of securing our drinking water supply. Further, biosolids from water treatment are widely used in support New Mexico's agricultural industry so preventing PFAS contamination of our drinking water and wastewater will further protect this \$3.99 billion industry.

At least 16 states adopted 22 PFAS-related measures. At least 13 state legislatures have enacted laws to restrict the use of PFAS in everyday consumer products. Since 2007, 30 states have approved 155 PFAS policies, most of them in the past five years. These laws, rules, and policies generally recognize the fiscal prudence of eliminating PFAS pollution to avoid exorbitant taxpayer costs of remediation and disposal.

### **SIGNIFICANT ISSUES**

None.

### **PERFORMANCE IMPLICATIONS**

None identified.

### **ADMINISTRATIVE IMPLICATIONS**

HB 212 provides direct authority to NMED to administer and enforce the provisions of the PFAS Protection Act and rules adopted by the EIB to implement the Act.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Not applicable at this time.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

None.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Not enacting this bill will allow manufacturers to continue to sell consumer products with intentionally added PFAS in New Mexico. This will result in New Mexican families continued exposure to toxic PFAS which accumulate in plants, animals, and humans, and have been linked

to thyroid disease, cancer, liver damage, birth defects, and increased risk of miscarriage.

## **AMENDMENTS**

None.