

Apparel & Footwear International RSL Management Group

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New Mexico Environment Department (NMED)

RE: New Mexico 2025 PFAS Protection Act Rulemaking (House Bill 212)

Thank you for the opportunity to comment on New Mexico's regulatory process for implementing House Bill 212. AFIRM is a global association of the world's leading apparel and footwear companies established in 2004 with a mission to reduce the use and impact of harmful substances in the apparel and footwear supply chain. Members include many of the world's most experienced chemicals management and testing experts with collective oversight of one of the largest and most far-reaching supply chains for consumer products. Additional information about AFIRM is available at www.afirm-group.com, including our comprehensive [PFAS Phaseout Guidance](#) published in 2023 to assist the industry in removing this class of chemicals from the global supply chain for apparel and footwear.

As an association of member brands that have worked to phase out intentional use of PFAS ahead of regulatory restrictions, AFIRM fully supports New Mexico's leadership in protecting its citizens and the environment from PFAS. To ensure this legislation is effective and successful, we offer the following technical considerations and recommendation to address potential unintended consequences, including impacts to critical textile sustainability initiatives like extended producer responsibility (EPR) and circular economy goals.

"Intentionally Added" Definition and Circular Economy Considerations

AFIRM Recommendation: Clarify via rulemaking that residual PFAS in recycled textile input streams is not considered "intentionally added" under the PFAS Protection Act. This is critical for ensuring the viability of recycled textile articles in New Mexico and to meet ambitious circular economy goals – and it aligns with other jurisdictions enacting PFAS restrictions in textiles.

AFIRM agrees with the enacted restriction on intentionally added PFAS. However, we are concerned about apparel containing recovered material, including recycled content, and implications for voluntary and regulatory-driven circular economy goals.

As the apparel industry transitions to more circular business models by utilizing increasing amounts of pre- and post-consumer recycled content in products, articles containing intentionally added PFAS will continue to enter recycling streams for many years, if not decades. Currently, there is no economically viable way for recycling sorters to know with certainty whether an incoming product contains PFAS or not – let alone how much. As such, there is no way for them to sort products containing PFAS out of the recycling process, and any yarns/threads made from recycling streams that had PFAS-containing materials mixed in may be contaminated with measurable amounts of PFAS.

AFIRM recommends that NMED ensures the implementation of the PFAS Protection Act does not compromise circular economy goals by making the use of recycled content unviable in New Mexico. In recognition of the

specific challenge facing recycled materials, jurisdictions such as Colorado¹ and Denmark² have exempted recycled textiles from their recently enacted PFAS restrictions. The EU also recently amended its pending universal PFAS restriction proposal to include a 13.5-year transition period for textile articles containing recovered materials.³ AFIRM is confident that New Mexico following these models will help to ensure that necessary investments in circular business models and infrastructure continue and that EPR and circular economy goals can be met.

AFIRM is supportive of NMED developing a clear regulatory framework for New Mexico's PFAS restriction law in alignment with our shared goal to eliminate PFAS from apparel manufacturing. We appreciate your consideration of our recommendation and please do not hesitate to reach out if you have questions or information requests. AFIRM is available and eager to assist with the implementation of this important initiative.

Sincerely,



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¹ See [Colorado Senate Bill 24-081](#) restricting textile articles with intentionally added PFAS beginning 1 January 2028

² See [Denmark BEK no. 464 of 02/05/2025](#) setting a 50 ppm limit on total fluorine beginning 1 July 2026 with exemptions for the reuse and recycling of clothing and footwear

³ See page 1427, Section E.3.4.4.2.2 of [Annex E to the Background Document](#) to the opinion on the Annex XV dossier proposing restrictions on Per- and polyfluoroalkyl substances (PFASs)