



January 9, 2026

The Honorable James Kenney
Secretary, New Mexico Environment Department
1190 South St. Francis Dr.
Santa Fe, NM 87502

Re: Proposed NMED Regulations to Implement HB 212

Dear Secretary Kenney:

Hundreds of companies represented by the Motorcycle Industry Council (MIC)¹, the Specialty Vehicle Institute of America (SVIA)², and the Recreational Off-Highway Vehicle Association (ROHVA)³ oppose the labeling requirements from the New Mexico Environment Department's (NMED) proposed rulemaking on the implementation of House Bill 212, the PFAS Protection Act.

HB 212 was enacted with a clear exemption for numerous products from the sales prohibition, including motor vehicles, motorcycles, ATVs, and side-by-sides. While we appreciate the exemption provided to these vehicles and products containing intentionally added PFAS which will almost never come into direct contact with consumers during intended use, we oppose NMED's proposed labeling requirements for PFAS containing parts in owner's and maintenance manuals of vehicles that are exempted from the PFAS ban. In fact, on the Environment Department's website⁴, it notes that "the legislation includes important exemptions and enforcement provisions...where PFAS is essential and does not pose serious harm to those using the products." The proposed labeling requirement undermines the Department's statement and – we believe – the legislature's intent in the law.

The exemptions provided in HB 212 Section 3(A) show the legislators' intention to exclude the exempted products from the requirements and regulations. Throughout the legislative process there were several amendments made to HB 212 as the Legislature carefully considered what products should be exempted from the law. While NMED and the Environmental Improvement Board appear to be acting under the authority granted in Section 4, subsection B, that states "The board

¹ The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

² The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

³ The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

⁴ <https://www.env.nm.gov/pfas/pfas-protection-act-hb212/>

may (1) adopt rules to carry out the provisions of the Per-and Poly-Fluoroalkyl Substances Protection Act, including requiring the labeling of products in English and Spanish”, we believe those labeling requirements were for non-exempt products and NMED’s proposed labeling requirement is not only inconsistent with legislature’s intentions and outside statutory authority but also beyond the scope of HB 212.

Motor vehicle (including motorcycle, ATV, and side-side, manufacturers) produce vehicles and owner and maintenance manuals for distribution in all 50 states. Manufacturers do not produce vehicles or owner and maintenance manuals specifically for New Mexico. Should the proposed labeling requirements become effective, manufacturers will be required to apply New Mexico’s labeling requirements to all U.S. vehicles and their owner and maintenance manuals. This subjects manufacturers to considerable and unnecessary costs and burdens that extends beyond New Mexico.

The proposed requirement for manufacturers to list components containing intentionally added PFAS is substantially outside the scope of HB 212. Manufacturers continue to work on developing components and systems free of intentionally added PFAS. As manufacturers develop and install these new components and systems, listings of parts containing intentionally added PFAS in owner’s and maintenance manuals would become obsolete and incorrect. Vehicle owner’s and maintenance manuals provide critical information about safety, proper use, maintenance, and storage to consumers and technicians. It is important for information contained in these manuals to remain accurate to avoid confusion, misuse, and unsafe conditions.

Another important consideration is replacement parts for vehicles. Replacement parts do not have a “manual”, and it is not possible to put a label on replacement parts that may currently have PFAS for durability purposes such as gaskets and o-rings, for example. When powersports vehicles are manufactured, we are required to also manufacture replacement parts for the anticipated life of the vehicles. Dealerships, aftermarket suppliers, distributors, and parts stores all stock inventory in anticipation of replacements and repairs. For businesses in your state, this could account for a significant amount of inventory.

We urge NMED to follow the intent of the Legislature and exclude manufacturers of vehicles and replacement parts exempted by HB 212 from the proposed labeling and component listing requirements. We do not believe it is the intention of legislators to subject exempted manufacturers to unnecessary, costly, and burdensome.

We look forward to working with New Mexico Environment Department on this. Feel free to contact me at sschloegel@mic.org or at (571) 684-6144 if you have any questions.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations