



September 17, 2026

Submitted via SmartComment Portal

New Mexico Environment Department
PFAS Protection Act Program
1190 St. Francis Drive, Suite N4050
Sante Fe, New Mexico 87505

Re: House Joint Memorial 3 (HJM3) Review of Exemptions under the PFAS Protection Act

Dear New Mexico Environment Department PFAS Protection Act Program Staff:

CropLife America (CLA) appreciates the opportunity to provide comments to the New Mexico Environment Department (NMED or Department) regarding implementation of House Joint Memorial 3 (HJM3). CLA represents developers, manufacturers, formulators, and distributors of pesticides for agriculture and pest management solutions. CropLife America's members—ranging from small companies to large corporations—produce, sell, and distribute virtually all pesticide products used by New Mexico farmers and helps ensure that American farmers have access to the technologies they need to protect their crops, preserve livelihoods, and produce safe, affordable, and abundant food.

CLA is submitting these comments in response to NMED's invitation to the public to provide input in advance of NMED's studies and reporting as required by HJM3. In particular, CLA's comments address the lack of need for studies relating to the exemption for products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) under both the PFAS Protection Act ("Act") and the rules recently adopted by the Environmental Improvement Board. In addition to incorporating the exemption for FIFRA-regulated products under the PFAS Protection Act into the rules, NMED proposed, and the Board adopted, an exclusion from the labeling requirements for products regulated under FIFRA based upon federal preemption of state requirements for labeling.

HJM3 specifically directs NMED to evaluate exemptions through public health, environmental, and economic lenses and develop recommendations regarding whether exemptions should be maintained, modified, or removed. CLA encourages the Department to carefully consider the comprehensive federal regulatory framework governing pesticides under FIFRA as well as the extensive scientific review conducted by the U.S. Environmental Protection Agency (EPA) before pesticide products may be sold or used in the United States. That strong regulatory framework

led to the statutory exemption for FIFRA-regulated products in the PFAS Protection Act with the requirement that NMED consult with the New Mexico Department of Agriculture about the law's applicability to pesticides, fertilizer, and other agricultural inputs.

Pesticides are among the most extensively evaluated and regulated products in commerce. Before a pesticide can be registered, EPA evaluates product chemistry, human health effects, environmental fate, ecological effects, occupational exposure, and other scientific data to determine whether a product can be used without causing unreasonable adverse effects on human health or the environment. EPA's review includes assessment of the complete pesticide formulation, proposed use patterns, application methods, exposure pathways, and enforceable mitigation measures incorporated through product labeling.^{1 2}

The extensive level of scientific review of pesticide products and ongoing federal regulatory requirements under FIFRA and the preemption of state labeling requirements were recognized by the U.S. Supreme Court in *Durnell v. Monsanto*, 146 S.Ct. 2001 (2026). The Court noted that pesticides are not only subject to extensive scientific review prior to registration for authorization to be marketed and used in the United States, but they are subject to continuing safeguards to protect human health and the environment after registration. *See id.* at 2007-08 and 2016-17; 7 U.S.C. §§ 136a(a) and 136(bb). EPA continually reevaluates registered pesticides through registration review and may require additional data or impose new mitigation measures when warranted by evolving scientific information. FIFRA Mandates that EPA review each registered pesticide every fifteen years and authorizes EPA to address emerging concerns outside that review cycle where necessary.³

CLA submits that the extensive regulation of pesticides at the federal level obviates the need for costly and duplicative studies by the State under HJM3. Indeed, the statutory exemption and the exemptions adopted in the rules and supported by NMED directly support the robust regulatory framework already in place for FIFRA-regulated products.

¹ U.S. Environmental Protection Agency (EPA). 2026. *About pesticide registration* [Internet]. Washington (DC): U.S. Environmental Protection Agency; Available from: <https://www.epa.gov/pesticide-registration/about-pesticide-registration>

² U.S. Environmental Protection Agency (EPA). 2026. *Overview of risk assessment in the pesticide program* [Internet]. Washington (DC): U.S. Environmental Protection Agency. Available from: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>

³ U.S. Environmental Protection Agency (EPA). 2025. *Registration review process* [Internet]. Washington (DC): U.S. Environmental Protection Agency. Available from: <https://www.epa.gov/pesticide-reevaluation/registration-review-process>

To the extent that NMED chooses to further study the pesticide exemptions under HJM3, CLA notes that HJM3 directs NMED to evaluate public health, environmental, and economic considerations associated with current exemptions. Pesticide products play an important role in agriculture, public health, structural pest management, vegetation management, forestry, transportation infrastructure, turf management, aquatic resource management, and the protection of homes, businesses, and public spaces.

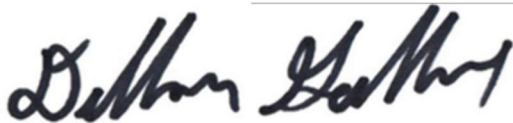
Consequently, any studies and evaluations of the exemptions for pesticides under HJM3 should carefully evaluate:

- Potential impacts on product availability and supply chains;
- Impacts on growers, pest management professionals, retailers, distributors, and consumers;
- The costs associated with duplicative reporting, labeling, or regulatory requirements;
- Potential reductions in pest management options; and
- The availability, effectiveness, and practicality of alternatives.

CLA appreciates the opportunity to submit these comments. If NMED needs additional information regarding pesticides for purposes of carrying out its duties under HJM3, CLA would be happy to consult with NMED and assist where it is able to do so.

We appreciate the opportunity to provide these comments and look forward to continued engagement with NMED throughout the HJM3 process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dillon Gabbert", is positioned above a horizontal line.

Dillon Gabbert
Director, State Regulatory Affairs
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