

September 17, 2026

New Mexico Environmental Department
1190 St. Francis Drive
Suite N4050
Santa Fe, NM 87505

Re: House Joint Memorial 3 Implementing the PFAS Protection Act – Public Comment Period

To the New Mexico Environment Department,

Xcel Energy appreciates the opportunity to provide input regarding the New Mexico Environment Department's evaluation of exemptions under the PFAS Protection Act. We support maintaining the existing exemption for products used in the generation, transmission, distribution, and storage of electricity while technically feasible, commercially available, and demonstrated alternatives continue to be evaluated and developed. The electric sector exemption addresses applications that remain essential to the safe, reliable, and affordable delivery of electricity and, in many cases, continue to represent currently unavoidable uses of PFAS-containing materials.

Technical Necessity and Reliability Considerations

Electric utilities rely on materials and components that must perform under demanding operating conditions, including high voltages, extreme temperatures, weather exposure, and long service lives. PFAS-containing materials and fluoropolymers are used in a range of applications because of their electrical insulating properties, thermal stability, chemical resistance, durability, and reliability characteristics. These performance attributes help support the safe operation of equipment used to generate, transmit, distribute, and store electricity.

Applications may include electrical insulation, wire and cable systems, gaskets and seals, coatings, electronic components, control systems, and equipment used in substations, power generation facilities, renewable energy installations, and energy storage systems. Many of these applications must comply with industry standards, equipment certifications, and manufacturer specifications that are intended to protect public safety and electric system reliability. Substituting materials without adequate testing and validation could create unintended operational and safety risks.

Availability and Feasibility of Alternatives

As part of its evaluation, NMED has requested information regarding the availability, performance, and feasibility of alternatives. While alternatives may exist for certain

applications, they have not been demonstrated to be technically feasible, commercially available, or capable of providing equivalent performance across the electric sector. Utilities must ensure that replacement materials meet stringent performance requirements over extended operating periods and under varying environmental conditions. Any transition away from PFAS-containing materials requires sufficient time to evaluate alternatives, conduct engineering reviews, validate performance, update specifications, and coordinate with manufacturers and supply chains. Maintaining the exemption until alternatives are proven and deployable will help ensure an orderly transition that does not compromise reliability or safety.

Economic and Operational Impacts

Removal or significant modification of the exemption could result in increased costs associated with evaluating alternatives, replacing equipment, redesigning systems, modifying specifications, and accelerating capital investments. These costs could ultimately affect utility customers and infrastructure investment planning.

Utilities may also face operational challenges when existing equipment relies on materials that continue to serve critical performance and reliability functions. A measured approach that maintains the exemption while viable alternatives mature would help avoid unnecessary disruptions and allow replacement decisions to occur through normal equipment life-cycle planning.

Implementation and Compliance Considerations

Practical implementation considerations should also be incorporated into the evaluation process. Across the electric power sector, implementation concerns include PFAS testing costs, potential cross-contamination during sampling and analysis, and the difficulty of accurately identifying and differentiating PFAS sources in complex generation, transmission, distribution, and storage settings.

In addition, it is often unclear to purchasers whether PFAS is present in certain materials or components because suppliers and vendors do not always disclose detailed chemical composition information. This lack of transparency can make it difficult for electric-sector purchasers to determine whether a product contains PFAS, evaluate potential alternatives, or demonstrate compliance without cooperation from manufacturers and upstream suppliers.

These considerations do not diminish the importance of reducing environmental impacts where feasible, but they underscore the need for clear regulatory expectations and realistic implementation timelines that recognize the technical complexity of PFAS management.

Conclusion

Xcel Energy supports maintaining the exemption for products used in the generation, transmission, distribution, and storage of electricity. Based on their performance characteristics and critical role in electric infrastructure, many current potential uses continue to represent essential or currently unavoidable applications for which technically feasible and commercially proven alternatives are not yet available across all use cases. Maintaining the exemption while alternatives continue to be developed and evaluated will help protect electric reliability, support public safety, allow for informed transition planning, and minimize adverse economic impacts for utilities, customers, and the broader electric system.

Accordingly, we recommend that NMED maintain the existing electric-sector exemption and continue evaluating alternatives through an evidence-based process that considers technical feasibility, safety, reliability, supply-chain impacts, and economic consequences before any future modification is considered.

Respectfully,

Karalee
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