

Supplemental evidence: NMED's June 8, 2026 LANL permit decision

NMED's June 8, 2026 Notice of Disapproval of Los Alamos National Laboratory's hazardous-waste permit-renewal application provides additional support for these comments.

NMED required DOE and its contractors to evaluate locations where PFAS-containing firefighting foam may have been used and include PFAS sampling in applicable permit provisions and closure plans. NMED also proposed requirements addressing PFAS precursors, total PFAS loading, PFAS-specific sampling methods, PFAS-free equipment, monitoring-well materials and cleanup levels.

The same notice required additional soil sampling and site-specific air monitoring for LANL's open-burning and open-detonation operations. NMED specifically found that claims of no releases and complete combustion had not been demonstrated without site-specific air monitoring or post-treatment sampling.

This establishes an important regulatory benchmark. New Mexico recognizes that firefighting foam, PFAS, perchlorate, rocket-fuel constituents, explosive residues and open detonation require chemical disclosure, environmental sampling and enforceable monitoring at LANL. Comparable preventive requirements should apply before Project Ranger begins rocket-motor manufacturing, static-fire testing or detonation.

Although the LANL decision arises under the Hazardous Waste Act and House Bill 140 rather than the consumer-products provisions of House Bill 212, it demonstrates why the HJM 3 review cannot treat PFAS exemptions as an isolated consumer-product issue. Products, military and industrial use, firefighting systems, waste disposal and environmental contamination are interconnected stages of the same PFAS life cycle.

I request that NMED include its June 8, 2026 LANL technical findings in the HJM 3 analysis and recommend legislation ensuring that exemptions from consumer-product prohibitions do not become exemptions from disclosure, environmental monitoring, cleanup requirements or liability.

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