

September 17, 2026

Secretary James Kenney
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Re: House Joint Memorial 3 Report

Dear Secretary Kenney,

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to raise the following points related to HJM3 as the New Mexico Environment Department (NMED) is required to produce a report for the legislature and governor to evaluate the exemptions in the PFAS Protection Act. Of particular focus for appliance manufacturers are the exemptions for fluoropolymers and refrigeration equipment. **These exemptions should be kept in the PFAS Protection Act as these PFAS chemicals in appliances benefit consumer safety and do not present a significant concern for human health or the environment.**

I. Statutory Exemptions Reflect a Deliberate, Science-Based Legislative Judgment

AHAM members produce hundreds of millions of products each year. They design and build products at the highest levels of quality and safety. Together with industry design practices, test requirements, and redundant safety mechanisms, PFAS chemicals play a key role in the safety of household appliances. As such, they have demonstrated their commitment to strong internal safety design, monitoring, and evaluation/failure analysis systems. Due to the complexity of home appliances, exposure to PFAS chemicals is much different from exposure associated with simpler, more homogeneous products. AHAM supports the appropriate use of PFAS chemicals in appliances and the intent to protect consumers against all unreasonable risks, including those associated with the exposure to potentially harmful chemicals. AHAM also adamantly supports chemical regulatory approaches that are science driven, protective against regrettable substitution, and consistent with state law and federal regulations. During discussions around the PFAS Protection Act during the 2025 legislative session, AHAM was actively involved in meetings with NMED to discuss specific issues related to PFAS use in appliances and the need for practical regulations to address the PFAS of concern that consumers are actually exposed to. With that, because of the expansive definition of PFAS with different safety profiles, the New Mexico Legislature expressly exempted many categories of products from the statute's prohibition and reporting provisions. Exemptions of significance for appliance manufacturers include:

- (4): cooling, heating, ventilation, air conditioning or refrigeration equipment
- (10): a semiconductor
- (16): a product that contains fluoropolymers

The legislature intended for products with these intentionally added PFAS to continue to be available to New Mexico’s businesses and citizens into the future and their availability must not be rolled back.

II. Fluoropolymers Are Safe, Essential Materials That Should Remain Exempt

A product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.

The PFAS Protection Act defines ‘per- or poly-fluoroalkyl substance’ to “mean a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.” This single definition treats more than 10,000 substances with widely varying properties and safety characteristics as if they were the same. This is one of the reasons why exemptions in the law were established: to recognize that there are safe materials and chemicals that benefit consumer safety and the environment and do not present consumer harm. Fluoropolymers are part of this broad family of fluorinated chemistries. Fluoropolymers are large, stable, inert polymeric molecules that are too large to cross biological membranes, giving them little potential for human or environmental exposure. These chemicals also are not water soluble, so they are not likely to end up in drinking water. Unlike non-polymeric PFAS, which are mobile, can bioaccumulate, and can have toxicity concerns, fluoropolymers have not been demonstrated to have negative health concerns and are a material of choice for sensitive applications such as medical devices.

Specific to home appliances, fluoropolymers play a vital role in the sustainability, durability, safety, and economy of home appliances. Products that are made from long-lasting materials such as fluoropolymers can be used repeatedly for years without losing their features. Fluoropolymers extend the lifespan of appliances, reducing the need for replacements and contributing to resource efficiency. Fluoropolymers show up throughout home appliances, mostly because of their heat resistance, chemical inertness, and low friction/non-stick properties. Common applications:

Kitchen Appliances	Oven and gas grills — PTFE-coated interior panels and oven racks for easy cleaning Non-stick cookware coatings — PTFE coatings on griddles, waffle irons, and rice cookers
Laundry Appliances	Washing machine seals and gaskets —PTFE seals resist detergents, hot water, and repeated flexing Dryer drum bearings/seals — heat resistant fluoropolymer components reduce friction and wear Wire and cable insulation — internal wiring often uses FEP or PTFE insulation for heat resistance near heating elements.

	Iron soleplate coatings — PTFE coatings on soleplates prevent starches and melted synthetics from sticking to the iron
Refrigeration	Compressor seals and gaskets — PTFE or FKM seals handle refrigerant chemicals and temperature cycling Wiring insulation near compressor motors
Dishwashers	Seals, gaskets, and door liners — resist hot water, detergent chemicals, and steam Spray arm bearings — low-friction fluoropolymer components

Across most appliances, fluoropolymers such as PTFE and FEP are common in internal wiring where components run hot, gaskets and O-rings where chemical or heat resistance is important, and heating element components to ensure proper insulation for structural parts near high-heat zones. Their use in components like safety membranes for batteries, electrical insulation, and sealings contributes significantly to consumer safety. Replacing these components with alternatives could compromise safety standards (fire codes) and potentially lead to hazardous situations. In coffee and espresso appliances, fluoropolymer linings ensure chemical inertness under sustained, controlled heat and pressure, preventing corrosion and the migration of metal ions into the beverage stream. For cookware products, removing fluoropolymers would introduce a direct and inadequately studied food-safety risk into a product category used daily by probably most of New Mexico’s households. For cookware and food-contact appliance surfaces, the pathway of concern is migration into food. A laboratory study published October 1, 2025, by dTest, a Czech consumer organization, found that even intentionally damaged non-stick pans did not release measurable PFAS.

As potential prohibitions are deliberated, viable alternatives need to be evaluated by regulators to ensure there are no regrettable substitutes. Because fluoropolymers derive their performance from the carbon-fluorine bond, one of the strongest bonds in organic chemistry, they offer thermal stability above 260°C — a very challenging threshold for alternatives to replicate. For seals, gaskets, and wire insulation used in hot, wet, or chemically harsh environments, genuine drop-in alternatives largely do not exist yet. Alternatives are available that do not match fluoropolymer heat resistance and come at a higher cost. When the State of California passed SB 682, which would have established a prohibition on PFAS in cookware, Governor Newsom vetoed the bill, citing, “the broad range of products that would be impacted by this bill would result in a sizeable and rapid shift in cooking products available to Californians...I am deeply concerned about the impact this bill would have on the availability of affordable options in cooking products.” Regulators must also consider the economic impact on consumers who would be forced to potentially buy more expensive products. Losing consumer choice can lead to upward pressure on prices due to reduced competition. This disproportionately affects low-income consumers who struggle to absorb increased costs.

Fluoropolymers have been reviewed and regulated at the federal level and by consumer groups. The Food and Drug Administration (FDA) has authorized fluoropolymers for use in food contact

applications. In January 2025, the FDA confirmed that fluoropolymers intended for use in the manufacture of coated cookware and food contact seals are approved and do not pose a safety risk, as they are made of polymerized molecules.¹ On September 1, 2026, FDA added a new FAQ section restating that fluoropolymers are chemically and toxicologically distinct from PFAS of concern, and that it found no evidence fluoropolymer use in medical devices harms public health — explicitly noting molecular size prevents cell membrane crossing, making toxicity unlikely.² A 2021 safety review conducted by ECRI, an independent patient safety organization, in partnership with the FDA examined more than 1,750 peer-reviewed scientific articles and information collected from more than 1,800 health care provider organizations. It found no conclusive evidence of patient health problems associated with PTFE as a medical-device material, according to the FDA. The Environmental Working Group acknowledges this and has publicly stated that non-stick cookware is not a major source of exposure: “But even though it’s [PTFE] always been the poster child for PFAS exposure, [PTFE] is not anticipated to be a major source of exposure.”³ The Department of Energy has also released a report distinguishing fluoropolymers from other PFAS due to their importance to military and industrial applications.⁴ Across the globe, an increasing number of countries and regions are treating fluoropolymers separately compared to other PFAS chemicals such as exemptions and separate risk frameworks- largely on the argument that their chemical stability makes them lower-risk.

European Union: The European Chemicals Agency updated PFAS restriction proposal gives fluoropolymers separate regulatory treatment, including a third option that would allow continued use under conditions designed to minimize emissions. The Risk Assessment Committee and Socio-Economic Analysis Committee both support an EU-wide PFAS restriction with specific derogations, including carve-outs for fluoropolymers in semiconductors, medical devices, and renewable energy.⁵

Canada: The Canadian government published a Risk Management Approach for PFAS that explicitly excludes fluoropolymers, taking a phased prohibition approach for other PFAS under CEPA — a clearer separation than the EU’s.⁶

¹ <https://www.fda.gov/food/process-contaminants-food/questions-and-answers-pfas-food>

² [PFAS in Medical Devices: What You Need to Know | FDA](#)

³ https://www.ewg.org/news-insights/news/2024/02/forever-chemicals-top-3-ways-lower-your-exposure?utm_source=newsletter&utm_campaign=202501JanNews10&utm_medium=email&utm_content=default&emci=1e12d4d5-35db-ef11-88f8-0022482a9579&emdi=2412d4d5-35db-ef11-88f8-0022482a9579&ceid=1286056

⁴ <https://www.energy.gov/pfas/pfas-and-polyfluoroalkyl-substances>

⁵ [EU PFAS Restriction: What Fluoropolymer Users Need to Know | AFT Fluorotec](#)

⁶ <https://www.canada.ca/en/environment-climate-change/services/evaluating-existing-substances/risk-management-approach-per-polyfluoroalkyl-substances.html>

Ultimately, fluoropolymers have a well-established safety profile that has been evaluated across industries and across the globe, and they have been recognized and regulated separately from other PFAS due to their differing safety and exposure profiles. HJM 3 identifies municipal solid waste management and disposal infrastructure as one of the cost-burdens the Act was intended to address. On the life-cycle evidence, removing the fluoropolymer exemption would increase the volume of cookware and other products entering New Mexico's waste stream by a substantial multiple. For these reasons, the fluoropolymer exemption under the PFAS Protection Act should be maintained.

III. The Refrigeration Equipment Exemption Should Be Maintained Given the Lack of Viable Alternatives

Cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added per- or poly-fluoroalkyl substances or refrigerants listed as acceptable, acceptable subject to use conditions or acceptable to narrowed use limits by the United States environmental protection agency pursuant to the significant new alternatives policy program, 40 Code of Federal Regulations, Part 82, Subpart G and sold, offered for sale or distributed for sale for the use for which the refrigerant is listed pursuant to that program;

a product that contains intentionally added per- or poly-fluoroalkyl substances with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the United States environmental protection agency's rules under the significant new alternatives policy program; provided that the product contains per- or poly-fluoroalkyl substances that are being used as substitutes for ozone-depleting substances under the conditions specified in the rules

Hydrofluoroolefins (HFOs), which are blowing agents used in the insulation of refrigeration products, are unfortunately swept into the expansive definition of PFAS, despite their environmental and safety benefits, including ultra-low Global Warming Potential (GWP), high insulating performance, and energy efficiency. In domestic appliances the use of highly efficient insulation blown with HFO's results in lower energy requirements and more internal food space. HFO foam-blowing agents provide high-quality thermal insulation for refrigerator walls, minimizing heat transfer and lowering electricity use. HFO blowing agents are a key technology option used by some manufacturers to meet existing U.S. Department of Energy appliance energy conservation standards. Key regulations, including the AIM Act, restrict high-HFC use.⁷ In addition to their safety and environmental benefits, manufacturing conversion and product redesigns could take eight or more years because of requirements to upgrade manufacturing facilities with additional safety and flammability precautions, procure and install new equipment, establish new supply chains for blowing agents, and redesign products to be compatible with new blowing agents. Even more importantly, this exemption treats the appliance as a system rather than just a refrigerant, which is significant as units are repaired, resold, and recycled through established channels. Given this lead time and recognizing that several other states have accounted for these unique circumstances by delaying prohibitions until 2040, we strongly urge NMED to recommend

⁷ <https://www.epa.gov/hfcs/regulatory-actions-technology-transitions>

maintaining this exemption in the law for substances that have received U.S. EPA SNAP-approval, such as HFOs.

IV. The Semiconductor Exemption Remains Necessary for Reliable, Contamination-Free Manufacturing

A semiconductor, including semiconductors incorporated in electronic equipment, and materials used in the manufacture of semiconductors

AHAM supports maintaining this exemption because any alternative must deliver the same mechanical performance, chemical compatibility, reliability, and service life under demanding operating conditions. Semiconductor fabs have essentially zero tolerance for contamination, corrosion, or particle shedding, which rules out many substitutes that perform well in less extreme environments.

Thank you for considering our views. We urge NMED to weigh these implications carefully and to recommend that the fluoropolymer, refrigeration equipment, and semiconductor exemptions remain in place. Please contact me at jkeane@aham.org or 202-872-5955 to discuss in more detail.

Respectfully submitted,



John Keane
Manager of Government Relations

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In New Mexico, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to New Mexico is \$560 million, more than 4,000 direct and indirect jobs, \$83 million in state tax revenue, and more than \$173 million in wages. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety, and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances are also a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.