



To Whom It May Concern:

We write today on behalf of the COPD Foundation, a 501(c)(3) organization representing Americans living with chronic obstructive pulmonary disease (COPD) and related respiratory conditions. In New Mexico, this includes the approximately 100,000 people who have been diagnosed with COPD and the 175,000 people diagnosed with asthma.

We strongly encourage that the New Mexico Environment Department continue to exempt medical devices and pharmaceuticals that may contain per- or polyfluoroalkyl substances (PFAS) as provided for in your state's PFAS Protection Act of 2025. Many pressurized metered dose inhalers (pMDIs) rely upon hydrofluoroalkane (HFA) propellant to deliver appropriate doses of medications into the lungs. Under certain definitions and interpretations, these propellants may be classed as PFAS and at risk of inappropriate removal from the marketplace despite their critical value to patient care. In addition, HFA propellants do not share the same risks as other PFAS; they do not persist in the environment, they do not accumulate in the body, and they are not inherently toxic.

Prohibiting the use of HFA propellants would have a devastating impact on the New Mexico lung health community, especially vulnerable populations including older adults and children. According to a recent utilization study, approximately 85% of all respiratory medication doses are delivered using pMDIs using HFA propellants (Kocks et al, <https://doi.org/10.1007/s41030-026-00362-1>). For many of the individuals using these medications, there is no appropriate substitute or replacement for their current HFA inhaler and losing access to their established medications would put them at risk of worsening symptoms, unnecessary emergency department visits and hospital admissions, and permanent loss of lung function. In addition, this increased utilization would place an excessive burden on health care systems at a time when many, particularly in primary care, are already stretched incredibly thin.

The lung health advocacy community certainly appreciates the importance of preventing exposures to harmful chemicals like the many PFAS molecules that are appropriately banned by the New Mexico PFAS Protection Act. We also support the development of new propellant molecules with even lower environmental impact, and many of our corporate partners are already at work developing such molecules. However, we have seen throughout history the impacts of unanticipated consequences from well-intentioned policy decisions. We therefore strongly encourage the report mandated by New Mexico House Joint Memorial 3 include an endorsement of the statutory exemption of medical devices, medications, and associated packaging regulated by the United States Food and Drug Administration.

We appreciate your time and attention to this important matter. Please feel free to contact us at info@copdfoundation.org or 1-866-731-COPD should you need any additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Wright", with a stylized, flowing script.

Jean Wright, MD, MBA
Chief Executive Officer
COPD Foundation

A handwritten signature in black ink, appearing to read "Felix Reyes", with a stylized, flowing script and a long horizontal flourish.

Felix Reyes, MD
El Paso Pulmonary Association
COPD Foundation New Mexico State Captain