

September 11, 2026

Mr. James Kenney, Secretary
New Mexico Environment Department
Santa Fe, NM

Secretary Kenney,

I write on behalf of the Animal Health Institute (AHI) in response to the New Mexico Environment Department's (NMED) August 18 House Joint Memorial 3 public meeting. Specifically, AHI urges NMED to recommend to the New Mexico Legislature that the express exemption for veterinary products and associated regulated veterinary devices, drugs, biologics, and parasiticides in the PFAS Protection Act (2025's House Bill 212) be retained as written.

AHI represents manufacturers of animal biologics, diagnostics, medicines, pesticides, and feed additives used to maintain the health and productivity of U.S. livestock, service, and companion animals. The animal health industry serves to improve the health and welfare of nearly ten billion service, companion, and food-producing animals in the United States, resulting in significant health, economic and social benefits for New Mexicans and all Americans. The economic health of farmers and ranchers depends upon their ability to prevent disease and keep animals healthy, and the human-animal bond is strengthened due to the development of innovative products that improve our pets' quality and length of life.

In early June, New World screwworm (NWS) was discovered in New Mexico in a Lea County dog. This pest had been eradicated in the United States decades ago but since early June, more than 50 cases have been detected in neighboring Texas – one as recently as Wednesday, September 9 – and almost 60 cases in the Mexican state Chihuahua, which borders New Mexico.

In May of 2025, New Mexico State University estimated that an NWS outbreak in New Mexico could have an overall cost of up \$128 million for the state's livestock producers and \$316 million for the state. This figure doesn't even touch on the economic impact to companion, service, and other animals in the state including wildlife and the loss of hunting and recreational revenue. It is important to keep in mind that as large as the state's livestock and dairy sectors are - \$2.94 billion (according to NMSU) – the state's recreational sector is even larger - \$3.6 billion (according to U.S. Bureau of Economic Analysis).

Of course, veterinary products are and will continue to be among the most important tools in keeping the Land of Enchantment NWS-free or at least able to effectively manage the parasite. "Treatment can be very successful if it's caught early enough. If it's left untreated, then certainly it can lead to death in these animals," New Mexico Livestock Board State Veterinarian Samantha Holeck told Source NM in early June. Banning, restricting or placing unnecessary burdens on the sale of and the use of

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veterinary products in New Mexico simply increases the likelihood that NWS and other destructive emerging parasites will gain a foothold in New Mexico, which will devastate the state's agriculture, companion pet, and recreational sectors.

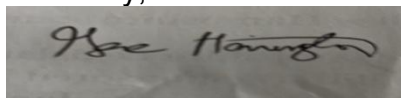
As enacted, HB 212 contains an express exemption for veterinary products containing intentionally added PFAS. As referenced in the legislation, veterinary products such as a veterinary medical device, drug, biologic or parasiticide are heavily regulated, specifically overseen by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (FFDCA); U.S. Department of Agriculture pursuant to the federal Virus-Serum-Toxin Act (VSTA); and U.S. Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This exemption is very similar to the ones contained in Colorado, Maine, and New Jersey's PFAS laws.

Moreover, the PFAS rulemaking authorized by HB 212 that the Environmental Improvement Board adopted in April exempts veterinary products from the entire regulation including the labeling requirement. This exemption is an acknowledgement of the strong label preemption in the three federal laws – FFDCA, FIFRA, and VSTA - that govern veterinary products such as animal biologics, drugs, devices/diagnostics, and parasiticides. Said label preemption has been recognized by the U.S. Supreme Court, various federal appeals courts, and federal agencies.

Frankly, the events of the last few months only underscore the wisdom of and justification for the statutory and administrative exemptions for veterinary products. As such, AHI respectfully requests that NMED recommend to the Legislature that the statutory exemption for veterinary products established in 2025's HB 212 (and reiterated in NMED's rulemaking) be retained as written.

We appreciate your time and attention toward this matter and encourage you to contact me at gharrington@ahi.org or (202) 549-5934.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Harrington", on a light-colored rectangular background.

Gene Harrington
Senior Director, State Affairs
Animal Health Institute