



September 17, 2026

The Honorable James C. Kenney
Secretary
New Mexico Environment Department

RE: House Joint Memorial 3 Review of PFAS Protection Act Exemptions

Dear Secretary Kenney,

The Alliance for Automotive Innovation (Auto Innovators)¹ appreciates the opportunity to share feedback as the New Mexico Environment Department (NMED) begins its review of the exemptions contained in the PFAS Protection Act as directed by House Joint Memorial (HJM) 3.² Auto Innovators appreciates the opportunity to continue working with NMED and the legislature as it looks at future implementation of the PFAS Protection Act.

Automakers and suppliers are impacted by several of the bill's key exemptions.³ Although a single motor vehicle exemption may appear to cover the entire vehicle, vehicles are complex durable goods supported by an intricate supply chain with a long lifespan and reliant on continued access to replacement parts. To ensure vehicles can be maintained safely and reliably throughout their useful life, Auto Innovators seeks to preserve all relevant exemptions in the law.

Vehicles are a complex durable good comprising over 30,000 components. In New Mexico, consumers keep their vehicles an average of 14 years.⁴ Motor vehicles are required to meet a litany of rigorous state and federal safety and environmental performance standards, including Federal Motor Vehicle Safety Standards (FMVSS) and fuel economy standards set by the National Highway Traffic Safety Administration (NHTSA); greenhouse gas and criteria pollution emissions standards set by both the Environmental Protection Agency (EPA) and the California Air Resources Board; and international standards set forth by governing bodies such as SAE International.⁵ These standards require both certification and testing before sale, as well as in-use testing to ensure continued compliance.

PFAS are critical to the functioning of motor vehicles and their parts. One non-exhaustive inventory of just the fluoropolymers used in the automotive industry identified more than 250

¹ Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. www.autosinnovate.org.

² Auto Innovators uses the term PFAS broadly throughout the comment letter based on the definition provided in HB 212 which is "a substance in a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." We note, however, that several definitions of the term PFAS exist and that the footnotes and literature included should be read in full before summarizing to account for the possibility of different definitions.

³ <https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0212.pdf>

⁴ <https://www.autosinnovate.org/resources/insights/nm>

⁵ <https://www.sae.org/>

types of parts comprised entirely of fluoropolymers, including seals, tubes, and gaskets—half of which are located in the engine. A non-exhaustive list of places where PFAS are used in vehicles includes refrigerants for air conditioning systems (some of which are separately regulated and/or incentivized by other government regulations), semiconductors, electric vehicle batteries, fuel lines, on-board diagnostic (OBD) system sensors, emissions reduction seals, wiring, anti-lock braking systems, radar and proximity sensors for blind spot detection and automatic braking, power steering, head gaskets, shock absorber piston seals, and coated weather stripping. Data from the automotive industry's IMDS with information on current production and replacement/legacy parts found nearly 8 million auto parts that contain PFAS, with more than 5 million of those containing fluoropolymers.

The PFAS Protection Act reflects important features of a more nuanced regulatory approach by distinguishing among different PFAS chemistries, including fluoropolymers, and avoiding treatment of all 12,000 identified substances as a single class. We encourage NMED and the legislature to build on this approach by continuing to distinguish between chemistries based on risk profile, exposure pathways and uses, prevention of meaningful environmental releases, and identifying applications for which PFAS provide critical safety, durability, emissions-control, or safety and performance functions.

Based on the initial reading and implementation of HB 212, we believe the following exemptions may have an impact on the vehicle at some point between initial manufacture and through end of life:⁶

- A motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, as defined in 49 United States Code, § 30102(a)(10), except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;
- 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, Subpart G of 40 CFR Part 82, and sold, offered for sale, distributed or distributed for sale for the use for which the refrigerant is listed pursuant to that program;
- A semiconductor, including semiconductors incorporated in electronic equipment, and materials used in the manufacture of semiconductors;
- 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;
- Equipment directly used in the manufacture or development of the products described above;
- Non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes;

⁶ <https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0212.pdf>

- A product for which federal law governs the presence of a per- or poly-fluoroalkyl substance in the product in a manner that preempts state authority; and
- Used products offered for sale or resale.

At this time we encourage NMED recommend the legislature refrain from removing any exemptions from the statutory text including those that directly impact the motor vehicle throughout its useful life (including replacement, accessory, and service parts) and work closely with the regulated community on ensuring adequate implementation of the current law. Although our comments below do not address each of these individually, we highlight them to show that complex products such as motor vehicles are not simple to regulate, and without proper time to assess the impact of removing exemptions, it is possible to disrupt the flow of motor vehicles into the state.

In addition to the supporting information provided in this letter, we have also included an appendix list of literature for the Department's use in evaluating the public health, environmental, and economic considerations associated with the law's current exemptions.

Automotive Uses of PFAS

PFAS are used across a range of automotive systems because of properties such as thermal stability, chemical resistance, low permeability, dielectric performance, and durability under demanding operating conditions. These uses are not interchangeable, nor are the PFAS chemistries or functions involved. Broad product restrictions that do not account for the specific use cases, exposure pathways, and actual risk do not allow for the proper timeline for redesign or safety testing of the wide array of PFAS substances used in the vehicle. The following examples present examples of critical use cases emphasizing why the current statutory exemptions are vital to the motor vehicle industry.

Below we highlight a non-exhaustive list of critical PFAS uses in the vehicle, which we believe are relevant to informing the potential public health, environmental, and economic questions posed in HJM 3.

Electric Vehicle Batteries and Vehicle Safety

Fluorinated materials perform important functions in lithium-ion batteries, including as electrode binders and components of battery separators. Polyvinylidene fluoride (PVDF), for example, has long been used as a cathode binder because of its chemical and electrochemical stability. One experimental study evaluated a poly(vinylidene fluoride-co-hexafluoropropylene), or PVDF-HFP, binder specifically as a means of reducing heat generation during severe mechanical abuse. When lithium-ion cells were subjected to nail penetration, cells using the thermally sensitive PVDF-HFP binder experienced a 20 to 40 percent reduction in peak temperature increase. The researchers attributed the effect to softening of the binder beginning at approximately 80 degrees Celsius and identified the technology as a potential approach to mitigating thermal runaway.⁷

⁷ Le, A.V., et al., "Using high-HFP-content cathode binder for mitigation of heat generation of lithium-ion battery," *International Journal of Energy Research* 41 (2017): 2430-2438. <https://doi.org/10.1002/er.3824>.

These findings do not establish that PFAS-containing materials are the only materials capable of providing safe battery performance, and research into fluorine-free and other alternative battery materials is continuing. They do demonstrate, however, why substitution cannot be presumed to be functionally neutral. Materials incorporated into an electric vehicle battery must perform reliably not only during ordinary charging and operation, but also under high temperatures, mechanical damage, internal short circuits, collisions, and other abuse conditions that can contribute to thermal runaway. Any substitute must therefore be evaluated and validated at the application level for thermal behavior, mechanical integrity, electrochemical performance, durability, and safety before it can replace an existing material in a production vehicle.

Fuel and Vapor Management Systems

Fluoropolymers and fluoroelastomers also have a longstanding role in automotive fuel and vapor-management systems, including fuel hoses and lines, filler systems, seals, O-rings, gaskets, fuel-injection components, and emissions-control systems. These applications expose materials to combinations of fuel, elevated temperatures, pressure, vibration, and long service lives. Fluorinated materials have historically been selected for these applications because of their resistance to aggressive fuels and chemicals, thermal stability, durability, and particularly low fuel permeability.

These characteristics implicate both vehicle safety and environmental performance. A hose, seal, or O-ring that loses integrity can allow fuel to escape, creating an obvious safety concern. At the same time, permeability through fuel-system materials can contribute to evaporative hydrocarbon emissions even in the absence of a visible leak. Fluoropolymer and fluoroelastomer barrier materials have therefore been used to reduce permeation while maintaining the flexibility and chemical resistance necessary for fuel-system components.

The foundational technical literature from SAE⁸ documenting these applications dates to the 1980s and 1990s, demonstrating that these are established engineering applications that have developed alongside increasingly stringent vehicle evaporative-emissions requirements. More recent technical references continue to describe fluoroelastomers as important materials in automotive fuel and powertrain systems because of their low permeability, fluid resistance, high-temperature performance, and service reliability. The *Fluoroelastomers Handbook*, for example, reports that automotive applications constitute a major use of fluoroelastomers and describes their use in fuel-handling systems as important to safe and reliable operation and environmental protection.⁹ Current material suppliers likewise continue to identify fluoropolymers and fluoroelastomers for automotive fuel hoses and filler-neck hoses because these applications require the combination of low fuel permeability, flexibility, and chemical resistance.

Braking, Hydraulic, and Lubrication Systems

PFAS-related materials are also used in automotive hydraulic and lubrication applications that operate under demanding thermal, chemical, and mechanical conditions. A 2025 report from the

⁸ <https://saemobilus.sae.org/papers/new-fluoroelastomer-types-automotive-sealing-applications-860496>;
<https://saemobilus.sae.org/papers/fluoroelastomer-developments-automotive-fuel-systems-880022>;

<https://saemobilus.sae.org/papers/compatibility-fluoroelastomer-fuel-management-system-components-detergent-gasolines-880021>

⁹ <https://www.sciencedirect.com/book/monograph/9780323394802/fluoroelastomers-handbook>

OECD identifies automotive applications of PFAS-containing lubricants and additives and notes their use in high-performance vehicle systems including combustion engines, electric motors, batteries and charging systems, power electronics, and thermal management systems. The OECD notes that these components are subject to challenging conditions including high temperatures, mechanical loading, and cyclic stresses.¹⁰

The OECD's findings are particularly relevant to the question of alternatives. The report concludes that PFAS can provide combinations of performance characteristics that are technically difficult to reproduce with a single conventional substitute. Although non-fluorinated alternatives have been identified for some applications, the OECD found continuing technical and economic challenges in replacing all the various functions provided by PFAS-containing products.¹¹

Exemption for Motor Vehicles as Defined by U.S.C. §30102(a)(10)

Automakers around the world rely on the use of PFAS substances for critical safety, technology, and performance functions of the vehicle. Automakers have already moved entirely away from functional use of PFOA and PFOS in the vehicle. However, the persistent nature of PFAS chemistries creates many of the durability features that today's vehicles rely on to meet safety standards, remain reliable under large temperature fluctuations, and provide flame retardancy in a volatile environment. These safety features contribute to reductions in vehicle collisions, morbidities, and fatalities, which is a key priority for automakers. Although not specified in HJM 3, automakers consider preventing injuries or fatalities from vehicle crashes to be a key public health concern.

The Centers for Disease Control and Prevention (CDC) notes that motor vehicle crashes are leading cause of death in the US.¹² According to the Insurance Institute for Highway Safety (IIHS), New Mexico ranks third in the nation for motor vehicle crash deaths per 100,000.¹³ Crash reducing elements of a vehicle are relevant to the conversation about public health impact.

One specific example of a safety use of PFAS for which there is no identified alternative is as a gliding application in the steering column, allowing the column to collapse in a controlled manner in the event of a frontal crash.¹⁴ The gliding property must continue to function for the useful life of the vehicle and needs to remain impervious to outside conditions such as weather conditions. Another example is the hydraulic hoses, which carry the brake fluid to the brakes. These hoses are connected to the breaks using a PTFE seal. The seal must be stable and withstand the high temperatures that can occur from the brakes, while also preventing dirt and outside debris from entering the hose.

¹⁰ OECD, *Per- and Polyfluoroalkyl Substances (PFAS) and Alternatives in Hydraulic Oils and Lubricants: Report on Commercial Availability and Current Uses* (2025), pp. 29-33. (Hereinafter, OECD Report)

¹¹ OECD Report, generally.

¹² <https://www.cdc.gov/transportation-safety/about/index.html>

¹³ <https://www.iihs.org/research-areas/fatality-statistics/detail/state-by-state>

¹⁴ *German Association of the Automotive Industry*, Comments on PFAS restriction proposal, p. 13 (hereinafter, VDA Comments); See also FMVSS 204 https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/tp-204-08_tag.pdf; Interpretation ID: 1984-3.23 from the National Highway Traffic and Safety Administration <https://www.nhtsa.gov/interpretations/1984-323>

According to the OECD, as of 2025, no substitutes that meet the same performance levels as the PTFE-based lubricants are available.¹⁵ While research and development are constantly seeking alternatives, PFAS based substances often contain multiple technical functions, which may mean that future applications require multiple substance alternatives to perform the same critical functions.¹⁶

Critically, automakers will always need access to these substances for repair of vehicles currently on the road. The auto industry utilizes a “repair as produced” concept, meaning that the service parts should use the materials that were used when the vehicle was designed, certified, and warranted, even if manufactured after the effective date of a restriction on use of a chemical. Because the average age of vehicles on the road today in New Mexico is 14 years old, replacement parts must be available for many years so that vehicles already purchased by consumers can continue to be maintained. If a replacement part is not available on the shelf, suppliers continue to produce replacement parts using the same materials, production processes, and engineering specifications as for the original vehicle. This is also a critical safety feature.

Auto Innovators is also concerned that any changes to the existing motor vehicle exemption could temporarily or permanently delay consumer’s access to recalls, warranty, and vehicle repairs, potentially creating further public health risk to the citizens of New Mexico. When a manufacturer identifies a part to be recalled, or when a part is replaced under warranty, it must be able to source the appropriate replacement part—often from an existing global inventory or supplier production line—and move that part through established national distribution networks to dealers and repair facilities serving affected vehicle owners. These parts are designed and validated for a particular vehicle, system, or model year and cannot simply be replaced with a newly reformulated component at the point of distribution. For a safety recall in particular, any additional steps could delay the availability of the remedy and leave an identified safety defect unrepaired while a vehicle remains in operation. The same concern applies to warranty repairs, where an unavailable component may leave a consumer without use of the vehicle for an extended period.

A policy that impedes timely warranty repairs would be in tension with New Mexico’s Lemon Law. N. M. Stat. Ann. § 57-16A-1 *et. seq.* The Lemon Law requires a manufacturer to provide a replacement or refund for a consumer’s vehicle if it is unable to conform the vehicle to its warranty after a “reasonable number of attempts.” N. M. Stat. Ann. § 57-16A-3(B). The law creates a presumption that a reasonable number of attempts have been undertaken if the vehicle is in the possession of the manufacturer, its agent, or its dealer for repair for a cumulative total of 30 or more business days. N. M. Stat. Ann. § 57-16A-3(C)(2). New Mexico’s Code encourages prompt warranty repairs by imposing liability for delays. Removing the existing motor vehicle exemption would work in the opposite direction by delaying repairs and an unintended consequence could be to create significant claims under the Lemon Law.

¹⁵ OECD report, p. 38

¹⁶ OECD report p. 37-38

Changes to the motor vehicle exemption may also cause unforeseen economic consequences at a time when vehicle affordability remains a significant concern for consumers. While we are in the process of identifying potential substitutions for some PFAS uses, there are concerns in the immediate term that alternatives could lead to a less durable service life, requiring components to be repaired or replaced more frequently, raising costs and also increasing the environmental impact. Any PFAS policy affecting motor vehicles should therefore consider not only whether an alternative material exists, but whether that alternative can provide equivalent safety, performance, durability, and service life without imposing disproportionate costs on consumers.

Finally, to address potential environmental impacts, we direct NMED to comments provided by the German Association of the Automotive Industry (VDA) submitted in response to the EU's proposed PFAS restriction. The comments state:

When a vehicle has reached the end of its life cycle, it is disposed of in an environmentally friendly manner. After the vehicles have been accepted by a certified dismantling company, they are drained of fuel, engine oil and brake fluid which are all collected and professionally disposed of. Subsequently, usable spare parts, the traction battery and components containing pollutants such as the starter battery are removed. Then the remaining body is pressed and taken to the shredder. After the car bodies have been shredded (along with other consumer items such as refrigerators), the materials are sorted and fed into the material cycle. Non-recyclable materials, often plastics, rubber or glass, are thermally recycled.

This ensures that components containing PFAS are treated properly in the recycling phase also. They are either properly disposed of and processed, reused (e.g. as used spare parts) or completely decomposed due to the high temperatures in the thermal incineration plants. The resulting fluorine compounds are removed via gas scrubbers.

In addition, there is already a chemical process for fluoropolymers that can close the chemical product cycle through upcycling. They are broken down into gaseous monomers via pyrolysis. These can then be captured, purified and reused to produce new polymers without any loss of quality.¹⁷

For further information, we have included several resources that specifically address these and other critical PFAS applications in the automotive industry.

Exemption for SNAP-Approved Refrigerants

The current statute provides an exemption for refrigerants approved under the EPA's Significant New Alternatives Program (SNAP). Auto Innovators encourages the legislature to keep this exemption. While MVAC systems are most commonly associated with in cabin cooling, Auto Innovators emphasizes that MVAC refrigerants are found in other key areas of the vehicle as they provide thermal management for internal components such as the battery, power electronics, fast-charging, and electric motors.

¹⁷ <https://www.vda.de/en/topics/european-agenda/pfas>

The SNAP program provides a good example of a federal program that evaluates the safety and efficacy of certain chemicals. Under Title VI of the Clean Air Act, the SNAP program identifies and evaluates substitutes in uses that have historically used ozone-depleting substances, such as refrigerants and air conditioning. The SNAP framework evaluates the overall risk to human health and the environment of existing and new substances, publishes lists of acceptable and unacceptable substitutes, promotes the use of acceptable substitutes, and provides the public with information and the potential impact of substitute substances.¹⁸

Critically, determinations regarding alternative availability must be made on an end-use- and sector-specific basis, as each application presents distinct technical, safety, and regulatory requirements. Motor vehicle air-conditioning (MVAC) systems—used in cars, trucks, buses, aircraft, trains, and other transportation modes—are fundamentally different from stationary refrigeration systems due to their operation under widely varying conditions, higher accident risk profiles, and the mobile location of the system. Federal regulations under the Clean Air Act do not merely govern the allowable use of refrigerants; they also impose binding requirements related to technician certification, servicing practices, refrigerant recovery and reuse, and safe disposal.

Vehicle refrigerants do not permit “drop-in” substitution. Each SNAP-approved refrigerant must be used with a unique set of fittings specifically designed to prevent the mixing of incompatible refrigerants. Accordingly, even where so-called “PFAS-free” refrigerants exist, consumers and manufacturers cannot simply substitute or retrofit alternative refrigerants into existing vehicle systems. Any suggestion to the contrary disregards the technical and regulatory realities governing MVAC systems.

Exemption for Fluoropolymers

Fluoropolymers comprise approximately 60% of the PFAS used in the automotive industry.¹⁹ As recognized by the New Mexico legislature in 2025, these substances do not share many of the persistent, bioaccumulative, or toxic traits of other subclasses of PFAS. Additionally, because of their unique properties of chemical resistance, thermal stability, electrical insulation, durability, and low friction they are used in a variety of automotive applications including many of the examples cited above. Fluoropolymers are also used widely in other industries including pharmaceuticals and medical devices where this stability is necessary for the long-term safety and performance of critical products.²⁰

Fluoropolymers present a strong example of why regulating PFAS as a class without regard to risk, exposure pathway, or environmental release can have unintended consequences. The government of Canada recognized the distinction and in response to strong peer-reviewed papers, scientific reports, and studies identified in the public comment period, modified the scope of its PFAS assessment and removed fluoropolymers.²¹

¹⁸ <https://www.epa.gov/snap/snap-program-overview>

¹⁹ *ACEA European Automobile Manufacturer's Association*, ACEA Comments on the Annex XV Dossier of the Universal PFAS Restriction Proposal, p. 12 (hereinafter ACEA Comments)

²⁰ <https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices-what-you-need-know>

²¹ The Government of Canada received significant feedback and information in response to the publication of the Draft State of PFAS Report and Risk Management Scope. Based on comments received, along with other information, there is evidence to

The automotive industry has been using fluoropolymers in vehicle applications since the mid-1980s. However, this is not merely a legacy use issue. Fluoropolymers are a vital part of automotive innovation and the future of vehicle technology, especially in applications related to electrification and the increased presence of safety features.

As previously mentioned, today's Lithium-Ion batteries rely on PVDF as a binder due to its unique thermal and electrochemical stability. While other batteries are in development, it is likely that PVDF or another similar fluoropolymer will remain the best material for binding in the production of cathode coatings because these batteries will share many of the same thermal and chemical properties. Prematurely banning these fluoropolymers in new uses could hinder not only the development of new battery technology but also impact market availability of electric mobility.²²

Finally, the automotive industry is moving aggressively toward a more digital product, with advances in e-mobility, autonomous driving, and connectivity relying on electronics that must work in harsh temperature ranges and high shock and vibration ranges throughout the durable life of the vehicle (15-20 years). Fluoropolymers are found in many cable harnesses used for a wide variety of functions including safety and control. There are currently no replacement substances available for these uses, which will only grow as vehicle technology gets more advanced.²³

Economic and Supply Chain Disruptions

In addition to the exemptions discussed above, Auto Innovators urges the NMED and the legislature to proceed cautiously before removing or narrowing existing exemptions under the PFAS Protection Act. The automotive supply chain is highly complex, and several of the Act's current exemptions protect products and materials that intersect with vehicles throughout their manufacture, repair, and useful life. Although the Act generally regulates consumer products at the point of sale or distribution, complex durable goods such as motor vehicles depend on an interconnected supply chain and continued access to components and materials necessary to maintain safety, performance, and repairability over a vehicle's lifespan.

Protecting only the finished vehicle or a component's ultimate end use may not be sufficient if restrictions elsewhere in the supply chain disrupt the availability or movement of necessary parts. Semiconductors provide one example. Although semiconductors currently have a specific exemption, removing or narrowing that exemption could affect the availability of chips used in replacement components and, ultimately, consumers' ability to obtain timely vehicle repairs. Similar questions are arising elsewhere in the automotive supply chain, as suppliers evaluate whether existing end-use exemptions adequately protect products destined for exempt vehicles. These uncertainties can themselves affect sourcing, distribution, and long-term supply planning.

suggest that fluoropolymers may have significantly different exposure and hazard profiles when compared with other PFAS in the class. After careful consideration, PFAS meeting the definition of fluoropolymers are planned for consideration in a separate assessment. Their exclusion from the Updated Draft State of PFAS Report should not be interpreted as meaning that they are of low concern. As a result of these changes, an Updated Draft State of PFAS Report has been published.

<https://www.canada.ca/en/environment-climate-change/corporate/transparency/updated-draft-state-pfas-report-consultation.html>

²² VDA Comments p. 19

²³ VDA Comments p. 22

As implementation of the program proceeds, automakers and their suppliers continue to identify these and other interactions among the Act's exemptions.

NMED itself has recognized the importance of the Act's existing exemptions, explaining that the legislation includes exemptions for products such as medical devices and electronics where PFAS are essential and do not pose serious harm to product users.²⁴ These exemptions should not be reconsidered in isolation from the industries and downstream products that depend upon them. NMED remains in the early stages of implementing the PFAS Protection Act, and the regulated community is only beginning to understand how its provisions will operate across complex supply chains. Auto Innovators therefore encourages NMED and the legislature to refrain from making significant changes to existing exemptions until the HJM 3 study is complete and stakeholders have had a meaningful opportunity to evaluate the consequences of any proposed changes. A deliberate, stakeholder-informed process will help ensure that efforts to reduce unnecessary PFAS use do not inadvertently disrupt supply chains, vehicle repairability, consumer access to replacement parts, or the safe operation of vehicles on New Mexico roads.

Conclusion

Auto Innovators appreciates NMED's willingness to seek stakeholder input as it begins to develop recommendations as required by HJM 3. For the reasons discussed above, Auto Innovators urges NMED to consider the enclosed literature and recommend retaining all current exemptions in the statute. If you have further questions, please contact me at ejones@autosinnovate.org.

Sincerely,



Emily Jones, Esq.
Director, Energy & Environment Policy
Alliance for Automotive Innovation

²⁴ New Mexico Environment Department, *PFAS Protection Act (HB 212)*, <https://www.env.nm.gov/pfas/pfas-protection-act-hb212/> (accessed Sept. 9, 2026).

Appendix A – Cited Literature

Le, A.V., et al., "Using high-HFP-content cathode binder for mitigation of heat generation of lithium-ion battery," *International Journal of Energy Research* 41 (2017): 2430-2438.
<https://doi.org/10.1002/er.3824>.

Environment Canada, Updated Draft of the State of PFAS Report,
<https://www.canada.ca/en/environment-climate-change/corporate/transparency/updated-draft-state-pfas-report-consultation.html>

ACEA European Automobile Manufacturer's Association, ACEA Comments on the Annex XV Dossier of the Universal PFAS Restriction Proposal,
<https://info.europeansealing.com/hubfs/PFAS%20Information%20Hub/prenos%20s%20stare%20strani/ACEA-Comments-on-PFAS-restriction.pdf>

German Association of the Automotive Industry, Comments on PFAS restriction proposal, p. 13 (hereinafter, VDA Comments); See also FMVSS 204
https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/tp-204-08_tag.pdf

OECD, *Per- and Polyfluoroalkyl Substances (PFAS) and Alternatives in Hydraulic Oils and Lubricants: Report on Commercial Availability and Current Uses* (2025)
https://www.oecd.org/en/publications/per-and-polyfluoroalkyl-substances-pfas-and-alternatives-in-hydraulic-oils-and-lubricants_fed2872b-en.html

Janet M. Wilson, W. Scott MacLaughlin & Richard G. Peck, "New Fluoroelastomer Types for Automotive Sealing Applications," SAE Technical Paper 860496 (1986),
<https://doi.org/10.4271/860496>

Ronald D. Stevens & Eric W. Thomas, "Fluoroelastomer Developments for Automotive Fuel Systems," SAE Technical Paper 880022 (1988), <https://doi.org/10.4271/880022>

Robert A. Brullo & Allen M. Sohlo, "Compatibility of Fluoroelastomer Fuel Management System Components with Detergent Gasolines," SAE Technical Paper 880021 (1988),
<https://doi.org/10.4271/880021>