



September 17, 2026

Submitted electronically through the New Mexico Environment Department HJM 3 public comment portal

New Mexico Environment Department
Office of Strategic Initiatives
1190 St. Francis Drive
Santa Fe, New Mexico 87505

Re: Recommendation to retain the exemptions in Section 3(A)(2) (16) and others of the Per- and Poly-Fluoroalkyl Substances Protection Act

Dear Secretary Kenney and Members of the New Mexico Environment Department:

The Valve Manufacturers Association (VMA) appreciates the opportunity to provide comments as NMED develops the report requested by House Joint Memorial 3 (HJM 3). VMA is the North American trade association for the industrial valve and flow-control industry. Its members are vibrant, innovative and responsible, and play an integral role in supporting the production of products essential to improving the daily life quality of the public and protecting the planet.

VMA members manufacture, distribute, service, and supply materials for valves, actuators, and controls used in water and wastewater systems, energy production (traditional and new energy sources), shipbuilding, national defense, chemical processing, mining, semiconductor production, pharmaceuticals, food and beverage production, pulp and paper, construction and buildings, and other essential operations.

VMA respectfully recommends that New Mexico retain the existing exemptions for used products; qualifying solid fluoropolymers; as well as other exemptions on critical items needed for the functioning of society such as qualifying heating, ventilation, air-conditioning and refrigeration equipment and semiconductors and semiconductor-manufacturing materials.

The use of fluoropolymers is essential for proper and safe manufacturing of many critical industries and is indispensable to countless industrial processes that support the safe production and processing of oil and gas, chemicals, pharmaceuticals, semi-conductors, electrical/nuclear power, and food, as well as numerous other important industrial applications.

For many of these applications, PFAS are essential for health and safety reasons, and necessary to enable the functioning of critical industrial operations.

The current exemptions reflect sound, risk-informed policy and help protect public health, worker safety, critical infrastructure, equipment reliability, and New Mexico's economy, while maintaining the functioning of society.

New Mexico can preserve strong protections against PFAS contamination while maintaining exemptions for product categories and materials whose functions, exposure pathways, and societal benefits differ substantially from dispersive or direct-exposure consumer uses. VMA urges NMED to recommend that the Legislature:

- retain Section 3(A)(2) so repair of durable equipment are not disrupted and products are not prematurely discarded;
- retain Section 3(A) (4) & (10) to protect semiconductor production and also the highly specialized flow-control systems required for safe, contamination-free manufacturing; and
- retain Section 3(A)(16) because qualifying solid fluoropolymers have distinct physical, chemical, and exposure characteristics and often perform essential sealing, containment, emissions-control, and safety functions for which equivalent alternatives are not reasonably available.

Removing a particular exemption without considering the material's form, use, potential exposure across the product life cycle, availability and safety of alternatives, and the consequences of equipment failure could cause serious consequences. For the exemptions addressed here, categorical removal could replace controlled, durable applications with less reliable materials; increase leakage, fugitive emissions, energy use, maintenance, and waste; and disrupt essential industries without a demonstrated commensurate reduction in exposure or other benefits.

I. A risk-informed review should distinguish between PFAS substances and uses

PFAS is a broad structural category encompassing substances with materially different molecular weights, physical forms, mobility, uses, and exposure pathways. HJM3 appropriately directs NMED to examine public-health, environmental, and economic risks. That review should evaluate each exemption and application on its own evidence rather than presume that all substances or uses within the broad category present the same risk.

Industrial valve applications generally involve durable components, such as seals, seats, gaskets, liners, packing, coatings, diaphragms, and related parts, installed within closed or controlled systems. These components are selected to contain hazardous, corrosive, high-pressure, or

high-temperature media and to meet applicable safety, emissions, performance, and customer specifications. Their function and exposure profile differ fundamentally from intentionally dispersive uses or products designed for repeated direct consumer contact.

NMED's analysis should therefore consider the full life cycle and the risks of substitution, including whether an alternative can meet required temperature, pressure, chemical-resistance, permeability, durability, purity, and emissions-control performance. An alternative that fails sooner, leaks, requires more frequent replacement, increases energy use, or cannot meet regulatory and consensus standards is not a reasonably available alternative.

II. These exemptions should remain in place

A. Used products - Section 3(A)(2)

The exemption for used products offered for sale or resale should be retained. Industrial valves and related equipment are durable assets that may be repaired for continued safe service. Removing the exemption could strand functional equipment and discourage repair and reuse even where a legacy component remains safely contained and continues to meet performance requirements.

A prohibition applied to used products would not eliminate PFAS already present. It could instead accelerate disposal and replacement, increasing solid waste, embodied energy use, raw-material demand, cost, and supply-chain pressure. It could also interfere with access to replacement equipment necessary to keep water, energy, manufacturing, and other critical systems operating. Retaining the exemption supports a circular economy while allowing New Mexico to address end-of-life management through appropriately tailored measures.

B. Qualifying HVAC and refrigeration equipment - Section 3(A)(4)

The exemption for qualifying cooling, heating, ventilation, air-conditioning, and refrigeration equipment should be retained. Valves and seals in HVAC and refrigeration systems are critical to containing refrigerants, controlling pressure and flow, preventing leaks, and maintaining efficient operation. Restricting the materials or equipment needed to perform those functions could create safety concerns, increase refrigerant loss, reduce energy efficiency, and complicate maintenance of buildings used for a wide variety of functions including, cold-storage systems, food distribution, data processing, health-care facilities, and industrial processes.

C. Semiconductors and semiconductor-manufacturing materials - Section 3(A)(10)

The semiconductor exemption should be retained. Semiconductor production depends on exceptionally clean, tightly controlled processes involving corrosive chemicals, high-purity fluids and gases, vacuum systems, and demanding temperature and pressure conditions. Specialized

valves and related flow-control components must resist chemical attack, minimize contamination and particle generation, and maintain reliable containment.

Qualifying fluoropolymer components and materials can be essential to meeting these requirements. Removing or narrowing the exemption before technically proven alternatives are available could compromise worker safety, product quality, environmental controls, and manufacturing continuity. It could also undermine domestic semiconductor investment and supply-chain resilience. The statutory exemption recognizes the unique technical demands and public importance of this sector and should remain in place.

D. Qualifying solid fluoropolymers - Section 3(A)(16)

The exemption for the qualifying solid fluoropolymers described in Section 3(A)(16) is especially important to the valve industry and should be retained as enacted. These high-performance materials are used because of their chemical resistance, temperature tolerance, low permeability, durability, low friction, and sealing performance. In valve and flow-control applications, they help prevent releases, reduce fugitive emissions, protect workers, conserve energy, and maintain safe and reliable operations.

The exemption is not an unrestricted exemption for every PFAS. It is limited by polymer structure and by the requirement that the material be solid at standard temperature and pressure. That distinction is relevant to exposure and mobility and warrants separate evaluation from low-molecular-weight or intentionally dispersive substances. Any analysis of the exemption should focus on the qualifying polymer in its finished form and intended application, while separately addressing manufacturing emissions or end-of-life practices where evidence supports targeted controls.

For many severe-service applications, substitution is not a simple material swap. A replacement must perform across the full range of process media, temperatures, pressures, duty cycles, purity requirements, and applicable standards. Prematurely removing the exemption could lead to leaks, equipment failure, unplanned shutdowns, more frequent part replacement, increased waste, and higher emissions. It could also affect the operation of water and wastewater facilities, energy infrastructure, chemical and pharmaceutical production, mining, food processing, semiconductor facilities, and other essential systems.

VMA supports effective, science-based measures to reduce harmful PFAS exposures and environmental releases. That objective is best advanced through risk-informed policies that distinguish among substances, physical forms, uses, and exposure pathways. The exemptions in Section 3(A)(2), (4), (10), and (16) recognize important practical and technical distinctions and help avoid unintended harm to public health, environmental performance, critical

infrastructure, and the economy. VMA respectfully asks NMED to recommend that each of these exemptions be continued without narrowing.

VMA welcomes the opportunity to provide additional information and to participate in further stakeholder discussions. Questions may be directed to Heather Rhoderick at hrhoderick@vma.org or (202) 331-4039.

Sincerely,

/s/

Heather Rhoderick
President
Valve Manufacturers Association