

Comments of
MEMA, The Vehicle Suppliers Association
to the
New Mexico Environment Department
on the
Per- and Polyfluoroalkyl Substances in Consumer Products
New Mexico Environment Department (NMED) Review of House Joint Memorial 3 (HJM 3)
and the PFAS Protection Act
September 17, 2026

I. Introduction

MEMA, The Vehicle Suppliers Association, respectfully submits the following comments to the New Mexico Environment Department (NMED) regarding House Joint Memorial 3 (HJM 3), which calls for review of the implementation of HB 212, Per- and Polyfluoroalkyl Substances (PFAS) Protection Act, as well as evaluation of the public health, environmental, and economic risks associated with exemptions under the Act and recommendations regarding whether those exemptions should be continued, modified, or removed.¹

MEMA supports reasonable efforts to reduce unnecessary exposure to PFAS in consumer products and appreciates the opportunity to provide input as NMED evaluates implementation of the PFAS Protection Act and the exemptions established by the Legislature. In preparing the HJM 3 reports, NMED should ensure that implementation of the PFAS Protection Act remains consistent with the statute adopted by the Legislature and provides regulatory clarity for the vehicle supplier industry. As set forth below, MEMA respectfully requests that NMED:

(1) Clarify the application of labeling requirements to exempt motor vehicle equipment, including the availability of labeling exemptions for products containing PFAS only in internal components with which consumers do not interact during intended use.

(2) Clarify and provide formal written guidance regarding the application of labeling and reporting requirements to consumer-facing products as compared with industrial and business-to-business goods and components, including appropriate treatment of existing inventory.

(3) Recommend continuing the statutory exemptions applicable to motor vehicles and motor vehicle equipment and carefully evaluate related exemptions important to vehicle

¹ H.J.M. 3, 57th Leg., 2d Sess. (N.M. 2026), at 2-3 (requesting reports concerning implementation of the PFAS Protection Act and the public health, environmental, and economic risks associated with statutory exemptions); <https://www.nmlegis.gov/Legislation/Legislation?chamber=h&legType=JM&legNo=3&year=26> (last visited Sept. 8, 2026).

manufacturing and supply chains based on technical feasibility, availability of alternatives, and potential impact or operational impacts.

(4) Provide clear guidance regarding compliance responsibility and reasonable documentation and due-diligence expectations within complex, multi-tier supply chains.

Established in 1904, MEMA is the leading trade association in the United States representing vehicle suppliers, parts manufacturers, and remanufacturers, with over 900 member companies. MEMA's members design and manufacture the technology, components, and services that enable the production of new vehicles, as well as the essential maintenance and repair of the more than 295 million highway vehicles currently on U.S. roads.²

The supplier industry is an essential part of the U.S. economy, directly employing more than 930,000 individuals.³ Overall, the supplier industry has added 61,000 jobs across the country since 2015.⁴ Additionally, suppliers indirectly support 4.8 million jobs in related sectors.⁵ Suppliers operate facilities in all 50 states and in more than 350 Congressional districts, with significant concentrations in the Midwest and Southeast.

II. Overview of Motor Vehicle Supplier Industry and Uses of PFAS

Vehicle suppliers routinely manage complex chemical formulations and operate within an extensive federal regulatory framework, including requirements under the Toxic Substances Control Act (TSCA),⁶ Federal Motor Vehicle Safety Standards (FMVSS), and other chemical reporting and handling requirements. Substitutions in vehicle components may require multi-year engineering validation, supply chain requalification, durability testing, and in some cases, federal regulatory certification. For safety-critical applications, changes in materials may trigger component redesign, testing, customer approval, and revalidation before a replacement can be introduced into production.

PFAS may be used in certain motor vehicle applications to provide characteristics important to component longevity, durability, and operational performance. In some applications, technically feasible alternatives capable of providing equivalent performance may not currently be available, particularly given the demanding conditions, including extreme temperatures, mechanical stress, and chemical exposure, under which vehicle components must reliably operate. Where alternatives are available, substitution may nevertheless require engineering assessment, testing and revalidation and, where applicable, customer or regulatory approval. In addition, materials that improve component durability and useful life can reduce the need for replacement during a vehicle's operating life, conserving resources and reducing waste.

² MEMA, The Vehicle Suppliers Association, About MEMA, <https://www.mema.org> (last visited Sept. 08, 2026).

³ MEMA, Motor Vehicle Supplier Industry Economic Impact Report (2024)

⁴ See *id.*

⁵ *Id.*

⁶ Toxic Substances Control Act, 15 U.S.C. § 2601 et seq; see also 49 U.S.C. §§ 30111-30112; 49 C.F.R. pt. 571.

Similar considerations are being evaluated in the European Union's ongoing PFAS restriction process under REACH.⁷ The European Chemicals Agency's (ECHA) review separately considers PFAS uses in sectors including transport and electronics and semiconductors, and its evaluation considers the availability and suitability of alternatives and the socioeconomic impacts of potential restrictions.⁸ ECHA has also identified fluoropolymers as an area receiving particular attention based on stakeholder information concerning the availability of alternatives, measures to minimize emissions, and potential socioeconomic impacts. This experience reinforces the importance of evaluating PFAS uses and potential alternatives in their specific technical and sectoral context rather than assuming that substitution is readily achievable across applications. Fluoropolymer applications warrant particular attention because the availability of technically suitable alternatives can depend heavily on the performance requirements and conditions of a particular use.

As NMED prepares its HJM 3 reports and recommendations for the Legislature, it is important that the agency fully consider the complexity of PFAS use within the automotive industry. Motor vehicles are composed of about 30,000 parts.⁹ Suppliers provide approximately 77% of the value of a vehicle,¹⁰ and play a critical role in its safe and efficient operation, while also providing aftermarket components necessary for repair and maintenance. The number and complexity of the parts involved illustrate the need for a regulatory framework that provides sufficient flexibility and time for necessary research, development, testing, validation, and safety certification. For example, a 2023 Department of Defense report concluded that replacing PFAS in semiconductor fabrication could require an industry-wide effort spanning decades, noting that some alternatives might be achievable within 10 years while many would not and deployment of alternatives after development could require an additional 15 years.¹¹

MEMA members appreciate the exemptions provided to the motor vehicle industry in HB 212 and recommend that those exemptions be retained. MEMA also recommends additional clarifications regarding labeling and reporting requirements for industrial and business-to-business components versus consumer-facing products as NMED conducts the reviews outlined in HJM 3.

MEMA also requests formal written guidance clarifying the Act's application to products intended exclusively for industrial, commercial, business-to-business, or professional use rather than consumer use. MEMA members understand that NMED has generally

⁷ European Chems. Agency, *Annex XV Restriction Report: Proposal for a Restriction – Per- and Polyfluoroalkyl Substances (PFASs)*, Draft Background Document (June 2025) (ECHA Draft Background Document).

⁸ See *id.*

⁹ Automotive After Market Suppliers Ass'n, 2023 Automotive Aftermarket Factbook (2023).

¹⁰ [Automotive Aftermarket Industry Ass'n, Industry Analysis](#) (2023).

¹¹ U.S. Dep't of Defense, *Report on Critical Per- and Polyfluoroalkyl Substance Uses* (Aug. 2023) (discussing availability and qualification timelines for alternatives to PFAS used in semiconductor manufacturing and noting that replacing PFAS in semiconductor fabrication could require an industry-wide effort spanning decades, noting that some alternatives might be achievable within 10 years while many would not, and that deployment of alternatives after development could require an additional 15 years).

approached implementation of the Act as consumer-focused, but the statutory language has created uncertainty regarding the treatment of products that are not consumer products, including equipment used exclusively by service technicians and other products intended solely for business or professional use. Clear written guidance would provide needed certainty regarding the treatment of these products.

HB 212 expressly exempts "motor vehicle equipment" from certain prohibitions under the statute.¹² Motor vehicles and motor vehicle equipment are subject to comprehensive federal safety regulations and complex interstate supply chains.¹³ Maintaining this exemption helps preserve the continued availability of safety-critical and federally compliant motor vehicle components in New Mexico, including components with no consumer-facing role, while the State evaluates broader PFAS policy goals.

The importance of a workable exemption framework also extends beyond finished motor vehicle equipment. Vehicle suppliers may rely on PFAS-containing materials and products in manufacturing and development equipment, non-consumer electronics, off-highway vehicle applications, and fluoropolymer applications. These uses can implicate the same concerns regarding technical performance, durability, availability of alternatives, and qualification timelines that arise for components incorporated into finished vehicles. MEMA members, therefore, encourage NMED, to evaluate the statutory exemptions under HJM 3, consider the interrelationship among exemptions supporting the broader vehicle manufacturing and supply chain.

III. MEMA Recommends Retaining the Motor Vehicle Exemptions and Providing Additional Clarification

While MEMA appreciates the consideration given to the motor vehicle sector in HB 212, we encourage NMED to recommend continuation of the existing statutory exemptions and to provide additional clarification in the HJM 3 reports to ensure that the Act's requirements are clear and practicable.

A. Labeling and Reporting Requirements for Industrial, Business-to-Business, and Consumer-Facing Products

MEMA members are concerned that NMED's July labeling guidance includes labeling requirements for certain products that are otherwise exempt from the Act's phaseout and prohibition provisions.¹⁴ Although MEMA members recognize that the statutory exemptions do not necessarily exempt a product from all labeling requirements, members would benefit from additional clarity regarding the interaction between the Act's exemptions, reporting

¹² See NMSA 1978 § 74-15-3(A) (2025) (listing statutory exemptions from PFAS product prohibitions, including motor vehicle equipment).

¹³ See 49 U.S.C. § 30111-30112 (authorizing Federal Motor Vehicle Safety Standards governing motor vehicle equipment); see also 49 C.F.R. pt. 571 (2025).

¹⁴ N.M. Env't Dep't, *PFAS Protection Act Labeling Requirements: Frequently Asked Questions* (explaining application of labeling requirements and labeling exemptions to exempt products, including motor vehicles) (<https://www.env.nm.gov/pfas/manufacturers/>) (last visited Sept. 9, 2026).

requirements, labeling requirements, and NMED's labeling-waiver process. MEMA therefore encourages NMED to implement labeling requirements in a manner that preserves consumer transparency while recognizing the practical effect of the Legislature's statutory exemptions and avoiding unnecessary or duplicative obligations of internal components that do not independently present a consumer-facing purchasing decision.

The Legislature expressly exempted certain motor vehicles and motor vehicle equipment from the Act's phaseout and prohibition provisions.¹⁵ This exemption is particularly important considering the distinction between consumer-facing products and industrial or internal vehicle components. Many motor vehicle components incorporated into larger vehicle systems are never seen, handled, or selected by the end consumer. Engineers specify these parts based on performance, durability, and safety requirements, leaving consumers no opportunity to evaluate or choose among alternatives at the point of sale.

Similarly, replacement parts used in professional repairs are generally selected and installed by technicians rather than independently selected by consumers. By contrast, consumer-facing parts that a buyer might independently view, select or purchase are circumstances where point-of-sale labeling can more meaningfully inform a purchasing decision. MEMA encourages NMED to clarify the requirements applicable to each channel so that consumers receive accurate information where relevant without creating unnecessary burdens, stranded inventory, or impediments to access to replacement parts and professional repair.

Notably, NMED's framework for complex durable goods recognizes a distinct disclosure approach through consumer-facing product specification sheets and operation and maintenance manuals. A broader interpretation of the labeling requirements, however, could still reach numerous internal motor vehicle components that consumers rarely, if ever, interact with during everyday vehicle operation. Applying a labeling requirement to these non-consumer-facing components would provide little additional consumer information because consumers are not making purchasing decisions based on individual internal parts. Labeling of industrial components would offer consumers little practical benefit, regardless of whether the label appears on the part or in an accompanying manual.

B. Replacement Parts, Aftermarket Products, and Existing Inventory

MEMA also encourages NMED to clarify that functionally equivalent aftermarket replacement and service parts receive treatment consistent with comparable original equipment components when they perform the same function and are ultimately incorporated into the same motor vehicle. MEMA members also respectfully request that NMED provide guidance addressing automotive aftermarket chemical products that may not neatly fit within implementation approaches designed primarily for physical motor vehicle components.

¹⁵ See *id.*

MEMA further encourages NMED to provide appropriate transition or sell-through treatment for existing inventory, including products manufactured and packaged before January 1, 2027, to avoid unnecessary relabeling, stranded inventory, and disruption of existing distribution channels.

C. Reasonable Supply-Chain Compliance and Due Diligence

NMED should also clarify where compliance responsibility rests within a multi-tier supply chain when a component is incorporated into a finished complex durable good before reaching the consumer. MEMA members encourage NMED to establish reasonable documentation and due-diligence expectations that permit manufacturers to rely on formulation knowledge, raw-material specifications, and information or declarations provided by upstream suppliers unless the manufacturer has reason to believe that information is inaccurate or incomplete, without requiring routine analytical testing of finished products. NMED should further clarify compliance responsibility in private-label and contract-manufacturing arrangements, where the formulator or manufacturer, brand owner, distributor, and seller may be different entities.

MEMA members also encourage NMED to clarify that incidental, trace, background, or unintentionally introduced PFAS does not, without more, cause a product to be treated as containing “intentionally added PFAS.” Such clarification would provide greater certainty for manufacturers relying on supply-chain information and would focus compliance obligations on the intentional use of PFAS addressed by the Act.

D. Formal Written Guidance

As NMED prepares the required HJM 3 reports, MEMA encourages NMED to recognize the distinction between consumer-facing products and industrial, business-to-business, professional-use, and internal products and components in any recommendations to the Legislature. MEMA members further encourage NMED to provide formal written guidance clarifying how the Act’s labeling and reporting requirements apply to these different categories and how those requirements interact with the Act’s express statutory exemptions.¹⁶ Such guidance should address not only the substantive labeling and reporting requirements, but also reasonable compliance documentation, supply chain due diligence, responsibility among parties in the distribution chain, treatment of existing inventory, and the treatment of replacement and aftermarket products. MEMA remains ready to work with NMED to support clear and consistent implementation of HB 212 and completion of the HJM 3 reports.

IV. Conclusion

MEMA appreciates the opportunity to provide feedback as NMED conducts the reviews directed by HJM 3, particularly as it pertains to motor vehicle equipment. MEMA urges NMED to recommend continuation of the statutory exemptions applicable to motor vehicles and motor vehicle equipment and to provide formal written guidance clarifying the

¹⁶ See NMSA 1978 § 74-15-3(A), 74-15-4, 74-15-5(K) (2025); 20.13.2.13 NMAC.

labeling and reporting requirements applicable to industrial and business-to-business components, professional repair channels, and consumer-facing components and products.

For any questions, please contact Jennifer A. Lewis, Vice President of Regulatory Affairs at jlewis@mema.org, or Cameron Wheeler, Senior Manager of Regulatory Affairs at cwheeler@mema.org.