



11 September 2026

Subject: DRiV Public Comment – New Mexico PFAS Protection Act: Automotive Replacement and Service Parts

Dear New Mexico Environmental Department,

1. Introduction

Federal-Mogul Motorparts LLC (“DRiV”) appreciates the opportunity to provide comments on the product labeling requirements in 20.13.2 NMAC, the implementing regulation for New Mexico’s Per- and Poly-Fluoroalkyl Substances Protection Act (the “Act”).

DRiV manufactures and supplies a broad range of automotive replacement and service parts, including braking, suspension, chassis, engine, sealing and emissions-related components. Many of these parts incorporate fluoropolymers that provide critical performance characteristics including chemical resistance, thermal stability, and mechanical durability that cannot be achieved through alternative technologies at the present time.

DRiV’s automotive replacement and service parts are designed exclusively to be installed into motor vehicles. Once the parts are installed, they become components of a complex durable good¹. These standalone automotive replacement and service parts do not generally meet NMED’s definition of a complex durable good. Consequently, DRiV reads the labeling and testing requirements of the Act to apply.

2. Automotive Replacement and Service Parts and Complex Durable Goods

DRiV strongly encourages NMED to reconsider the distinction it is creating between components incorporated into a complex durable good during original manufacture and equivalent replacement or service components supplied through the automotive aftermarket. There is no distinction between the two, so that the Act must treat them the same. This is so because a replacement or service automotive part performs the same function, is manufactured from comparable materials, and upon installation becomes part of the same complex durable good as the equivalent original-equipment component.

1. **20.13.2.7 NMAC (Definitions)**, Title 20, Chapter 13, Part 2, *Per- and Poly-Fluoroalkyl Substances in Consumer Products*. “Complex durable good” means “a product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of five or more years, where the product is typically not consumed, destroyed, or discarded after a single use.”



For these reasons, we respectfully request NMED to include automotive aftermarket products in the definition of complex durable goods for purposes of the labeling and testing requirements of the Act.

3. Practical Challenges with Physical Labeling

The most problematic labeling requirement, that would be imposed on automotive components by the Act, is applying a permanent PFAS label directly to the surface of the component. DRiV's primary objection to this labeling requirement is its immediate impact on the safety, performance and service life of an automotive replacement part. Any change to our component parts, no matter how minor, is required to undergo an extensive and multi-year testing and review process to obtain customer and regulatory approval. This complex process is designed to ensure the product will function safely and as designed in the vehicle.

Other practical reasons, that individual parts labeling is difficult, are because automotive replacement and service parts:

- have very limited available surface area;
- contain functional, mating or sealing surfaces that cannot be modified without adversely compromising performance;
- are exposed to harsh environments including high temperature and pressure, oils, fuels, brake fluids and other chemicals that are not conducive to labeling;
- are exposed to water, road salt, dirt, debris and abrasion;
- undergo installation processes that could damage or obscure a label; and
- operate for many years in these challenging environments where maintaining a visible and legible label is simply not possible.

4. Examples of Affected Automotive Components

The following examples show in practical detail why applying a permanently affixed label is so problematic.

Shock absorbers and struts are kinetic components that are directly exposed to water, road debris, salt, oils, vibration, and abrasion throughout their service life. Consider the appearance of the underside of a vehicle once it is driven off the showroom floor.



Gaskets, seals and O-rings have limited surface area depending on their size and are commonly installed internally between other components. After installation, a physical label will no longer be visible and will adversely affect sealing performance.

Braking and chassis components are routinely exposed to heat, brake fluid, road contaminants, significant mechanical loads and other environmental stresses.

Engine and emissions components operate at elevated temperatures or within areas of the vehicle that are inaccessible to the consumer following installation.

Bearings and bearing-containing assemblies are used throughout vehicles including steering, suspension, drivetrain, engine, and auxiliary systems and are manufactured to specific dimensional tolerances to achieve low friction, wear resistance and enable a longer service life.

5. Alternative Consumer Disclosure

DRiV supports the objective of providing consumers with meaningful information regarding intentionally added PFAS.

For automotive replacement and service parts designed exclusively for installation into a complex durable good, we believe this objective could be achieved through alternative disclosure mechanisms in lieu of permanent marking of every individual component.

This important information could be provided through:

- product specification information;
- electronic product information;
- online product listings or webpages;
- catalogues; or
- other consumer-facing information available prior to purchase.

This approach would provide consumers with PFAS information at the point of purchase or product selection where it is most likely to inform purchasing decisions, while simultaneously avoiding impractical permanent component marking.

Such mechanisms would provide consumers with more accessible information compared to a physical label that will become obscured, inaccessible or damaged during installation and use.



6. Requested Clarification and Recommendation

We respectfully request that NMED allow these components to meet the consumer-notification objective through an appropriate complex durable good disclosure framework. Alternatives include product literature or electronic information available to the consumer prior to purchase, rather than requiring the PFAS symbol to be permanently affixed to every individual component.

7. Existing Inventory and Need for a Transition Period

In addition to the product-specific issues discussed above, manufacturers would benefit from clarification regarding how the labeling requirements apply to products already manufactured and present in the distribution chain when the rule becomes effective.

Section 20.13.2.13(A) NMAC provides that, after January 1, 2027, a manufacturer may not manufacture for sale or distribution a product containing intentionally added PFAS unless the applicable labeling requirements are met. Section 20.13.2.13(C), however, states that the required label must be affixed prior to sale. Together, these provisions can be read to mean that the rule applies not only to products manufactured after January 1, 2027, but also to products manufactured and packaged before that date but sold or distributed afterward.

Assuming it is the intent of the rules, the rules present a very difficult logistical problem for manufacturers with large and complex product portfolios like DRiV. This is so because significant quantities of finished inventory have been manufactured and packaged months or years before January 1, 2027. Compliance would require DRiV to move throughout its distribution chain, identify, retrieve and segregate products subject to labeling. These segregated products would then have to be unpacked, individually assessed, and relabeled in new packaging, thereby increasing costs. These burdens are especially significant where inventory is held by independent distributors or retailers outside the manufacturer's direct control.

The January 1, 2027, compliance date provides limited transition time for manufacturers to (1) identify affected products, (2) obtain PFAS information throughout complex global supply chains, (3) determine whether an exemption or waiver may apply, (4) develop compliant labels and consumer-facing disclosures, (5) modify packaging and labeling systems, and then (6) implement those changes.

We therefore recommend that NMED clarify in the final rule or accompanying implementation guidance that Section 20.13.2.13 **applies only to products**



manufactured on or after January 1, 2027. Products manufactured and packaged before that date should be permitted to continue through the distribution chain and be sold without re-labeling.

We also welcome clarification on:

- whether the January 1, 2027, date is determined by the date of manufacture, date of packaging, date of distribution, or date of sale;
- whether products manufactured and packaged before January 1, 2027, may continue to move through the distribution chain without being relabeled;
- whether existing inventory held by distributors and retailers is treated differently from inventory held by the manufacturer; and
- whether NMED intends to provide a formal transition or sell-through period for products manufactured and packaged before the labeling effective date.

8. Conclusion

Aligning PFAS disclosure requirements for automotive replacement and service parts to the corresponding complex durable good would ensure consistent treatment of substantially equivalent parts regardless of when the parts are incorporated into vehicles and without compromising safety and performance.

DRiV appreciates NMED's consideration of these comments and encourages further clarification regarding the treatment of automotive replacement and service parts under the PFAS labeling requirements.

In addition, we respectfully request that the geoblock currently in place on the NMED website be removed to facilitate access by global regulatory and technical experts who support compliance activities and stakeholder engagement.

Yours sincerely,

DRiV