

Submitted via NMED online comment portal

September 17, 2026

Christina Keyes
Acting Director, Office of Strategic Initiatives
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

Re: HJM 3 Report on PFAS Protection Act – SNAP Exemption

Dear Acting Director Keyes:

The American Chemistry Council's (ACC) Center for the Polyurethanes Industry¹ (CPI) appreciates the opportunity to provide input to the New Mexico Environment Department (NMED) as it develops its report pursuant to House Joint Memorial 3 (HJM 3)² regarding implementation of the *Per- and Poly-Fluoroalkyl Substances (PFAS) Protection Act*.³ The report, required by HJM 3, directs NMED to evaluate "the public health, environmental and economic risks of the exemptions codified in the [PFAS] Protection Act and to provide recommendations to the legislature regarding whether such exemptions [...] should be continued, modified or removed."⁴

CPI strongly recommends retention of the existing exemption for products using substitutes approved under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program.⁵ For the polyurethanes industry, this exemption supports the transition from ozone-depleting substances (ODS) and high-global-warming-potential (GWP) blowing agents to lower-GWP alternatives evaluated under an established federal program, while helping avoid conflicts with federal, state, and international climate, energy-efficiency, and ozone-protection policies.

U.S. EPA SNAP program provides rigorous environmental, health, and safety evaluations

U.S. EPA's SNAP program evaluates substitutes for ODS and hydrofluorocarbons (HFC) to identify alternatives that reduce environmental and health risks. Substitutes are evaluated by industrial sector, with a cross-media analysis of risks to human health and the environment that includes ODP, GWP, toxicity, flammability, occupational and consumer health and safety, local air quality, and ecosystem effects.⁶

Importantly, New Mexico's *PFAS Protection Act* SNAP exemption applies to products containing substances with uses that U.S. EPA currently lists under SNAP as "acceptable," "acceptable subject to use conditions," or "acceptable subject to narrowed use limits," provided the substances are used as substitutes under the conditions

¹ CPI represents companies across the polyurethanes value chain, including producers and suppliers of raw materials, additives, and manufacturing equipment, as well as manufacturers and users of polyurethane products.

² New Mexico Legislature. (2026). *House Joint Memorial 3: Requesting Reports on Implementation of the Per- and Poly-Fluoroalkyl Substances Protection Act*. <https://www.nmlegis.gov/Sessions/26%20Regular/memorials/house/HJM003.HTML>.

³ NM Stat. Ann. §§ 74-15-1 to -7 (2025).

⁴ New Mexico Legislature. (2026). *House Joint Memorial 3: Requesting Reports on Implementation of the Per- and Poly-Fluoroalkyl Substances Protection Act*. <https://www.nmlegis.gov/Sessions/26%20Regular/memorials/house/HJM003.HTML>.

⁵ N.M. Stat. Ann. § 74-15-3(A)(12) (2025).

⁶ U.S. EPA, [SNAP Program Overview](#).



specified.⁷ New Mexico's exemption therefore incorporates the existing substance and use review process, including any conditions or limitations U.S. EPA determined were necessary.

The polyurethanes industry uses hydrofluoroolefin (HFO) and hydrochlorofluoroolefin (HCFO) blowing agents in the manufacture of foam, including insulation. These low-GWP blowing agents have replaced higher-GWP HFC and hydrochlorofluorocarbon (HCFC) blowing agents in most applications, supporting the U.S. HFC phaseout under the American Innovation and Manufacturing (AIM) Act and broader international efforts under the Montreal Protocol. EPA has listed certain HFOs and HCFOs as "acceptable" alternatives for specified foam-blowing applications following review under SNAP.⁸ It is also notable that HFO and HCFO foam blowing agents were not identified among the substances selected for testing in EPA's 2021 National PFAS Testing Strategy.⁹

Additional environmental and economic considerations

In addition to the significant greenhouse gas (GHG) reductions associated with transitioning away from HFC/HCFC blowing agents, polyurethane foam can improve building energy efficiency through insulation and air sealing and contribute to appliance efficiency. New Mexico has established ambitious goals to reduce GHG emissions and improve energy efficiency, including providing insulation and air sealing incentives and home electrification and appliance rebates.¹⁰

Currently, HFO and HCFO blowing agents provide critical, acceptable lower-GWP options for polyurethane foam applications. Restricting access to these SNAP-approved alternatives without technically suitable replacements could disrupt the availability, performance, and/or cost of polyurethane products that contribute to New Mexico's energy-efficiency goals.

On an economic basis, polyurethane manufacturing also contributes directly to the U.S. and New Mexico economies. In 2024, the industry supported more than 325,400 U.S. jobs and \$113.3 billion in economic output, including direct, supplier, and payroll-induced effects.¹¹ In New Mexico, urethane foam product manufacturing accounted for 199 jobs and \$10.6 million in payroll in 2024. Preserving access to technically suitable, SNAP-reviewed lower-GWP alternatives helps avoid unnecessary disruption while supporting the energy-efficiency benefits of polyurethane insulation.

Preserve the existing SNAP exemption

CPI recognizes the importance of evaluating emerging information regarding individual substances. The existing SNAP exemption provides an appropriate framework because it relies directly on U.S. EPA's comprehensive, cross-media analysis of environmental and health risks on a substance- and use-specific basis. Removing or narrowing the exemption would disregard an established federal scientific review process and important differences among substances and applications, while potentially creating regulatory tension with policies that have guided substantial investment in the transition away from ozone-depleting and high-GWP blowing agents.

For these reasons, CPI respectfully requests that NMED's HJM 3 report recommend retaining Section 3(A)(12) as enacted. Doing so would support continued progress toward lower-GWP blowing agents, protect the energy-

⁷ N.M. Stat. Ann. § 74-15-3(A)(12) (2025).

⁸ U.S. EPA, [Substitutes in Foam Blowing Agents](#).

⁹ U.S. EPA, "[National PFAS Testing Strategy: Identification of Candidate Per- and Polyfluoroalkyl Substances \(PFAS\) for Testing](#)," October 2021.

¹⁰ [Insulation & Air Sealing Incentives - ECAM - Energy Conservation and Management](#).

¹¹ ACC CPI, [The Economic Benefits of the U.S. Polyurethanes Industry 2024](#), August 2025.



efficiency benefits of polyurethane insulation, and promote consistency among New Mexico, federal, and international environmental policies.

CPI appreciates NMED's consideration of these comments as it develops its report on the implementation of, and exemptions provided under, the *PFAS Protection Act*. If you have any questions or need further clarification about the information that has been provided, please feel free to contact me at (202) 249-6105 or Jason_Sloan@americanchemistry.com.

Sincerely,



Jason Sloan
Director, CPI
American Chemistry Council