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PMI's comments in the attached letter propose that NMED recommend retention of the existing exemptions under New Mexico's PFAS Protection Act, including the exemption for qualifying fluoropolymers and the Currently Unavoidable Use (CUU) mechanism, unless a sufficiently developed, use-specific scientific and technical record supports modification. The letter emphasizes the importance of evaluating product performance, availability and scalability of alternatives, testing and certification requirements, supply-chain impacts, and economic consequences before removing or narrowing exemptions, while drawing on relevant experience from the EU, U.S. Department of Defense, and Maine's CUU program. PMI also requests clarification that qualifying plumbing products developed or manufactured for public-health purposes may fall within the existing public-health exemption and reiterates its opposition to New Mexico's PFAS labeling requirements, particularly where PFAS may be present only in internal or otherwise exempt components.



September 17, 2026

New Mexico Environment Department (NMED)

Attn: HJM 3 – PFAS Protection Act Review

NMED-PFAS@env.nm.gov

PMI 2026

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RE: Plumbing Manufacturers International Comments Regarding House Joint Memorial 3 and Exemptions Under the PFAS Protection Act

Dear New Mexico Environment Department Staff:

Plumbing Manufacturers International (PMI) appreciates the opportunity to comment on NMED’s review, pursuant to House Joint Memorial 3 (HJM 3), of exemptions contained in New Mexico’s Per- and Poly-Fluoroalkyl Substances Protection Act.

PMI represents manufacturers of plumbing fixtures, fittings, and related products used in residential, commercial, institutional, and industrial buildings and water systems throughout the United States. PMI members manufacture highly engineered products that provide for the safe and efficient delivery and use of potable and nonpotable water.

PMI supports clear, science based, risk informed, and practically implementable approaches to PFAS regulation. **PMI respectfully recommend the retention of the Act’s existing exemptions, including the exemption for qualifying fluoropolymers and the currently unavoidable use (CUU) mechanism, unless a sufficiently developed, use-specific scientific and technical record demonstrates that modification or removal of a particular exemption is warranted.** PMI also recommends retaining and clarifying the existing exemption in HB 212 Section 3(A)(6) for a product developed or manufactured for the purpose of public health or environmental or water quality testing.

PMI's Comments Focus on Manufacturing, Product Performance, Alternatives, and Economic Impacts

PMI is an association of plumbing product manufacturers and does not maintain staff specializing in PFAS toxicology, environmental fate and transport, or human exposure assessment. We therefore concede that health and environmental conclusions regarding individual PFAS chemistry are best informed by qualified scientific experts and the relevant scientific literature.

PMI can however provide important expertise concerning plumbing product applications, performance and certification requirements, availability and feasibility of alternatives, manufacturing and supply-chain impacts, and economic consequences. PMI encourages NMED to evaluate these considerations separately and carefully before recommending removal of existing exemptions.

This approach is consistent with other PFAS regulatory reviews. The European Chemicals Agency (ECHA) separately evaluates risk and socioeconomic considerations and, following extensive stakeholder input, expanded its review to specifically address sealing and machinery applications and possible derogations where substitution presents technical or socioeconomic challenges¹. Maine similarly evaluates CUU requests on an application specific basis, considering product function and whether reasonably available alternatives exist².

Maintain and Clarify Existing Exemptions and the CUU Framework

PMI also recommends that NMED retain and clarify the exemption in Section 3(A)(6), which applies to “a product developed or manufactured for the purpose of public health or environmental or water quality testing.” Plumbing fixtures and fittings are designed to advance public health through sanitation, hygiene, and the safe delivery and use of water. Products such as bidet seats and toilets, urinals, faucets, and showers may serve these public-health purposes. To avoid uncertainty regarding the scope of the exemption, PMI recommends that NMED expressly clarify that qualifying plumbing products developed or manufactured for public-health purposes are included within HB 212, Section 3(A)(6).

New Mexico's fluoropolymer exemption is particularly relevant to the plumbing industry. Fluoropolymer materials may be used in thread sealing materials, O-rings, valve seats, gaskets, coatings, linings, tapes, and related components, where properties such as chemical resistance, temperature and pressure resistance, low friction, corrosion resistance, and long service life may be important.

Information developed through other governmental reviews demonstrates why these uses warrant application specific evaluation rather than an assumption that all PFAS containing materials can be readily replaced.

¹ *Per- and polyfluoroalkyl substances (PFAS) - (ECHA)*. PFAS restriction process, stakeholder consultation, updated sector analysis and consideration of sealing/machinery applications. <https://echa.europa.eu/hot-topics/perfluoroalkyl-chemicals-pfas>

² *PFAS in Products – (MDPE)*. CUU evaluation materials, including review of proposed uses such as internal cartridge valves and vented cap liners.

ECHA's ongoing PFAS restriction review expressly identifies sealing applications for additional consideration. The U.S. Department of Defense has identified lines, hoses, O-rings, seals, gaskets, and tapes among applications requiring continued alternatives research. DoD has noted that fluoropolymer and fluoroelastomer materials can provide resistance to temperature, pressure, chemicals, weathering, and degradation and that potential alternatives may have shorter useful lives or require significant qualification efforts³. These defense applications are not identical to plumbing products, but they demonstrate an important technical principle: identifying a nominal alternative does not establish that the material is an equivalent, durable, commercially available, and qualified substitute for a specific application.

Maine's CUU program provides another useful precedent. Maine DEP has approved certain uses where applicants demonstrated an important product function and a lack of reasonably available alternatives, while rejecting proposals that did not meet the statutory criteria. Among the uses recommended for approval were an internal cartridge valve and a vented cap liner, following evaluation of their function and available substitute materials.

PMI supports this type of application specific review as preferable to removing existing exemptions before viable alternatives are demonstrated. New Mexico should therefore retain the fluoropolymer exemption and preserve a practical CUU pathway capable of addressing specific applications as science, materials, and technology evolve.

Economic and Product Performance Consequences

Removing an existing exemption can involve substantially more than substituting one raw material for another. For plumbing manufacturers, a material change may require engineering evaluation, product redesign, supplier qualification, new tooling or manufacturing processes, durability and performance testing, third-party certification, inventory changes, and modifications to replacement part and supply-chain systems.

Changes to seals, O-rings, gaskets, valve seats, coatings, and similar components may also affect leakage, operating force, chemical resistance, pressure and temperature performance, lifecycle durability, and product warranties.

These potential impacts occur across product portfolios containing numerous models and components. PMI's 2026 economic impact research estimates that plumbing manufacturing alone has a direct U.S. economic impact of approximately **\$54.4 billion**, supporting more than **208,000 jobs** and **\$14.3 billion in wages**. Including suppliers and induced economic activity, the industry's total U.S. impact is approximately **\$129 billion**, supporting more than **500,000 jobs** and **\$37 billion in wages**⁴.

³ U.S. Department of Defense. (2025, July). *Update on critical per- and polyfluoroalkyl substance uses*. Office of the Assistant Secretary of Defense for Energy, Installations, and Environment (OASD[EI&E]), Chemical and Material Risk Management Program.

⁴ *Economic Impact - (PMI)*. 2026 plumbing manufacturing economic-impact analysis.

<https://www.safeplumbing.org/advocacy/economic-impact>

These national figures are not offered as an estimate of the New Mexico specific cost of changing the PFAS exemptions, but they illustrate the scale of the manufacturing and supply-chain potentially affected by broadly applied product requirements. PMI therefore recommends that NMED evaluate availability, scalability, product qualification, lifecycle performance, and transition costs before recommending removal or significant narrowing of an exemption.

Oppose the PFAS Labeling Requirements

PMI also reiterates its opposition to New Mexico's PFAS labeling requirements for the reasons presented in its February 20, 2026, comments to the Environmental Improvement Board⁵.

As described in those comments, a universal PFAS label does not distinguish between materially different chemistries, uses, or exposure pathways and therefore may communicate an overly broad message to consumers. New Mexico specific labeling also creates substantial compliance burdens by requiring changes to products, packaging, online listings, specification sheets, manuals, and other materials across potentially thousands of SKUs.

These burdens are particularly difficult to justify where PFAS may be present only in an internal component such as an O-ring, seal, gasket, thread tape, or valve component, including products containing materials that the Legislature has otherwise expressly exempted from the Act's sales prohibitions. We believe that the Act's reporting requirements, combined with NMED centralized consumer information, provide a more effective and proportionate means of communicating PFAS information.

Requests for NMED Recommendations

PMI respectfully requests that NMED:

1. **Recommend retaining the existing statutory exemptions**, including the public-health exemption in HB 212, Section 3(A)(6) and the qualifying fluoropolymer exemption, unless a compelling scientific and technical record is developed to support the modification of a particular exemption or use. PMI further recommends that NMED expressly clarify that qualifying plumbing products developed or manufactured for public-health purposes are included within Section 3(A)(6).
2. **Preserve a meaningful and workable CUU mechanism** for evaluating specific uses based on necessity, performance, alternatives, safety considerations, and economic consequences.
3. **Evaluate alternatives based on an application specific basis**, including availability, scalability, lifecycle performance, testing and certification requirements, supply-chain impacts, and transition time.

⁵ *Comments to the New Mexico Environmental Improvement Board - (PMI)*. February 20, 2026, PMI objections to universal PFAS labeling and associated product, packaging, SKU, and consumer-communication impacts.

<file:///C:/Users/KyleThompson/Downloads/2026-02-20-NM-PFAS-Proposed-Rule-PMI-Comments.pdf>

4. **Recognize the economic and compliance burdens associated with New Mexico's PFAS labeling requirements** and reconsider their application to otherwise exempt products and components.
5. Before recommending removal or significant narrowing of existing exemptions, allow for an **additional stakeholder engagement period** where affected industries have an opportunity to submit comments on the NMED Draft Report.

PMI appreciates NMED's consideration of these comments. PMI and its members remain available to provide information within the industry's expertise concerning plumbing product applications, performance standards, certifications, alternatives, supply-chain considerations, and economic impacts.

Sincerely,



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PMI Members

*Blanco *Bradley *Brasscraft Manufacturing Company *CSA Group Testing & Certification, Inc. *Delta Faucet Company *Dornbracht Americas, Inc. *Duravit USA, Inc.
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