

Steven Kooy

Please see the comments attached.

Respectively submitted on behalf of BIFMA.

September 15, 2026

Subject: NMED Report on the Implementation of the Per- and Poly-Fluoroalkyl Substances (PFAS) Protection Act

Dear New Mexico Environment Department,

BIFMA appreciates NMED's invitation to comment on HJM 3 and the State's willingness to examine PFAS policy using public-health, environmental, and economic evidence. We share New Mexico's goal of eliminating intentionally added PFAS where safer, reasonably available alternatives exist.

Our industry has eliminated intentionally added PFAS from textiles and other materials where possible. The remaining challenge is materially different: PFAS that may be present in enclosed electrical, electronic, and mechanical components that furniture manufacturers purchase through complex global supply chains that also supply larger industries, such as the automotive industry.

BIFMA requests that NMED's HJM 3 report recommend two targeted actions:

1. Create an exemption for upholstered furniture that contains intentionally added PFAS only in electronic components or enclosed internal components, modeled on Minnesota.
2. Retain New Mexico's existing fluoropolymer exemption while the State continues the additional health, exposure, lifecycle, and alternatives analysis contemplated by HJM 3.

Minnesota Summary

In 2025, BIFMA worked with the state of Minnesota to address the same issue. The legislature first voted to delay enforcement on upholstered furniture and select other items given the original law did not include an internal component exemption. The Minnesota Legislature then directed the Minnesota Pollution Control Agency (MPCA) to study PFAS in electronic and other internal components of upholstered furniture and recommend whether an extension was warranted. MPCA reviewed independent research, industry information, alternative availability, and implementation timelines. It concluded that alternatives were limited for many electronic and mechanical applications, that implementation can require years even after an alternative is identified, and that enclosed internal components pose a lower risk of direct human exposure during product use. MPCA recommended an exemption until 2032, and Minnesota enacted that approach in 2025.

"Internal components" are defined as internal parts designed and intended not to be touched during intended use or handling. Those components are not permanently excused: they remain subject to Minnesota's 2032 all-product prohibition unless otherwise addressed under the State's CUU framework. This is a closely analogous, regulator-tested precedent that preserves the public-health objective while providing time for upstream component markets to transition.

The requested exemption would not apply to upholstery fabric, leather, vinyl, foam, stain- or water-resistant treatments, exterior coatings, finishes, or other materials intended for routine user contact. The furniture industry can control those applications, and BIFMA supports their phaseout. The exemption would be limited to enclosed internal components such as wiring and cable insulation, circuit assemblies, connectors, motors and actuators, seals and gaskets, bearings and liners, lubricated moving interfaces, and similar parts that are not intended for routine contact with the user.

We believe this distinction directly serves HJM 3's three-part review.

- From a public-health perspective, it prioritizes the applications with the clearest pathway to direct contact..
- From an environmental perspective, it leaves the 2032 statewide phaseout intact and avoids forcing unqualified substitutions that can shorten product life, increase failures, and create additional material waste.
- From an economic and product-safety perspective, it recognizes that the same upstream connector, bearing, actuator, or power component may be used across many industries. A component does not become easier or economically viable to replace simply because it is installed inside an upholstered chair rather than another durable product.

At the time of the Minnesota study, an optimistic estimate for meaningful availability of non-PFAS electronics was three to five years, and mechanical applications such as low-friction bearings and lubricants also lacked qualified substitutes in many cases. The industry continues to seek alternatives given the current and future deadlines. If a viable alternative is identified, testing, safety validation, supplier qualification, tooling, and redesign commonly require approximately six to twenty-four months.

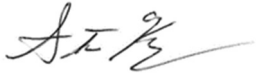
Support for the fluoropolymer exemption

BIFMA recommends retaining the existing fluoropolymer exemption while NMED completes the use- and lifecycle-specific evaluation. In furniture, PTFE is used internally in enclosed low-friction, sealing, insulating, or protective applications where replacement materials must satisfy safety, wear, durability, thermal, chemical resistance, and long-service-life requirements.

BIFMA appreciates the ongoing dialogue with NMED and would welcome the opportunity to provide additional component-level, supplier, alternatives, or lifecycle information as the Department develops its preliminary and final HJM 3 findings. We share the goal of removing PFAS, where viable, as soon as possible and continue to support PFAS-free alternatives in electronics, lubricants, and other internal components.

Thank you in advance for your consideration of this important matter. I look forward to your response.

On behalf of BIFMA and its members,

A handwritten signature in black ink, appearing to read 'SK', with a long horizontal flourish extending to the right.

Steve Kooy

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