AUTO CARE ASSOCIATION | STATE PFAS COMPLIANCE SERIES

New Mexico PFAS Compliance

PFAS Protection Act (NMSA 1978, 74-15-1 to -7) and rule 20.13.2 NMAC, effective July 1, 2026



WHAT IS PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a class of fluorinated chemicals. New Mexico regulates products with **intentionally added** PFAS: PFAS deliberately added or used during manufacture where its continued presence, at any level, is desired or expected in the final product or a component. There is no minimum threshold.

WHO MUST COMPLY

Manufacturers, distributors, and retailers that sell or distribute products into New Mexico, directly or through intermediaries. Manufacturer includes a private labeler whose brand is on the product. Out-of-state sellers are covered.

KEY DATES AND SALES BANS

Date	What happens
Dec 2, 2026	Last day to request a reporting waiver or 90-day extension
Jan 1, 2027	Reports due; currently unavoidable use (CUU) deadline for 2028 bans. Labeling on hold (see Labeling). Banned: cookware, food packaging, dental floss, juvenile products, firefighting foam
Jan 1, 2028	Banned: carpets or rugs, cleaning products, cosmetics, fabric treatments, feminine hygiene products, textiles, textile furnishings, ski wax, upholstered furniture. Unreported PFAS products may not be sold
Jan 1, 2031	CUU deadline for 2032 ban
Jan 1, 2032	All other products with intentionally added PFAS banned unless exempt or CUU

WHAT TO REPORT

One report per product or component with intentionally added PFAS, filed in the New Mexico PFAS Reporting System by Jan 1, 2027:

- Product description with UPC or SKU
- Purpose of the PFAS in the product
- Each PFAS by CAS number, with concentration as an exact figure or a set range
- Documentation of the analytical method
- Manufacturer and contact information

Update within 30 days of a significant change. Fee: $2,500 per report; $1,000 per update.

LABELING (ON HOLD)

A federal court has temporarily blocked the labeling requirement while litigation proceeds. New Mexico has appealed that order. If the appeals court overturns it, the labeling requirement could be reinstated. Reporting and all other deadlines are unchanged. As written, products made on or after Jan 1, 2027 must carry an outline of an Erlenmeyer flask with "PFAS" inside, visible before purchase, including on online sales pages. A QR code or link alone does not comply. Complex durable goods, such as motor vehicles, carry the label in the specification sheet and owner's manual instead of on the product.

AUTOMOTIVE AFTERMARKET PRODUCTS IN SCOPE

- **All products:** any aftermarket product or component with intentionally added PFAS must be reported unless exempt. The labeling requirement is on hold.
- **Jan 1, 2028 bans:** cleaning products, fabric treatments, textiles, and carpets or rugs. Aftermarket appearance chemicals, fabric and upholstery protectants, seat covers, and floor mats may fall in these categories; confirm against the rule's definitions.
- **Jan 1, 2032 ban:** all other aftermarket products with intentionally added PFAS, unless exempt or approved as a CUU.
- **Vehicle textiles and refrigerant:** carved out of the motor vehicle exemption (G). Refrigerant is exempt only under (D) or (L) where the SNAP listing and its conditions apply.

EXEMPTIONS

Automotive-relevant exemptions (20.13.2.10)

- (D) Heating, cooling, air conditioning, or refrigeration equipment with PFAS or refrigerants listed as acceptable under EPA's Significant New Alternatives Policy (SNAP), sold for the listed use
- (G) Motor vehicles and equipment regulated under a federal motor vehicle safety standard, except textile articles and refrigerant in them
- (H) Other motor vehicles, including off-highway vehicles, all-terrain vehicles, side-by-sides, and farm equipment
- (L) PFAS listed as acceptable under SNAP as a substitute for an ozone-depleting substance, used under the listed conditions
- (M, N) Electricity generation, distribution, or storage products, and equipment used to make exempt products
- (P) Fluoropolymers with a carbon-only or perfluoropolyether backbone that are solid at standard temperature and pressure

What exemptions do and do not cover

- **Scope:** 20.13.2.10 exemptions remove sales prohibitions, reporting, CUU, and testing obligations. They do **not** remove labeling.
- **Labeling exemptions** (20.13.2.13.B) cover only used products, federally regulated pesticides, veterinary products, and FDA-regulated medical products.
- **Label waiver:** exempt products whose PFAS never contacts the consumer. $2,000 per product, $5,000 per class; three years.
- **Currently unavoidable use (CUU):** essential uses with no reasonable alternative. Exempts the product from the ban and reporting. $5,000; three years.

HOW TO COMPLY

Manufacturers and suppliers

- Confirm which products or components contain intentionally added PFAS
- Check whether an exemption applies
- Register and report by Jan 1, 2027
- Track the labeling litigation; plan labels in case the requirement returns
- File a CUU proposal if PFAS is essential with no alternative
- Consider a label waiver if eligible, in case labeling returns

Distributors

- Stop distributing prohibited products on each ban date
- From Jan 1, 2028, do not distribute products with intentionally added PFAS unless the manufacturer has reported
- Act on manufacturer notices when NMED testing confirms a prohibited product
- Ask suppliers to confirm PFAS status and reporting

Retailers

- Stop selling prohibited products on each ban date
- From Jan 1, 2028, do not sell products with intentionally added PFAS unless the manufacturer has reported
- If labeling returns: show the PFAS label on online, catalog, and phone sales before purchase, and relabel repackaged products

RESOURCES

PFAS Protection Act (statute) | 20.13.2 NMAC (rule text) | NMED manufacturer guidance, FAQ, and label artwork | New Mexico PFAS Reporting System | Reporter's Guide | Fee schedule

Agency questions: NMED-PFAS@env.nm.gov | Association questions: govaffairs@autocare.org

Current as of November 13, 2026. For awareness only, not legal advice. Penalties can reach $15,000 per violation. Confirm obligations with NMED or your counsel.