
Comments of
MEMA, The Vehicle Suppliers Association
to the
New Mexico Environmental Improvement Board
on the
Per-and Poly-fluoroalkyl Substances in Consumer Products
Prohibitions on Products Containing Per-or Poly-Fluoroalkyl Substances; Currently
Unavoidable Use; Reporting; Labeling; Testing; Fees and Penalties
February 23, 2026

I. Introduction

MEMA, The Vehicle Suppliers Association, appreciates the opportunity to submit comments to the New Mexico Environment Department (NMED) on the proposed rule filed with the Environmental Improvement Board (EIB), *Per-and Poly-fluoroalkyl (PFAS) Substances in Consumer Products, Prohibitions on Products Containing PFAS; Currently Unavoidable Use; Reporting; Labeling; Testing; Fees and Penalties*.¹ MEMA supports the goals of HB 212 to reduce unnecessary exposure to PFAS in consumer products; however, the proposed rule must be implemented in a manner consistent with the statutory exemptions adopted by the Legislature, particularly the exemption for motor vehicle equipment. As set forth below, MEMA respectfully requests that NMED:

- (1) Clarify that exempted motor vehicle equipment is not subject to labeling requirements;
- (2) Recognize additional motor vehicle applications, including certain textiles and refrigerants, as Currently Unavoidable Uses (CUUs); and
- (3) Extend the duration of CUU determinations to reflect the five-to-ten-year research, validation, and safety certification cycles applicable to vehicle components.

Established in 1904, MEMA is the leading trade association in the United States representing vehicle suppliers, parts manufacturers, and remanufacturers, with over 900 members. MEMA's members design and manufacture the technology, components, and services that enable the production of new vehicles, as well as the essential maintenance and repair of the more than 295 million highway vehicles currently on U.S. roads.²

¹ New Mexico Environment Department, Proposed Rule, 20.13 NMAC, Per- and Poly-Fluoroalkyl Substances In Consumer Products, Part 2 Prohibitions On Products Containing Per- Or Poly-Fluoroalkyl Substances; Currently Unavoidable Use; Reporting; Labeling; Testing; Fees And Penalties (2026).

² MEMA, The Vehicle Suppliers Association, About MEMA, <https://www.mema.org> (last visited Feb. 20, 2026).

The supplier industry is an essential part of the U.S. economy, directly employing more than 930,000 individuals.³ Overall, the supplier industry has added 61,000 jobs across the country since 2015.⁴ Additionally, suppliers indirectly support 4.8 million jobs in related sectors.⁵ Suppliers operate facilities in all 50 states and in more than 350 Congressional districts, with significant concentrations in the Midwest and Southeast. The sector's broad array of businesses and professional backgrounds reflects the dynamic, innovative nature of the industry.

II. Overview of Motor Vehicle Supplier Industry and Uses of PFAS

Vehicle suppliers routinely manage complex chemical formulations subject to federal oversight, including compliance with the Toxic Substances Control Act (TSCA),⁶ Federal Motor Vehicle Safety Standards (FMVSS), and other chemical reporting and handling requirements. Substitutions in vehicle components frequently require multi-year engineering validation, supply chain requalification, durability testing, and in some cases federal regulatory certification.

As EIB seeks to implement the directives of HB 212, it is critical that the agency adopt a scope that reflects the complexity of PFAS use in the motor vehicle industry. Motor vehicles are composed of about 30,000 parts.⁷ Suppliers provide 77% of the value of a vehicle,⁸ ensuring the safe and efficient function of the vehicle, including new motor vehicles and the aftermarket components necessary for repair and maintenance. The number of parts involved illustrates the need for flexibility to be granted to the industry to allow for the necessary research, development, and safety certifications to take place. For example, a 2023 Department of Defense report found that it would take over 10 years to find suitable replacements where available for PFAS in semiconductor fabrication and energy storage.⁹ Both semiconductors and batteries serve a critical role in advanced vehicle technologies.

MEMA is appreciative of the exemptions that were provided to the motor vehicle parts industry in the statute, however, recommends additional considerations and safeguards as EIB considers the proposed rulemaking. HB 212 expressly exempts "motor vehicle equipment" from certain prohibitions under the statute.¹⁰ The Legislature recognized that motor vehicles and their component parts are subject to comprehensive federal safety regulation and complex interstate supply chains.¹¹ This exemption ensures the continued availability of safety

³ MEMA, Motor Vehicle Supplier Industry Economic Impact Report (2024)

⁴ See id.

⁵ Id.

⁶ Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.

⁷ Automotive After Market Suppliers Ass'n, 2023 Automotive Aftermarket Factbook (2023).

⁸ [Automotive Aftermarket Industry Ass'n, Industry Analysis](#) (2023).

⁹ U.S. Dep't of Defense, *Report on Critical Per- and Polyfluoroalkyl Substance Uses* (Aug. 2023).

¹⁰ See NMSA 1978 § 74-15-3(A) (2025) (listing statutory exemptions from PFAS product prohibitions, including motor vehicle equipment).

¹¹ See 49 U.S.C. § 30111 (authorizing Federal Motor Vehicle Safety Standards governing motor vehicle equipment); see also 49 C.F.R. pts. 571-595(2025).

and federally compliant motor vehicle components in New Mexico while the state evaluates broader PFAS policy goals.

III. MEMA Recommends additional Clarifications and Safeguards

While MEMA appreciates the consideration given to the motor vehicle sector, we encourage the EIB to implement additional clarifications and safeguards to ensure that the requirements are clear and practicable:

Exemption of motor vehicle parts: MEMA appreciates the foresight of the legislature to exclude motor vehicle equipment from the proposed rule. This exemption ensures that the motor vehicle sector can continue to operate uninterrupted in New Mexico. The use of PFAS in motor vehicles is essential to ensuring the durability and safety of products. However, MEMA urges NMED to consider expanding the exemption of motor vehicle equipment by recognizing the use of PFAS in textiles and refrigerants as currently unavoidable uses (CUUs). While MEMA understands the intent to reduce consumer exposure to PFAS, there are scenarios where PFAS is utilized in textiles and refrigerants in internal motor vehicle components. An expansion to include these applications as CUUs would ensure the continued provision of these components until suitable alternative substances, if they are available, can be identified and validated.

Given the complex nature of the motor vehicle supply chain, it can take several years for a manufacturer to properly assess an alternative substance, test it, and subsequently validate it through internal safety processes.¹² Further, vehicle suppliers work to ensure that their products meet rigorous federal and state safety standards.¹³ If such substitutions exist, they may require approval from the final customers.

Labeling requirements for exempted categories: MEMA is concerned by the labeling requirements in the proposed rule, which will require the labeling of products that are specifically exempted from regulation in other areas, including reporting requirements.¹⁴ The proposed requirement is inconsistent with the intent of HB 212, and would implicate explicitly exempted categories, including motor vehicle equipment.¹⁵ The New Mexico legislature provided the exemption for motor vehicle equipment to ensure these products would continue to be available to consumers.¹⁶ The imposition of a broad labeling requirement would require labels for thousands of motor vehicle components which the consumer may not interact with the everyday operation of the vehicle. Therefore, the labeling of these components would provide limited benefit to the consumer.

¹² See Nat'l Highway Traffic Safety Admin., Federal Motor Vehicle Safety Standards, 49 C.F.R. pts. 571-595 (2025).

¹³ See *id.*; see also 49 U.S.C. §30111.

¹⁴ See 20.13.2 NMAC (Proposed) (labeling requirements).

¹⁵ See NMSA 1978 § 74-15-3(A) (2025) (motor vehicle equipment exemption).

¹⁶ See *id.*

Where the Legislature has expressly exempted a category of products from prohibition and reporting requirements, imposing downstream labeling obligations on those same products risks effectively nullifying the statutory exemption.

MEMA encourages NMED to work to revise its draft language to ensure that otherwise exempted categories are excluded from the labeling requirement. Such a change would be consistent with the statute.¹⁷ MEMA is ready to partner with NMED to ensure the faithful implementation of HB 212.

Currently Unavoidable Uses: MEMA appreciates the inclusion of CUU determinations as a mechanism, in instances where the inclusion of PFAS in the product is necessary.¹⁸ MEMA urges NMED to consider extending the length of CUU designations beyond the proposed three years. Vehicle suppliers operate on five-to-ten-year research and development cycles and require regulatory stability to ensure the continued development and deployment of their products. Automotive product development cycles typically span five to ten years, particularly for safety-critical systems such as braking, electrical architecture, battery systems, and thermal management components. During this period, manufacturers conduct compatibility testing, durability studies, validation, environmental exposure studies, supply chain qualification, and regulatory compliance review. In some cases, substitutions require validation by original equipment manufacturers and may implicate federal safety certification requirements. Therefore, a three-year CUU designation does not align with supplier engineering and regulatory reality. Extending the length of these designations would ensure that manufacturers are not in a constant loop of needing to reapply for CUUs and would reduce the burden on the agency to review such frequent requests.

V. Conclusion

Vehicle suppliers handle a range of chemicals in a variety of applications. MEMA appreciates the opportunity to provide feedback to NMED as it seeks to execute the objectives of HB 212 in a manner consistent with the statute, particularly as it pertains to motor vehicle equipment. MEMA urges NMED to clarify the labeling requirements for otherwise exempted categories, recognize additional motor vehicle applications, and to extend the duration of CUU determinations to reflect research and development timelines.

For any questions, please contact Jennifer A. Lewis, Vice President of Regulatory Affairs at jlewis@mema.org, or Emily Sobel, Senior Manager of Regulatory Policy at esobel@mema.org.

¹⁷See NMSA 1978 § 74-15-4(B) (2025) (scope of rulemaking authority)

¹⁸ See NMSA 1978 § 74-15-4(A) (2025) (Currently Unavoidable Use determinations).