



THE ADMINISTRATOR
WASHINGTON, D.C. 20460

January 17, 2025

The Honorable Michelle Lujan Grisham
Governor of New Mexico
New Mexico State Capitol
490 Old Santa Fe Trail, Room 400
Santa Fe, New Mexico 87501

Dear Governor Lujan Grisham:

I write in response to your January 8, 2025, letter requesting an update on the Environmental Protection Agency's plan to finalize two rules related to the clean-up of toxic chemicals, including PFAS chemicals, under the Resource Conservation and Recovery Act (RCRA). I want you to know these rulemakings have remained a priority for EPA since former Administrator Regan acted upon your petition, and the Agency has worked diligently to continue moving them forward. However, despite the EPA's best efforts, these rules will not be finalized during this Administration.

Both rules, though, remain on the Federal Regulatory Agenda. RCRA's longstanding regulations state that substances will be listed as hazardous constituents "only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms."¹ Past permits and cleanup actions that relied on RCRA's statutory definition of hazardous waste or that included PFAS establish a strong basis for completion of work on both rulemakings during the next Administration, if it chooses to move forward with them.

Thank you for your leadership in addressing PFAS contamination in New Mexico and in urging EPA to use its RCRA authorities to address PFAS chemicals. Your original request to EPA stated: "Exposure to certain PFAS has been associated with cancer, diabetes, liver damage, high cholesterol, obesity, thyroid disease, asthma, immune system dysfunction, reduced fertility, low birth weight, and effects on children's cognitive and neurobehavioral development." The best available science confirms that certain PFAS can build up in our bodies and cause serious, adverse health effects, such as those mentioned above, that can devastate families.

¹ 40 C.F.R. § 261.11.

Please know that EPA has worked diligently to complete these rulemakings. The EPA continues to believe that for far too long, communities across the United States have suffered from exposure to PFAS pollution. That is why the Agency has taken historic action to address this emerging threat including issuing the first ever drinking water standard for PFAS chemicals and listing two PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (also known as Superfund), among other important actions. I am hopeful that the EPA and our state and tribal partners will soon be able to add these two RCRA rules to their arsenal of tools to protect human health and the environment.

I encourage you and your fellow Governors to reach out to the incoming Administration to ensure they are aware of the importance you place on the states and the federal government working together to address PFAS contamination in all its forms. As your letter clearly describes, the residents of your state – and many others across the country – are experiencing significant health, environmental, and economic impacts from PFAS pollution. Only by working together can we successfully address this public health challenge.

Thank you again for your letter. If you have further questions, please have your staff contact Jack Bowles, Director of the Office of Intergovernmental Relations, at bowles.jack@epa.gov or 202-564-3657.

Sincerely,



Jane Nishida
Acting Administrator