



STATE OF NEW MEXICO

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NEWS RELEASE

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NMED and NMDOJ file new lawsuit against Air Force *Suit cites new law forcing feds to clean up PFAS contamination*

SANTA FE — The New Mexico Environment Department and New Mexico Department of Justice today filed a new lawsuit ordering the U.S. Department of the Air Force to clean up its toxic PFAS contamination at Cannon Air Force Base near Clovis.

Earlier this year, the New Mexico Legislature delivered House Bill 140 to Gov. Michelle Lujan Grisham, who promptly signed it into law. The new lawsuit relies on existing and expanded authority under the new law.

“After years of contesting responsibility, today’s lawsuit puts every one of the Air Force’s excuses to rest,” **said Environment Department Secretary James Kenney**. “The Air Force has spent years contesting the Environment Department’s authority as opposed to any meaningful cleanup of the toxic PFAS contamination in local drinking water sources that serve both residents and dairy farmers.”

“PFAS contamination poses a serious and long-term threat to our environment and our communities,” **said Attorney General Raúl Torrez**. “We are committed to using every legal tool available to hold the federal government accountable for the damage done on the base and the surrounding community and to prevent further harm from these dangerous ‘forever chemicals.’ New Mexicans deserve clean water, safe soil, and a future free from toxic exposure—and we won’t stop fighting until they get it.”

While New Mexico has contended PFAS was subject to regulation under the Hazardous Waste Act since 2019, the USAF disagreed and filed a lawsuit against the NMED. During the last legislative session, HB 140 was introduced, explicitly designating discarded firefighting foams containing PFAS chemicals as hazardous waste, clarifying state-level regulation even when these substances aren't federally listed by the U.S. Environmental Protection Agency as such.

For decades, the USAF released PFAS into the environment near Clovis, resulting in a groundwater plume extending approximately four miles southeast of Cannon AFB. This toxic

plume continues to threaten the community and resulted in the euthanizing of 3,500 dairy cows poisoned from drinking contaminated groundwater — devastating local agriculture.

In addition to cleaning up the decades of ongoing PFAS releases and paying civil penalties, the lawsuit seeks to order the USAF to:

- End all use of PFAS-containing firefighting foam at Cannon for anything other than emergency purposes
- Provide water treatment systems to residents whose water has been affected by PFAS contamination
- Install drinking water lines for any willing residents currently serviced by private wells in the spill area
- Hold regular public meetings with the community
- Install stormwater controls and retention basins to prevent offsite migration of PFAS from contaminated media
- Valuate nearby private property affected by PFAS contamination
- Compensate the owners of said property for losses resulting from PFAS contamination

A full copy of the complaint can be [found here](#).

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