



March 6th, 2023

TO: House Commerce Finance and Policy Committee

FROM: Andrea Lovoll, Legislative Director, Minnesota Center for Environmental Advocacy

RE: PFAS Legislation Regarding Public Disclosure

Chair Stephenson and Members of the Committee:

Thank you for your service to the people of Minnesota and thank you for the opportunity to testify on HF 1000 (Brand). Minnesota Center for Environmental Advocacy (MCEA) is a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment and the health of its people.

MCEA supports the disclosure of PFAS in products as defined in HF 1000. This proposed bill will collect vital information for MPCA to learn about intentionally added PFAS in products offered for sale in Minnesota. PFAS are widely dispersed across Minnesota's land and water resources, and these chemicals pose severe risks to public health, including increased risk for and incidence of cancer, reproductive issues, decreased immunity, and kidney functioning. Requiring manufacturers to disclose the function and amount of PFAS in their products to MPCA is an essential step to better understanding how and where these toxic chemicals are entering our environment.

This disclosure bill will provide critical information to MPCA for the agency to better understand what PFAS compounds are entering Minnesota. This information will help improve the agency's response to the PFAS crisis by enhancing testing capabilities and improving risk assessments for a broader array of PFAS. Because the federal Toxic Substances Control Act has been unable to compel this exchange of information to regulators, we need this disclosure requirement at the state level to know what potentially fatal chemical compounds enter our borders.

I want to emphasize the importance of how this proposed legislation defines PFAS. By requiring disclosure of any substance containing at least one fully fluorinated carbon atom, this will prevent manufactures from avoiding disclosure by using alternatives to the more commonly used and better known PFAS, like PFOA and PFOS. In response to broad public outcry about the public health risks of specific PFAS compounds like PFOA and PFOS, we have already seen alternative fluorinated chemical compounds (such as GenX) enter the market. However, the health risks of these alternatives have already been demonstrated.¹ Therefore, the broad

¹ *Fact Sheet: Human Health Toxicity Assessment for GenX Chemicals*, The United States Environmental Protection Agency (Oct. 2021),

definition of “perfluoroalkyl and polyfluoroalkyl substances” in this bill is critical to ensure we capture the full range of these chemical compounds that enter our state. Furthermore, the emphasis on the manufacturer of the product or product component will help to protect independent retailers because the disclosure notice obligation falls on the “person that manufactures a product or whose brand name is affixed to the product.” This bill will also hold large manufacturers like 3M accountable to their recent promises to phase out the use of these compounds in their products and product components.

Finally, we need MPCA to initiate a rulemaking to develop rules to connect the disclosure notice to other areas of PFAS regulation under the PFAS Blueprint. For example, the rulemaking could help to ensure that the disclosure requirements include sufficient information for the agency to monitor for new chemical compounds as they enter the state, as well as to determine how the public will access information about these disclosures, such as through product labels. The origin story of PFAS begins here, in Minnesota. We therefore have an obligation to lead on this issue. Enacting laws that help equip our state agencies with critical data to aid their public health and environmental response is common sense. For decades, products containing PFAS have been produced and shipped around the world, and the irreversible impacts of these chemical compounds on our land, water, and the health of Minnesotans is firmly established. We need this disclosure law to close the regulatory information gap and be able to effectively protect our public and environmental health.

Thank you,

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