February 8, 2023

Re: Exclude powersports from PFAS requirements in HF 1000

Dear Sponsors of HF 1000:

Hundreds of companies represented by the Motorcycle Industry Council (MIC)[1], the Specialty Vehicle Institute of America (SVIA)[2], and the Recreational Off-Highway Vehicle Association (ROHVA)[3] strongly urge that **HF 1000 be amended to specifically:**

1. **Exclude youth OHVs, including all-terrain vehicles (ATVs), off-highway motorcycles, replacement parts, and protective clothing and equipment from the "juvenile product" definition.**
2. **Extend the registration requirement proposed from January 1, 2025 to January 1, 2028 for powersports, including motorcycles and off-highway vehicles, and protective clothing and equipment.**

In the absence of amendments, our associations oppose the bill.

We urge that off-highway vehicles and protective clothing equipment used to operate such vehicles be specifically excluded from the juvenile product PFAS ban by amending your legislation as follows:

(l) "Juvenile product" means a product designed or marketed for use by infants and children under 12 years of age:

(ii) not including a children's electronic product such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; a medical device; ~~or~~ an adult mattress; or a youth off-highway vehicle, replacement part, or protective clothing and equipment used when operating such vehicle.

[1] The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

[2] The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

[3] The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at https://rohva.org/ansi-standard/.

Youth OHVs are specifically sized and powered for children. While banning PFAS in children's products is intended to eliminate potential health risks associated with exposure PFAS is currently necessary in parts such as gaskets, o-rings, tubing, and other components that are exposed to high heat and to complex chemical blends in fuels and other fluids. If you ban youth-sized OHVs you create a much more immediate health risk due to the potential for children to then operate adult-sized OHVs. Please consider the comments made by the U.S. Consumer Product Safety Commission (CPSC) while discussing the risks associated with lead exposure from youth ATVs pursuant to the passage of the Consumer Product Safety Improvement Act, which banned certain limits of lead in children's products. Youth ATVs were subsequently excluded from such lead limits by P.L. 112-28 in part due to CPSC's statement that banning youth ATVs would pose a **"serious and immediate risk of injury or death" for children under 12 who would instead ride larger and faster adult-size ATVs.** (See 74 Fed. Reg. 22154.)

Manufacturers must ensure our vehicles and safety gear meets durability standards that are sufficient to protect riders. Any potential PFAS-free alternates must meet durability and safe operation standards that meet or exceed current quality in order to be deemed a suitable replacement. This takes considerable resources and time not provided in HF 1000.

Our member companies are searching for suitable replacements for PFAS in their products, but currently PFAS is an unavoidable use to ensure safety and proper functioning of our vehicles, protective clothing and equipment. Without a specific exclusion for youth protective clothing and gear, children would be put at risk due to a lack of proper safety equipment when operating youth-sized OHVs. Minnesota must allow manufacturers sufficient time to find replacements and not subject consumers to risk of harm resulting from unavailability of these products.

HF 1000's reporting requirement starting in 2025 concerns manufacturers and may serve to essentially lead them to cease sales of their products in Minnesota, forcing residents to purchase those goods from neighboring states instead. The large number of product offerings and components that make up our equipment – many of which are internal or will not come into contact with users – make it extremely difficult for manufacturers to analyze and test every part to identify the presence of every form of PFAS. Manufacturers take compliance seriously. We ask that you simplify any reporting requirements to only include those items that are in regular direct contact with the individuals using them. We also ask that you avoid a 50-state patchwork reporting system by ensuring your reporting system be tied into a nation-wide centralized system and you provide manufacturers with sufficient time to comply by changing the reporting requirement to 2028.

Recently, California introduced similar legislation (CA AB 2247) that would have required manufacturers of products containing PFAS to register such products beginning January 1, 2026. Governor Gavin Newsom vetoed the legislation citing the extreme expense associated with implementation of such law. As Governor Newsom stated in his veto message, the proposed registry was estimated to cost millions of dollars resulting in increased resources for new contract, staff support, and state oversight responsibilities. Governor Newsom also mentioned that since the U.S. EPA is in the processing of rulemaking to require the reporting of PFAS, such legislation may be premature at the state level.

Thank you for your consideration of these comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,

Scott P. Schloegel
Senior Vice President, Government Relations

cc: House Environment and Natural Resources Finance and Policy Committee Members

Shopper's Guide to Avoiding PFAS

Per- and polyfluoroalkyl substances (PFAS) are a class of chemicals that make products stainproof, water-resistant, and oil and fat resistant.[1] PFAS are used in over 200 industries. The chart below identifies just a few of the common uses of PFAS and some options for finding PFAS-free alternatives. Find PFAS-free products, including apparel, outdoor gear, personal care products, and more at these websites: *ewg.org/withoutintentionallyaddedpfaspfc* and *pfascentral.org/pfas-free-products*

Apps

Detox Me. Developed by scientists at Silent Spring Institute, helps identify toxics in personal care products, cleaners and households goods. *silentspring.org/detoxme*

Environmental Working Group's Healthy Living app. *ewg.org/apps*

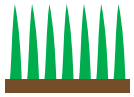
Clearya. Downloadable to phone or computer, identifies products with chemicals of concern, can be used when shopping online at: Amazon, IHerb, Sephora, Target, or Walmart. *www.clearya.com*

Other

Mind the Store is a campaign to get the 100 largest big box and chain stores/restaurants to stop using and selling products containing toxic chemicals, including PFAS. Find out more at *saferchemicals.org/mind-the-store*

ITEM	PFAS likely to be in:	Links for additional information and examples of PFAS-free brands
Apparel	Clothing that is "stain-resistant" or "waterproof" None of the "green" certifications for the clothing industry address PFAS, so you cannot rely on green certifications to avoid PFAS.	*e.g. Benetton, H&M, Levi Strauss and Company, Prana, Uniqlo, Zara* By spring 2022, all durable water repellent used by Prana will be PFAS-free. https://www.prana.com/sustainability/preferred-fibers-and-materials/chemical-care.html
Outdoor apparel and gear	Waterproof gear and clothing including shoes/boots may have PFAS 	sierraclub.org/sierra/outerwear-shield-you-rain-and-forever-chemicals sierraclub.org/sierra/outdoor-gear-ll-keep-you-snug-and-dry-sans-forever-chemicals mamavation.com/product-investigations/safest-nontoxic-jackets-raincoats-pfas-forever-chemicals.html *e.g. Burberry, Marmot (some), Mammut*
Children's products	Any product identified as "stain-resistant" or "water-proof" including apparel, mattresses, pillow covers, bibs, face masks 	fashionfwd.org/ *e.g. Hanna Anderson*
Carpets/ rugs	Stain-resistant and waterproof products are likely to have PFAS 	Many rug/carpet companies have stopped using PFAS. *e.g. Shaws, rugs sold at Home Depot, Lowes*

ITEM	PFAS likely to be in:	Links for additional information and examples of PFAS-free brands
Furniture textiles	Stain-resistant and waterproof textiles including indoor and outdoor furniture, drapes, tablecloths and awnings 	*e.g. IKEA*
Personal care products	Any product with "perfluor" in the ingredients list. Products identified as long-lasting or waterproof, especially lipstick, mascara, foundation **Many products do not have a full list of ingredients on labels.** 	ewg.org/skindeep ewg.org/skindeep/contents/is-teflon-in-your-cosmetics pfascentral.org/pfas-free-products has good list of PFAS-free dental floss. *e.g. Credo, Burt's Bees, personal care products at Whole Foods Market, H&M, Clean at Sephora*
Garden products	Products made from residuals (treated human waste)[2] Food packaging with PFAS may contaminate compost 	Buy compost from composters that: • Do not accept compostable food packaging, or • Only accept Biodegradable Product Institute (BPI)-certified compostable food packaging.
Food	PFAS may be in milk, meat or produce if farms have been treated with compost or fertilizer that contains PFAS. Fish, seafood may be contaminated by surface water with PFAS.  	Fresh, unprocessed food is generally healthier than fast food. Pay attention to any food advisories issued by your state. While bottled water may contain PFAS, Massachusetts requires bottled water companies to provide test results showing that their water has less than 20 parts per trillion of the 6 PFAS regulated in Massachusetts. Companies must provide test results quarterly and remain below 20 ppt in order to sell their water in Massachusetts.
Food packaging	PFAS may be in paper-based disposable food packaging, including paper plates, cups, wrappers, bakery bags, candy wrappers, and trays contain PFAS. PFAS in disposal food packaging gets into food. PFAS travels faster into hot, greasy food. All microwave popcorn bags have PFAS, so avoid using.   PFAS can be added as a coating to disposable paper-based packaging. It can also be mixed with torn pieces of paper and dried on a mold. PFAS can also be in plastic containers that are treated with fluorine.	Look for products that are BPI certified. Since 2020, the Biodegradable Products Institute has required that all compostable food packaging must be PFAS-free. Look for BPI logo on product or research options at: https://bpiworld.org Center for Environmental Health has a frequently updated database of PFAS-free food packaging at: https://ceh.org/products/single-use-containers. Click on database link. In chart, products with green/no-F are free of PFAS. Greenscreen certifies food service ware products that are PFAS-free: https://www.greenscreenchemicals.org/certified/products/category/food *e.g. Worldcentric*

ITEM	PFAS likely to be in:	Links for additional information and examples of PFAS-free brands
Cookware	Almost all non-stick cookware contains PFAS. Those that don't, often contain bisphenol A (BPA), which should also be avoided. 	Avoid non-stick cookware. Go with stainless steel, cast iron, glass. If you must have non-stick, go with silicone enamel. Some products with silicone enamel listed at ecocenter.org/healthy-stuff/reports/whats-cooking-nonstick-pan-study-2020
Artificial turf	Artificial turf contains PFAS and other contaminants of concern. 	Natural grass
Building materials	Many building materials contain PFAS. For more information, see: https://greensciencepolicy.org/our-work/building-materials/pfas-in-building-materials/	homefree.healthybuilding.net/products greenbuildingsupply.com buildinggreen.com/product-guidance (Some material free, in-depth guidance requires membership)
Cleaners and waxes	PFAS is in many cleaners and in floor waxes. Many cleaning products do not fully disclose ingredients on product labels. 	ewg.org/guides/cleaners/ Greenseal, Safer Choice & Ecologo are environmental certifications that identify cleaning products with few or no toxic ingredients. Greenseal restricts 7 PFAS and is in the process of considering expanding restrictions to all PFAS. In March 2022, the Environmental Protection Agency updated its Safer Choice ingredients list, removing two PFAS it formerly considered safe. EPA also requires manufacturers that use plastic bottles to avoid fluorination processes that may create unintentional PFAS. You will see one of these product logos on items. Green Seal and Safer Choice also have searchable databases: https://www.epa.gov/saferchoice/products https://certified.greenseal.org

Disclaimer: Clean Water Fund has not independently tested the products identified above and we do not endorse products.

Misleading claims:

When it comes to PFAS, product claims can be misleading.

There are thousands of different types of PFAS. The first two chemicals to be introduced were PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonic acid.). Voluminous research demonstrates that these chemicals are persistent, bio-accumulative and toxic. As a result, the Environmental Protection Agency worked with industry to phase out American manufacture of these chemicals in 2015.

Industry developed new chemicals to replace PFOA and PFOS. These new chemicals are sometimes called "short-chain" chemicals while PFOA and PFOS are referred to as "long-chain" or legacy chemicals.

Some industry claims:

Long-chain PFAS are unsafe, short-chain PFAS are safe.
No PFAS have been shown to be safe.

PFCec Free Durable Water Repellant (DWR) is safe.
PFCec stands for PFCs of environmental concern, and PFCec Free refers to polymers or shorter chain PFAS that industry claims are safer, but no PFAS have been shown to be safe.

This pan is PFOA-free and PFOS-free.
Products that make this claim often have other PFAS.

Fluoropolymers (large molecules with fluorine) are stable and safe.
No, they're not. They are made using harmful PFAS chemicals and they can break down into other toxic PFAS.

Industry claims: PFAS are like berries. They're all different.
Scientists around the world are calling for restrictions on the entire class of PFAS, because:

- PFAS have common characteristics that make them extremely persistent.
- Those PFAS that have been studied have been found to be toxic at very low doses.
- While every one of the thousands of PFAS have not been fully analyzed, there is enough concern about those PFAS that have been characterized to warrant caution.

FOR MORE INFORMATION, PLEASE CONTACT:
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Community Action Works: https://communityactionworks.org, (857) 702-2645

CLEAN WATER FUND

COMMUNITY ACTION WORKS

This fact sheet was developed with funding from the Toxics Use Reduction Institute, University of Massachusetts Lowell.

TOXIC-FREE FUTURE
SCIENCE • ADVOCACY • RESULTS

Toxic chemicals used for stain and water resistance pollute people and the planet, **but alternatives are available.**

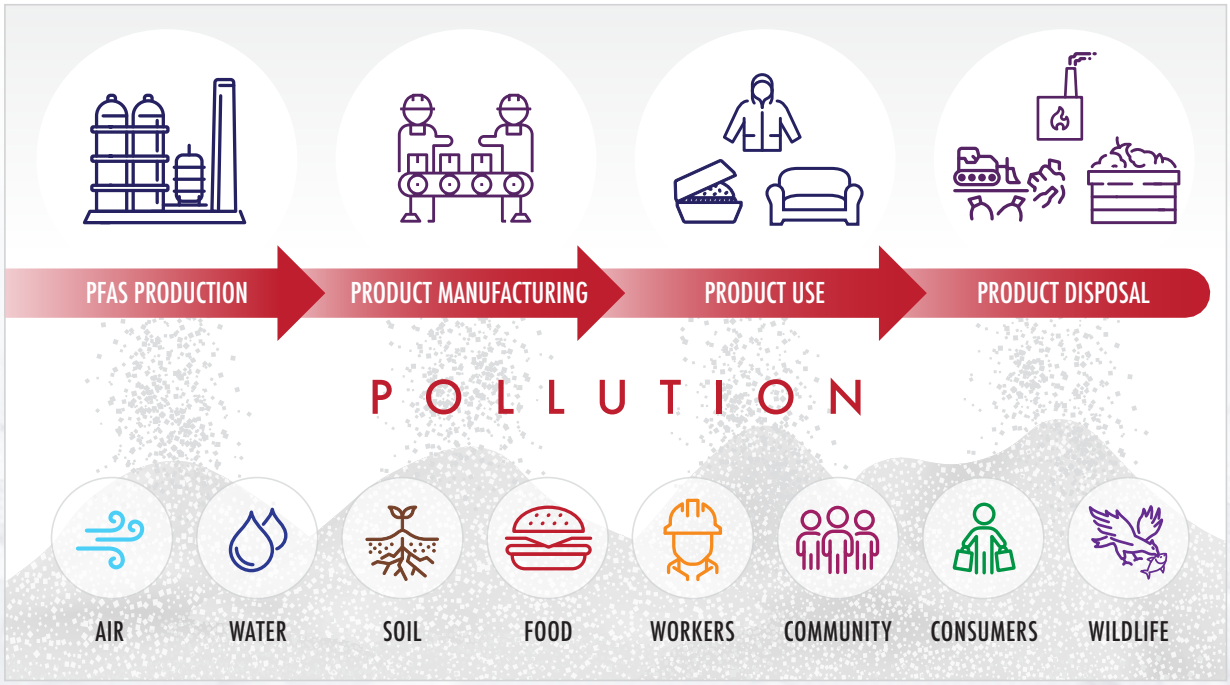
PFAS (per- and polyfluoroalkyl substances) are a large class of chemicals that companies currently put in a wide range of products. PFAS have been linked to serious health impacts including cancer, increased cholesterol, and suppression of the immune system.

Manufacturers use PFAS to provide stain and water resistance in home furnishings such as upholstered furniture, tablecloths, and bedding. They also put these chemicals in clothing such as rain jackets, hiking pants, and snow gear.

Treated textile products leave a toxic trail of pollution.

Unfortunately, these uses of PFAS leave a toxic trail of pollution that results in contamination of drinking water, homes, schools, and workplaces—and eventually, our bodies. First, companies that manufacture the PFAS pollute air and water with these highly persistent chemicals. Then, when we use the treated textile products, they emit PFAS into our indoor air, causing these chemicals to build up where we live, learn, and work, and in our bodies. Finally, when we are finished using the products and they go to landfills and incinerators, the PFAS treatments keep contaminating water and air.

As a result of this toxic trail, PFAS have been found in drinking water, indoor and outdoor air, breast milk, and the blood of nearly every U.S. resident tested.



Research has found widespread use of PFAS in household items and apparel sold by major retailers.

Toxic-Free Future tested three kinds of commonly used products, purchasing a total of 60 items from 10 major retailers. Researchers tested for the presence of PFAS in outdoor apparel, bedding, tablecloths, and napkins. The research found the following:

- **PFAS are commonly used for stain and water resistance**: 72% of items with this type of labeling contained PFAS.
- **Multiple types of stain- or water-resistant consumer products contained PFAS**, including mattress pads, comforters, tablecloths, napkins, rain jackets, hiking pants, and shirts.
- **Manufacturers have been using a mixture of PFAS** that includes compounds banned in other countries.
- **Alternatives to PFAS for stain and water resistance are in use**—researchers found items in each category that were marketed as stain- and/or water-resistant yet appeared to be PFAS-free.

We have the solutions—we just need leaders to implement them.

State and federal leaders should pass polices to end the use of PFAS in all textiles, establish comprehensive chemicals policies to replace harmful chemicals with safer alternatives, ensure cleanup of contaminated communities, and wield government purchasing power to avoid PFAS.

Companies that make home furnishings and apparel should adopt policies to phase out PFAS use and move to safer methods, disclose all product ingredients, and keep the public updated on progress.

Retailers should "mind the store" by adopting public corporate chemical policies to ensure all textile products available for sale are free of PFAS and contain only safer substitutes.

We can envision a future in which the clothes we wear and all products in our homes, schools, and workplaces are free of toxic chemicals. PFAS—incredibly persistent, and so mobile that they have contaminated drinking water for millions of people—clearly don't belong. To work towards this future, we need to phase out the "forever chemicals" that jeopardize it.

"I am really excited to know that there are alternatives to PFAS as this huge class of synthetic chemicals pollutes all of us and is associated with a host of adverse health effects such as elevated cholesterol, kidney cancer, and immune suppression."

Linda S. Birnbaum, Ph.D., D.A.B.T., A.T.S.
Scientist Emeritus and Former Director, National Institute of Environmental Health Sciences and National Toxicology Program
Scholar in Residence, Nicholas School of the Environment, Duke University

Learn more at **toxicfreefuture.org/pfas-textiles**

TOXIC-FREE FUTURE

Benjamin Rule – PFAS Prevention Bills - Updated

My name is Benjamin Rule. When I was 16 years old I was diagnosed with Acute Lymphoblastic Leukemia. By the time it was discovered the Leukemia had already spread throughout 76% of my body, and it was the first of my many close calls. The following 5 years were comprised of an aggressive treatment plan where I went through countless doses of countless types of chemotherapy, frequent spinal taps, multiple surgeries, during which I developed numerous complications, as well.

One of the more major complications was severe pancreatitis due to an allergic reaction I had to a specific chemotherapy the *third* time I received it. It was already the most painful chemo to receive that I can recall, but the severe pancreatitis that followed quickly outclassed it. The pancreatitis resulted in me needing to be placed in a medically induced coma for 11 days to stop my body from shutting down completely, and when I woke up from the coma it was discovered that I was now a Type 1 Diabetic due to the damage that ensued in my pancreas. I was placed on a high dose of steroids to hopefully reverse the damage done to my pancreas before it was "set in stone", but unfortunately that didn't work and instead it only resulted in avascular necrosis in a few of my joints, primarily in my left hip. The ball and socket joint on my hip had deteriorated into a spike, and I had to walk on it for a few years before I was able to get a hip replacement due to the aggressive treatment plan that I was still undergoing for Leukemia. I will have to undergo the same surgery in the future as hip replacements don't last forever.

About a year after the coma it was discovered that there was also heavy scarring in my pancreas that was blocking the blood flow between it and my spleen, and my spleen was well on track to bursting because of this. I ultimately had to get my spleen and part of my pancreas removed immediately after that discovery, adding another tally to my excessive amount of near death experiences at such a young age.

I went through years of intense physical and emotional turmoil, isolation from my friends and peers, and essentially the complete dismantling of the life I once lived. I was below rock bottom and then suddenly my treatment plan was complete, and my cancer cured, and I was "set free" and told to go make a life for myself. I beat Leukemia, but I lost myself in the process and I didn't know how to go on. Over the years of treatment I had watched everyone I grew up with progressively grow and leave me behind while I was stuck in the hospital, and suddenly I was expected to be right on track with them again as if the last few years never happened. I felt like I had nothing and nobody at this point, and I didn't want to continue. I was able to eventually find a mental health program that helped me learn how to carry on before it was too late, and I managed to find the strength to build a new foundation on the rock bottom where I was stranded for years and lift myself out of the pit to begin anew. But let me make it clear, in my situation, I'm one of the lucky ones - simply because I survived.

I grew up and lived the majority of my life in the Oakdale area in Minnesota. I went to Tartan High School in Oakdale as well, and I mention this because of the abnormally high number of students who have been diagnosed with some form of cancer while attending there. This is the same area where 3M's PFAS chemicals permeated the ground water and the surrounding environment. While there is no 100% guarantee that the PFAS chemicals are what gave me Leukemia, the same higher than normal rates of cancer in relation to PFAS chemical exposure are happening in Australia, too, next to another 3M plant, and the evidence cannot be ignored any longer.

It is unacceptable to allow these forever chemicals to destroy not only our city, but our environment and our planet as well. If PFAS chemicals are even remotely to blame for my illness then I fear for the other people, families, and children living in the areas where they are at risk of exposure. Nobody deserves to go through what I did. We all deserve clean water and good health. We all deserve accurate information, and regulation over, and full disclosure about, the effects of PFAS chemicals that are being forced upon not only humanity but the flora and fauna that live in and make up our environment, as well. 3M has an eco-responsibility to address and remedy the PFAS chemical situation as well as protecting and preserving our planet. This is our only home, where we're all born and we all spend our lives trying to find happiness and meaning, and without any kind of intervention or accountability those ideals will only get harder and harder to achieve. Oakdale deserves better 3M. So does Minnesota, so does Australia, and so does our planet.

Support the PFAS Prevention Package

We need to stop "forever chemicals" before Minnesotans are exposed

The Problem:

Due to serious flaws in the Toxic Substances Control Act (TSCA) only a small number of chemicals widely used in everyday products have been assessed for safety. This situation began to change in 2016 when TSCA was updated for the first time in 40 years. Since then, the Environmental Protection Agency (EPA) has been slowly assessing a massive backlog of tens of thousands of chemicals. In the meantime, public health and the environment are being harmed by the continued widespread use of toxic chemicals.

PFAS chemicals are a class of chemicals most in need of immediate policy action due to their wide-spread use in products, prevalence in breast milk and people's bodies, and persistence in the environment. Known as "forever chemicals" due to their inability to break down, PFAS also persists in the waste stream, contaminating our soil, air, and water.

We are asking the state of Minnesota to heed the call of EPA Administrator Michael Regan when he stated "Every level of government — from local, to state, to Tribal, to federal will need to exercise increased and sustained leadership to truly make progress on PFAS."

States across the country, including Minnesota, have passed policies to curb the use of PFAS in select products. While this is a start, more needs to be done. To protect current and future generations from harm Minnesota should take immediate action to stop the use of PFAS in a wide array of products.

Clean Water Action and the Healthy Legacy Coalition are supporting the PFAS Prevention Package which includes the following bills:

Information Disclosure (SF450/HF372): Minnesota needs an accurate picture of where PFAS chemicals are being used and for what purpose. This bill would require manufacturers to disclose the amount of PFAS they're using, in which products it's being used, and how it's being used.

PFAS Non-Essential Use Ban (SF834/HF1000): We need to reduce exposure to toxic PFAS chemicals in our homes and in our environment. To do this, we are seeking a ban on PFAS in all products other than those considered "essential." Essential use means the product is essential for health, safety or the functioning of society and for which safer alternatives are not feasible and available at time of assessment or in the foreseeable future. An example is medical devices that contain PFAS chemicals.

Firefighting Foam Loophole Closure (SF776/HF742): In 2019, Minnesota banned the use of PFAS firefighting foam for testing or training purposes. However, there are still many ways these foams can be used in the state, endangering firefighters who already have one of the highest cancer rates in the nation. We can reduce their exposure and the water/soil contamination from firefighting foams by strengthening our existing restrictions on foam use. This bill would ban all uses of PFAS in firefighting foams that are not currently required by federal law.

What does the 3M voluntary phase-out decision mean for PFAS legislation?

- While we praise 3M for being an industry leader and announcing their commitment to phasing out the use of dangerous PFAS chemicals, they are not bound by law to complete this goal at all, much less within the timeline they have set for themselves. **The Non-Essential Use ban will codify protections for Minnesota families.**

- **The Information Disclosure bill will verify businesses, such as 3M, that voluntarily stop using PFAS chemicals are being truthful to consumers** with regards to truly honoring their pledge to end the use of PFAS chemicals.

- **3M can't tackle the problem of PFAS chemical production and use in Minnesota on its own.** These three bills will make it mandatory in Minnesota that dangerous PFAS chemicals are kept out of the products we use everyday and out of our water.

What are PFAS?

PFAS are a class of nearly 5,000 human-made chemicals which includes Per- and Poly-fluoroalkyl substances. These chemicals contain chains of fluorine-carbon bonds, which are very stable and difficult to destroy. The stability of PFAS chemicals make them incredibly persistent, and their mobility makes them bioaccumulate in humans and the environment. Some PFAS chemicals will take upwards of 8 years to break down in the human body, and never break down in water or soil.

Use in consumer products is common because PFAS add a grease-, oil-, and water-resistance to materials that would otherwise not have that quality. Unfortunately, that means PFAS is found in a lot of different products including ski wax, cosmetics, cookware, stain-resistant treatments, and outdoor wear.

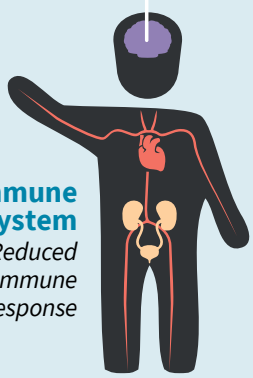
Health Risks

A 2015 consensus statement by 200 experts raised concerns about PFAS and their replacement chemicals. The experts' concerns were so significant they recommended PFAS should only be used for essential purposes given their known health and environmental hazards. Seven years of research by a scientific panel of epidemiologists found a probable link between one PFAS (PFOA) and testicular and kidney cancer, preeclampsia, thyroid disease, ulcerative colitis and high cholesterol. Other studies on PFAS have linked PFAS exposure to reduced immune response and increased infertility. Due to the persistence of PFAS in the human body, the chemicals can accumulate over time, creating greater risk for health impacts.

Health Impacts of PFAS

CHILDREN

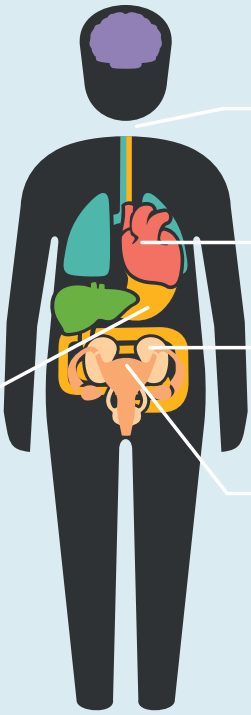
Brain
Behavior problems, lower IQ, learning disabilities



Immune System
Reduced immune response

Metabolic
Low birth weight, childhood obesity, Type 2 diabetes

ADULTS



Thyroid
Thyroid disease

Immune System
Reduced immune response

Cardiovascular
High cholesterol

Kidneys
Kidney cancer

Digestive System
Ulcerative colitis

Reproductive System
Men:
Testicular cancer
Women:
Pre-eclampsia, increased infertility, gestational diabetes

These are known and suspected health impacts from PFAS and phthalates, a chemical with similar health threats.

FOR MORE INFORMATION:
Avonna Starck, Minnesota State Director, Clean Water Action and Clean Water Fund
AStarck@cleanwater.org or 612.423.6939.

CLEAN WATER ACTION
CLEAN WATER FUND
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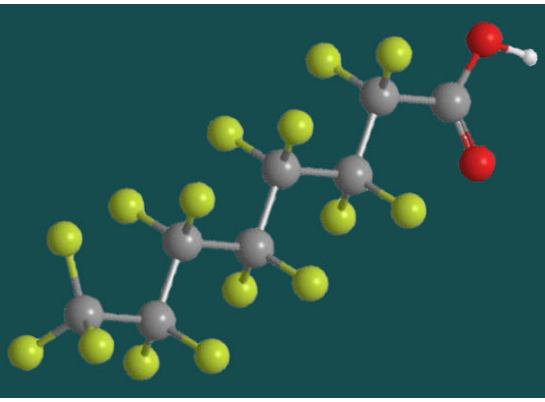
Tel: (612) 623-3666 • cleanwater.org/MN
CleanWaterActionMN @CleanWaterMN

Healthy Legacy

THE PROBLEM WITH PFAS

Minnesota Center for Environmental Advocacy



THE PROBLEM:

- PFAS (per- and polyfluoroalkyl substances), otherwise known as "Forever Chemicals," have been produced and released into the environment for decades. These synthetic chemicals enter the human body and cause a battery of serious health complications. Despite the known risks to human health and the environment, little has been done to address this problem.
- PFAS are extremely soluble and mobile in the environment (within soils and water) and enter the human body through multiple pathways (drinking water, fish tissue, etc.). Ingesting PFAS has been linked to reproductive issues, developmental delays in children and infants, and increased risk of cancers (EPA)
- PFAS are commonly found in the soil and groundwater near airports and military bases because products containing PFAS have commonly been used at these sites for training purposes.
- Firefighters face an increased risk of PFAS exposure through the use of AFFF (Aqueous Film Forming Foam), an agent used to distinguish fires that contain PFAS. The consequences of the long term and repeated exposure to PFAS from these sources is a health concern for firefighters and has not been sufficiently studied.
- Several legislative loopholes have been leveraged by chemical manufactures to allow the continued production and use of these chemicals.
- There is currently no Maximum Contaminant Level set by the EPA for PFAS in drinking water.

BACKGROUND:

- 3M, headquartered in Maplewood, is a major producer of consumer and industrial products containing PFAS. It recently disclosed that it has long-known about the adverse health effects of these chemicals, and how it has done little to remediate this growing problem.
- In October 2021, the Biden administration announced plans to regulate PFAS. This multi-year long strategy includes addressing PFAS in drinking water under the Safe Drinking Water Act. The Biden Administration also intends to designate PFAS as a hazardous substance under the Superfund law. This would allow EPA to issue cleanup responsibilities and costs to the party responsible for the pollution.
- The EPA also included plans to require chemical manufacturers to test and report PFAS in household items that are an increasing public health concern.

MINNESOTANS DESERVE A STRONG RESPONSE TO PFAS CONTAMINATION

- Firefighters deserve protections against PFAS in AFFF that can be harmful to their health.
    - A 2019 white paper from IPEN (Internatonal Pollutants Elimination Network) describes the contamination and risks to firefighters through the use, handling, and disposal of AFFF and PFAS products;
    - Michigan initiated disposal and collection efforts as a result of these studies to halt the use of products containing PFAS.
- A lack of information about what products contain PFAS is detrimental to public health and adds risk to sensitive populations, like mothers, pregnant women, infants, and small children. Disclosing when a product contains PFAS allows consumers to purchase safer alternatives.
- Regulating the manufacture, use, and disposal of of these forever chemicals requires immediate legislative action to protect all Minnesotans and the health of the environment.
- Communities near landfills, airports, and chemical manufacturing facilities suffer greater risk from PFAS contamination.

For more information:

- **EPA PFAS strategy:** https://www.startribune.com/epa-unveils-strategy-to-regulate-toxic-forever-chemicals/600107660/?utm_source=newsletter&utm_medium=email&utm_campaign=talkers
- **What is MN doing about PFAS?:** https://www.pca.state.mn.us/waste/what-minnesota-doing-about-pfas
- **Firefighters and AFFF:** (https://www.firerescue1.com/firefighting-foam/articles/forever-chemicals-what-firefighters-need-to-know-about-afff-and-pfas-8pdsKB4G2G1fJoIM/)

L T UPDATED: 1/31/22

Contact:

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February 14, 2023

The Honorable Rick Hansen
Chair, Environment and Natural Resources Finance and Policy
Saint Paul, MN 55155

RE: HF 1000 – PFAS prohibited in certain products, disclosure required
Position: Oppose

Dear Chair Hansen:

The Alliance for Automotive Innovation (Auto Innovators) is writing to express our concerns with the provisions of HF 1000, which raise serious challenges for automakers, including unrealistic timelines, overly broad definitions, and failure to provide consideration for trade secret and intellectual property issues. HF 1000 will also unnecessarily duplicate efforts at the federal level.

The Alliance for Automotive Innovation is the leading advocacy group for the auto industry, representing 39 innovative manufacturers and value chain partners who together produce nearly 98 percent of all light-duty vehicles sold in the United States. Members include U.S. and international motor vehicle manufacturers, original equipment suppliers, technology and other automotive-related companies and trade associations.

Because of the complexity of regulating such a broad range of chemicals, the bill should focus on regulating PFAS of known health concerns by distinguishing between chemicals that may cause harm and chemicals that do not. Our concerns are further detailed below.

Specific PFAS Should Be Regulated Based on Risk

By definition, the universe of PFAS chemicals requiring disclosure under HF 1000 is tremendously wide, capturing over 10,000-plus unique chemical substances. This appears to be without discernment regarding the actual levels of risk and concern to humans and the environment of these thousands of chemicals. HF 1000 explicitly ignores that the broad use of the term PFAS incorporates exceptionally different physical, chemical, environmental, and biological properties. Not all PFAS chemistries are the same, and they should not be managed under a single regulatory reporting class. This bill is overly broad, lacks scientific justification, and imposes an extremely onerous obligation on the automotive industry with no apparent or obvious benefits to the public.

Because there is no standard definition for PFAS chemicals, current legislative efforts default to this basic definition which could, according to recent National Institute for Occupational Safety and Health (NIOSH)data include over 9,000 synthetic chemicals[12] including hydrofluorocarbons (HFC), PFOA,

[1] GAO, 2022, TECHNOLOGY ASSESSMENT Persistent Chemicals: Technologies for PFAS Assessment, Detection, and Treatment, Report https://www.gao.gov/products/gao-22-105088
[2] https://www.cdc.gov/niosh/topics/pfas/default.html

PFOS and high molecular weight fluoropolymers to give a few examples. EPA's Toxcast database increases that estimate to 12,034 chemicals.[3] When defaulting to this definition no distinction is made between chemicals that are harmful and those that are not.

The automotive industry recommends that statutes and regulations:

1. Should not combine PFAS chemicals into one large class of substances for regulatory or reporting purposes. A clear distinction must be made between those chemicals that may cause harm and those that do not.
2. Focus on PFAS of known health concern.
3. Exclude breakdown products and byproducts of PFAS that are not intentionally added.
4. Exclude hydrofluorocarbons, hydrofluoro-olefins, hydrochlorofluoro-olefins, fluoroiodocarbons, hydrochlorofluorocarbons, and chlorofluorocarbons that are used refrigerants as define in ISO 817:2014, Refrigerants — Designation and safety classification.
5. Exclude high molecular weight fluoropolymers.
6. Do not include analytical testing as part of a PFAS compliance strategy until such time as the scientific methods for measurement of PFAS in products and product components are generally available.
7. Exclude PFAS that are approved or intended for use as FDA approved drug.
8. Exclude PFAS that are no longer manufactured and have an existing SNUR to prohibit the import or manufacture, including the import or manufacture in articles.

Redundant Data Collection Effort

Currently the U.S. Environmental Protection Agency (EPA) is proposing reporting and recordkeeping requirements for PFAS under the Toxic Substances Control Act (TSCA). That proposed rule, when finalized, will require manufacturers (including those who import) to report information regarding uses, production volumes, disposal, exposures, and hazards for any level of PFAS in products. HF 1000 would implement redundant state-level reporting that would replicate the data elements that will be federally required under TSCA Section 8(a)(7). Considering that implementation of HF 1000 would be extraordinarily costly for the State, the auto industry, and other regulated entities, if Minnesota wants this sort of information it should instead leverage the data that will be collected under federal efforts to inform PFAS management policy.

Proposed Timelines are Unachievable

HF 1000 requires reporting no later than January 1, 2025. The bill also calls for rulemaking to address the notice reporting. This aggressive timeline and lack of clear standards, which are essential elements for the regulated community to develop complete compliance plans, make HF 1000 challenging from a compliance standpoint. The auto industry produces complex consumer goods. Vehicles contain thousands of complex components, with multiple subcomponents (up to 30,000 at the lowest component level). Additionally, the automotive global supply chain has a very complex structure. The automotive original equipment manufacturer (OEM) is often up to ten tiers removed from the raw material supplier.

Collecting the required data to report under HF 1000 would be a tremendous resource and financial burden, one that the auto industry likely would struggle to complete within the timeframe provided for in the bill.

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[3] https://comptox.epa.gov/dashboard/chemical-lists/pfasmaster

In addition, HF 1000 proposes a complete phase-out of PFAS in consumer products by 2030. Without question, a very high number of consumer products contain PFAS, and if this phase-out becomes law, Minnesota can expect a deluge of requests that PFAS uses be found as "currently unavoidable." PFAS are found throughout automobiles, playing critical durability, flammability, safety, and environmental roles to make vehicles the long-lasting, hardy, and safe products they are today. The likelihood of a complete phase-out of PFAS as defined in HF 1000 in cars and trucks is unlikely; therefore, the bill threatens to completely prohibit sales of motor vehicles starting in 2030.

No Consideration for Trade Secret and Intellectual Property Issues

HF 1000 calls for the commissioner of the Pollution Control Agency to collect these notices; however, the bill appears to make no consideration for trade secret and intellectual property issues when it comes to the reporting entities. Auto manufacturers sign confidentiality agreements with suppliers contractually protecting confidential information and trade secrets. Without any provisions to enable protection of that sort of information, manufacturers will be forced to choose between compliance with the law and regulations and compliance with their contractual obligations.

Considerations from other States

Other states have struggled with implementing PFAS reporting and ban statutes or have scrapped legislation altogether. Maine, which passed the first major PFAS reporting and ban legislation of this kind, is now struggling to implement it. Despite adding a hire to their Department of Environmental Protection, they failed to have in place an online reporting portal or even an implementing regulation by the statutory start date of January 1, 2023, and it appears those tasks will not be completed for at least a few more months. Considering those circumstances and continuing confusion, Maine has granted around 2,000 extensions of the reporting deadline. And in the state of California, often at the vanguard of environmental regulation, Governor Newsom in September 2022 vetoed AB 2247, a PFAS reporting bill, citing concerns over costs and the duplication of federal efforts.

Conclusion

Though the rationale for such a reporting requirement may appear to be self-evident, the serious compliance obligation creates an unprecedented imposition of cost and burden both to the State and the automotive industry with little to no benefit, as there are federal efforts underway to collect similar data.

Thank you in advance for your consideration of our position.

Sincerely,

Josh Fisher
Director, State Affairs
Alliance for Automotive Innovation

Association *of* Minnesota Counties
125 Charles Avenue, Saint Paul, MN 55103-2108 | www.mncounties.org

February 14, 2023

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

Re: HF1000 (Brand) PFAS prohibited in certain products, disclosure required, and rulemaking authorized

Dear Chair Hansen and committee members:

The Association of Minnesota Counties (AMC), a membership-based organization representing all 87 Minnesota counties, appreciates the opportunity to offer our support of the legislation being heard today to identify PFAS sources and reduce sources.

Per- and polyfluoroalkyl substances (PFAS) have been used in products and processes for many decades and their persistence has resulted in detection throughout our environment. While PFAS is a board category of chemicals, some of the most studied have proven to be hazardous to human health.

AMC supports producer responsibility that that obligates manufacturers to minimize environmental and social impacts of their products. The primary effort for reducing the environmental impacts and human exposure is to stop introducing sources of the contaminant. Prevention is the most effective and least costly tool. To that end, AMC supports HF1000's focus on identifying current known users and source reduction.

AMC appreciates the legislature's focus on identifying primary sources of contamination and eliminating or reducing those from the waste stream.

Sincerely,

Brian Martinson, Policy Analyst
Association of Minnesota Counties

PARTNERSHIP ON WASTE & ENERGY
Hennepin | Ramsey | Washington

February 13, 2023

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

Re: Support for Reducing Sources of PFAS (H.F 1000)

Dear Chair Hansen,

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board consisting of Hennepin, Ramsey and Washington counties, formed to address waste management and energy issues. The Partnership seeks to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate.

The Partnership supports measures to design waste, toxicity and pollution out of the marketplace in pursuit of a sustainable, circular economy. Focusing on upstream solutions are more efficient and effective than dealing with costs and impacts after products have been used and disposed.

The Partnership is very concerned about the persistent presence of PFAS in the state's land, water and other resources. We support initiatives to reduce sources of PFAS as a strategy to protect public health and minimize the potential for PFAS to appear in waste materials and facilities managing those materials. Efforts such as H.F. 1000 (Rep. Brand) encourage re-examination of product design and transparency. This can minimize the use of ingredients that create problems for consumers, local governments and waste system operators and leave legacy costs that taxpayers are often forced to manage.

The Partnership appreciates the priority legislators place on mitigating the environmental and economic challenges posed by a range of problematic ingredients, including PFAS, and look forward to solutions that reduce PFAS in our environment and protect public health.

Sincerely,

Debbie Goettel

Commissioner Debbie Goettel, Hennepin County
Chair, Partnership on Waste and Energy

cc: House Environment and Natural Resources Finance and Policy committee members

PARTNERSHIP ON WASTE AND ENERGY
HENNEPIN | RAMSEY | WASHINGTON
100 Red Rock Road | Newport, MN 55055
info@recyclingandenergy.org | 651-768-6670

February 13, 2023

Honorable Rick Hansen, Chair
Honorable Sydney Jordan, Vice Chair
House Committee on Environment and Natural Resources Finance & Policy
Minnesota State Capitol
St. Paul, MN 55155

RE: HF 1000 (Brand): Product restrictions and reporting - **OPPOSE**

Dear Chair Hansen, Vice Chair Jordan, & Honorable Committee Members:

The Household and Commercial Products Association (HCPA)[1] appreciates the opportunity to provide comments to the Committee on Environment and Natural Resources regarding House File 1000. HCPA supports sensible regulation of priority chemicals, however we respectfully oppose HF 1000 due to the proposal's overly broad language, redundancy of federal regulations, and far-reaching product restrictions without any authoritative risk evaluation. All of the substances that meet the proposed definition of PFAS are not the same, and individual chemistries have their own unique properties and uses, as well as environmental and health profiles. As written, HF 1000 would apply a one-size-fits-all approach to chemical regulation that creates new environmental concerns or even prohibits technologies that are safe for humans and the environment.

Legislation is Redundant of New Federal Requirements

Recently, Congress and the Biden Administration developed enhanced rules for regulating PFAS, including reporting requirements. The EPA has implemented a PFAS Action Plan that has served as a roadmap for the agency's activities addressing the chemical and issues related to contamination. Moreover, HCPA supports the new reporting and record-keeping requirements for PFAS under the Toxic Substances Control Act (TSCA) as amended by the National Defense Authorization Act, and seeks to assist the EPA in gathering that information in an effort to better characterize the sources and quantities of manufactured PFAS in the United States. The federal program includes a requirement for anyone that manufactures or imports, or has manufactured PFAS in any year since 2011, to report uses, production volumes, disposal, exposures, and hazards.

HCPA urges the Legislature to avoid additional state-level reporting requirements that will multiply redundant state mandates, divert state resources, and duplicate the EPA's efforts to identify PFAS

[1] As North America's premier household and commercial products trade association, HCPA represents the interests of entities engaged in the manufacture, formulation, and distribution of trusted and familiar supplies that help our communities create a cleaner and healthier environment. Products that HCPA represents include, but are not limited to, disinfectants that are designed for use against germs and human pathogens in homes and institutional settings; pest management products in homes as well as for lawns and gardens; cleaning products to keep homes and businesses clean and safe from viruses; polishes; aerosol products; and a host of other everyday consumer products.

substances. Last year, the Governor of California vetoed similar legislation in part because the EPA "is currently undergoing rulemaking to require reporting of PFAS."[2]

Product bans should be subject to rigorous scientific evaluation

In other jurisdictions, chemicals and products of concern undergo a scientific evaluation process with public and stakeholder input in order to consider the real and perceived risks of the products weighed against other environmental benefits the product may hold. The Legislature is not designed or equipped for this kind of rigorous assessment. For example, Washington state recently passed comprehensive legislation to regulate PFAS, however the Legislature empowered the department to make these determinations based on comprehensive and objective evaluations. Indeed, many of the products enumerated in HF 1000 are under consideration in states like Washington and California.

Prohibitions like "Cleaning products" decimate entire product categories and harm the environment

HF 1000, handpicks certain product types without a comprehensive scientific review and, as a result, entire product categories will be decimated while creating new environmental challenges. For example, certain floor maintenance products used in schools, hospitals, and office buildings are designed to remain on the floor for years. They serve an important function to mitigate wear and tear and bring no PFAS exposure to people using the floors. Removing these products from the market will mean replacing floors more frequently, thereby creating more waste in our landfills.

Some products – in particular concentrated products that require less water – are packaged in containers that are fluorinated to prevent leakage into the environment during shipment and while on the shelf. While manufacturers continue to innovate, packaging alternatives include metal or glass which are heavier and will only increase greenhouse gas emissions in order to transport the products.

PFAS Nomenclature

Perfluoroalkyl and polyfluoroalkyl (PFAS) substances are a large, diverse group of more than 1,000 chemical compounds. PFAS properties vary widely across uses and applications. For this reason, it is important to distinguish between PFAS categories, use, function, exposure, and chemical properties as opposed to treating the substance as a single group. Chemical and structural differences among different types of PFAS may create properties that underline legitimate concerns over potential health and environmental risks associated with some substances—this most certainly does not apply to all PFAS chemicals and applications. For this reason, PFAS should not be considered as a single group or class, especially given it is possible to scientifically define distinct categories of PFAS based on shared properties.

Unintended Consequences

A single-class approach to regulation is not scientifically accurate and can lead to unjustified or unintended product restrictions. For example, HCPA represents the aerosol industry, as this is a common delivery form for many household and commercial products. Aerosol propellants are highly regulated by state and federal governments, and producers have gone to great lengths in recent years to manufacture and innovate more environmentally preferable products, especially reducing global warming potential (GWP). Hydrofluoroolefin (HFO) technology has been recognized for its minimal global warming potential, low to non-flammability, zero ozone depletion, and also quickly degrades in the environment.[3] HFOs are a compound consisting of hydrogen, fluorine, and carbon. Some HFOs have a fully fluorinated carbon, which would unfortunately result in these propellants being captured by the bill's definition of PFAS as currently proposed in HF 1000. The use of such a broad definition

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[2] AB-2247 (Bloom -2022)

[3] The Intergovernmental Panel on Climate Change: https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf HFO-1234ze(E) has an atmospheric lifetime of 16.4 days (see p. 732).

could needlessly impose new requirements on products and technologies deemed safe and environmentally beneficial.

Conclusion

The safety of human health and the environment is a top priority for HCPA and our member companies. HCPA supports efforts to address the release of PFAS into the environment; however, we believe HF 1000 is redundant of federal efforts and includes an overly broad definition of PFAS, capturing products that are not persistent, bioaccumulative, toxic, or present any risk to the environment or public. The bill as drafted will also create new environmental concerns for the state. For the reasons outlined above, HCPA respectfully opposes HF 1000 and asks the Legislature to consider the points set forth in this letter.

Thank you for your consideration of this request and for your leadership on these issues. I welcome any opportunity to discuss these concerns and can be reached at cfinarelli@thehcpa.org.

Sincerely,

Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region

Consumer Technology Association™

1919 S. Eads St.
Arlington, VA 22202
703-907-7600
CTA.tech

February 13, 2023

Representative Rick Hansen
Environment and Natural Resources Finance and Policy Committee
10 State Office Building
St Paul, Minnesota 55155

Re: Minnesota HF 1000/SF 834 "Protecting Against Forever Chemicals Act"

Dear Chair Hansen and Members of the Committee

The Consumer Technology Association[1] is writing to respectfully oppose HF 1000/ SF 834 related to PFAS reporting requirements, restrictions, and product bans. As written, on January 1, 2025, the bill would require manufacturers to provide written notice to the Minnesota Pollution Control Agency (PCA) for products with intentionally added PFAS (as very broadly defined in the bill). Additionally, this bill would ban any product from being sold or distributed in the state that contains intentionally added PFAS, unless they have been specifically exempted. The bill also gives Minnesota PCA unprecedented authority to identify products with intentionally added PFAS that should not be sold or distributed in the State of Minnesota. Currently, the state of Maine is the only jurisdiction that has enacted a similar law. Maine is having a variety of difficulties implementing their law due to the complexity of the requirements, broad definitions, and the need for increased technical expertise and software. CTA recommends that Minnesota and all other states wait for the Maine Department of Environmental Protection to work out the implementation issues associated with their reporting requirements for PFAS before enacting additional legislation.

Furthermore, the electronics industry is comprised of complex articles, with multiple layers of suppliers across a complicated global value chain, making it particularly difficult for our industry to comply with this proposed requirement. The reporting requirements will create an administrative burden on the electronics industry, disproportionate to the utility of the results. **If this bill continues to move forward, CTA strongly recommends the exclusion of electronics article manufacturers (including importers) from this reporting rule[2].**

[1] CTA is North America's largest technology trade association. Comprised of over 1,000 companies, our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures.

[2] If electronics article manufacturers are subject to this reporting rule, then there should be a phased-in approach requiring, for example, specific portions or subsets of PFAS to be added incrementally over time or by first

A Complex Supply Chain

It is extremely difficult for complex article manufacturers and importers to obtain information about traceable chemical substance content. There is limited visibility from the original equipment manufacturers, the electronics assemblers, or the electronics suppliers down the supply chain to the chemical formulators and manufacturers. This limited visibility is constrained by the difficulties to connect with and compel all supply chain partners to reliably collect and accurately report data and information on possibly thousands of chemical substances used in any number of different electronics manufacturing processes, parts, and components.

The industry's ability to connect with and obligate supply chain partners to collect data for a finished electronic article is shaped by regulatory requirements, industry best practices, contractual obligations, and agreements between and among supply chain partners, the number of partners, the type of electronic equipment, and its expected performance (e.g., consumer, commercial, or high reliability uses). This ability is further affected by the number of years in the data call and the amount of time given to complete a data call. Industry's ability to reliably collect and accurately report chemical composition data is also shaped by the complexity of the finished article, the availability of information, and the access to data management systems by multiple supply chain partners. Addressing the historical use (going back 10 years) of a chemical adds additional layers of complexity and complication because supply chain partners regularly change. Supply chain partners may then no longer have a contractual obligation to provide information, and electronic components, parts, and finished articles may have significantly changed during that time. The administrative burden on industry will be disproportionate to the utility of the results.

Recordkeeping and Reporting Abilities

Since electronic devices are manufactured through a complex global supply chain, companies require sufficient lead time to implement any notification requirement. A single electronic product can have thousands of components which are sourced from multiple suppliers from which manufacturers will have to obtain the necessary notification information. Manufacturers will need to facilitate information requests, create databases to generate necessary reports, conduct supplier training to understand the information requests, validate and clarify any information received, and then link all received information to products sold. In addition, all of these information requests will have to cascade through multiple levels of the supply chain. Given these complexities, it would take years for manufacturers to gather the data needed to comply with the bill.

The Environmental Protection Agency is currently considering rules on reporting and recordkeeping regarding PFAS substances. As we commented to EPA previously, manufacturers of articles estimate it can take six to 12 months to track a single chemical through the supply chain. It is a struggle for manufacturers to estimate a realistic timeframe on the tracking of thousands of PFAS chemicals. EPA's Master List of PFAS Substances lists over 12,000 chemicals. Last year on average, across the electronics sector, chemical data management programs were tracking anywhere from 500 to just over 3,000 chemicals or chemical substance groups in response to regulatory requirements, voluntary initiatives by manufacturers, or by special request from supply chain customers.

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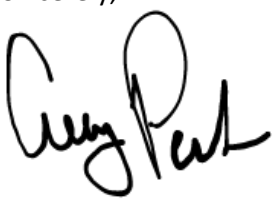
requiring PFAS chemical manufacturers to report and article manufacturers to report later based on data from these manufacturers.

Minnesota HF 1000/SF 834
February 13, 2023

Conclusion: CTA opposes the legislation HF 1000/SF 834 as written and strongly recommends the exclusion of electronic article manufacturers (including importers) from this reporting rule. Our industry is a comprised of a complex global supply chain that would make it near impossible to comply with the law as written.

Sincerely,



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SIERRA CLUB
NORTH STAR CHAPTER

North Star Chapter
2300 Myrtle Ave, Suite 260
St Paul, MN 55114

February 14, 2023

Dear Chair Hansen and Environment and Natural Resources Finance and Policy Committee Members:

I am writing on behalf of the North Star Chapter of Sierra Club in support of the following bill:

HF1000 PFAS prohibited in certain products, disclosure required, and rulemaking authorized

In less than 80 years, since the first PFAS chemicals were produced by 3M and DuPont to make Scotchgard and Teflon, PFAS has spread to every corner of the planet, contaminating drinking water around the world. PFAS has been found in rainwater and is linked to serious health problems, including cancer. As contamination levels build up in the environment, health risk levels considered to be safe continue to drop. In June, the EPA announced interim drinking water health advisories for PFOA and PFOS at near zero levels, .004 ppt and .02 ppt, respectively.

Some argue that we should not ban PFAS because it is critical for things like medical equipment. This bill allows for the continued use of PFAS in critical applications where there are no alternatives. But, PFAS is most often used in hundreds of products for nice-to-have features like making something stain-proof, water repellant, or long-lasting. It is impossible for consumers to avoid because it is rarely revealed in ingredient lists or packaging. People assume products they purchase are safe to use and should not have to spend hours researching a product to make sure that is true.

Minnesota would not be the first state to adopt a ban on non-essential use of PFAS. Maine passed a similar bill in 2021 and earlier this month, the European Union proposed a sweeping ban on PFAS.

PFAS causes environmental contamination wherever it is produced or used in manufacturing. It is also an expensive, challenging problem for waste management systems. The best way to address these issues is to stop making it, as 3M announced in December it would do by the end of 2025. While this is welcome news, 3M is not the only producer or user of PFAS.

PFAS are known as forever-chemicals because they do not break down. Stopping PFAS at the source is needed to protect human health and our environment. Ending the production of all non-essential uses of PFAS is the most important step we can take. Thank you for supporting this bill.

Sincerely,

Lori Olinger
Chair, Zero Waste Task Force
Sierra Club North Star Chapter

February 13, 2023

To: The Honorable Rick Hansen, Chair
Members, Environment and Natural Resources Finance and Policy Committee

From: PRINTING United Alliance

Re: Opposition of HF 1000

PRINTING United Alliance is writing to express our opposition to HF 1000, legislation that would, among other things ban the use of intentionally added PFAS chemicals and mandate a reporting requirement on manufacturers and suppliers of products that contain PFAS chemicals.

As background, PRINTING United Alliance represents the interests of facilities engaged in producing a wide variety of products through screen printing, digital imaging, flexographic, and lithographic print processes. The print industry is comprised primarily of small businesses, with approximately 95 percent of the printing industry falling under the definition of a small business as described by the Small Business Administration.

HF 1000, as currently written, applies a "one size fits all" approach to chemical regulation that is not scientifically accurate. We appreciate the intent of the legislation, but it is inappropriate to add "classes of chemicals" to be regulated, and institute a reporting requirement, before the impact of the chemicals on human health or the environment has been determined. While some of the products manufactured by our members may be subject to the law, this legislation would create a regulatory burden which would be costly and confusing.

One-Size-Fits-All Approach is Neither Accurate, nor Appropriate

In our view, establishing any list of chemicals for regulatory purposes should be done after a fact-based evaluation about the nature of these substances, how they differ from each other and what risk, if any these substances may present to human health or the environment. Though the names of chemicals may be similar, the differences in their use, structure, health and environmental profiles make them unique.

Individual chemistries have their own unique properties and uses, as well as environmental and health profiles. According to the EPA, "approximately 600 PFAS are manufactured (including imported) and/or used in the United States."[1] Among these 600 are substances in the solid (e.g., fluoropolymers), liquid (e.g., fluorotelomer alcohols) and gaseous (e.g., hydrofluorocarbon refrigerants) forms. The fundamental physical, chemical, and biological properties of solids, liquids and gases are clearly different from one another.

State and federal entities, including the National Academy of Sciences, the Environmental Council of the States (ECOS) and the National Academies of Science, Engineering, and Medicine (NASEM) have all

[1] https://www.govinfo.gov/content/pkg/FR-2019-12-04/pdf/2019-26034.pdf

recognized the challenges associated with a class-based approach to chemical regulation as it applies to Per- and Polyfluoroalkyl Substances (PFAS):

- ECOS – the Environmental Council of the States – which represents state and territorial environmental agency leaders, several of whom have implemented regulatory programs in their home states, has said: "Many regulators and subject-matter experts advise against grouping PFAS as an entire class." *(ECOS. Processes & Considerations for Setting State PFAS Standards (February 2020))*

- The National Academy of Sciences stated in 2019 that organohalogen flame retardants (OFRs) "cannot be treated as a single class for hazard assessment." "The committee found that OFRs cannot be distinguished as a single class from these other chemically similar analogues. In addition, OFRs do not have a common chemical structure or predicted biologic activity and therefore cannot be treated as a single class." *National Academy of Sciences Concludes Chemicals (FRs) Cannot Be Assessed for Hazards as a Single Class, But Can Be Assessed in Subclasses*

- The Vermont Department of Environmental Conservation, which was specifically charged by the legislature to develop a class regulation or to explain why such a regulation wasn't possible said, "The Review Team spent over a year deliberating, researching, and discussing the potential to regulate PFAS as a Class. After reviewing the current peer-reviewed literature, as well as the available toxicology data for PFAS, the Review Team determined that at the current time it is not feasible to regulate PFAS as a Class." *(https://dec.vermont.gov/sites/dec/files/PFAS/20180814-PFAS-as-a-Class.pdf)*

- And federal scientists participating in a workshop convened by the National Academies of Science, Engineering, and Medicine (NASEM) to review the federal PFAS research program acknowledged the broad diversity of properties with this group of substances, concluding that "PFAS substances thus present unique challenges for grouping into classes for risk assessment." *NASEM. Workshop on Federal Government Human Health PFAS Research, October 26-27. Board on Environmental Studies and Toxicology (2020). https://www.nap.edu/read/26054/chapter/1*

- In a recently published peer review conducted by a panel of experts, most agreed that all PFAS should not be grouped together for risk assessment purposes. Most experts also agreed that it is inappropriate to assume equal toxicity/potency across the diverse class of PFAS. *https://scipinion.com/panel-findings/risk-assessment-of-pfas/*

Future Expansive Regulatory Framework

HF 1000, as written, would initially ban potentially thousands of products from sale and distribution in Minnesota unless the state goes through a complex regulatory process to deem these products "a currently unavoidable use". It would be one of the broadest bans on products containing PFAS in the nation and would have far reaching negative consequences on nearly every sector of the economy including aerospace, autos, alternative energy, healthcare, building and construction, electronics,

pharmaceuticals, and agriculture. Maine has taken a similar approach and it has created compliance nightmares for impacted industries.

In addition to the broad implications for the availability of these products in Minnesota, the legislation would have a significant impact on the state's economy. Critical industries and businesses that rely on this technology would be threatened and unable to produce or sell their products in Minnesota. Even if it was possible that their products could be deemed a "currently unavoidable use" and exempted from the broad ban at some point in the future, these industries and businesses rely on predictability and a clear, transparent, science-based regulatory process. They are unlikely to invest or continue to operate in the state as they cannot be assured that their products will not be impacted. This is essentially telling many critical industries that Minnesota is "closed for business".

Overly Broad Reporting Requirements

The proposed reporting requirements are too broad. We have several concerns with them, including:

- Overly broad definition of PFAS which does not consider differing health/safety profiles, uses or potential for exposure.
- Overlap and redundancy with new PFAS reporting requirements being developed by EPA.
- Lack of clarity on how this information will be presented to the public to ensure information is presented in an unbiased, scientifically sound manner that does not cause unnecessary concern.
- Lack of any confidential business information/trade secret protections.

The reporting requirement is partially redundant with the EPA adding reporting requirements of PFAS to Toxic Release Inventory and TSCA Reporting

Recently, Congress and the Biden Administration authorized significant legislation with new rules regulating PFAS.[2] Subsequently, under the Toxic Release Inventory (TRI) program, EPA required that companies or federal facilities that release 100 or more pounds of 179 identified PFAS substances must collect and publicly report information on the amount that is released into the air, water, or land, and the quantities managed through disposal, energy recovery, recycling, or treatment.

Additionally, EPA has a rulemaking underway under Section 8 of the Toxic Substances Control Act (TSCA) that would require those who manufacture (or import) any identified PFAS to report information regarding PFAS uses, disposal, exposures, hazards, and production volumes.[3]

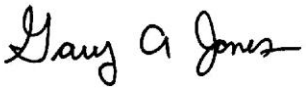
Our members adhere to strict reporting requirements under our federal regulatory system, including EPA's TRI program. The notification requirement for all products in HF 1000 would result in a patchwork of different federal and state obligations that would be confusing to Minnesota businesses and consumers alike and undermine confidence in our regulatory system.

Thank you for the opportunity to comment on and highlight our concerns about this legislation. We urge you to oppose HF 1000 in its current form. If you have any questions, please do not hesitate to contact me.

[2] S1790 – National Defense Authorization Act for Fiscal Year 2020

[3] https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0549-0001

Sincerely,



Gary A. Jones
Director EHS Affairs
gjones@printing.org
703-359-1363

February 13, 2023

Chairman Rick Hansen
Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee
Submitted via email to Peter.Strohmeier@house.mn.gov

RE: HF1000 - oppose as written

Dear Chairman Hansen,

The Arkema Group of companies is a worldwide producer of specialty materials including adhesives, emulsion systems, insulation additives, coatings, hydrogen peroxide, high performance polymers and others. Arkema Group affiliates operating in the U.S. include Arkema Inc.; Bostik, Inc.; ArrMaz Products, Inc. and Coatex Inc. Together, these affiliated U.S. entities operate 49 sites, including 40 manufacturing facilities, and employ 4,000 people in 22 states. Arkema is pleased to provide this testimony to the Committee on the bill HF1000 related to PFAS.

There is worldwide concern over the presence and persistence of per- and polyfluorinated chemicals (PFAS) in water supplies, consumer products, humans and animals. The PFAS being detected are largely the specific compounds of concern such as PFOA, PFOS, HFPO-DA and other perfluorinated molecules.

PFAS is a generic term without a universally agreed upon definition, some of which lump together widely disparate substances for the sole reason that they have a fluorine atom in their structures. Properly categorizing different materials that have been labelled as "PFAS" is critical to the success of any regulatory action aimed at efficiently managing these compounds because not all of those materials that have been labelled as PFAS present a safety or health concern. There is a debate whether these substances should be regulated as a single class or individually. Both approaches are ineffective in managing the issue and expediting appropriate regulatory activity.

- A chemical-by-chemical approach, while science-based, is inefficient and impractical. It is simply not possible to effectively regulate tens of thousands of compounds individually.
- A single class approach is both unscientific and ineffective. It conflates tens of thousands of substances that have nothing in common except fluorine atoms in their structures. Many such substances are not only benign and outside the scope of concern, but are essential for tomorrow's technologies – such as EV batteries and semiconductors.

.

There is a better way – categorize PFAS into several categories based on their chemistries and their properties. Because it is the PFAS' properties that separate PFAS of concern from PFAS of low concern.

PFAS of Concern (POC)- (e.g., PFOA, PFOS, HFPO-DA, etc.): These are the legacy PFAS compounds that have been the primary focus of public concern and current efforts by federal, state, and other agencies. Due to historic use, they have been detected in water supplies, humans and the environment. Their sources and properties are well known, and efforts have been long underway in developing substitutes.

PFAS for Review (PFR) - These should include PFAS that may have similar properties to those exhibited by PFAS of concern (POC). This PFR category should include persistent and bio-available substances that are water-soluble, mobile, and of a small enough molecular size to enter and persist in a living organism.

PFAS of Low Concern (PLC)- While also containing fluorine atoms, these molecules do not possess the combination of properties that would make them a PFAS of concern – i.e., persistency, water solubility, mobility, toxicity, and bio-availability. These include large, inert, immobile polymer molecules that don't dissolve in water. These compounds have not been found to present a risk to human health or to accumulate in the environment, many have been well studied, and many are regulated under other statutes. Their safety profile is clear, and their continued use is instrumental to innovation in sustainable products and human health.

It is impossible to overestimate the importance of properly defining the PFAS categories. Adopting a one class approach would force regulators to evaluate tens of thousands of requests for essential (or unavoidable) exemptions for benign products instead of effectively regulating the ones that may present immediate or moderate concern. Risking innovation, supply chains and defense technology – this approach would seriously impede our effort to combat climate change and to advance American technology critical to a sustainable future - lithium-ion batteries, EV, semiconductors, solar energy, building energy efficiency and many others.

It is, therefore, our position and recommendation that the bill exclude the PFAS of Low Concern (PFC) from its scope by excluding those compounds that are not persistent, bio-available, water soluble or toxic as they do not present the concerns that this bill is trying to address.

Sincerely,

Allen Karpman
Director of Government Affairs
Arkema Inc.
900 First Avenue
King of Prussia, PA 19406

February 13, 2023

Representative Rick Hansen
Chairman
Environment and Natural Resources Finance and Policy
Minnesota House of Representatives
Transmitted via email: Peter.Strohmeier@house.mn.gov

Re: HF 1000 Prohibiting PFAS in Certain Products

Dear Representative Hansen, Representative Jordan and Members of the Environment and Natural Resources Finance and Policy Committee,

The Juvenile Products Manufacturers Association (JPMA) is writing to oppose HF 1000, unless the bill is significantly amended to address significant problems with the bill, due to it being modeled after a flawed Maine law, for which there are numerous pending bills to address critical issues. This bill would require notice and also specifically prohibit the presence of PFAS chemicals in juvenile products, without appropriate thresholds and considerations of real-world production and use of a product.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Our comments on this bill are grounded in the juvenile products industry's commitment to the safety of children and caregivers. This commitment to safety goes down the level of chemicals that are present in children's products.

Safety Remains the Juvenile Products Industry's Priority

In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental requirements under a variety of laws and regulations including:

- The Consumer Product Safety Improvement Act (CPSIA),
- The Federal Hazardous Substances Act (FHSA),
- The Toxic Substances Control Act (TSCA), and
- The Lautenberg Chemical Safety Act (LCSA) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children's products containing various substances known to be harmful to children and to which children might be exposed.

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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jpma@jpma.org • www.jpma.org

Necessary Amendments to HF 1000

Safety is the number-one priority for juvenile product manufacturers. While we understand the goals of this legislation, the following three issues must be addressed, for companies to be able to effectively comply with this law and to ensure some consistency with other laws.

1. **Intentionally Added Thresholds:** The absence of a specific threshold within the definition of PFAS is especially concerning for JPMA and its members. The verb "contains intentionally added PFAS" is vague and requires clarification to ensure proper compliance. The definition of PFAS chemicals should include a threshold of at or above 100 parts per million, which would target products with intentionally added PFAS chemicals and align with existing laws in other states. This approach is intended to avoid situations where the PFAS in the product is the result of trace concentrations that may occur in the manufacturing process, in the supply chain or during sample testing. Omitting thresholds greatly increases the probability that even products designed without any intentionally-added PFAS would be subject to the prohibition. Therefore, a specific threshold outlined in the definition of PFAS chemicals is necessary for our members to effectively comply with this law.

2. **Timeframe:** As currently written, the bill prohibits the sale of juvenile products that contain intentionally added PFAS beginning on January 1, 2025. However, manufacturers will need appropriate time to adjust their manufacturing processes, current supply chain, and testing procedures to comply with the new regulation. Additionally, it is not possible to control the length of time a product would remain in commerce. JPMA requests that the effective date be based on a manufacturing or import date as opposed to a date of sale. Otherwise, the date of manufacture would essentially subject all items currently in the market to a "recall" at the retail level.

3. **Inaccessible Components:** We urge the Committee to keep this legislation consistent with other chemicals laws and exempt inaccessible components for juvenile products. Any legislation addressing PFAS chemicals should include a clear exemption for inaccessible components of products. Internal components, such as inaccessible electronic components (which may contain thousands of subcomponents and elements) are specifically designed never to come into contact with a child. This is a high standard that considers the real-world use of the product. Other states including Washington, Maine, California and Vermont have exempted inaccessible components from similar laws.

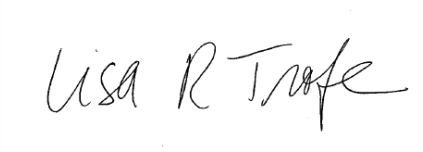
4. **Reporting & PFAS Definition:** We also urge the Committee to consider the massive impact of a reporting requirement, with PFAS bans and the overly broad definition of PFAS in the current bill. It is both confusing and duplicative to require reporting and ban PFAS chemicals on January 1, 2025. The bill must at a minimum stipulate that the reporting requirements would not apply to products with PFAS bans under this section. Additionally, the definition of PFAS is incredibly broad and captures over 12,000 chemicals. Such a broad definition of PFAS captures such a wide unaversive of chemicals, it is nearly impossible to determine compliance, especially in such a short

time period. This has been seen in Maine, where the Department of Environmental Protection has been forced to grant over 2000 extensions to companies, due to lack of testing capacity and the complexity of supply chains. The PFAS definition should be amended to reference "two fully fluorinated carbon atoms." This creates a more manageable reporting list that focuses on the PFAS of highest concern.

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss HF 1000 and express our concerns with the bill as currently drafted and offer needed amendments. Thank you for your consideration in this important matter and we would be happy to answer any questions or our suggestions for amendments.

Respectfully Submitted,



Lisa Trofe, CAE
Executive Director

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

1111 19th Street NW ➢ Suite 402 ➢ Washington, DC 20036
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WRITTEN STATEMENT

JOHN KEANE
MANAGER OF GOVERNMENT RELATIONS

ON BEHALF OF
THE ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

MINNESOTA LEGISLATURE
ENVIRONMENT AND NATURAL RESOURCES FINANCE AND POLICY COMMITTEE

HF 1000
PFAS PROHIBITED IN CERTAIN PRODUCTS
OPPOSED

FEBRUARY 14, 2023

Chairman Hansen, Vice Chair Jordan, and members of the Committee, the **Association of Home Appliance Manufacturers (AHAM) strongly urges the committee to oppose HF 1000** which would ban products from being sold in Minnesota if the products contain PFAS substances.

AHAM members produce hundreds of millions of products each year. They design and build products at the highest levels of quality and safety. As such, they have demonstrated their commitment to strong internal safety design, monitoring, and evaluation/failure analysis systems. Together with industry design practices, test requirements, and redundant safety mechanisms PFAS chemicals play an important role in the safety profile of household appliances in their great resistance to high temperatures.

The legislation would specifically prohibit the sale of cookware which contain PFAS in 2025 and all other products containing intentionally added PFAS in 2030. Among the issues with this legislation is the broad grouping of PFAS substances. The definition of PFAS in the bill includes possibly 10,000 substances, which should not be treated as a single class. AHAM has conducted a member survey in a good faith effort to determine the extent to which PFAS is used in home appliances. AHAM members indicated portable and major kitchen appliances contain PFAS chemicals but in trace amounts, ranging from as low as 0.001 to 0.07 lbs. per unit. In almost all cases, the use of PFAS was confined to internal components and parts, such as bolts and washers, plastic brackets, and wire terminals with no direct exposure to consumers during use. This material is added during the manufacturing process, which reduces the potential for any consumer exposure during use or transmission to the environment. It is also extremely important to consider potential alternatives with any restrictions. In some instances, such as in front load washers, the ball bearings which sustain the stainless steel basket are a very critical structural part where PFAS is present and there are no other viable solutions at the moment. In regards to the notification requirements, appliance manufacturers employ a complex, global supply chain for thousands of models with hundreds of thousands of components, often involving multi-tiered suppliers located on multiple continents. Gathering detailed information on any given chemical, let alone a chemical class as broad as PFAS, is extremely difficult even for one given year.

Another concern with the bill is the potential inclusion of hydrofluoroolefin (HFO) refrigerants and foam blowing agents, as they may be implicated based on the bill's definition of PFAS chemicals. HFOs are one of the more climate friendly alternatives for use as refrigerator insulation foam blowing agents. HFC blends also are climate friendly alternatives as refrigerants in room air conditioners, portable air conditioners and dehumidifiers. In fact, the U.S. Environmental Protection Agency (EPA) encouraged and effectively drove a transition to these and other low global warming potential (GWP) foam blowing agents and refrigerants through ozone depletion and climate focused phase outs of CFC's, HCFC's, and HFC compounds. These chemicals were approved under *EPA's* Significant New Alternatives Policy (*SNAP*) program, which included an environmental review.[1] It is also worth mentioning that the primary alternative to

[1] *See* Protection of Stratospheric Ozone: Listing of Substitutes Under the Significant New Alternatives Policy Program, Final Rule at 86 Fed. Reg. 24444.

HFO blowing agents, cyclopentane, has inferior insulating performance to HFO blowing agents, so the law could also negatively impact energy performance of appliances. Ultimately, the use of such a broad definition could needlessly impose new requirements on products and technologies deemed safe and environmentally beneficial.

Presently, the Maine Department of Environmental Protection (DEP) is undertaking the task directed by their legislature for similar reporting structure. Despite having over a year to construct a rule-making, they have yet to formalize it while the first reporting requirement has already passed. Last year, the Governor of California vetoed similar legislation in part because the EPA "is currently undergoing rulemaking to require reporting of PFAS." The EPA has implemented a PFAS Action Plan that has served as a roadmap for the agency's activities addressing PFAS chemicals. AHAM urges the Legislature to avoid additional state-level reporting requirements and duplicate the EPA's efforts to identify PFAS substances. Thank you for the opportunity to present this written statement to the hearing record. For future reference, my contact information is 202.872.5955 x328 or via electronic mail at jkeane@aham.org.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. In Minnesota, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Minnesota is $3.6 billion, more than 20,000 direct and indirect jobs, $468.5 million in state tax revenue, and more than $1.2 billion in wages. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Home appliances also are a success story in terms of energy efficiency and environmental protection.

February 13, 2023

Representative Rick Hansen, Chair
House Committee on Environment and Natural Resources Finance and Policy
State Office Building, Room 247
Saint Paul, MN 55155-1232

Dear Chairman Hansen:

On behalf of the Animal Health Institute (AHI), we respectfully oppose HF 1000 related to reporting requirements, and a ban on sale in 2030, for manufacturers of products containing PFAS, unless amended to exempt animal health products. The Animal Health Institute (AHI) is the national trade association representing the companies that make the animal medicines, vaccines and parasiticides that keep animals and humans healthy.

AHI members develop, manufacture, and distribute a range of animal health products, including pharmaceuticals, biologics (including vaccines), flea and tick preventatives, and medical devices (including diagnostics), to veterinarians, pet owners, and food animal livestock owners. Based on HF 1000's very broad definition of "PFAS" as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom", certain animal health products from each of these categories contain PFAS either as an active ingredient (AI) or an essential, functional component of product packaging.

No current alternatives to PFAS are available for these products, making the use of PFAS unavoidable. For example, some active ingredients approved by the U.S. Food and Drug Administration (FDA) and U.S. Environmental Protection Agency (EPA) are fluorinated molecules that are administered in animals, either orally or topically. Other veterinary products contain fluorinated molecules as essential, functional components of their administering components (e.g., vaccine syringes) that are federally evaluated and approved together with the health product.

Unlike human drugs and medical devices (including diagnostics), which are all regulated by FDA, our members' animal health products are overseen and regulated by three distinct federal agencies:

- **Small molecule pharmaceuticals and medical devices (including diagnostics)** at FDA under the FFDCA.
- **Biologics (including vaccines and certain diagnostic kits)** at the Animal and Plant Health Inspection Service (APHIS) within the U.S. Department of Agriculture (USDA) under the VSTA; and
- **Flea and tick preventatives** administered topically (including via collars) at EPA under FIFRA.

While regulatory responsibility is divided among the above agencies, animal health products are all subject to intense federal oversight and regulatory frameworks focusing on product safety.

The broad definition of PFAS used in HF 1000 is based purely on chemical structure and nomenclature, without any consideration of risk data. The PFAS definition in HF 1000

encompasses thousands of different chemical combinations that, depending on concentrations, end-use, and a variety of other factors, may not be harmful to human health or the environment and may have beneficial uses (e.g., medicinal uses) that greatly outweigh potential harms. Simply being categorized as PFAS does not equate to being harmful. For some diseases or conditions, active molecules that contain a limited number of fluorine atoms deliver superior treatment efficacy or provide the only treatment option.

HF 1000 requires that companies include in their notification to the state the amount of each of the PFAS, identified by its Chemical Abstracts Service Registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner. Collecting this analytical information from manufacturers and suppliers is both time and labor intensive. The type of analytical testing required to obtain the information is not readily available and would impose significant costs and disruptions to an already-strained product supply chain. This is assuming such analytical information can even be obtained within a reasonable degree of certainty. In fact, EPA is still in the process of developing and validating analytical methods for wastewater, groundwater, certain PFAS in drinking water, and other environmental media.

The only other state with a requirement like the one proposed in HF 1000, Maine, is currently grappling with how to implement its law through regulations. The Maine Department of Environmental Protection has expressed concerns that the law will result in duplicate reporting of PFAS and fail to provide DEP with an accurate assessment of the amount of PFAS entering the state. Other states have recognized the importance of all these products and exempted them from legislation regarding similar reporting requirements for products containing PFAS, including California and Colorado.

The companies that produce these medications are dedicated to keeping them accessible and affordable. For these reasons, we ask that animal health products not be subject to the requirements of this bill and offer this possible exemption language:

> *"Drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), by the United States Department of Agriculture under the federal Virus-Serum-Toxin Act (21 U.S.C. Sec. 151 et seq.), or by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.)."*

We urge you to amend HF 1000 with exemption language for animal health products. Thank you for your consideration.

Sincerely,

Mandy Hagan
Director, State Government Affairs

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February 13, 2023

The Honorable Rick Hansen
Chair
Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
10 State Office Building
St. Paul, MN 55155

The Honorable Sydney Jordan
Vice Chair
Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
10 State Office Building
St. Paul, MN 55155

RE: HF 1000 – A bill for an act relating to environment; prohibiting PFAS in certain products, requiring disclosure; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116.

Chair Hansen and Vice Chair Jordan:

On behalf of the American Apparel & Footwear Association (AAFA) and the companies listed in the table below, I am writing to provide testimony on HF 1000 – A bill for an act relating to environment; prohibiting PFAS in certain products, requiring disclosure; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116.

AAFA is the national trade association representing apparel, footwear and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its more than three million U.S. workers, and its contribution of $470 billion in annual U.S. retail sales. AAFA approaches all of its work through the lens of purpose-driven leadership in a manner that supports each member's ability to build and sustain inclusive and diverse cultures, meet and advance ESG goals, and draw upon the latest technology.

We deploy our association's extensive expertise in trade, brand protection, supply chain management, and manufacturing to help our members navigate the complex regulatory environment, lower costs, and grow their sustainability and product safety efforts. With our members engaged in the production and sale of clothing and footwear, we are on the front lines of product safety. It is our members who design and execute the quality and compliance programs that stitch product safety into every garment and shoe we make. To support our members in this effort, AAFA has taken the lead in educating our industry through alerts, webinars, and conferences on the development, interpretation, and implementation of product safety standards and regulations.

AAFA and our members are proud advocates for regulatory requirements that can effectively protect human health and the environment. Regulation plays a critical role in furthering our industry's efforts. But only if regulations are designed properly, serve their purpose, and are properly enforced. That is why we recently launched the *THREADS Sustainability and Social Responsibility Protocol*. We believe

that the *THREADS Protocol* will speed up the development of policies that are effective and catalyze meaningful progress. *THREADS* calls for policies that are:

- **T**ransparently Developed and Enforced
- **H**armonized Across Jurisdictions and Industries
- **R**ealistic in Terms of Timelines
- **E**nforceable
- **A**djustable
- **D**esigned for Success
- **S**cience-Based

Although many of our members routinely exceed regulatory requirements and are already in the process of phasing out the use of intentionally added PFAS, viewing HF 1000 through the lens of *THREADS*, we have some concerns with the bill as currently drafted.

Harmonizing regulations and enforcement ensures a common approach and cost-effective implementation, greatly enhancing the likelihood that the regulations will achieve their stated goals. HF 1000's reporting requirements appear to mirror requirements passed in Maine. Even when identical legislation passes in different states, differences in interpretation and enforcement create a confusing patchwork of requirements that complicate compliance efforts and divert resources away from innovative efforts to further enhance product safety. We strongly encourage the Minnesota House to wait until Maine has finalized its implementing regulations to provide opportunity for full harmonization.

Further, Maine's current reporting requirements do not reflect the current science around identifying PFAS in consumer goods and, at present, neither do HF 1000's. For instance, requiring reporting of individual PFAS by Chemical Abstract Service numbers (CAS #s) does not make sense for the entire class of PFAS chemicals because a very small fraction of the 12,000+ potential PFAS chemicals in existence have CAS #s assigned. Further, testing for PFAS chemicals in consumer products is complex and very much still in development. Currently, test methods exist for fewer than 100 of the 12,000+ PFAS chemicals. It is just not possible for manufacturers to identify each individual PFAS chemical in a given item.

Instead, science-based requirements should establish a Total Organic Fluorine (TOF) testing threshold (as adopted by California in their PFAS restriction bills AB 1817 and AB 652 and included in our most recent Restricted Substances List) and require reporting on apparel, footwear, and accessories with a result of 100ppm TOF or greater. TOF tests capture the presence of all PFAS, but do not identify which individual PFAS are present in a good. A TOF result of less than 100ppm demonstrates the PFAS found in the item were not intentionally added, because the presence of PFAS below 100ppm would not provide the item any characteristics associated with intentionally added PFAS (e.g. water/stain resistance or chemical/oil repellency). The establishment of a testing threshold is also necessary because PFAS contamination is widespread in the environment. Virtually any item tested will have some level of PFAS.

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We have made Maine aware of these issues and continue to work with regulators there on these and other concerns related to the reporting requirements they have enacted. We would be happy to discuss our concerns in more depth with you as the industry looks for policies that meet the THREADS Protocol requirements.

In the interim, we again urge Minnesota to wait until these concerns are addressed with Maine. Then, if legislation is adopted in Minnesota, it will be harmonized and will have benefitted from industry input at the outset so that it will achieve its goal of providing useful information about the sources of intentionally added PFAS to the people of Minnesota.

Please note that, while important, the discussions with Maine have siphoned time and resources away from continuing industry efforts to identify PFAS-alternatives and test those alternatives for performance and safety. Once safe and effective alternatives are identified, brands must work with their entire supply chains to transition to new technologies and validate that suppliers understand the new requirements. Dedicating resources to attempting to collect and package information required to meet varied reporting requirements takes away from these efforts.

Finally, while we understand why there is urgency in better understanding the sources of PFAS contamination, we caution that moving forward now would not necessarily provide information about PFAS sources any sooner. Maine moved too quickly and has had to grant extensions to more than 1,900 companies as it sorts through issues with the requirements and as it builds capacity to take the mandated reports. Minnesota can benefit from the work already underway in Maine without creating additional burdens for industry or its own regulators by waiting for Maine to finalize requirements.

We look forward to continuing to work with Minnesota on the regulation of substances in consumer products for the benefit of consumer product safety and public health. In the meantime, our members continue to design and execute the quality and compliance programs that emphasize product safety for every individual who steps into our apparel and footwear products.

Thank you for your consideration of this request. Please contact Chelsea Murtha of my staff at cmurtha@aafaglobal.org if you have any questions or would like additional information.

Sincerely,

Stephen Lamar
President & CEO
American Apparel & Footwear Association

February 13, 2023
RE: HF 1000 - **OPPOSE**

Dear Chair Hansen, Vice Chair Jordan and members of the Environment and Natural Resources Finance and Policy Committee,

The undersigned organizations must respectfully take an OPPOSE position on HF 1000, legislation that would impose broad reporting requirements on manufacturers of all products containing PFAS sold in Minnesota, ban the sale of products containing PFAS in a variety of product categories and establish a future regulatory scheme to ban additional product categories containing PFAS.

This legislation is overly broad, lacks scientific basis and will have significant unintended consequences and could eventually ban thousands of products from sale and transport of those products into Minnesota. It would be one of the broadest bans on products containing PFAS in the nation and would have far reaching negative consequences on nearly every sector of the economy including aerospace, autos, powersports, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.

PFAS are a diverse universe of chemistries that enable a huge range of products and sectors – everything from electronics, semiconductors, automotive, aerospace, and alternative energy. **However, all PFAS are not the same**. It is neither scientifically accurate nor appropriate to group all PFAS together. This broad universe of chemistries includes liquids, gasses, and solids.

There has been a lot of work done to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping these substances together is also inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States (ECOS), and various states that have looked at this specifically.

Today's PFAS are essential to modern life and an important enabling technology. These chemistries provide products with strength, durability, stability, and resilience. **These properties are critical to the reliability and safe function of a broad range of products that are important for industry and consumers.** They play a vital role in everything from designing automobiles with low emissions and improved safety, reliability, and fuel efficiency to manufacturing semiconductors, solar panel and high-performance electronics. Multiple industries depend on high-performance PFAS including aerospace, autos, powersports, alternative energy (solar, wind), healthcare, building and construction, electronics, chemicals and pharmaceuticals, oil and gas, and outdoor apparel and equipment, among other industries.

In this regard, the legislation would undermine effective product design, and in some cases, even overall product safety and efficacy for a broad range of products - including applications that are important for public safety and public health. One critical example and timely example, this bill would currently restrict critical materials that are essential to the COVID vaccine distribution and COVID testing, as well as the medical equipment used by healthcare providers that are on the front-line of fighting the COVID pandemic. This may not be the intent of the legislation, but this is the reality.

This bill also would adversely impact critical uses of this technology that are important for our society's broader sustainability objectives, including support for alternative energy and greenhouse gas reduction efforts. For example, lithium-ion electric vehicle batteries contain innovative fluorotechnology and are a critical product to Minnesota.

This legislation would have a significant impact on Minnesota in terms of the availability of critical products that are approved and used elsewhere. It would also foster an unworkable patchwork of state regulation with significant implications for Minnesota citizens, businesses and public entities, effectively isolating Minnesota from the rest of the country.

For these reasons, we must respectfully oppose HF 1000. Thank you in advance for considering our views. Should you have any questions, please contact Marcus Branstad at marcus_branstad@americanchemistry.com.

Sincerely,

American Chemistry Council

ACC Spray Foam Coalition

Alliance for Automotive Innovation

American Coatings Association

American Fuel and Petrochemical Manufacturers (AFPM)

AGC Chemicals Americas, INC

Animal Health Institute (AHI)

Association of Equipment Manufacturers (AEM)

Association of Home Appliance Manufacturers (AHAM)

BASF

Carlisle Spray Foam Insulation

The Chemours Company

Creative Polymer Solutions

CropLife America

Communications Cable & Connectivity Association (CCCA)

Consumer Healthcare Products Association (CHPA)

Consumer Technology Association (CTA)

Covestro

Daikin America, Inc.

Dupont

Flexible Packaging Association

Fluid Sealing Association (FSA)

General Coatings Manufacturing Corp

Gujrat Fluorochemicals

Honeywell

Household & Commercial Products Association (HCPA)

Huntsman

Hydraulic Institute

ICP Group

IDI Distributors

ITI

Johns Manville

Juvenile Products Manufacturers Association (JMPA)

Millipore Sigma

Motorcycle Industry Council (MIC)

National Association of Chemical Distributors (NACD)

National Council of Textile Organizations (NCTO)

National Electrical Manufacturers Association (NEMA)

National Marine Manufacturers Association (NMMA)

Natural Polymers, LLC

NCFI Polyurethanes

Outdoor Power Equipment Institute (OPEI)

Pine Chemicals Association International (PCA)

Plastics Industry Association

Printing United Alliance

Recreational Off-Highway Vehicle Association (ROHVA)

Responsible Industry for a Sound Environment (RISE)

Rhino Linings

Specialty Vehicle Institute of America (SVIA)

Solvay

Sustainable PFAS Action Network (SPAN)

SWD Urethane

The Toy Association

Alliance for Telomer Chemistry Stewardship

February 14th, 2023

Attn: Environment and Natural Resources Finance Policy Committee

Dear Chair Hansen and Members of the Environment and Natural Resources Finance and Policy Committee:

The Alliance for Telomer Chemistry Stewardship (ATCS) is a global organization that advocates on behalf of C6 fluorotelomer-based products. Our members are leading manufacturers of fluorotelomer based products. Our mission is to promote the responsible production, use, and management of fluorotelomer based products, while also advocating for a sound science- and risk-based approach to regulation. Fluorotelomer-based products are versatile chemistries with wetting and spreading features, as well as unique properties that repel water, oil and stains. These unique characteristics make fluorotelomers a critical component of first responder gear, medical garments, paints and coatings, upholstery, class B firefighting foam, among other uses that families and businesses across the world rely on.

On behalf of the members of ATCS, we respectfully oppose HF 1000 as written.

About per- and polyfluoroalkyl substances (PFAS)

PFAS are a diverse universe of chemistries with a wide range of critical uses. For instance, fluorotelomers (one type of PFAS) are used in food packaging applications, but are also currently being used in medical garments, hospital gowns, drapes and divider curtains to create a barrier that provides life-saving protection against infections and transmission of diseases like COVID-19 in hospitals. Another type of PFAS, fluoropolymers, are integral to COVID-19 testing equipment and the medical technology that is saving lives across the globe. For example, fluoropolymers are used as coatings for the tubing in COVID-19 test kits because of their unmatched durability, low friction, and extreme heat resistance. They are also used in surgically implantable medical devices, increasing the lifetime of implants and reducing the likelihood of infection and invasive surgery.

The chemical industry supports a comprehensive approach to managing per- and polyfluoroalkyl substances that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

As written, this definition of per- and polyfluoroalkyl substances is too broad and generic to accurately capture the chemistry of concern. Presently, the Maine Department of Environmental Protection (DEP) is undertaking the arduous task directed by their legislature for similar reporting structure. Despite having over a year to construct a rulemaking on reporting and disclosure, they have yet to formalize it while the first reporting requirement has already passed. To date, Maine DEP has received over 2,000 requests for reporting extensions and no formal submission process for those that did not receive the extension.

California did pass a similar reporting bill last session that was ultimately vetoed by Governor Newsom. The Governor cited a burdensome and steep fiscal obligation for the start-up costs in the millions along with on-going costs.

Further, HF 1000 would make Minnesota out of alignment for state and federal definitions as well as timelines of specific applications. States like Washington, California and Colorado have enacted legislation in several of these areas like carpets, juvenile products, cookware and cosmetics that this measure does not fully take into consideration.

For these reasons, respectfully oppose HF 1000 as written.

Thank you for your consideration and we look forward to working with the Committee and bill sponsors on this language.

Sincerely,

Shawn Swearingen
Director, Alliance for Telomer Chemistry Stewardship

February 13, 2023

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

RE: HF 1000 PFAS prohibited in certain products, disclosure required, and rulemaking authorized

Dear Chair Hansen, Co-Chair Jordan and committee members,

I would like to convey my strong support for HF 1000.

PFAS has become pervasive throughout our lives. The toxic effects of PFAS aren't even fully understood but it has become obvious that PFAS has become the ecological and health disaster of our lifetimes. PFAS accumulate in our bodies through repeated exposure to the products we unknowingly come into contact with on a daily basis.

I did not know the dangers of the PFAS in AFFF or my turnout gear while serving as a firefighter in the U.S. Air Force. The manufacturers of these products knew they were dangerous more than 40 years ago and did nothing to warn us. *This is on par with what the tobacco industry has done.* The health effects are eerily similar. We would not be arguing about labelling cigarettes as dangerous today – why should we be arguing about PFAS?

When you buy a new car, a sales professional presents you with the option to buy fabric protectant for your seats and carpets. Do you want to know if that contains PFAS? Would you have your children eat the crackers from the "protected" seats if you knew they were coated in PFAS?

It was reported this week that PFAS have been found in feminine hygiene products. Tampons, pads, and "period" underwear contain a product that no one on this committee wants in their bodies. I have two teenage girls. It's hard enough being a dad and going to the store to buy these items for my daughters, how am I supposed to know which ones could potentially kill my kids? Which of these products would you recommend for the females in your life?

I ask you to please support HF 1000 and help protect the future of all Minnesotans.

Sincerely,

Chad A. Larimer
//signed//