



04/24/24

RE: PFAS Removal Report

Members of the House Ways and Means Committee,

Medical Alley represents a global network of more than 800 leading health technology and care companies including representation from all corners of the state of Minnesota. Our mission is to activate and amplify healthcare transformation.

Recognized worldwide as a leader in healthcare innovation, Minnesota sets a standard for excellence – impacting local communities and influencing global health outcomes and advancements. With access, affordability, and quality as top priorities, Medical Alley and our partners are committed to developing solutions which drive meaningful change and save lives.

Since our founding in 1984, Medical Alley has been committed to advancing innovation while protecting the environment. Alongside our partners, we embrace the responsibility of minimizing environmental impacts to ensure a healthy and sustainable future for all Minnesotans.

As we balance environmental stewardship with protecting access to healthcare, Medical Alley has concerns about the impact of the [H3911A7 Amendment](#), which was incorporated into the H3911DE1 Amendment to House File 3911 on April 17 in the House Environment and Natural Resources Finance and Policy Committee.

Last year’s PFAS regulation law made an [exemption](#) under the testing requirements and prohibition sections for “a prosthetic or orthotic device or to any product that is a medical device or drug or that is otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration.” This law recognized the critical role of non-water soluble PFAS in many medical devices, drugs, and medical products.

In order to remain consistent with the 2023 law, Medical Alley would suggest amending the PFAS removal report language in House File 3911 to address the distinction between water soluble PFAS and non-water soluble PFAS.

It is important to note that the PFAS categories of concern tied to environmental contamination and bioaccumulation are not what are used in medical devices and technology. Targeting the concerning water-soluble PFAS categories and excluding the non-water soluble PFAS – polymers such as fluoropolymers and perfluoropolymers – would ensure this legislation is consistent with the 2023 law that protected access to healthcare.

Fluoropolymers are non-mobile, non-bio-accumulative, non-toxic chemicals compared to PFOS and PFOA, which are associated with known potential risks to water quality, human health, and the environment. Fluoropolymers have distinct chemical properties, including being insoluble



in water and chemically and biologically stable, that make them essential for a vast number of medical devices – including pacemakers, stents, and minimally invasive procedures using guidewires.

The real risk to drinking water is the water soluble PFAS. Thus, the proper policy solution is to target that class of PFAS. A Biden Administration [rule](#) finalized on April 19 follows this approach to addressing PFAS contamination:

This final rule will designate two widely used PFAS chemicals, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, and will help ensure that polluters pay to clean up their contamination.

Medical Alley believes clarifying language pertaining to the type of PFAS or reference to the Subdivision 8(b) exemption from the 2023 PFAS regulation law would properly address concerns about the cost of treating and disposing of PFAS without penalizing those who are using non-water soluble PFAS to develop life-saving medical devices and drugs.

Sincerely,

A handwritten signature in black ink that reads 'Peter Glessing'. The signature is written in a cursive style and is centered within a light gray rectangular box.

Peter Glessing
Senior Director of Policy and Advocacy
Medical Alley

April 24, 2024

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

Dear Chair Hansen:

The Minnesota Department of Natural Resources (DNR) would like to thank you and your committee members for your work on the House Environment and Natural Resources Supplemental Budget and Policy Bill (House File 3911). We appreciate inclusion of the investments and many of the policy provisions proposed by DNR and Governor Walz.

The investments included in the Governor's supplemental budget and House File 3911 are focused on operational needs that are time sensitive and cannot wait for the biennial budget process, including legal costs, reimbursement for public safety response, compensation increases recently agreed to in Minnesota Law Enforcement Association (MLEA) negotiations, and a modern licensing system. Thank you for recognizing the importance of these investments.

We would also like to thank the committee for including many of our policy provisions in House File 3911 (in addition to those provisions passed from the floor in Senate File 2904). Among the policy provisions included, we greatly appreciate the inclusion of policies related to forestry industry data, removal of production limits to our state forest nurseries, clarification of our shoreland and public water rulemaking authority, and game and fish technical provisions.

As the bill advances into conference committee, the DNR also wants to share a few items that we hope can be successfully resolved through the remainder of the legislative process.

Planting Corn on State Lands Prohibited

House File 3911 prohibits the planting of corn on state lands and requires that all existing corn plots be converted to native vegetation. The DNR currently uses Cooperative Farming Agreements and Agricultural Leases as a wildlife management strategy. There are currently about 12,000 acres of "crops" on DNR-managed lands that act as wildlife food plots to help support migrating ducks, geese and cranes, as well as wintering deer and elk herds. The DNR sympathizes with the goal of immediately converting land to native habitat but would prefer the ability to retain strategic areas as food plots, whether corn or some other annual crop, and restore native habitat over the next 5-10 years, following a planned approach. In addition, we would ask that school trust lands be exempted from this prohibition to allow the trust to continue to generate revenues from agriculture leases or compensate the trust for the lost revenue.

Changes to Critical Habitat Private Sector Matching Account

House File 3911 modifies the Critical Habitat Private Sector Matching Account, which contains Reinvest in Minnesota (RIM) license plate revenues. The bill would dedicate expenditures of license plate dollars to conservation of species based on the specific license plate graphic. As part of this dedication, funds originating from pollinator license plate sales would transfer to the Board of Water and Soil Resources (BWSR) for the Lawns to Legumes program.

The DNR supports maintaining the current structure of the Critical Habitat Private Sector Matching Account. The current account structure recognizes that habitat projects benefit a variety of Minnesota wildlife and such benefits cannot be cleanly divided between game and non-game species. Creating new divisions of dollars increases administrative costs, thereby decreasing dollars going to habitat. Furthermore, in the case of the pollinator plate, DNR believes that public engagement would be necessary to alert license holders about the change in funding dedication from permanent critical habitat conservation to temporary lawn conversions. The DNR is committed to making good use of RIM dollars as the program currently exists. Recent statutory changes to the RIM program have reduced barriers to spending available dollars and the DNR is working diligently to advance projects throughout the state.

Community Tree Planting Grant Program

House File 3911 creates a new community tree planting grant program in statute and appropriates \$3.4 million from the Heritage Enhancement Account for this purpose. The DNR recommends this funding instead be dedicated to the existing community tree planting grant program, ReLeaf, rather than being used to create a new and more restrictive grant program for similar purposes. We would like to work with you to dedicate a portion of the broader ReLeaf funds to areas designated as priorities by House File 3911 (depicted on the attached map with our initial estimates of communities that would be eligible based on the priorities in the bill as written).

Off-Highway Vehicle Policy Changes

House File 3911 includes several off-highway vehicle (OHV) related policy changes that would have significant recreational implications. One of these policy changes is the elimination of the “managed forest” classification. Managed forests exist north of Highway 2, and the designation allows for OHV use unless trails and routes are posted as “closed.” The effects of the elimination of the “managed forests” designation would be far reaching across the northern part of the state, likely causing unintentional trail closures.

Thank you and the committee again for your work on this important bill and for your consideration of our concerns. We look forward to working with you as the bill moves towards finalization.

Sincerely,



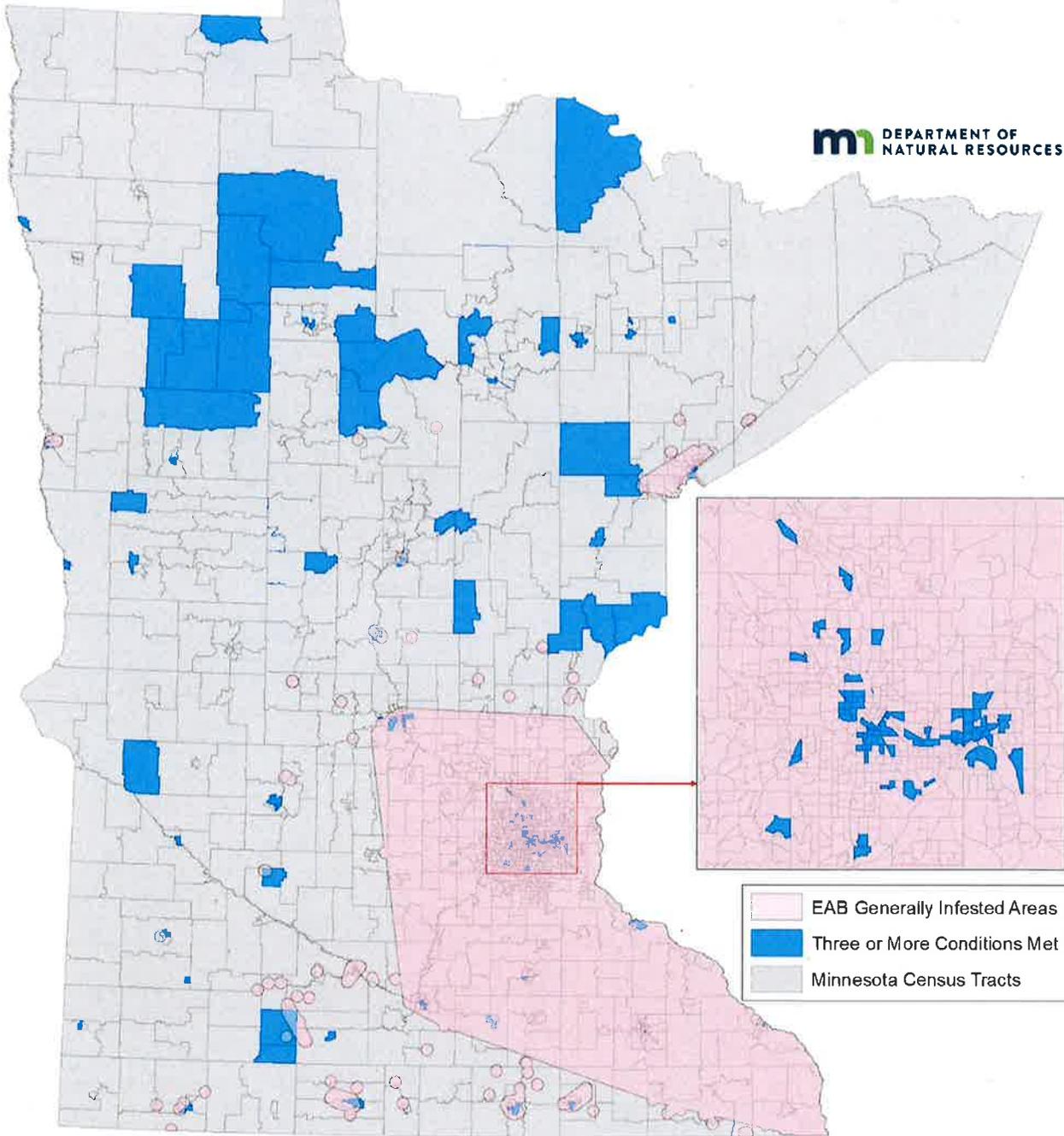
Sarah Strommen
Commissioner

cc:

- Speaker of the House Melissa Hortman
- House Majority Leader Jamie Long
- House Minority Leader Lisa Demuth
- Ranking Minority Lead Josh Heintzeman, Environment and Natural Resources Finance and Policy
- Joseph Birkholz, Policy Advisor, Office of Governor Tim Walz and Lt. Governor Peggy Flanagan

Grant Priorities for ReLeaf and Community Tree Planting House OMNI DE1

m DEPARTMENT OF NATURAL RESOURCES



EAB Generally Infested Areas as of 4/16/2024.

Subd. 3. Priority. (a) Priority for grants awarded under this section must be given to:

(1) projects removing and replacing ash trees that pose significant public safety concerns; and

(2) projects located in whole or in part in a census tract where at least three of the following apply, as determined using the most recently published data from the United States Census Bureau or United States Centers for Disease Control and Prevention:

- (i) 20 percent or more of the residents have income below the federal poverty thresholds;
- (ii) the tract has a United States Centers for Disease Control and Prevention social vulnerability index greater than 0.80;
- (iii) the upper limit of the lowest quintile of household income is less than the state upper limit of the lowest quintile;
- (iv) the housing vacancy rate is greater than the state average; or
- (v) the percent of the population receiving Supplemental Nutrition Assistance Program (SNAP) benefits is greater than the state average.

(b) The commissioner may not prioritize projects based on criteria other than the criteria established under paragraph (a).





117 South First Street • Montevideo, MN 56265

April 25, 2024

Chair Olson
House Ways and Means Committee
Minnesota State Capitol
75 Rev Dr Martin Luther King Jr Boulevard.
St Paul, MN 55155

Re: H.F. 3911 – Environment and Natural Resources Supplemental Budget Bill

Dear Chair Olson and Committee members:

Thank you for your continued support for legislation that protects and restores Minnesota's natural resources. We appreciate the opportunity to provide comments on H.F. 3911, the House Environment and Natural Resources Supplemental Budget bill.

CURE is a rurally based, non-profit organization dedicated to protecting and restoring resilient towns and landscapes by harnessing the power of the people who care about them. We are pleased to see the following provisions in the omnibus bill that will help protect our treasured natural resources, including:

- Public Waters definition update
- State salt purchase report and reduction goal
- State nitrogen fertilizer purchase report and reduction goal
- Mercury-containing lighting ban
- Electric lawn and snow removal equipment rebate program
- Sewage sludge applied to land analyzed for PFAS
- Critical materials recovery task force
- PFAS removal report
- Mandatory EIS for large livestock projects
- Drain tile seller's disclosure

We want to thank the bill authors who brought these provisions forward this year and urge support for their inclusion as the bill moves forward.

Another provision in the bill which CURE strongly supports is the Packaging Waste and Reduction Act found in Article 5. As a member of the Minnesota Zero Waste Coalition, we urge your support in ensuring a strong and effective program that prioritizes waste reduction, and ask that you support a version of this provision that includes the following:

Strong Criteria for Alternative Collection Programs: Alternative recycling collection programs exist for materials that may be recyclable but cannot be collected and sorted through a curbside collection system. An alternative collection program should be required to prove that it meets strong recycling targets, is equitably accessible on a reasonable timeline, and that the materials are sent to responsible end markets.

Inclusion of Commercial Packaging: Commercial packaging makes up a significant portion of our packaging waste stream. The current version of this bill includes commercial packaging and must continue to do so.

Full Coverage of the Cost of Covered Materials: The bill currently requires full cost coverage for covered materials. We support the continued inclusion of this provision and believe that anything which allows producers to be responsible for covering less than 100% of the cost of covered material sets a bad precedent for future product stewardship programs.

Clear Deadline for Packaging Redesign: There must be a clear deadline for redesigning packaging to be recyclable, compostable, or reusable. We support the bill's current timeline which gives producers until 2032 to redesign covered materials. Any deadline exemption should be limited to 2 years and apply only if "technology or product safety testing does not exist."

Requirement to Use Third-Party Certification: Third-party certification is key to ensuring high standards as they relate to reuse rate, recycling rate, responsible end markets, and other deliverables. Producers should not be able to opt-out of an agency-selected certifier based solely on cost. We support the version of third-party certification present in this bill.

Service Provider Reimbursement: We support language regarding collections of materials that are reimbursed based on per household/account/unit/business amounts, rather than per ton. The cost of sending a truck to collect at a household is the same regardless of how full the blue bin is.

Strong Targets in Statute: Crucial to the success of this bill are enforceable targets for source reduction, reuse, recycling, composting and recycled content. Minnesota has worked hard to develop strong recycling programs and we have data to inform what the targets should be. We urge you to support the current version of these targets in the bill, which set strong source reduction targets and enforcement by the MPCA.

Paper Exemption: Paper makes up a significant portion of the waste stream. Paper should not be exempt in any form from the requirements of this act. We support the approach this bill has taken to exemptions.

Waste Reduction Criteria: Under subdivision 6 of the Stewardship Plan Section - Measurement criteria for performance targets, there are criteria for what counts towards waste reduction. Language needs to be strengthened to prevent lightweighting or increased toxicity.

The following should be added after “environmental impacts” in the final line: “and maintain recyclability, compostability, or reusability.”

Toxic Substances Language: Toxic packaging is harmful to human health and the environment. When we recycle toxic packaging, it results in greater contamination and continued use of those toxic materials. As a state we should strive to strengthen our toxic substances statutes and hold producers accountable for meeting those requirements. For these reasons, we support the current toxics language present in the bill.

Reporting Dates: We support updating reporting dates to increase visibility and transparency. Currently, the Producer Responsibility Organization must begin reporting to the Pollution Control Agency on July 1, 2031. But because producers must be operating under a plan by 2029, reporting should begin at the same time. Additionally, the PCA first reports to the Governor and Legislature on October 15, 2034, and every five years thereafter. That reporting should change to begin by 2030 and be available to the Governor, Legislature, and the public annually.

Again, we thank you for the opportunity to provide testimony on H.F. 3911 and for your consideration of the above.

Sincerely,

/s/ Sarah Mooradian

Government Relations & Policy Director

CURE

117 S 1st Street

Montevideo, MN 56265

(320) 269-2984

sarah@curemn.org