

Subject Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

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Overview

This bill would regulate products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) by: requiring manufacturers of the products to submit certain information to the state beginning in 2026; banning certain products beginning in 2025; allowing the Pollution Control Agency (PCA) to ban additional products by rule; and banning all products, with certain exemptions, beginning in 2032.

Summary

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1	Products containing PFAS.
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Subd. 1. Definitions. Defines terms for purposes of the PFAS product bans and information requirements.

Subd. 2. Information required. Requires a manufacturer of a product that contains intentionally added PFAS sold, offered for sale, or distributed in the state to submit certain information to the PCA beginning January 1, 2026, including a description of the product, and the purpose and amount of the PFAS in the product. Requires a manufacturer to revise the information whenever there is a significant change in the information or when requested by the agency. Prohibits a person from selling, offering for sale, or distributing for sale a product if the manufacturer has failed to submit the required information and the person has received notification.

Subd. 3. Information requirement waivers; extensions. Allows the PCA to waive the information requirement under subdivision 2 if the commissioner of the PCA determines that substantially equivalent information is already publicly available. Allows the PCA to enter into an agreement with other states or political subdivisions to collect the information and accept information to a shared system. Allows the PCA to extend the deadline for submission if the commissioner determines more time is needed by the manufacturer. Allows the

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PCA to grant waivers to manufacturers for multiple products or a product category.

Subd. 4. Testing required and certificate of compliance. Allows the PCA to require a manufacturer to provide certain PFAS testing results if the commissioner has reason to believe a product being offered for sale in the state contains intentionally added PFAS. Requires a manufacturer to submit a certificate attesting that the product does not contain PFAS if the testing demonstrates so. If the product does contain PFAS, requires the manufacturer to comply with the information requirements under subdivision 2.

Requires a manufacturer to notify a person who sells or offers for sale products that are prohibited under this section (either because information has not been submitted as required in subdivision 2 or that are banned under the next subdivision) and provide the PCA with a list of those notified. Allows the PCA to notify persons selling the products as well.

Subd. 5. Prohibitions. Prohibits a person from selling, offering for sale, or distributing for sale the following products containing intentionally added PFAS beginning January 1, 2025: carpets or rugs; cleaning products; cookware; cosmetics; dental floss; fabric treatments; juvenile products; menstruation products; textile furnishings; ski wax; and upholstered furniture.

Allows the PCA to, by rule, prohibit additional products containing intentionally added PFAS within certain timeframes. Requires the commissioner to prioritize products that are most likely to contaminate or harm the state's environment and natural resources. Allows the commissioner to exempt products when the use of PFAS is currently unavoidable.

Prohibits a person from selling, offering for sale, or distributing a product containing intentionally added PFAS beginning January 1, 2032, unless the commissioner has determined by rule that the use of PFAS in the product is currently an unavoidable use.

Subd. 6. Fees. Allows the commissioner to establish fees, by rule, payable by the manufacturer upon submission of the required information to cover the reasonable costs of implementing this section. Requires the fees to be deposited in an account in the environmental fund.

Subd. 7. Enforcement. Allows the PCA to enforce this section using existing authorities and allows coordination with the commissioners of commerce and health. Requires a person to furnish information to the PCA, if requested, that is relevant to show compliance with this section.

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Subd. 8. Exemptions. States that the section does not apply to: (1) a product where the presence of PFAS is governed by federal law that preempts state authority; (2) a product regulated under existing laws that regulate PFAS in firefighting foam and food packaging; and (3) the sale or resale of used products.

Subd. 9. Rules. Allows the commissioner to adopt rules necessary to implement this section and states that a certain law governing the expiration of rulemaking authority does not apply.



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