



March 3, 2022

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

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

HF 3686 Firefighting foam use prohibited

HF 3075 Products containing PFAS disclosure notice required

Aqueous Film Forming Foam (AFFF) is efficient at extinguishing Class B fires; however, its use has been the source of soil, surface water, and groundwater contamination around the world. In addition to the environmental damage, AFFF has threatened the health of firefighters and local communities.

Firefighters were often not warned of the risks and the need to treat AFFF as a hazardous material. Runoff went directly into the soil or nearby waterways. AFFF exposure has been linked to bladder, kidney, testicular, and prostate cancer.

The FAA no longer requires airports to test and train with AFFF but does require its use for putting out fires. In October 2018, as part of the FAA Reauthorization Act, Congress directed the FAA to change its rules by 2021 so that commercial airports can start to use firefighting foam that does not contain PFAS. The FAA has not yet made that change but HF3686 will position Minnesota so that it can ban the use of AFFF as soon as the FAA does make the change.

Major airports around the world have successfully switched to fluorine-free foams including Heathrow, Gatwick, Charles De Gaulle, and Dubai. Oil and chemical manufacturers like BP, ExxonMobil and Pfizer have also made the switch. Airports, refineries, and fire fighting training centers around Minnesota have high levels of PFAS contamination. The switch to fluorine-free foam is important to protect firefighters and to protect drinking water in the surrounding communities.

There are more than 9,000 known PFAS compounds, at least 600 are currently used in the U.S and few are regulated. They are found in more than 200 products. PFAS is contaminating every corner of the planet, and this has occurred in less than eighty years. HF 3075 requires the disclosure of PFAS in products and is an important step to get a clearer picture of where this toxic chemical is being used.

Long-chain PFOA and PFOS has been voluntarily phased out in the US however they continue to show up in imported products. In rolling out new uniforms in 2018 and getting numerous health complaints from employees, Delta tested them and found PFOA in an apron and coat. Other companies using similarly treated fabric might be unknowingly exposing their employees. Because of the complexity of supply chains, manufacturers often don't have a clear understanding of where PFAS might be found in their products.

In the US, the EPA estimated that there might be 120,000 sites that handle PFAS and has proposed a rule requiring companies to report their use of PFAS. The proposed rule requires businesses that import, process, or manufacture PFAS to detail these uses for the past 10 years (back to 2011). Since companies



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will be examining their supply chain for PFAS, it will be easier for them to comply with HF3075 and disclose the use of PFAS in Minnesota.

Some may argue that not all PFAS have the same health risks and that we should regulate them individually. Health risks may vary but there are few risk assessments and little test data to show what those risks are. There is a growing list of PFAS in commercial use and if testing reveals potential harm with one compound, manufacturers can switch to another one.

The use of PFAS has caused widespread contamination in Minnesota and around the world. We must act faster to phase out the use of PFAS. Both bills are an important step to do that. I thank Representative Wazlawik and Representative Becker-Finn for their leadership in bringing these bills forward. I urge you to support them.

Sincerely,

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

[More than 120,000 US sites feared to handle harmful PFAS “forever chemical”](#)

[EPA’s pending reporting requirements for PFAS](#)

[Delta uniform testing update](#)

[An overview of the uses of per- and polyfluoroalkyl substances \(PFAS\)](#)



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Testimony of Deanna White to the House Environment Committee March 3, 2022

Good afternoon, Chair Hansen and members of the committee,

My name is Deanna White, and I am the State Director of Clean Water Action. I also serve as the Director of the Healthy Legacy Coalition – a health-based coalition focused on ensuring that consumer products – especially those for children – are made without the use of toxic chemicals.

The Healthy Legacy Coalition joins with Clean Water Action and its more than 50,000 members across Minnesota in support of two bills before you today- HF 3075 and HF 3686. These bills are part of a larger PFAS Prevention Package that aims to stop the non-essential use of PFAS in a wide array of products.

PFAS are a class of chemicals in need of immediate action based on their threat to human health and widespread and costly pollution in our environment. Research at the CDC links PFAS to a variety of health concerns including decreased fertility, liver damage, and increased risk of asthma. <sup>1</sup> Despite industry claims, the newer generation of PFAS chemicals shouldn't be considered safe. Studies by the National Institute of Environmental Health revealed that seven current-use PFAS induced similar toxicity as their phased-out counterparts.

PFAS are known as “forever chemicals” because they have the strongest covalent bonds in organic chemistry. Due to the strength of this bond, PFAS are virtually indestructible and last a long time in the environment. Eliminating non-essential uses of PFAS was identified as a key opportunity to prevent pollution in “Minnesota’s PFAS Blueprint”. We hope that the committee will agree that preventing PFAS pollution should be a top priority for the legislature.

The bills before the committee are an important step in protecting Minnesota’s environment. HF3075 requires disclosure of the use of PFAS in products – important information that will help in guiding work moving forward. HF3686 allows us to close the door on PFAS in firefighting foam as soon as possible.

## **Disclosure**

The disclosure bill before the committee today is part of a larger package of bills that prohibit PFAS in six product categories where we know that PFAS is used. Prohibiting PFAS in individual product categories can make significant inroads in curbing PFAS exposures and pollution. However, given the lack of transparency about where PFAS is used, we are likely just scratching the surface of the problem. In order to properly tackle the PFAS problem, we must know where and how it is being used. The disclosure of PFAS in products bill gives the Minnesota Pollution Control Agency the authority to collect this vital information from product manufacturers. The more information that we have about where PFAS is being used the better we can understand its presence in our waste stream, our bodies and our environment and the more efficient we can be at addressing clean up.

## **Fire- fighting Foam**

According to reports from the MPCA, the water of multiple Minnesota communities, ranging from Bemidji to Burnsville, have been contaminated by PFAS in sites used for firefighting trainings.

To address this pollution, Minnesota passed a law in 2019 that prohibits the use of PFAS firefighting foam for training or testing purposes. Since that time, it has become clear the scope of the bill needs to expand if it is to accomplish the results originally intended.

While passing a ban on the use of PFAS in testing and firefighting trainings is a good start, it doesn't address the largest users of PFAS foam. Airports, oil refineries, and the military are the largest markets for PFAS firefighting foam. The use of this foam has caused soil and drinking water contamination across the country. In Minnesota, water in Duluth was contaminated from the use of PFAS foam at several military sites. The US Defense Department has estimated that it will cost more than \$3 billion to clean up just the military sites where the foam was used. Current Minnesota law allows PFAS foam to be used in trainings if there are technologies to capture and dispose of it. Disposal is not defined clearly and this exemption places a huge burden on firefighters, first responders, and other governmental agencies rather than on foam or PFAS manufacturers. At the time, that was as far as we felt we could go with FAA regulations that required PFAS foam in certain situations. But things have changed.

Last fall, the FAA announced it no longer requires the use of PFAS firefighting foam for fuel fires as long as the replacement foam meets its performance standards. The FAA is currently conducting research on PFAS-free firefighting foam which can meet its specifications for extinguishing aircraft fuel fires. Research on fluorine-free products was delayed due to the

pandemic but it expects there to be a specification for a fluorine-free agent by January 2023. Industrial facilities, military bases, and airports around the globe have made the switch to safer, effective alternatives to PFAS firefighting foams. Over the last several decades, major airports around the world have switched, including airports in France, Denmark, Australia, England, and others. Even the DuPont chemical company, a former manufacturer of PFAS, has announced their phase out of PFAS-based foams at their chemical refineries.

The bill before you eliminates the use of PFAS firefighting foam completely. It does provide an exemption for any FAA requirements to allow for the transition that is underway. Nine states, including Illinois, have banned PFAS in firefighting foam. Similar policies are currently pending in at least eight other states. It is time for Minnesota's law to reflect our current understanding of PFAS by strengthening the language in the existing state statute so that Minnesota's communities are truly protected.

Sincerely,

A handwritten signature in black ink, appearing to read "Deanna White". The signature is stylized and cursive.

Deanna White

Executive Director, Clean Water Action Alliance of Minnesota

1 Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Toxicological Profile for Perfluoroalkyls, May 2021.

2 "Per- and Polyfluoroalkyl Substances (PFAS), National Toxicology Program, National Institute of Environmental Health, last updated 8-03-2021, <https://ntp.niehs.nih.gov/whatwestudy/topics/pfas/index.html>.