

Chapter 47

2019 Regular Session

Subject Use of flame-retardant chemicals in certain products

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Overview

This act expands the prohibition on the use of flame-retardant chemicals to residential textiles and mattresses; modifies the flame-retardant chemicals that are prohibited; prohibits the use of certain firefighting foam; and authorizes the commissioner of the Pollution Control Agency (PCA) to enforce the provisions.

Summary

Section	Description
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1	Flame-retardant chemicals; prohibition.
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Amends § 325F.071.

Subd. 1. Definitions. Adds a definition of mattress, organohalogenated chemical, and residential textile for purposes of the prohibitions.

Subd. 2. Flame-retardant chemicals; prohibition. Beginning July 1, 2021, prohibits manufacturers from selling, distributing, or offering for sale mattresses and residential textiles that contain organohalogenated flame retardant chemicals in amounts greater than 1,000 parts per million. Also strikes a list of specific flame-retardant chemicals that are prohibited. Beginning July 1, 2022, prohibits a retailer from selling or offering for sale mattresses or residential textiles that contain an organohalogenated chemical in amounts greater than 1,000 parts per million.

Subd. 2a. Exemptions. Provides exemptions from the prohibitions for the sale of used products, certain electronic components, products required to meet federal or national flammability standards, the thread/fiber used for stitching mattresses, and components of adult mattresses other than foam.

Subd. 2b. Exception. Provides exceptions to the prohibitions for certain polymers exempt from certain federal requirements and flame retardants that have met certain federal safety requirements.

Section | **Description**

Subd. 3. Flame-retardant chemicals; replacement chemicals. No changes to this subdivision.

Subd. 4. Enforcement. Allows the commissioner of the PCA to enforce the section in coordination with the commissioners of health and commerce.

2 | **Firefighting foam.**

Adds § 325F.072.

Subd. 1. Definitions. Provides definitions for class B firefighting foam, PFAS chemicals, political subdivision, state agency, and testing for purposes of the new prohibitions established in this section.

Subd. 2. Notification. Beginning July 1, 2020, a person, political subdivision, or state agency is required to report the discharge, use or release of any class B firefighting foam containing intentionally added PFAS chemicals to the Minnesota Fire Incident Reporting System within 24 hours.

Subd. 3. Prohibition of testing and training. Beginning July 1, 2020, prohibits a person, political subdivision, or state agency from discharging class B firefighting foam containing intentionally added PFAS chemicals for testing or training purposes with certain exceptions. States that the section does not restrict the manufacture, sale, or distribution of class B firefighting foams containing intentionally added PFAS chemicals or their use in emergency firefighting/fire prevention activities.

Subd. 4. Enforcement. Allows the commissioner of the PCA to enforce the section in coordination with the commissioners of health and commerce.



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