

Minnesota Pollution Control Agency

Resource Management and Assistance Division

NOTICE OF HEARING: Notice of Intent to Adopt New Rules Governing Reporting and Fees by Manufacturers Upon Submission of Required Information about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor's ID Number R-4828, OAH docket number 5-9003-40410

Proposed New Rules Governing PFAS in Products, *Minnesota Rules*, chapter 7026

Overview. This notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt new rules for a reporting and fee program regarding PFAS in Products following a hearing. The purpose of these rules, known as the **PFAS in Products: Reporting and Fees Rule** is to clarify Minn. Stat. § 116.943 which requires a manufacturer or group of manufacturers to submit to the Minnesota Pollution Control Agency (MPCA or Agency) information about products containing intentionally added per- and polyfluoroalkyl substances (PFAS) that are sold, offered for sale, or distributed in the State while establishing a reporting fee structure to support the administration of this new program. This rulemaking was directed by [Minnesota Session Law – 2023, Chapter 60, H.F. No. 2310](#)

This notice provides you the opportunity to submit your comments on this rule to the Administrative Law Judge (ALJ) either orally at the hearing or in writing at any time before the close of the hearing record. The [Subject of Rules](#) section provides further description of these proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

View the [Alternative Format/Accommodation](#) and [MPCA Contact Person](#) sections of this notice for information on requesting this document in an alternative format.

Public Hearing. The MPCA intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules* parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold a public hearing on the above-named rules at the time and place listed below. The hearing continues until all parties are heard, or until the Administrative Law Judge (ALJ) adjourns the hearing (no earlier than 5 pm).

The ALJ will conduct the hearing on **May 22, 2025**, by WebEx beginning at **2 pm**.

Hearing link:

<https://minnesota.webex.com/minnesota/j.php?MTID=m0d1fbdc943810de716329a4d5002a941>

Meeting number: 2505 148 2147

Meeting password: 5GMmaA7yRJ3

For audio connection, join the hearing by phone:

Call: +1-415-655-0003

Access code: 2505 148 2147

Additional information regarding the hearing and the rule being proposed is provided at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>.

Additional days of hearings may be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. You may submit a statement without appearing at the hearing. Refer to the [Comments](#) section for information on submitting statements.

Administrative Law Judge. ALJ James Mortenson will conduct the hearing. Judge James Mortenson's Legal Assistant William Moore can be reached at OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7900, and fax 651-539-0310 or william.t.moore@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the OAH, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the ALJ.

Subject of Rules. The proposed rules clarify Minn. Stat. § 116.943 which requires a manufacturer or group of manufacturers to submit to the MPCA information about products containing intentionally added per- and polyfluoroalkyl substances (PFAS) that are sold, offered for sale, or distributed in the State while also allowing the MCA to establish a reporting fee structure to support the administration of this new program.

Proposed sections to add to this new chapter are described below.

- **Chapter 7026.0010.** "Definitions" to add definitions that are applicable to rules regulating PFAS in products.
- **Chapter 7026.0020.** "Parties Responsible for Reporting" to establish who must report products containing intentionally added PFAS to the Agency.
- **Chapter 7026.0030.** "Information Required in Report" to establish what information must be provided to the Agency in the report.
- **Chapter 7026.0040.** "Reporting Updates" to establish when and how a manufacturer must provide updates to the initial report submitted to the Agency.
- **Chapter 7026.0050.** "Waivers" to establish when and how a manufacturer may request a waiver to the reporting requirements.
- **Chapter 7026.0060.** "Extensions" to establish when and how a manufacturer may request an extension to the reporting deadline.
- **Chapter 7026.0070.** "Trade Secret Data Request" to establish when and how a manufacturer may request data to be considered not public information.
- **Chapter 7026.0080.** "Due Diligence" to establish the extent to which a manufacturer must consult its supply chain to acquire the information required in the report.
- **Chapter 7026.0090.** "Reporting Exemptions" to establish products that are exempt from the reporting requirements in this rule.
- **Chapter 7026.0100.** "Fees" to establish the fees required to be submitted with the initial report, report updates, waiver requests, and extension requests.

Comments. You and all interested or affected parties, including representatives of associations and other interested groups, will have an opportunity to participate. The ALJ will accept your comments either orally at the hearing or in writing at any time before the close of the hearing record. All evidence that you present should relate to the proposed rules. Submit written comments to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) Office of Administrative Hearings, Attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the OAH Rulemaking eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the OAH at 651-361-7900 or by email at William.T.Moore@state.mn.us; **please note that you may not submit rulemaking comments by phone or email.**

You may also submit written material to the ALJ to be included in the hearing record for five working days after the public hearing ends. At the hearing, the ALJ may order this five-day comment period extended for a longer period but no more than 20 calendar days.

After the comment period, there is an additional five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during this five-day rebuttal period.

The OAH must receive all comments and responses submitted to the ALJ no later than **4:30 p.m. on Wednesday May 21, 2025**. All comments or responses received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA encourages comment. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Modifications. The MPCA may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The public is also advised that depending upon the comments received the MPCA may withdraw the proposed changes.

MPCA Contact Person. The MPCA contact person is Quinn Carr at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2722; and Quinn.Carr@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service. Please note that you may not submit rulemaking comments by phone or email.

Note: Comments regarding the MPCA's proposal must be sent **to the ALJ**. See the [Comments](#) section for information on how to submit comments; comments sent to the MPCA alone will not be part of the rulemaking record. Comments submitted after the close of the comment period will not be accepted or considered part of the record.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA public notice webpage at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>. A free copy of the proposed rules is also available upon request by contacting the [MPCA contact person](#). One copy per request will be sent.

Availability of Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR can be viewed on the MPCA's website at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>. A print copy is available for the cost of reproduction by contacting the MPCA contact person.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the [MPCA contact person](#).

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Statutory Authority. The proposed rules are authorized by Minnesota Statutes, section 116.943 Products Containing PFAS.

Adoption Procedure after the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date when the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the [MPCA contact person](#).

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.



Katrina Kessler, P.E.
Commissioner

March 28, 2025
Date