

RULE HEARING

Exhibits List

May 22, 2025

The Minnesota Pollution Control Agency places the exhibits required under Minnesota Rules, part 1400.2220, items A to K into the hearing record for New Rules for Amara's Law PFAS in Products: Reporting and Fees, chapter 7026. Exhibits A to K of this index are keyed to items A to K of part 1400.2220. Unless otherwise stated, the document is enclosed.

(Revisor's ID No. R-4828) (OAH Docket No. 5-9003-40410)

A. Enclosed:

A-1. the Request for Comments as published in the State Register on September 25, 2023.

A-2. the second Request for Comments as published in the State Register on November 18, 2024.

B. Not enclosed: a petition for rulemaking because no petition was filed on the rules.

C. Enclosed: the proposed rules dated April 11th, 2025 , with the Revisor's approval

D. Enclosed: The Statement of Need and Reasonableness

E. Enclosed: a copy of the transmittal letter showing that the Pollution Control Agency sent the Statement of Need and Reasonableness to the Legislative Reference Library

F. Enclosed: the Notice of Intent to Adopt Rules, as sent and published in the State Register on April 21, 2025.

G. Enclosed:

G-1. the Certificate of Mailing the Notice of Intent to Adopt Rules with a Public Hearing to the Rulemaking Mailing List.

G-2. the GovDelivery bulletin with recipient count.

G-3. the Certificate of Accuracy of the Mailing List.

H. Enclosed: the Certificate of Giving Additional Notice under the Additional Notice Plan.

I. Enclosed: all written comments and submissions on the proposed rules that the Agency received during the comment period, requests for hearing, and withdrawals of requests for hearing, except those that only requested copies of documents.

J. Not Enclosed: a copy of the document from the chief judge authorizing the agency to omit the text of any proposed rule from the notice of hearing published in the State Register because the proposed rule was published in the State Register.

K. Enclosed: any other document or evidence to show compliance with any other law or rule that the Pollution Control Agency must follow to adopt the rules.

- K-1. a certificate of Sending the Notice and the Statement of Need and Reasonableness to Legislators and the Legislative Coordinating Commission.
- K-2. a copy of the transmittal letter showing the agency sent notice to Legislators per Minnesota Statutes, section 14.116.
- K-3. a copy of the transmittal letter showing the agency consulted with MMB per Minnesota Statutes, section 14.131, and MMB's memo dated April 24, 2025, in response.
- K-4. a copy of the transmittal letter showing the agency sent a courtesy copy of the proposed rules to the Commissioner of Agriculture per Minnesota Statutes, section 14.111.

Exhibit A

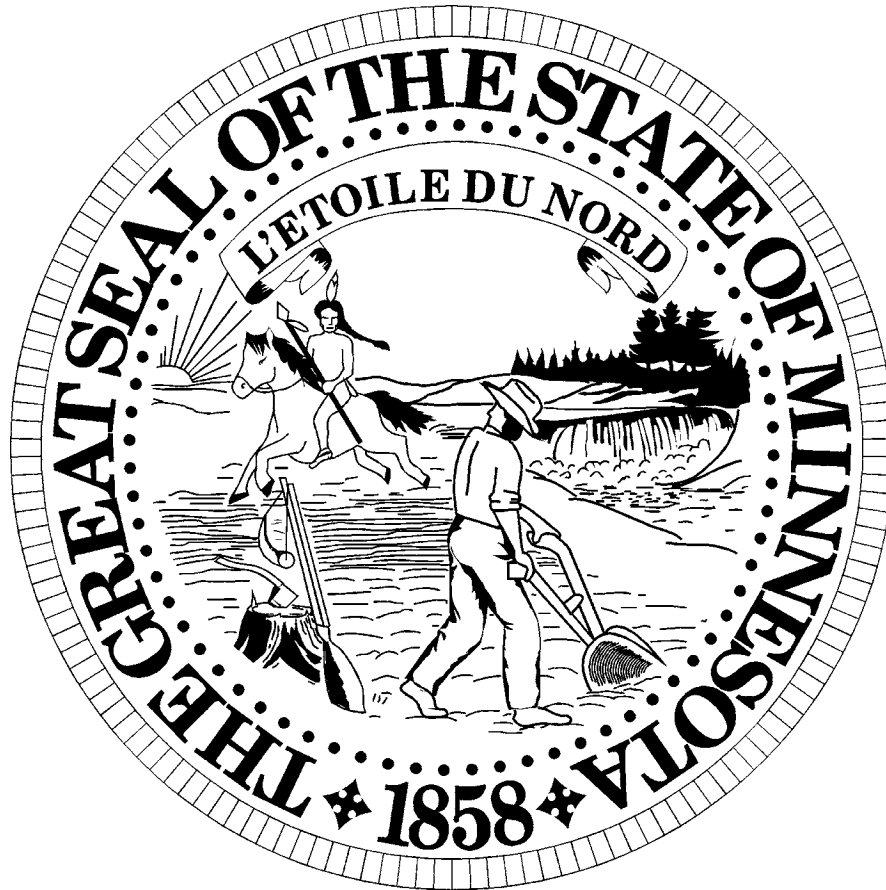
A. Enclosed:

A-1. the Request for Comments as published in the *State Register* on September 25, 2023.

A-2. the second Request for Comments as published in the *State Register* on November 18, 2024.

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,
Contracts and Grants**

**Monday 25 September 2023
Volume 48, Number 13
Pages 309 - 344**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 48 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#14	Monday 2 October	Noon Tuesday 26 September	Noon Thursday 21 September
#15	Monday 9 October	Noon Tuesday 3 October	Noon Thursday 28 September
#16	Monday 16 October	Noon Tuesday 10 October	Noon Thursday 5 October
#17	Monday 23 October	Noon Tuesday 17 October	Noon Thursday 12 October

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

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- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: \$15.00.

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Minnesota Legislative Information

Senate Public Information Office
(651) 296-0504

State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services
(651) 296-2146

State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
<https://www.federalregister.gov/>

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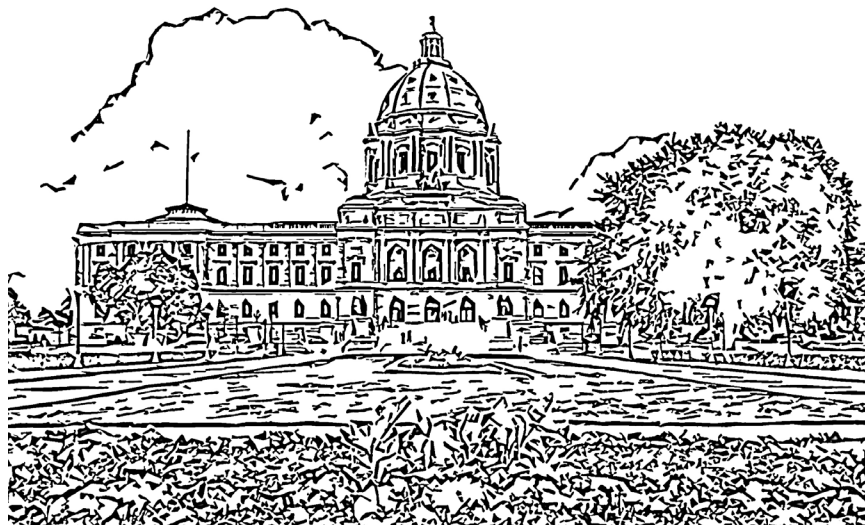
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NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Education

Division of Academic Standards, Instruction, and Assessment

Proposed Permanent Rules Relating to K-12 Academic Standards in Social Studies; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s I.D. Number R-4733, OA File 8-9005-37919

Proposed Amendment to Rules Governing K-12 Academic Standards in Social Studies, *Minnesota Rules* 3501.3501; Repeal of Rules 3501.1300-1345; Revisor’s I.D. Number R-4733

Introduction. The Department of Education intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on October 25, 2023, the Department will hold a public hearing via Webex. The Honorable Eric L. Lipman, Administrative Law Judge, will preside. The hearing will start at 6:00 p.m. on Wednesday, November 8, 2023, and end at 8:00 p.m.

On **Wednesday, November 8, 2023**, the hearing may be accessed at the **Webex Meeting Link** (Access Code 2488 676 8051 and Password JyANtksf623), by mobile device or phone at +1-415-655-0003 (US Toll), 24886768051## or by

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video system or application by dialing 24886768051@minnesota.webex.com

A second day of the hearing will be held on **Thursday, November 9, 2023**. It will be held from 1:00 p.m. to 4:15 p.m., or until the last stakeholder seeking recognition to testify does so, whichever is earlier. It will end no later than 4:15 p.m. To access the hearing on that date, you may go to the **Webex Meeting Link**. Please use access code 2486 847 0306 and meeting password fyB8JcT23bM.

Alternatively, you may join by phone or mobile device by dialing +1-415-655-0003, 24868470306## or you may join using a video system or application by dialing 24868470306@minnesota.webex.com.

To determine whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after the comment period ends and before the hearing date.

Subject of Rules and Statutory Authority. A copy of the rules may also be viewed on the agency website at **K-12 Social Studies Standards (mn.gov)**.

The proposed rules are about amendments governing the K-12 Academic Standards in Social Studies, *Minnesota Rules* 3501.3501, and the repeal of Rules 3501.1300-1345. *Minnesota Statutes*, section 120B.021, subd. 3 authorizes the Department to adopt rules for statewide K-12 academic standards in Social Studies.

Minnesota has K-12 academic standards in several legislative-required content areas, including Social Studies. Academic standards and supporting benchmarks are essential because they help identify the student learning requirements for graduation; they identify the knowledge and skills that all students must achieve by the end of a grade level; and they serve as a guide for local curriculum adoption, development, and improvement. Student mastery of the academic standards is generally measured through local assessments.

Minnesota's current K-12 academic standards in Social Studies were adopted in 2011 and went into effect in the 2012-2013 school year. Legislation passed in 2016 modified the state review and revision schedule for academic standards, requiring a review of the academic standards and related benchmarks in Social Studies beginning in the 2020-2021 school year and every ten years after that.

1. The Department is considering rule amendments that change the existing K-12 academic standards in Social Studies to reflect the national college, career, and civic life readiness framework. The standards review committee has proposed rule language that fits Minnesota's students' needs and supports the career and college readiness goals in Social Studies. If adopted, the proposed Minnesota K-12 Academic Standards in Social Studies will ultimately replace the state's current standards. Research in social studies has advanced since 2012, including a 2013 foundational consensus research report titled *The College, Career, and Civic Life (C3) Framework for Social Studies State Standards*. This report was used throughout the review and revision work to help identify other state standards for our national trends gap analysis and to consider feedback throughout the review and revision process.

The proposed standards are based on extensive national research, committee experience, expert guidance, discussion, and stakeholder feedback. The proposed 2021 K-12 academic standards in Social Studies represent a significant revision of the 2011 standards. Three of the most significant changes include: 1) The creation of 25 anchor standards defining Career and college readiness (a considerable reduction of standards from 2011.) It also mirrors Minnesota's other content areas through standards that frame learning from kindergarten to high school.

2. Increased learning opportunities, including historical and contemporary Dakota and Anishinaabe people in each of the Social Studies disciplines and
3. The addition of an ethnic studies strand to provide the skills and knowledge to understand the experiences and perspectives of people of color within and beyond the United States to analyze how race and racism have been and continue to be powerful social, cultural, and political forces, and their connections to other axes of stratification, including gender, class, sexuality, and legal status.

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“The proposed standards are grounded in the belief that all students can, and must be, prepared for educational, career, and civic opportunities after high school. The proposed rules are consistent with the educational vision supported by current research on Social Studies that integrates the knowledge and skills needed for successful students in the 21st century. As the C3 Framework calls out: “Now more than ever, students need the intellectual power to recognize societal problems; ask good questions and develop robust investigations into them; consider possible solutions and consequences; separate evidence-based claims from parochial opinions; and communicate and act upon what they learn. And most importantly, they must possess the capability and commitment to repeat the process as long as necessary. Young people need strong tools for, and methods of, clear and disciplined thinking to successfully traverse the worlds of college, career, and civic life.” The standards help students accomplish that by:

- Prepare for democratic decision-making and participation in civic life by understanding democratic values, skills, and practices.
- Have deep and enduring understandings, concepts, and skills from the disciplines and use their knowledge to interact with their community, nation, and world.
- Collaborate as part of the decision-making and problem-solving process.
- Apply inquiry processes as they locate, explore, and organize information to be interpreted, analyzed, synthesized, and evaluated.
- Use interdisciplinary applications and integration of the arts, humanities, and other academic and career or technical content areas.
- Understand that when evaluating information, the source and context must be considered along with multiple perspectives and viewpoints.
- Apply geographic perspectives, knowledge, and skills in the workforce, academic settings, and daily life.
- Understand the economic reasoning embedded in personal financial literacy and apply it when making decisions to be wise consumers, investors, and savers.
- Recognize and evaluate varied perspectives and cultures, both historical and current.

The proposed K-12 academic standards in Social Studies will ensure that Minnesota’s Social Studies standards require the rigor and understanding necessary to support literate and capable students and citizens.

Comments. You have until **4:30 p.m. on Wednesday, October 25, 2023**, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and posted on the OAH website by the due date. Commenting is encouraged. 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 changes to the rule. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

You may review the proposed rule and submit written comments via the **Office of Administrative Hearings Rulemaking eComments website**: <https://minnesotaoah.granicusideas.com/discussions>.

Request for a Hearing. You may also request that the Department hold a hearing on the rules. You must request a public hearing in writing. Requests for a hearing must be sent directly to the agency contact person, Catherine Rogers. Your request must be received by **4:30 p.m. on Wednesday, October 25, 2023**. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is invalid, and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want to be made to the proposed rules.

Agency Contact Person. Submit questions or written requests for a public hearing to the agency contact person. The agency contact person is Catherine Rogers at the Minnesota Department of Education, 400 NE Stinson Blvd., Minneapolis, Minnesota 55413. You may email her at mde.rulemaking@state.mn.us.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the agency must give written notice to all persons who requested

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a hearing, explain the actions the agency took to effect the withdrawal and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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 agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules due to public comment or the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not differ substantially from those proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled if the agency does not receive requests for a hearing from 25 or more persons. If you request a public hearing, the agency will notify you whether the hearing will be held before the scheduled hearing date. You may also contact the agency contact person at mde.rulemaking@state.mn.us or by phone after the comment period ends to determine whether the hearing will be held. On the scheduled day, you may check whether the hearing will be held by emailing mde.rulemaking@state.mn.us or calling the contact person.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the above date, time, and place. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman's legal assistant, William Moore, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 651-7900 and fax (651) 539-0310.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period be extended for a longer period, not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge before 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the *Administrative Hearings' Rulemaking eComments website*: <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Lipman at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Department of Education. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

Statement of Need and Reasonableness. The Statement of Need and Reasonableness 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. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. It is available at no cost on the agency's website at *K-12 Social Studies Standards (mn.gov)*.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public

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Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, the Administrative Law Judge will issue a report on the proposed rules after the close of the hearing record. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and you can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Dated: September 25, 2023

Signed: Willie L. Jett II, Commissioner
Minnesota Department of Education

3501.1350 ACADEMIC STANDARDS FOR SOCIAL STUDIES.

Subpart 1. **Purpose.** The purpose of these standards is to establish statewide standards for social studies that govern instruction of students in kindergarten through grade 12. School districts shall assess a student's performance using criteria in subparts 2 through 6.

Subp. 2. Citizenship and government.

A. Civic Skills: The student will apply civic reasoning and demonstrate civic skills for the purpose of informed and engaged lifelong civic participation.

B. Democratic Values and Principles: The student will explain democratic values and principles that guide governments, societies, and communities and analyze the tensions within the United States constitutional government.

C. Rights and Responsibilities: The student will explain and evaluate rights, duties, and responsibilities in democratic society.

D. Governmental Institutions and Political Processes: The student will explain and evaluate processes, rules, and laws of the United States governmental institutions at local, state, and federal levels and within Tribal Nations.

E. Public Policy: The student will analyze how public policy is shaped by governmental and nongovernmental institutions, and how people and communities take action to solve problems and shape public policy.

F. Tribal Nations: The student will evaluate the unique political status, trust relationships, and governing structures of sovereign Tribal Nations and the United States.

Subp. 3. Economics.

A. Economic Inquiry: The student will use economic models and reasoning and data analysis to construct an argument and propose a solution related to an economic question. The student will evaluate the impact of the proposed solution on various communities that would be affected.

B. Fundamental Economics Concepts: The student will analyze how scarcity and artificial shortages force individuals, organizations, communities, and governments to make choices and incur opportunity costs. The student will analyze how the decisions of individuals, organizations, communities, and governments affect economic equity and efficiency.

Proposed Rules

C. Personal Finance: The student will apply economic concepts and models to develop individual and collective financial goals and strategies for achieving these goals, taking into consideration historical and contemporary conditions that either inhibit or advance the creation of individual and generational wealth.

D. Microeconomics: The student will explain and evaluate how resources are used and how goods and services are distributed within different economic systems. The student will analyze how incentives influence the decisions of consumers, producers, and governments. The student will evaluate the intended and unintended consequences of these decisions from multiple perspectives.

E. Macroeconomics: The student will measure and evaluate the well-being of nations and communities using a variety of indicators. The student will explain the causes of economic ups and downs. The student will evaluate how government actions affect a nation's economy and individuals' well-being within an economy.

F. Global and International Economics: The student will explain why people trade and why nations encourage or limit trade. The student will analyze the costs and benefits of international trade and globalization on communities and the environment.

Subp. 4. Geography.

A. Geospatial Skills and Inquiry: The student will apply geographic tools, including geospatial technologies, and geographic inquiry to solve spatial problems.

B. Places and Regions: The student will describe places and regions, explaining how they are influenced by power structures.

C. Human Systems: The student will analyze patterns of movement and interconnectedness within and between cultural, economic, and political systems from a local to global scale.

D. Human-Environment Interaction: The student will evaluate the relationship between humans and the environment, including climate change.

E. Culture: The student will investigate how a sense of place is impacted by different cultural perspectives.

Subp. 5. United States and world history.

A. Context, Change, and Continuity: The student will ask historical questions about context, change, and continuity in order to identify and analyze dominant and nondominant narratives about the past.

B. Historical Perspectives: The student will identify diverse points of view and describe how one's frame of reference influences historical perspective.

C. Historical Sources and Evidence: The student will investigate a variety of historical sources by:

- (1) analyzing primary and secondary sources;
- (2) identifying perspectives and narratives that are absent from the available sources; and
- (3) interpreting the historical context, intended audience, purpose, and author's point of view of these sources.

D. Causation and Argumentation: The student will integrate evidence from multiple historical sources and interpretations into a reasoned argument or compelling narrative about the past.

E. Connecting Past and Present: The student will use historical methods and sources to identify and analyze the roots of a contemporary issue. The student will design a plan to address it.

Subp. 6. Ethnic studies.

A. Identity: The student will analyze the ways power and language construct the social identities of race, religion, geography, ethnicity, and gender. The student will apply understandings to one's own social identities and other groups

Proposed Rules

living in Minnesota, centering those whose stories and histories have been marginalized, erased, or ignored.

B. Resistance: The student will describe how individuals and communities have fought for freedom and liberation against systemic and coordinated exercises of power locally and globally. The student will identify strategies or times that have resulted in lasting change. The student will organize with others to engage in activities that could further the rights and dignity of all.

C. Ways of Knowing and Methodologies: The student will use ethnic and Indigenous studies methods and sources in order to understand the roots of contemporary systems of oppression and apply lessons from the past in order to eliminate historical and contemporary injustices.

REPEALER. Minnesota Rules, parts 3501.1300; 3501.1305; 3501.1310; 3501.1315; 3501.1320; 3501.1325; 3501.1330; 3501.1335; 3501.1340; and 3501.1345, are repealed.

EFFECTIVE DATE. These standards are effective at the beginning of the 2026-2027 school year.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.”

Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Workers' Compensation; 2023

Adjustments to Relative Value Fee Schedule Conversion Factors and Amendments to Rules Implementing the Workers' Compensation Relative Value Fee Schedule Tables in Minnesota Rules, Chapter 5221

5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

[For text of subparts 1 and 1a, see Minnesota Rules]

Exempt Rules

Subp. 1b. **Conversion factors and maximum fee formulas.**

[For text of item A, see Minnesota Rules]

B. The conversion factors for services, articles, and supplies included in parts 5221.4030 to 5221.4061 are as provided in Minnesota Statutes, section 176.136, subdivision 1a, as follows:

[For text of subitems (1) to (11), see Minnesota Rules]

(12) for dates of service from October 1, 2021, to September 30, 2022, the conversion factors are:

[For text of units (a) to (c), see Minnesota Rules]

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$51.30; and

(13) for dates of service from October 1, 2022, to September 30, 2023, the conversion factors are:

[For text of units (a) to (c), see Minnesota Rules]

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$52.00; and

(14) for dates of service from October 1, 2023, to September 30, 2024, the conversion factors are:

(a) for medical/surgical services identified by procedure codes described in part 5221.4030, subpart 3: \$67.17;

(b) for pathology and laboratory services identified by procedure codes described in part 5221.4040, subpart 3: \$61.08;

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$60.32; and

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$52.27.

[For text of subparts 1c to 4, see Minnesota Rules]

EFFECTIVE DATE. The amendments to part 5221.4020, subpart 1b, are effective for services provided on or after October 1, 2023.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order 23-11: Creating a Committee to Coordinate Commemorations of the 250th Anniversary of the American Revolution

I, **Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

In 2026, Americans across the nation will mark the 250th (semiquincentennial) anniversary of the American Revolution.

This occasion provides an opportunity for Minnesotans to learn about the context and events of our nation's founding, as well as subsequent historic events.

An organizing body is needed to help coordinate commemorations undertaken by public and private organizations and individuals to ensure that all Minnesotans have opportunities to learn about our complex and inspiring past.

For these reasons, I order as follows:

1. The Governor's Committee on Minnesota America 250 ("the Committee") is established to plan, guide, promote, and coordinate activities in commemoration of the 250th anniversary of the American Revolution and Minnesota's significant contributions to the life of our nation over the course of the 250 years.
2. The Committee will consist of up to 15 members, including:
 - a. Two co-chairs and up to eight additional members to be appointed by the Governor. The Governor's appointees will include individuals with experience and expertise in history or history education, tourism, or the humanities.
 - b. One member of the Minnesota Senate designated by the Senate Majority Leader.
 - c. One member of the Minnesota Senate designated by the Senate Minority Leader.
 - d. One member of the Minnesota House of Representatives designated by the Speaker of the House.
 - e. One member of the Minnesota House of Representatives designated by the House Minority Leader.
 - f. One tribal member designated by the Minnesota Indian Affairs Council.
3. The Committee will:
 - a. Develop, encourage, and execute an inclusive celebration of the 250th anniversary of the American Revolution and subsequent historic events in American history through civic, cultural, and historical education and programming for all Minnesotans.

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- b. Encourage civic, historical, educational, business, and other organizations throughout Minnesota to organize and participate in activities to expand the understanding and appreciation of the American Revolution and subsequent historic events.
 - c. Coordinate with the U.S. Semiquincentennial Commission, as well as state and local commissions and private and public organizations and partners, in planning and carrying out this work.
 - d. Provide assistance to nonprofit organizations and governmental units in the development of programs, projects, and activities pertaining to the 250th anniversary of the American Revolution that have lasting educational value within the state.
 - e. Submit an action plan to the Governor and the Minnesota Legislature by January 15, 2024, that outlines the Committee's goals, mission, and recommendations, as well as an annual report each subsequent year that includes any update on the action plan, implementation benchmarks, and related deadlines and schedules.
 - f. The Committee will submit its annual report by January 15 of each year.
4. State agencies and other organizations are encouraged to assist the Committee in its efforts. The Minnesota Historical Society will convene initial meetings of the Committee and will provide support to the Committee.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State. It will remain in effect until rescinded by proper authority or until December 31, 2026, whichever occurs first.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on September 22, 2023.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Appointments

Minnesota Statutes, Section 15.06, Subd. 5. requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Office of the Governor

Notice of Appointment for the Department of Administration Commissioner

NOTICE OF APPOINTMENT

Tamar Gronvall

Because of the special trust and confidence I have in your integrity, judgement, and ability, I have appointed you to the office of:

Commissioner

Minnesota Department of Administration

Effective: October 9, 2023

Expires: January 4, 2027

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled by me or other lawful authority or by any law of this State.

Signed and sealed September 21, 2023.



A handwritten signature in black ink, reading "Tim Walz".

Tim Walz

Governor

A handwritten signature in black ink, reading "Steve Simon".

Steve Simon

Secretary of State

Filed September 21, 2023
Office of the Minnesota
Secretary of State
Steve Simon

Replacing: Stacie Christensen

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Human Services

Health Care Administration

Request for Comments on the Minnesota Substance Use Disorder System Reform Section 1115 Medicaid demonstration waiver Section 1115 Medicaid Waiver Extension Request

DHS is announcing a 30-day comment period on the proposed extension of the Minnesota Substance Use Disorder (SUD) System Reform Section 1115 Medicaid demonstration waiver.

The SUD waiver was first approved by the Centers for Medicare & Medicaid Services in August 2019. The SUD waiver provides federal Medicaid funds for enrollees receiving SUD treatment in facilities that meet the federal definition of an Institution for Mental Diseases (IMDs). This federal funding supports continued access to intensive residential SUD treatment services for Minnesotans struggling with addiction. The state proposes a five-year demonstration waiver extension under section 1115(a) of the Social Security Act to test the impact of evidence-based provider referral arrangements and practices on improving health outcomes for Medicaid enrollees with substance use conditions.

The current waiver ends June 30, 2024. DHS invites public comment on the SUD waiver extension request. Comments received will be posted on the DHS website. A copy of the waiver extension request can be found at *Federal health care waivers with public hearings and comments / Minnesota Department of Human Services (mn.gov)*.

Written comments may be submitted to the following email mailbox: ***Section1115WaiverComments@state.mn.us***. To support making comments available to people who use screen readers, DHS requests comments be submitted in Microsoft Word format or incorporated within the email text. If you would also like to provide a signed copy of the comment letter, you may submit a second copy in Adobe PDF format. Comments must be received by October 27, 2023.

In addition to the opportunity to submit written comments during the 30-day public comment period, two public comment meetings will be held to provide comment on the waiver request directly to DHS staff. The dates and times of the two meetings are:

First Meeting – Video Conference

Date: Tuesday, October 10, 2023

Time: 11:00 a.m. to 12:00 p.m.

Second Meeting – In-person (St. Paul, MN)

Date: Thursday, October 12, 2023

Time: 11:00 a.m. to 12:00 p.m.

If you would like to attend either meeting, please send an email request to ***Section1115WaiverComments@state.mn.us*** to obtain the call/video conference information or in-person registration information. If you plan to testify during the either meeting about the SUD waiver extension, please send an email to ***Section1115WaiverComments@state.mn.us*** indicating that you will testify. All comments and testimony will be recorded and will be shared publicly as part of the waiver extension request.

Minnesota Pollution Control Agency

Resource Management and Assistance Division

REQUEST FOR COMMENTS for Planned New Rules Governing Reporting by Manufacturers Upon Submission of Required Information about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor's ID Number R-4828

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned new rules for submission of required information about products containing PFAS. This rulemaking is referred to as the **PFAS in Products Reporting Rule**. The main purpose of this rulemaking is to establish a program for the MPCA to collect information about products containing PFAS intentionally added to products sold, offered for sale, or distributed in Minnesota as required by *Minnesota Session Law – 2023, chapter 60, article 3, section 21, (Minnesota Statutes 116.943) subdivision 2*. Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the **Comments** section below.

This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is an opportunity to provide information or comment on any relevant issues related to this rulemaking that we need to consider. For example, we recognize that the cost of compliance for regulated parties can be a concern. If you have cost information or data related to collecting information about PFAS in products reporting that you wish to share with us to inform our decisions, please submit that information. Draft rule language is not available at this time. We want your written comments on the ideas described under the **Subject of Rules** section.

Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the planned rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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, please contact the **MPCA Contact Person**.

Statutory Authority. Minnesota Session Law – 2023, chapter 60, article 3, section 21, (*Minnesota Statutes 116.943*); and *Minnesota Statutes, section 116.943, subdivision 9*.

Subject of Rules. The MPCA requests comments on planned new rules governing PFAS in products reporting. Information must be submitted by “manufacturers” of a product containing intentionally added PFAS about the product, the PFAS, and the submitter, as authorized by Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 2, which states:

“(a) On or before January 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

- (1) a brief description of the product, including a universal product code (UPC), stock keeping unit (SKU), or other numeric code assigned to the product;
 - (2) the purpose for which PFAS are used in the product, including in any product components;
 - (3) the amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;
 - (4) the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and
 - (5) any additional information requested by the commissioner as necessary to implement the requirements of this section.
- (b) With the approval of the commissioner, a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.
- (c) A manufacturer must submit the information required under this subdivision whenever a new product that contains intentionally added PFAS is sold, offered for sale, or distributed in the state and update and revise the

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information whenever there is significant change in the information or when requested to do so by the commissioner.

(d) A person may not sell, offer for sale, or distribute for sale in the state a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under this subdivision and the person has received notification under subdivision 4.”

In addition, other subdivisions in the law may directly relate to or have implications for reporting, such as the subdivisions referring to definitions, waivers and extensions, and exemptions.

In developing the reporting rule, the MPCA would appreciate comments on the following questions:

1. Are there definitions in subdivision 1 for which clarification would be useful to understanding reporting responsibilities?
2. Are there terms or processes in subdivision 2 for which clarifications will help reporting entities determine reporting status or data-gathering process?
3. How should the MPCA balance public availability of data and trade secrecy as part of the reporting requirements?
4. Are there any terms used in subdivision 3 that should be further defined or where examples would be helpful?
5. Are there specific portions of the reporting process that should not be defined through guidance or the development of an application form?
6. Other questions or comments relating to reporting or the process of reporting.

The MPCA is interpreting these information submittals (“reporting”) to occur once, on or before January 1, 2026, and to not involve resubmittal of the same information. However, updates to reported products when PFAS are added or subtracted (“whenever there is a significant change”) are required.

Parties Affected. The new rule would affect any manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS. Definitions of pertinent terms are provided in Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 1, including:

- “Manufacturer” means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.
- “Intentionally added” means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product’s components to perform a specific function.
- “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Manufacturers” can be located in Minnesota or anywhere outside the State, as long as they are selling a product, offering a product for sale, or distributing a product (or component) in the state that contains intentionally added PFAS.

Note that in some cases “manufacturer” may include people or entities not typically thought of as manufacturers, such as retailers which have their brand name or a private label brand name they own affixed to products. “Manufacturer” does not include landfill or wastewater treatment operators or any person who sells, offers for sale, or distributes in Minnesota:

- Products for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
- A product regulated under section 325F.072 or 325F.075;
- A used product; or
- Products which contain a pesticidal ingredient regulated by and reported to the Minnesota Department of Agriculture.

While subdivision 8 of the law exempts them from prohibitions and testing and certificate of compliance requirements, “manufacturers” of prosthetic or orthotic devices or any products that are medical devices or drugs or that are otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration are not exempted from information submittal requirements.

Where to Get More Information. Information about this rulemaking is available on the rulemaking website at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting>. As stated above, we do not yet have draft rule language. If you are interested in being notified of opportunities for public comment, when the draft rules are available for review, and of other activities relating to this (or other MPCA rulemakings) register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Comments. Interested parties may submit written comments or information on these possible rules until **4:30 p.m. on Tuesday, November 28, 2023**. Submit written comments or information to the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore, OAH, telephone 651-361-7893, email William.T.Moore@state.mn.us. You may view frequently asked questions about the OAH eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Comments 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 will not publish a Notice of Intent to Adopt the rules until more than 60 days have elapsed from the date of this RFC.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: The MPCA will carefully consider all comments received in response to this RFC. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only the written comments received in response to the draft rules after they are proposed with a Notice of Intent to Adopt Rules. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you should resubmit your comments after the rules are formally proposed with a Notice of Intent to Adopt the rules.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2439, email mary.lynn@state.mn.us. Technical questions on the planned rules should be submitted to Al Innes, telephone 651-757-2457, email alister.innes@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

Date: September 11, 2023

Official Notices

Minnesota Pollution Control Agency

Resource Management and Assistance Division

REQUEST FOR COMMENTS for Planned New Rules Governing Fees Payable by Manufacturers Upon Submission of Required Information about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor's ID Number R-4827

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA or Agency) is requesting comments on planned new rules for fees to be paid upon submission of required information about products containing PFAS. This rulemaking is referred to as the **PFAS in Products Fee Rule**. The main purpose of this rulemaking is to establish PFAS in products reporting fees as provided for in *Minnesota Session Law – 2023, chapter 60, article 3, section 21, (Minnesota Statutes 116.943) subdivision 6*. Creating a reporting process and reviewing PFAS compounds and concentrations for each manufacturer will result in significant staff and information technology costs. This rulemaking is intended to recoup those costs as provided in *Minnesota Session Law – 2023, chapter 60, article 3, section 21, (Minnesota Statutes 116.943) subdivision 6*. Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the **Comments** section below.

This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is an opportunity to provide information or comment on any relevant issues related to this rulemaking that we need to consider. For example, we recognize that the cost of fees to regulated parties can be a concern. If you have cost information or data related to fees on PFAS in products reporting that you wish to share with us to inform our decisions, please submit that information. Draft rule language is not available at this time. We want your written comments on the ideas described under the **Subject of Rules** section.

Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the planned rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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, please contact the **MPCA Contact Person**.

Statutory Authority. Minnesota Session Law – 2023, chapter 60, article 3, section 21, (*Minnesota Statutes 116.943*) subdivision 6; and *Minnesota Statute, section 116.943, subdivision 9*.

Subject of Rules. Fees. The MPCA requests comments on planned new rules governing PFAS in products reporting fees. Fees are authorized by Minnesota Session Law – 2023, chapter 60, article 3, section 21, (*Minnesota Statutes 116.943*) subdivision 6, which states:

“The commissioner may establish by rule a fee payable by a manufacturer to the commissioner upon submission of the information required under subdivision 2 to cover the agency’s reasonable costs to implement this section.”

“This section” refers to the *Minnesota Session Law – 2023, chapter 60, article 3, section 21 (Minnesota Statutes 116.943)*. Section 21 (*Minnesota Statutes 116.943*) includes prohibitions on listed products containing PFAS on January 1, 2025; other possible prohibitions from 2025 to 2032; a system in place by January 1, 2026, to allow for PFAS in Products reporting; waiver, testing, certificate of compliance and other mechanisms in place by 2026; and prohibitions on all other uses of PFAS in products unless designated a “currently unavoidable use” by rule by the MPCA by January 1, 2032.

Since this is a complex new system with the first deadlines occurring within 2.5 years of *section 21's (Minnesota Statutes 116.943)* enactment (May 2023), MPCA began implementation upon its enactment and is planning on continuing implementation efforts throughout the life of the law. The MPCA is in the process of hiring new staff to develop and carry out the program, and the new reporting system will incur both start-up and annual operation and maintenance costs.

The MPCA is interpreting these information submittals (“reporting”) to occur once, on or before January 1, 2026,

and to not involve resubmittal of the same information. Therefore, updates to reported products when PFAS are added or subtracted (“whenever there is a significant change”) are required. Fee payments may also be limited in occurrence, and not required on a recurring, periodic basis.

Whatever fee structures are settled on, the MPCA expects the bulk of the program’s revenue to be raised in 2026 or soon thereafter. A large number of initial submittals is expected; however, it is difficult to predict accurately the pace of PFAS-containing product introductions after 2026, or of follow-up (change in PFAS content) submittals over its implementation.

In developing the fee rule, the MPCA would appreciate comments on the following questions:

1. Should the Agency consider tiered fees for different sizes of business?
2. Should the Agency consider a per-product or per-company fee?
3. Should the Agency consider a per-PFAS or PFAS amount fee?
4. Are there other state program fee structures on which the Agency should model the fees?
5. Should the Agency consider a fee to be paid when updates to information on previously reported products are submitted? (e.g., decreased amounts or elimination of one or more PFAS)

Other issues. The PFAS in Products Fee Rule may include other subjects requiring clarification or definition to successfully start up information submittals by the January 1, 2026, deadline. Your comments on issues important to the process of fee payment are welcome, and on reporting issues which relate to fee structures and payment processes.

Parties Affected. The new rules would affect any manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS. Definitions of pertinent terms are provided in *Minnesota Session Law – 2023, chapter 60, article 3, section 21, (Minnesota Statutes 116.943) subdivision 1*, including:

- “Manufacturer” means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.
- “Intentionally added” means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product’s components to perform a specific function.
- “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Manufacturers” can be located in Minnesota or anywhere outside the State, as long as they are selling a product, offering a product for sale, or distributing a product (or component) in the state that contains intentionally added PFAS.

Note that in some cases “manufacturer” may include people or entities not typically thought of as manufacturers, such as retailers which have their brand name or a private label brand name, they own affixed to products. “Manufacturer” does not include landfill or wastewater treatment operators or any person who sells, offers for sale, or distributes in Minnesota:

- Products for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
- A product regulated under section 325F.072 or 325F.075;
- A used product; or
- Products which contain a pesticidal ingredient regulated by and reported to the Minnesota Department of Agriculture.

While subdivision 8 of the law exempts them from prohibitions and testing and certificate of compliance requirements, “manufacturers” of prosthetic or orthotic devices or any products that are medical devices or drugs or that are otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug

Official Notices

Administration are not exempted from information submittal requirements.

Where to Get More Information. Information about this rulemaking is available on the rulemaking website at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-fees>. As stated above, we do not yet have draft rule language. If you are interested in being notified of opportunities for public comment, when the draft rules are available for review, and of other activities relating to this (or other MPCA rulemakings) register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Comments. Interested parties may submit written comments or information on these planned rules until **4:30 p.m. on Tuesday, November 28, 2023**. Submit written comments or information to the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore, OAH, telephone 651-361-7893, email William.T.Moore@state.mn.us. You may view frequently asked questions about the OAH eComments website at https://mn.gov/oah/assets/ecommments-faq_tcm19-82012.pdf. Comments 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 will not publish a Notice of Intent to Adopt the rules until more than 60 days have elapsed from the date of this RFC.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: The MPCA will carefully consider all comments received in response to this RFC. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only the written comments received in response to the draft rules after they are proposed with a Notice of Intent to Adopt Rules. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you should resubmit your comments after the rules are formally proposed with a Notice of Intent to Adopt the rules.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2439, email mary.lynn@state.mn.us. Technical questions on the planned rules should be submitted to Al Innes, telephone 651-757-2457, email alister.innes@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

Date: September 11, 2023

Minnesota Department of Transportation (MnDOT) Notice of Draft MnSHIP Public Comment Period and Public Hearings

NOTICE IS HEREBY GIVEN that the public is invited to review and provide comments through November 8, 2023 on the draft Minnesota State Highway Investment Plan. The Minnesota State Highway Investment Plan directs capital investment for Minnesota's 12,000-mile state highway system over the next 20 years. MnSHIP links policies and objectives in the Minnesota GO 50-Year Vision and the Statewide Multimodal Transportation Plan (SMTP) with capital investments on the state highway system for the next 20-years. It is a fiscally constrained plan that identifies investment

priorities given current and expected funding of \$37 billion between 2023 and 2042.

This plan is the result of collaboration during the last two and a half years between the Minnesota Department of Transportation and the public, stakeholders and partners. This will be the final opportunity for the public to provide input on this plan.

The Minnesota State Highway Investment Plan can be accessed electronically and available for download at <http://www.minnesotago.org>. The plan is also available for review in hard copy at the MnDOT Library at 395 John Ireland Blvd, Saint Paul, MN 55155 and at the *eight MnDOT district headquarters* around the state.

Five public hearings will be held between the dates of October 5 and October 18 at the specific dates, times, and locations included below. Links to transit service providers are also located below each public hearing location. Information about the public comment period and public hearings is available at <http://www.minnesotago.org>.

- Baxter – 7694 Industrial Park Road, Baxter, MN 56425
October 5 at 11 a.m.
– Brainerd & Crow Wing Public Transit: <http://www.ci.brainerd.mn.us/195/Transit>
- Carlton – 1630 County Rd 61, Carlton, MN 55718
October 11 at 11:30 a.m.
– Arrowhead Transit: <https://arrowheadtransit.com/>
- Rochester – 2900 48th St. NW, Rochester, MN 55901
October 13 at 11 a.m.
– Rochester Public Transit: <https://www.rochestermn.gov/government/departments/public-transportation>
- Willmar – 2505 Transportation Road, Willmar, MN 56201
October 13 at 11 a.m.
– Central Community Transit: <https://www.cctbus.org/>
- St. Paul – Metropolitan Council 390 Robert Street N, St. Paul, MN 55101
October 18 at 2:30 p.m.
– Metro Transit: <http://www.metrotransit.org/>

To request an ASL or foreign language interpreter or other reasonable accommodation, email your request to adarequest.dot@state.mn.us. Please request at least one week in advance of public hearing date.

Written comments will be accepted through November 8th and can be submitted online at <http://www.minnesotago.org> emailed to stateplans.dot@state.mn.us, or addressed to:

Brad Utecht
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155, Mail Stop 440

For more information, contact Brad Utecht at 651-366-4835 or bradley.utecht@state.mn.us , or visit <http://www.minnesotago.org>.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

Department of Human Services Contracts and Legal Compliance Division Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs are solely the responsibility of the responder.

Minnesota Department of Labor and Industry Construction Codes and Licensing Division Notice of Request for Proposals for the Building Official Training Municipal Grant Program

The Minnesota Department of Labor and Industry announces the availability of \$520,000 in grant funding for the implementation and coordination of the Building Official Training Municipal Grant Program in the State of Minnesota. The performance period for eight (8) grants will be from the date the contract is executed to December 31, 2024.

I. Background

The Building Official Training Municipal Grant Program (hereafter referred to as the **BOT Grant** or **BOT**) from the Minnesota Department of Labor and Industry (DLI) was created to provide support through partial funding and training guidance to qualifying municipalities who wish to establish training programs that will educate and train individuals on their path to becoming building officials. This will be achieved through the implementation and coordination of partnerships between the State of Minnesota and those qualifying municipalities.

Funding for the BOT Grant program is provided by the Construction Codes and Licensing Division (CCLD) permit surcharge surplus as allowed in MN. Statute 326B.148 subdivision 1.

II. Objective of the RFP

The BOT Grant Program will, through funding and training guidance, assist qualified municipalities to establish inclusive training programs that will provide on-the-job training and education under the direct supervision of a Minnesota Certified Building Official. The municipality's trainee will achieve 20 points for experience in building plan review and building inspections per MN. Rule 1301.0300 section C (1) by serving as a construction code inspector as specified in MN. Statute 326B.135 and detailed in Mn. Rule 1301.1400. The grant program goal for the trainee is to gain a Building Official-Limited (BO-L) certification.

III. Eligibility

Proposals will be accepted from qualifying municipalities and funding will be allocated through a competitive grant process. The deadline to submit a grant proposal to the Minnesota Department of Labor and Industry is 4 p.m. October 25, 2023. The grant review committee will review and score grant applications and proposals

IV. Application Process

For information about this grant, eligibility, documents, proposal requirements and deadlines email your requests to: bot.dli@state.mn.us also the documents are available at www.dli.mn.gov/bot.

Minnesota Department of Transportation

Office of Civil Rights

Request for Proposal: Minnesota Highway Construction Training Program

MnDOT requests responses from workforce centers, community-based organizations, training institutions, colleges, and trades associations to develop and administer one or more programs in highway construction career development and training.

Responses must be received no later than 2:00 P.M. Central Daylight Time on October 12, 2023. Late responses will not be considered.

To view the RFP go to: <http://www.dot.state.mn.us/civilrights/requests-for-proposals.html>

For more information, visit: [Workforce Training Programs - Civil Rights - MnDOT \(state.mn.us\)](http://Workforce Training Programs - Civil Rights - MnDOT (state.mn.us))

Minnesota Department of Transportation

Office of Civil Rights

Request for Proposal: SFY 2024 Certified Small Business Micro Grant Program

MnDOT requests responses from Minnesota-based Certified Small Businesses to financially assist them with their eligible expenses that increases their business capacity and/or industry knowledge to assist in their pursuit of MnDOT projects/contracts.

Responses must be received no later than 02:00 p.m. Central Standard Time on April 30, 2024 or until funding is exhausted. Late responses will not be considered.

To view the RFP go to: mndot.gov/civilrights/requests-for-proposals.html.

For more information, visit: mndot.gov/civilrights/micro-grant.html.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Contact the Office of State Procurement at: (651) 296-2600

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Alexandria Technical Community College Student Services and Transportation Center (SDSB Project # 23-13)

The State of Minnesota, acting through Minnesota State through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click SDSB Project #23-13).

A **mandatory** informational meeting is scheduled for **September 27, 2023 at 10:00 am at the** Alexandria Technical & Community College campus at 1601 Jefferson Street, Alexandria, MN 56308. Park in the Visitor's front parking lot. Gather in the main Lobby and we will move to a room from there. The meeting will include a tour of the proposed project areas and a review of the scope of work.

Any questions should be directed to Joel Seela at joels@alextech.edu. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **October 2, 2023**, no later than **5:00 p.m.** Central Time.

Proposals must be delivered to ***SDSB.Proposals.ADM@state.mn.us*** not later than **Monday, October 9, 2023**, by **12:00 noon CT**. Late responses will not be considered.

Minnesota State is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (Minnesota State)

Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities, goods/commodities and related services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Department of Corrections Request for Proposals for Cognitive Behavioral Curriculums

PROJECT NAME: Cognitive Behavioral Curriculums

DETAILS: The Department of Corrections (“DOC”) requests proposals to deliver cognitive behavioral curriculum(s), in a small group format, which addresses four, or more, criminogenic needs to a targeted population consisting of high-risk individuals in the communities of St. Paul and Minneapolis. “High-risk” is defined by receiving a “high” or very-high” risk score on the MnSTARR recidivism assessment tool.

The DOC has collaborated with community partners to deliver a program grounded in evidence-informed practices serving high-risk release violators called Opportunity for Change (“O4C”) since 2017. It is anticipated that in 2021, the O4C program will also serve non-release violators (individuals who release at 2/3 of their sentence) in need of supportive services. Goals of the program are to implement interventions that align with effective programming and yield promising results in reductions in recidivism, technical violations and increases pro-social opportunities for released individuals. Additional strategies used by the O4C team to increase success include cognitive behavioral interventions, case planning and referrals, housing, mentorship, personal finance education, and employment connections.

It is the goal of this project that the targeted population will have the opportunity to participate in evidence-informed programming which is designed to reduce their risk of returning to prison.

Work is anticipated to start on, or after, January 1, 2024

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email to Malinda.steffan@state.mn.us or follow this link: <https://mn.gov/doc/staff-partners/doing-business-doc/request-proposals/>.

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via email or mail no later than **4 p.m. Central Standard Time, Monday, October 16, 2020. Late proposals will not be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Corrections Request for Proposals for Mentoring Services & Pro-social Activities

PROJECT NAME: Mentoring Services & Pro-social Activities

DETAILS: On September 25, 2023 the Department of Corrections (DOC) will be requesting proposals to coordinate and provide mentoring services and pro-social activities to higher risk participants released from correctional facilities residing in the twin cities metro area.

The DOC has collaborated with community partners to deliver a program grounded in evidence-informed practices (EBP) serving higher risk release violators called Opportunity for Change (O4C) since 2017. Goals of the program are to implement interventions that align with effective programming and yield promising results in reductions in recidivism, technical violations, and other rule infractions and increases pro-social opportunities for released individuals. Additional strategies used by the O4C team to increase success include case planning and referrals, stability in housing, cognitive-behavioral groups, and employment connections. This request for proposal particularly increases opportunities for the participants to connect with pro-social peers in the community (Minneapolis and St. Paul). The proposal should

State Contracts

outline the ability to coordinate prosocial and appropriate activities for participants and connect some team-identified participants in need of more direct mentorship and support. All prosocial activities will be approved by the MN DOC and county supervision agents. For more direct mentorship and support for some participants, mentoring grounded in the Circles of Support and Accountability (COSA) model will be favored. Work is anticipated to start after January 1, 2024.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, on or after September 25, 2023 Malinda.steffan@state.mn.us or follow this link: <https://mn.gov/doc/staff-partners/doing-business-doc/request-proposals/>.

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via email or mail no later than **4 p.m. Central Standard Time, Monday, October 16, 2023. Late proposals will not be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Corrections

Request for Proposals for Opportunity for Change (O4C) Program Hub and Employment Services

PROJECT NAME: Opportunity for Change (O4C) Program Hub and Employment Services

DETAILS: On September 25, 2023 the Department of Corrections (DOC) requests proposals to provide employment seeking, obtainment, and sustainability services to higher risk participants released from correctional facilities residing in the twin cities metro area. Additionally, the DOC is seeking space for two program hub spaces, centrally located in St. Paul. Each hub must have office space for one DOC staff person and day and evening group space one to two times per week.

The DOC has collaborated with community partners to deliver a program grounded in evidence-informed practices (EBP) serving higher risk release violators called Opportunity for Change (O4C) since 2017. Goals of the program are to implement interventions that align with effective programming and yield promising results in reductions in recidivism, technical violations, and other rule infractions and increases pro-social opportunities for released individuals. Additional strategies used by the O4C team to increase success include case planning and referrals, stability in housing, cognitive-behavioral groups, and mentoring connections.

This request for proposal particularly increases opportunities for the participants to gain and maintain employment. The proposal should outline the ability to provide employment support, including, but not limited to, assessing employment readiness, provide cognitive behavioral interventions related to successful employment experiences, and be responsive to barriers participants have facing employment. Additionally, proposals should provide a structured program space for O4C as outlined above.

Work is anticipated to start after January 1, 2024

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, on or after September 25, 2023 Malinda.steffan@state.mn.us or follow this link: <https://mn.gov/doc/staff-partners/doing-business-doc/request-proposals/>.

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via email or mail no later than **4 p.m. Central Standard Time, Monday, October 16, 2023. Late proposals will not be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Corrections

Request for Proposals for Personal Finance Educational Instruction

PROJECT NAME: Personal Finance Educational Instruction

DETAILS: On September 25, 2023 the Department of Corrections (DOC) requests proposals from qualified responders to coordinate and conduct innovative strategies for providing educational instruction on personal finance for incarcerated and/or corrections systems involved people on correctional supervision.

This request for proposal particularly increases opportunities for the participants to gain a basic understanding of personal finances through participation in financial education classes in order to become more financially stable.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, on or after September 25, 2023 *Malinda.steffan@state.mn.us* or follow this link: <https://mn.gov/doc/staff-partners/doing-business-doc/request-proposals/>.

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via email or mail no later than **4 p.m. Central Standard Time, Monday, October 16, 2023. Late proposals will not be considered.** This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Housing Finance Agency

Request for Proposals for Third Follow-up to Olmstead Quality of Life Survey

PROJECT NAME: Third Follow-up to Olmstead Quality of Life Survey

DETAILS: Minnesota Housing Finance Agency is requesting proposals for conducting a longitudinal study of people with disabilities on their quality of life including level of integration and autonomy over decision making. The study utilizes a survey that measures changes in the lives of people with disabilities over time. The upcoming survey is the third follow-up survey and the results will be used to guide the work conducted under the Minnesota Olmstead Plan.

Work is anticipated to start after December 1, 2023.

COPY REQUEST: To get a copy of the Request for Proposals, please send a written request, by email, to:

Diane Doolittle, Strategic Initiatives Manager
Olmstead Implementation Office
Diane.Doolittle@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received via email no later than **October 20, 2023 at 3:00 PM CT. Late proposals will not be considered.** Faxed and mailed proposals will not be considered.

This request does not obligate Minnesota Housing Finance Agency to award a contract or complete the work contemplated in this notice. Minnesota Housing Finance Agency reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Legislative Coordinating Commission

Request for Proposals for Providing Legislative Sign Language Interpreter Services

The Minnesota Legislative Coordinating Commission is requesting proposals from qualified individuals and organizations interested in providing legislative sign language interpreting services during calendar years 2024-2025 to individuals who are hard of hearing, deaf, or deafblind. The agreement may be extended through calendar year 2027 by mutual agreement of all parties. For a copy of the full text of the RFP, please go to <https://www.lcc.mn.gov/RFPs.html> or contact:

Diane Henry-Wangenstein, Deputy Director
Minnesota Legislative Coordinating Commission
600 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1298
Phone: (651) 296-1121 (voice)
Email: diane.henry@lcc.mn.gov

All proposals must satisfy the criteria as outlined in the full text of the RFP. At a minimum, proposals must include a plan which details how services will be provided and must clearly state the contractor's proposed hourly rates and other charges for services provided.

Proposals must be received by Tues Oct 24, at 4:00 p.m. Late applications may not be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2023 Campus Building Rehab Program

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2023 Campus Building Rehab Program
MAC Contract No.:	106-3-635
Bids Close At:	2:00 PM on October 19, 2023
Bid Opening Conference Call:	3:00 PM on October 19, 2023
Teleconference Dial In #:	1-612-405-6798
Conference ID #:	681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Update QuestCDN eBidDoc Number once the project has been set up in QuestCDN prior to the Ads submission.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8709168 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Non-State Public Bids, Contracts & Grants ==

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2023 MAC Automation Infrastructure Program/2023 Indoor Air Quality Monitoring System

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2023 MAC Automation Infrastructure Program/2023 Indoor Air Quality Monitoring System
MAC Contract No.: 106-2-1023/106-2-1036
Bids Close At: 2:00 PM on October 18, 2023
Bid Opening Conference Call: 3:00 PM on October 18, 2023
Teleconference Dial In #: 1-612-405-6798
Conference ID #: 681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8689028 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2023 MAC Technology Upgrades

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2023 MAC Technology Upgrades
MAC Contract No.: 106-2-1005
Bids Close At: 2:00 PM on October 19, 2023
Bid Opening Conference Call: 3:00 PM on October 19, 2023
Teleconference Dial In #: 1-612-405-6798
Conference ID #: 681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a

— Non-State Public Bids, Contracts & Grants

public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 8%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8686930 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2023 MSP Campus Building Roof Replacements

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2023 MSP Campus Building Roof Replacements
MAC Contract No.:	106-3-637
Bids Close At:	2:00 PM on October 17, 2023
Bid Opening Conference Call:	3:00 PM on October 17, 2023
Teleconference Dial In #:	1-612-405-6798
Conference ID #:	681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 10%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Project Labor Agreement: This project is subject to the MAC's Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in Appendix B.

Non-State Public Bids, Contracts & Grants ==

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8705044 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will ONLY be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2023 Terminal 1 Miscellaneous Modifications

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2023 Terminal 1 Miscellaneous Modifications
MAC Contract No.:	106-2-1042
Bids Close At:	2:00 PM on October 19, 2023
Bid Opening Conference Call:	3:00 PM on October 19, 2023
Teleconference Dial In #:	1-612-405-6798
Conference ID #:	681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN’s website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 5%.

Bid Security: Each bid shall be accompanied by a “Bid Security” in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8700900 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will ONLY be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

— Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2023 Terminal 1 Tug Drive Heater Replacement

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2023 Terminal 1 Tug Drive Heater Replacement
MAC Contract No.: 106-2-955
Bids Close At: 2:00 PM on October 19, 2023
Bid Opening Conference Call: 3:00 PM on October 19, 2023
Teleconference Dial In #: 1-612-405-6798
Conference ID #: 681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 5%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8606101 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will ONLY be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2023 Terminal Building Remediation Program

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2023 Terminal Building Remediation Program
MAC Contract No.: 106-2-948
Bids Close At: 2:00 PM on October 17, 2023
Bid Opening Conference Call: 3:00 PM on October 17, 2023
Teleconference Dial In #: 1-612-405-6798
Conference ID #: 681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Non-State Public Bids, Contracts & Grants ==

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 8%.

Bid Security: Each bid shall be accompanied by a “Bid Security” in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at the ***QuestCDN website***. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8705018 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 25, 2023, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).



MINNESOTA STATE REGISTER

MONDAY, NOVEMBER 18, 2024
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PAGES 525 - 558



Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 49 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#22	Monday 25 November	Noon Tuesday 19 November	Noon Thursday 14 November
#23	Monday 2 December	Noon MONDAY 25 November	Noon Thursday 21 November
#24	Monday 9 December	Noon Tuesday 3 December	Noon Thursday 28 November
#25	Monday 16 December	Noon Tuesday 10 December	Noon Thursday 5 December

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<https://www.senate.mn/>

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MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services

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State Office Building, Room 175
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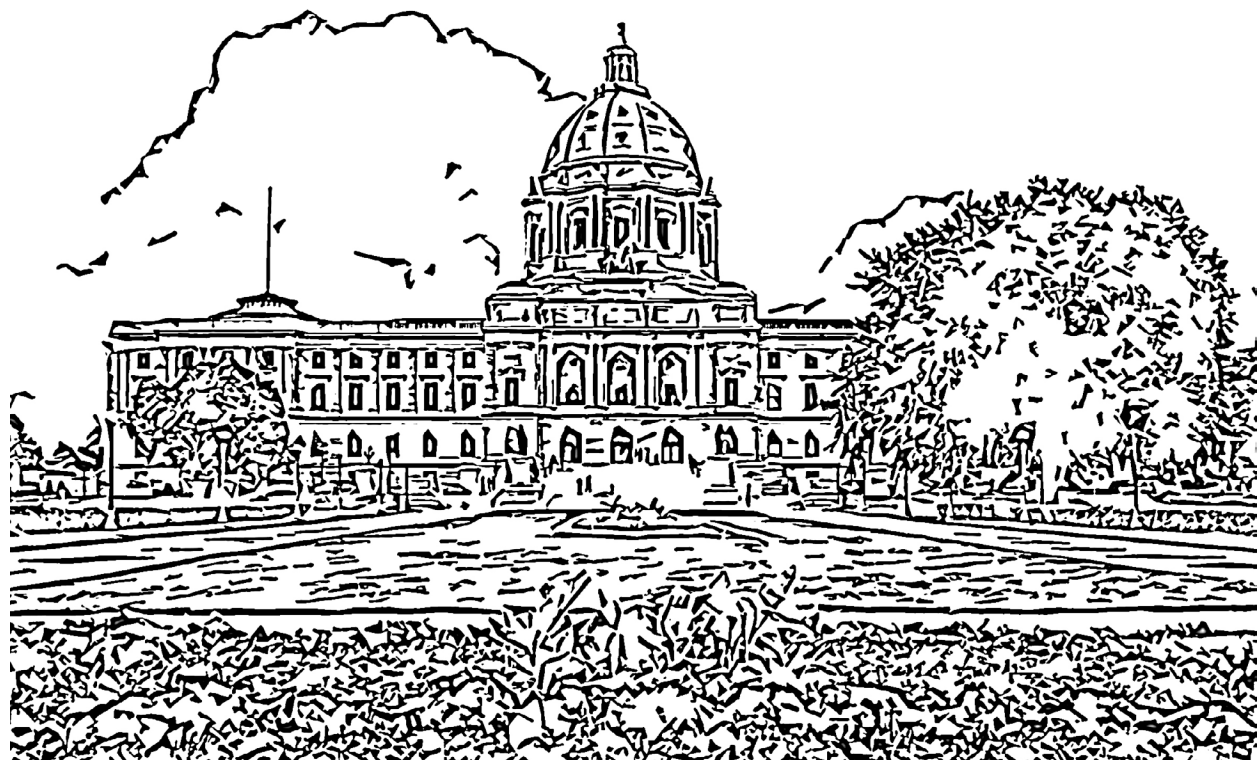
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Front Cover Artwork: *The downtown Saint Paul skyline shows off on a crisp fall day as the Green Line train rolls by State of Minnesota buildings.*
Photo by Sean Plemmons



Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Health

Environmental Health Division

Proposed Amendments and Repeal of Rules Governing Radiation Safety; Notice Of Intent To Adopt Rules Without A Public Hearing

Proposed Amendments and Repeal of Rules Governing Radiation Safety, Minnesota Rules, Chapter 4731; Revisor’s ID Number RD-4793; OAH 21-9000-40152

Introduction.

The Department of Health (MDH) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), Minnesota Rules, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. The specific rule parts to be amended are 4731.0590; 4731.3395; 4731.4413; 4731.4414; 4731.8025; and 4731.8140, The rule part to be repealed is 4731.2705, subpart 9.

Subject of Rules and Statutory Authority.

Minnesota Statutes, sections 144.1202 and 144.1203, authorize MDH to adopt rules that allow the state to assume regulatory authority under an agreement with the U.S. Nuclear Regulatory Commission (NRC), including licensing and regulation of radioactive materials, and to ensure that individuals handling or using radioactive materials have proper training and qualifications.

Proposed Rules

Minnesota Rules, Chapter 4731, which the proposed rules are amending, is where the rules adopted pursuant to this statutory authority are contained. MDH proposes to amend this chapter, as noted above, to reflect NRC's recent regulation changes. The proposed changes conform MDH's rules to NRC-mandated regulations. The proposed changes also include revisions to clarify existing requirements and to correct editorial issues. The current rule can be accessed at <https://www.revisor.mn.gov/rules/4731/>. A free copy of the rule is also available upon request from the agency contact person listed below.

MDH proposes to revise chapter 4731 as follows:

- In 4731.0590, subpart 2, MDH is updating a reference to the United States Code regarding the filing of a voluntary or involuntary petition for bankruptcy under any chapter of United States Code, title 11.
- In 4731.2705, subpart 9, MDH is repealing an outdated reporting requirement.
- In 4731.3395, MDH is updating a reference to the United States Code of Federal Regulations by replacing section "207.20(a)" with "207.17(a)" as directed by NRC.
- In 4731.4413, subpart 2, MDH is updating the name change of the American Council on Pharmaceutical Education to the Accreditation Council for Pharmacy Education (ACPE).
- In 4731.4414, item E, MDH is amending the phrase "or a permit issued by a Commission master material license of broad scope on or before October 24, 2005," to "*or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005,*". The department is also amending 12 instances where the modifier "on or" was omitted in reference to dates in which certain licensed professionals had to obtain their licensure were exempt from additional training requirements.
- In part 4731.8025, subpart 3, MDH is updating the mailstop number where licensees must submit their fingerprinting information for background checks.
- Finally, in part 4731.8140, subpart 2, MDH is revising the mathematical formula to correct a sum of fractions formula. An ellipsis and a plus sign are added at the appropriate locations, and the summation sign (sigma) and brackets are deleted as they are unnecessary.

Proposed Rule Revision Language and Statement of Need and Reasonableness.

The rule amendments and the Statement of Need and Reasonableness (SONAR) can be reviewed at <https://www.health.state.mn.us/communities/environment/radiation/monitor/rule/index.html>.

The SONAR contains a summary of 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. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

Agency Contact Person.

You may submit questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is:

Brandon Juran
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 201-4526
Fax: (651) 201-4606
brandon.juran@state.mn.us

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Comments.

MDH encourages comment. You have until 4:30 p.m. on December 19, 2024, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. You must submit all written comments via the **OAH Rulemaking e-comments website** (<https://minnesotaoah.granicusideas.com>), where you may also review the proposed rule and SONAR. Your comments must be in writing. Your comments should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing.

In addition to submitting comments, you may also request that MDH hold a hearing on the rules. Your request must be in writing, and the agency contact person must receive it by 4:30 p.m. on December 19, 2024. Your written request for a public hearing must include your name and address. You must identify the portion or portions of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and MDH cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests.

If 25 or more persons submit a valid written request for a hearing, MDH will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Alternative Format.

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications.

MDH may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you in any way, MDH encourages you to participate in the rulemaking process.

Lobbyist Registration.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about 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.

Adoption and Review of Rules.

If no hearing is required, MDH may adopt the rules after the end of the comment period. MDH will then submit the rules and supporting documents to OAH for review for legality. You may ask to be notified of the date MDH submits the rules to OAH. If you want to be so notified, receive a copy of the adopted rules, or register with MDH to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: October 30, 2024

Wendy Underwood
Deputy Commissioner
Department of Health

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."
Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Revenue

Adopted Permanent Amendments to Rules Regarding Petroleum Taxes; Refunds for Power Take-off Units or Auxiliary Engines

The rules proposed and published at State Register, Volume 49, Number 4, pages 72-76, July 22, 2024 (49 SR 72), are adopted as proposed.

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."
Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Expedited Permanent Rules Regulating Adult Changing Stations

The rules proposed and published at State Register, Volume 48, Number 46, pages 1033-1040, May 13, 2024 (48 SR 1033), are adopted with the following modifications:

1341.0011 IBC CHAPTER 11.

Subp. 8. IBC section 1109, Other features and facilities.

D. Section 1109.2 is amended to add a section to read as follows:

1109.2.4 Adult-sized changing stations. Where provided, adult changing stations shall be accessible. Where

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required, adult changing stations shall be accessible and shall comply with sections 1109.2.4.1 through 1109.2.4.4.

1109.2.4.1 Where required. At least one adult changing station shall be provided in all of the following locations:

1. In assembly and mercantile occupancies, where an aggregate of six or more male and female water closets are required. In buildings of mixed occupancy, only those water closets required for the assembly and mercantile occupancies shall be used to determine the adult changing station requirement.
2. In Group B occupancies providing educational facilities for students above the 12th grade, where an aggregate of twelve or more male and female water closets are required to serve the classrooms and lecture halls.
3. In Group E occupancies, where a room or space used for assembly purposes requires an aggregate of six or more male and female water closets for that room or space.
4. In Minnesota Department of Transportation rest areas provided with plumbing and electricity at toileting locations.
5. State park campgrounds provided with plumbing and electricity at toileting locations.
6. State park visitor centers provided with plumbing and electricity at toileting locations.
7. In hospitals and ambulatory care facilities, where an aggregate of six or more male and female water closets are required.
8. In Group B outpatient clinics, where an aggregate of six or more male and female water closets are required.

1109.2.4.2 Room. Adult changing stations shall be located in single-user toilet rooms that include only one water closet and only one lavatory. Fixtures located in such rooms shall be included in determining the number of fixtures provided in an occupancy. The occupants shall have access to the required adult changing station at all times that the associated occupancy is occupied.

Exception: Adult changing stations shall be permitted to be located in family or assisted-use toilet rooms required in Section 1109.2.1.

1109.2.4.3 Prohibited location. The accessible route from public and employee toilet rooms required by Minnesota Rules, chapter 1305, to an accessible adult changing station shall not require travel through security checkpoints.

1109.2.4.4 Travel distance. The adult changing station shall be located on an accessible route and the path of travel to the facility shall not exceed 1000 feet.

Exception: In Group A-4 and A-5 occupancies the path of travel shall not exceed 2,000 feet.

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Department of Natural Resources

Division of Fish and Wildlife

Proposed Expedited Rules: Electronic Licensing System; Notice Of Intent To Adopt Expedited Rules Without A Public Hearing

Proposed Amendment to Rules Governing Electronic License System, Minnesota Rules, parts 6100, 6213, 6232, 6234, 6236, 6237, 6262, 6264, and 6266; Revisor's File Number R-4886

Introduction. The Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Thursday, December 26, 2024.

Agency Contact Person. Submit comments, questions, or a request for hearing on the rules to Jason Abraham, Season Management Specialist, at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155, telephone 651-259-5197, or email jason.abraham@state.mn.us.

Subject of the Expedited Rules. A modern Department of Natural Resources electronic licensing system (ELS) is currently under development and will launch on March 4, 2025. Technical changes are needed to align administrative rule with statutory changes made in 2024 in support of the new ELS. The rule changes support improvements to customer experience when purchasing a hunting or fishing license, registering or titling a recreational vehicle, or registering for a training course. The changes will not affect resource management.

6100.5002 SPECIAL PERMITS

- Modifies a requirement that non-residents display a state permit on their snowmobile when participating in organized outings in Minnesota. This change creates consistency with changes to statute that eliminate physical licenses and tags on snowmobiles and instead require the user to possess an electronic or printed paper license. The change does not eliminate the requirement for non-residents to obtain and possess the permit.

6213.0100 DEFINITIONS

- Updates the definition of electronic license system to include agents, who are authorized to sell electronic licenses and registrations at business locations.

6213.0400 TERMS OF AGENT CONTRACT

- Repeals requirements that agents who are authorized to sell licenses provide access to electrical outlets and pay a \$500 deposit to possess equipment to sell licenses. Adds a requirement for agents to provide a location that protects the sale of electronic licenses from unauthorized use and any associated materials from damage. Statute no longer requires agents to possess or maintain electronic equipment provided by the state to sell DNR licenses. Agents who sell licenses at a business location will provide a standard computer or electronic device for those transactions.

6213.0500 SALE OF ELECTRONIC LICENSES

- Requires agents to sell licenses only at the location identified in their contract with the DNR. Agents are responsible for completing electronic transactions for each license sold at their business, but the equipment used to sell licenses could be portable (like a laptop or tablet). Requiring that license sales take place at the location listed in the contract prevents the possibility of sales taking place away from their business location. Changes also eliminate requirements to physically sign applications. Physical signatures are no longer required by statute.

6232.0200 DEFINITIONS

- Eliminates requirement to attach physical tags to deer taken under a bonus permit or in earn-a-buck hunts. Statute no longer requires physical tags to be attached.

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER

- Modifies references to tagging, notching, and affixing deer licenses and tags. Statute no longer requires the use of physical licenses and tags. People who hunt and harvest deer will still be required to validate licenses and register deer, with options for electronic or printed paper licenses.

6232.0400 REGISTRATION OF DEER.

- Modifies references to tagging and presenting harvested deer and obtaining big game possession tags. Statute no longer requires physical licenses and tags.

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL

- Modifies references to tags, special agents, and printed information. Statute allows people in the military and veterans with disabilities to obtain a license online or at any agent location, with options for an electronic or printed paper license.

6232.0900 CAMP RIPLEY ARCHERY HUNT

- Eliminates references to unused tags, special agents, and validated permits. Statute no longer requires hunters to obtain certain licenses from special agents and no longer requires physical licenses or tags. Hunters will still be able to meet requirements to possess a license and permit to enter Camp Ripley.

6232.1250 TAKING DEER BY ARCHERY UNDER BONUS PERMITS

- Eliminates reference to obtaining bonus permits from electronic license system agents. Statute allows hunters to obtain bonus permits online, without an agent.

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS

- Clarifies reference to physical tags that come with licenses. Statute does not require hunters to possess or attach physical licenses or tags.

6232.1600 SPECIAL HUNT PROCEDURES

- Eliminates the reference to validating a deer license for a season option and making application at an electronic license system agent. Statute does not require hunters to possess or physically validate deer licenses and allows hunters to apply for special hunts online, without an agent.

6232.1950 TAKING DEER BY FIREARMS OR MUZZLELOADERS UNDER BONUS PERMITS

- Clarifies that hunters are not required to physically present a valid deer license to purchase a bonus permit. Statute does not require hunters to obtain physical licenses and tags. The electronic record of the hunter's previous license purchases will indicate their eligibility to purchase a bonus permit. Also clarifies that bonus permits may be purchased online, without an agent.

6232.1970 TAKING DEER BY ARCHERY, FIREARMS, OR MUZZLELOADER UNDER EARLY ANTLERLESS PERMITS

- Clarifies that hunters are not required to physically present a valid archery, firearms, or muzzleloader license to purchase early antlerless permits. Statute does not require hunters to obtain or possess physical licenses. The locations where early antlerless permits may be purchased are clarified. Statute allows early antlerless permits to be sold online, without an agent.

6232.1980 TAKING DEER BY ANY WEAPON USING DISEASE MANAGEMENT PERMITS

- Clarifies that disease management permits are available to people who have purchased an archery, firearms, or muzzleloader deer license. The locations where disease management permits may be purchased are clarified. Statute allows disease management permits to be purchased online, without an agent.

6232.2550 YOUTH SPECIAL DEER HUNTS

- Eliminates requirement to make applications for youth special deer hunts through an agent or at the DNR License Center. The locations where disease management permits may be purchased are clarified. Statute allows hunters to apply for permits online, without an agent.

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6232.2800 GENERAL REGULATIONS FOR TAKING BEARS

- Modifies references to registering and attaching tags to bears harvested by hunters. Statute does not require hunters to attach physical licenses and tags to harvested bears. Hunters will be required to register harvested bears and retain a confirmation number they receive at registration until the bear is processed.

6232.3100 BEAR NO-QUOTA AREA

- Modifies references to locations where no-quota bear licenses may be purchased using the updated licensing system. Statute allows no-quota bear licenses to be purchased through an agent at a business location or online, without an agent.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK

- Updates references to possessing unused seals, tagging and affixing tags to reflect changes in statute that eliminate requirements for physical licenses and tags. Provides requirements for validation of license before moving harvested elk.

6234.1600 TAKING BOBCAT

- Updates references to tagging bobcats. Statute does not require physical licenses and tags. Bobcat pelts and carcasses will still be required to be presented and registered within 48 hours of the close of the season.

6234.1700 TAKING FISHER AND PINE MARTEN

6234.2000 TAKING OTTER.

- Updates references to tagging fisher, pine marten and otter. Statute does not require physical licenses and tags.

6234.2600 PELT TAGGING AND REGISTRATION

- Eliminates references to the use of physical site validation coupons. Statute no longer requires trappers to obtain or possess physical site validation coupons. References to physical tags issued by DNR staff at in-person registration events are not eliminated because the physical tags will continue to be issued to trappers who present legally taken river otter, pine marten, fisher, or bobcat for registration.

6236.0300 TURKEY HUNT DRAWING

- Modifies references to locations where hunters may apply for turkey hunting licenses using the updated licensing system. Statute allows hunters to apply for turkey licenses through an agent at a business location or online, without an agent.

6236.0500 TURKEY HUNT LICENSE RESTRICTIONS

- Updates references to tagging harvested turkeys. Statute does not require hunters to obtain or possess physical licenses and tags.

6236.0950 VALIDATING TURKEYS

- Modifies requirements to sign, indicate the date of kill, and attach the physical license to harvested wild turkey during transit. Statute does not require hunters to obtain or possess physical licenses and tags. Hunters will still be required to provide information upon registering their harvest electronically in the field or in-person at an agent location.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING

- Eliminates requirement to make applications for prairie chicken licenses at specific locations. Statute allows hunters to apply for licenses online, without an agent.

6262.1000 SPECIAL FISH MANAGEMENT TAGS

6262.3200 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS

6266.0700 TAKING FISH ON MINNESOTA-CANADA BOUNDARY WATERS

- Modifications replace the term “tag” with “endorsement” to describe the actions that must be taken to validate a fishing license so that the holder can legally possess fish that are designated as special fish management

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species. Applying tags and related actions including notching, cutting, and marking are modified for consistency with statute, which does not require anglers to obtain or possess physical licenses and tags.

Publication of proposed rules. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. A free copy of the rules is available upon request from the Agency Contact Person listed above. The proposed expedited rules may be viewed on the *DNR rulemaking webpage* at mndnr.gov/input/rules.

Comments. You have until 4:30 p.m. on Thursday, December 26, 2024, to submit written comments in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency Contact Person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the Agency Contact Person must receive it by 4:30 p.m. on Thursday, December 26, 2024. Your written request must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the DNR cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 50 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 50, the DNR must give written notice of this to all persons who requested a hearing, explain the actions the DNR took to effect the withdrawal, and ask for written comments on this action. If the DNR is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. The DNR may modify the proposed expedited rules using either of two avenues: The DNR may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the DNR may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the DNR will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the DNR must publish a copy of the changes in the State Register.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Agency Contact Person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may 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 18006573889.

Adoption and Review of Expedited Rules. If no hearing is required, the DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the DNR submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the DNR to receive notice of future rule proceedings, submit your request to the Agency Contact Person listed above.

Date: 11/06/2024

Sarah Strommen
Commissioner of Natural Resources

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6100.5002 SPECIAL PERMITS.

Upon written application by the responsible event sponsor to the commissioner, special operating permits for limited periods of time not to exceed 30 days may be issued to operators of snowmobiles from states which do not require registration when such snowmobiles are to be used in connection with a responsibly organized group outing, trailride, race, rally, or other promotional events. ~~Such~~ The permit shall be conspicuously displayed on the snowmobile and is valid only when the snowmobile is used in connection with the event for which the permit was issued and for the period of time shown on the permit.

6213.0100 DEFINITIONS.

[For text of subparts 1 to 4, see Minnesota Rules]

Subp. 5. **Electronic license system.** “Electronic license system” means the Minnesota system of using point-of-sale equipment, agents, online sales, or a telephone service to collect data and to issue ~~electronic~~ licenses.

[For text of subpart 6, see Minnesota Rules]

6213.0400 TERMS OF AGENT CONTRACT.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **Communication and electrical needs.** An agent must agree to provide an established communications connection and ~~access to electrical outlets to use the point-of-sale equipment.~~ The equipment must include the ability to print a license on ordinary paper.

Subp. 8. **Lost or missing materials and equipment; terms of deposit.** Except for acts beyond their control, an agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. ~~An agent, except for those agents who are appointed as a deputy registrar of motor vehicles by the commissioner of public safety under Minnesota Statutes, section 168.33, must provide a deposit not to exceed \$500 per set of equipment. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent’s contract if all point-of-sale equipment and related materials are returned to the commissioner in good working condition and if the agent has no outstanding debt owed to the Department of Natural Resources. If the equipment is not returned within 30 days of contract termination, the deposit shall be forfeited and used towards the cost of replacing the equipment. An agent’s deposit shall be applied to any outstanding debt owed to the Department of Natural Resources at the time of contract termination.~~

[For text of subparts 9 to 14, see Minnesota Rules]

Subp. 15. **Security.** An agent must provide a location ~~for the electronic license system equipment that protects it from damage and unauthorized use~~ that protects the sale of electronic licenses from unauthorized use and protects any provided materials from damage.

[For text of subpart 16, see Minnesota Rules]

6213.0500 SALE OF ELECTRONIC LICENSES.

Subpart 1. **Place of sale.** Electronic licenses must be ~~completed~~ sold at the agent’s business location ~~that is identified in the agent’s contract with the Department of Natural Resources.~~ An agent is responsible for the completion of each ~~electronic~~ license transaction for each ~~electronic~~ license sold at the agent’s place of business.

Subp. 2. [See repealer.]

[For text of subpart 3, see Minnesota Rules]

6232.0200 DEFINITIONS.

[For text of subparts 1 to 4a, see Minnesota Rules]

Subp. 5. **Bonus permit.** “Bonus permit” means a license to take ~~and tag~~ deer by archery or firearms, in addition to deer authorized to be taken under regular archery or firearms licenses. It is available for one-half the cost of a regular res-

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ident or nonresident license and is valid immediately upon issuance, as long as the purchaser has a valid regular license. Deer taken ~~and tagged~~ with a bonus permit must be antlerless unless otherwise prescribed by the commissioner.

[For text of subparts 5a to 10, see Minnesota Rules]

Subp. 11. **Earn-a-buck hunt.** “Earn-a-buck hunt” means a hunt in which a hunter must ~~tag~~ kill at least one antlerless deer before ~~tagging~~ taking a legal buck.

[For text of subpart 12, see Minnesota Rules]

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Party hunting.** A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a legal buck or antlerless deer for another member of the party who has ~~an unused tag valid for that deer~~ not killed a deer under their license, except:

A. as provided by Minnesota Statutes, section 97B.301; and

B. in all 300 series deer permit areas as prescribed in part 6232.1300, subpart 3, where ~~unused tags can be used on party hunting is allowed for~~ antlerless deer only.

A mixed-weapons group is considered two separate parties. Persons issued permits under Minnesota Statutes, section 97B.055, subdivision 3, who are hunting in a lottery deer permit area and do not have an either-sex permit may not ~~tag take~~ antlerless deer for another member of the party.

Subp. 4. [Repealed, L 2008 c 368 art 2 s 82]

Subp. 5. [See repealer.]

Subp. 6. **License purchase and validation.**

[For text of item A, see Minnesota Rules]

B. Before a deer is moved from the site of kill, the person ~~tagging~~ possessing the deer must validate the ~~tag corresponding~~ license. Validation consists of ~~using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate notches on the tag~~ indicating electronically or on a paper license:

[For text of subitems (1) to (3), see Minnesota Rules]

[For text of subpart 7, see Minnesota Rules]

Subp. 8. **Bag limit.** ~~Except as authorized in subpart 3,~~ a person may not ~~tag kill~~ more than one legal buck per calendar year using any combination of licenses. A person may not ~~tag kill~~ more than one deer during a license year by any method, except as authorized in items A to G and subpart 3.

A. In deer areas designated as managed or intensive, a person may ~~tag take~~ deer with an archery, firearms, or muzzleloader license.

B. A person may ~~tag take~~ a deer by archery, firearm, or muzzleloader with a bonus permit in specified areas as prescribed in this chapter.

C. In no case may a person ~~tag take~~ more than five deer per year by firearms, archery, muzzleloader, or all methods combined, except additional deer may be taken as provided in items D, subitem (4); E; F; and G.

[For text of items D and E, see Minnesota Rules]

F. Hunters hunting in the Metropolitan Deer Management Zone under part 6232.4700, subpart 158, may ~~take and tag~~ an unlimited number of deer.

[For text of item G, see Minnesota Rules]

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[For text of subpart 9, see Minnesota Rules]

6232.0400 REGISTRATION OF DEER.

Subpart 1. [Repealed, 20 SR 2287]

Subp. 2. Registration requirements.

A. Persons ~~tagging who validate their license for~~ a deer must present the deer for registration at a designated deer registration station or agent of the commissioner ~~and obtain a big game possession tag~~ or connect to online ~~or tele-~~phone DNR harvest registration systems and follow the instructions to obtain a registration confirmation number. All information provided by a person registering deer must be accurate and include the correct date, sex and age of the deer, and permit area in which the animal was harvested.

[For text of items B to D, see Minnesota Rules]

Subp. 3. [Repealed, 20 SR 2287]

Subp. 4. **General provisions for registration of deer.** Registration agents are not required to inspect deer at registration stations. Legally registered deer may be transported anytime during or after the deer hunting season. No part of the carcass, except skin or entrails, may be removed until after the deer has been registered using one of the methods described in subpart 2, except that deer may be quartered prior to registration as long as all parts remain together and are presented for registration and the head of the deer remains attached to one quarter. A person may not process a deer unless it has been registered as evidenced by a ~~possession tag~~ or registration confirmation number.

[For text of subpart 5, see Minnesota Rules]

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL.

Military personnel and disabled veterans may obtain a license to hunt deer as authorized by Minnesota Statutes, sections 97A.441 and 97A.465, under the conditions in this part.

A. The free license, ~~and either-sex permit, and tag~~ must be obtained from ~~an the~~ electronic license system ~~special agent or~~ the Department of Natural Resources License Center, ~~or other authorized agents.~~

B. The season option selected by the applicant ~~shall be printed~~ is indicated on the license.

[For text of items C to G, see Minnesota Rules]

6232.0900 CAMP RIPLEY ARCHERY HUNT.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Permit required to hunt.** Only persons possessing a valid Minnesota archery or all-season deer hunting license, ~~an unused possession tag valid for taking a deer by archery,~~ and a permit ~~validated~~ for the Camp Ripley archery hunt will be permitted to enter Camp Ripley. Permits are not transferable between individuals or hunting dates. The permit for the Camp Ripley archery hunt authorizes the permit holder to take one deer at Camp Ripley, unless otherwise authorized by the commissioner. A permit holder may not take any species other than deer at Camp Ripley.

6232.1250 TAKING DEER BY ARCHERY UNDER BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of a bonus permit is authorized for any person who has purchased a valid archery deer license for the current year. Bonus permits may be purchased from ~~the~~ electronic license system ~~agents,~~ the Department of Natural Resources License Center, and other authorized agents.

Subp. 2. [Repealed, 35 SR 2014]

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

[For text of subparts 1 to 4a, see Minnesota Rules]

Subp. 5. **Taking antlerless deer on firearms licenses.** The provisions for taking antlerless deer in this part apply to the use of a regular firearms, all-season, or youth deer license ~~tag~~. In addition, antlerless deer may be taken ~~and~~ ~~tagged~~ with bonus permits as prescribed in ~~parts 6232.1900 and part 6232.1950~~.

[For text of subpart 6, see Minnesota Rules]

6232.1600 SPECIAL HUNT PROCEDURES.

Subpart 1. **Deer license and permit required for special hunt permit area.** Before applying to hunt in a special hunt permit area, a person must purchase a deer hunting license. A firearms deer license ~~validated~~ for the proper season option and a permit valid for that area is required to hunt deer in firearms special hunt areas. Special hunt permit applications must be made ~~at an~~ through the electronic license system ~~agent or~~, the Department of Natural Resources License Center, or other authorized agents.

Subp. 2. **Application process.** Applications for all firearms special hunt permits must be made according to this subpart and according to application instructions provided by the commissioner.

A. ~~Each person must apply at an electronic license system agent or the Department of Natural Resources License Center.~~ A person may not apply more than once for a hunt, whether as an individual or as a member of a group.

[For text of items B to E, see Minnesota Rules]

[For text of subparts 3 to 6, see Minnesota Rules]

6232.1950 TAKING DEER BY FIREARMS OR MUZZLELOADERS UNDER BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of a bonus permit is authorized for any person who has purchased ~~and presents~~ a regular firearms or muzzleloader deer license for the current year. Bonus permits may be purchased for one-half the cost of a regular license from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.1970 TAKING DEER BY ARCHERY, FIREARMS, OR MUZZLELOADER UNDER EARLY ANTLERLESS PERMITS.

Subpart 1. **Purchase.** A person who purchases ~~and presents~~ a license valid for the archery, firearm, or muzzleloader season may purchase up to two early antlerless permits. Early antlerless permits may be purchased for one-quarter the cost of a regular license from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.1980 TAKING DEER BY ANY WEAPON USING DISEASE MANAGEMENT PERMITS.

Subpart 1. **Purchase.** An unlimited number of disease management permits may be purchased by a person who has purchased a ~~valid~~ firearms, archery, or muzzleloader deer license. Disease management permits may be purchased for \$1.50 from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.2550 YOUTH SPECIAL DEER HUNTS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Application requirements.** Applications for youth special hunts must be made according to this part and according to application instructions provided by the commissioner. Applicants for youth firearms special hunts must

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be at least 12 years old and under age 16 by the beginning hunt date. Applicants for youth archery special hunts must be at least 12 years old and under age 18 by the beginning hunt date. Each person must apply ~~at an~~ through the electronic license system ~~agent or,~~ the Department of Natural Resources License Center, or other authorized agents. Group applications are not allowed. If the number of eligible applicants exceeds the quota established by the commissioner, the commissioner shall conduct a drawing to determine eligible participants. Preference for the youth special hunt drawing is given to applicants based on the number of years they have correctly applied for a youth special hunt permit but have been unsuccessful. Upon issuance of a youth special hunt permit, all accumulated preference is lost. The application deadline is the Friday nearest August 17.

6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Party hunting.** Party hunting for bears is not permitted. A person may not shoot a bear for another person, validate a bear killed by another person, or tag register a bear shot by another person.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. ~~Tagging and License validation.~~ Persons taking a bear must affix a tag and validate their license at the site of kill as provided below:

A. ~~Persons killing a bear must affix to the carcass the site tag provided with their bear hunting license. The tag must be fastened around the bear's sternum (breast bone), through an ear, or around a leg bone or tendon so that the tag cannot be readily removed. A hunter may not possess or use the site tag of another, except when transporting a bear as provided by Minnesota Statutes, section 97A.535.~~

B. ~~At the time a bear is tagged at the site of kill, the license of the person whose tag is affixed to who killed the bear must be validated. Validation consists of using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate notches on the registration slip indicating:~~

[For text of subitems (1) to (3), see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Registration requirements and sample collection.**

A. Every person taking a bear must present it for registration:

(1) at a designated bear registration station or must connect to an online ~~or telephone~~ Department of Natural Resources harvest registration system and follow the instructions; or

[For text of subitem (2), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

C. A person registering bear must:

~~(1) obtain a big game possession tag at a bear registration station; or~~

~~(2) obtain a registration confirmation number at a designated bear registration station or by using an online or telephone Department of Natural Resources harvest registration system.~~

D. Registration agents are not required to inspect bear at registration stations.

E. A person may not process a bear unless it has been registered as evidenced by a ~~possession tag or~~ registration confirmation number.

[For text of subparts 7 and 8, see Minnesota Rules]

6232.3100 BEAR NO-QUOTA AREA.

Licenses for the no-quota area are not limited in number and may be purchased ~~at an~~ from the electronic licensing

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system (ELS) agent, ~~ELS-Internet, or ELS-Telephone~~, the Department of Natural Resources License Center, or other authorized agents. A person may purchase a license for both a quota area and the no-quota area in the same year. No-quota licenses are valid only in the no-quota area.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Party hunting.** Licensees may not hunt elk ~~without having the unused seal in their possession if the licensees have already killed an elk~~. Licensed parties ~~with an unused seal in their possession~~ may assist other licensed parties in taking elk, but may not shoot, validate, or tag register elk for another party.

[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5. [See repealer.]

Subp. 5a. **Validation.** Before an elk is moved from the site of kill, the person possessing the elk must validate the corresponding license. Validation consists of indicating electronically or on a paper license:

A. the month the elk was taken;

B. the date the elk was taken; and

C. the time of day the elk was taken.

[For text of subparts 6 and 7, see Minnesota Rules]

6234.1600 TAKING BOBCAT.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Bag limits.** A person may not take more than five bobcats per season by either hunting or trapping or both. A person may not possess more than five bobcats at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous seasons.

Subp. 4. ~~Tagging bobcats~~ **Registering and validating pelts.** Pelts and skinned carcasses are subject to the provisions of part 6234.2600.

6234.1700 TAKING FISHER AND PINE MARTEN.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is five per season, in aggregate. A person may not take more than five fisher and pine marten, combined, per season or possess more than five fisher and pine marten, combined, at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous seasons.

Subp. 3. **Validation and tagging.** Each pine marten or fisher must be validated electronically or on a ~~site validation coupon issued by the state~~ a paper license. The person taking the animal must validate ~~the coupon at and prior to electronically or on the paper license before removing the animal from the kill site~~. ~~The coupon must be obtained and validated according to part 6234.2600~~. Pelts and skinned carcasses of fisher and pine marten are subject to the provisions of part 6234.2600.

[For text of subpart 4, see Minnesota Rules]

6234.2000 TAKING OTTER.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Bag limits.** A person may not take more than four otter per season, or possess more than four otter at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous

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seasons.

Subp. 4. **Validation and tagging otter.** Each otter taken must be validated ~~on a site validation coupon issued by the state. The person taking the animal must validate the coupon at and prior to removing the animal from the kill site. The coupon must be obtained and validated according to part 6234.2600 electronically or on the paper license at the kill site before removal.~~ Pelts are subject to the provisions of part 6234.2600.

6234.2600 ~~PELT TAGGING AND REGISTRATION~~ REGISTERING AND VALIDATING PELTS.

Subpart 1. [Repealed, 30 SR 613]

Subp. 2. [Repealed, 30 SR 613]

Subp. 3. **Registration of pelts.** The pelt of each bobcat, fisher, pine marten, and otter must be presented, along with completed site ~~validation coupons~~ validations for each fisher, pine marten, or otter, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for each species, respectively. The entire carcass of bobcat and the entire head of pine marten and fisher must be surrendered to the state wildlife manager designee. The pelt of bobcat, otter, fisher, and pine marten must have been removed from the carcass.

Subp. 4. **Prohibition on ~~validation or tagging~~ validating animals not personally taken.** A person may not validate ~~a site validation coupon or affix any tag or seal to the pelt or carcass of any animal that the person did not take or is not authorized to take.~~

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Site ~~validation coupons~~ validations.**

A. Fisher, otter, and pine marten site ~~validation coupons~~ validations may be obtained at no cost ~~through from the electronic licensing system, the Department of Natural Resources License Center, or other authorized agents.~~

B. The site validation ~~coupon~~ is part of the trapper's license to take fisher, otter, and pine marten and must be in the trapper's possession while taking and transporting these species.

C. Site ~~validation coupons~~ validations are not transferable.

Subp. 7. **~~Validating coupons~~ Validation.** Site validation ~~coupons~~ must be notched with a knife or other sharp instrument in the appropriate locations be completed electronically or on a paper license indicating the species for fisher or marten, month, date, and time (a.m./p.m.) the animal was taken. ~~The coupon must be validated~~ Validation must be completed at and ~~prior to before~~ removing the animal from the kill site.

6236.0300 TURKEY HUNT DRAWING.

Subpart 1. **Spring license application drawings.**

A. Applications for spring hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply ~~at an through the~~ the electronic license system agent or, the Department of Natural Resources License Center, or other authorized agents. Drawings will be conducted ~~by the department~~ to determine persons who will be eligible to purchase licenses for each season. The drawings will be subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for that hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt turkey. Upon issuance of a turkey license for the spring season, all accumulated preference for that season is lost, except as provided in subpart 6.

B. No application is needed to purchase a fall turkey license.

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[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Drawing application fee.** An applicant must pay a fee as provided by statute at the time of application ~~at the electronic license system-point of sale (ELS-POS) agent.~~ Any check that is returned to the department for nonpayment will invalidate the application and the check will be destroyed. Refunds of application fees will not be made for any reason.

Subp. 6. **Undersubscribed wild turkey permit areas.** In permit areas and time periods with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas or time periods on a first-come, first-served basis. An eligible person must apply individually ~~and in person at an ELS-POS (point-of-sale) agent location or individually through the ELS-Internet or ELS-Telephone system through the electronic license system, the Department of Natural Resources License Center, or other authorized agents~~ to obtain a remaining available license. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6236.0500 TURKEY HUNT LICENSE RESTRICTIONS.

Turkey hunters licensed for the same wild turkey permit area and time period may assist other licensed turkey hunters but each hunter may not shoot, validate, or tag register a turkey for another hunter.

6236.0950 ~~TAGGING~~ VALIDATING TURKEYS.

Immediately after taking a turkey, the hunter must ~~punch date of kill, sign, and attach the tag provided with~~ validate the license ~~to the turkey as specified on the tag. This tag~~ The license may be electronic or on paper and must remain attached to with the turkey during transit. Validation consists of indicating electronically or on a paper license:

- A. the month the turkey was taken;
- B. the date the turkey was taken; and
- C. the time of day the turkey was taken.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. **License application drawings.** Applications for all hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply ~~at an electronic license system-agent through the electronic licensing system, a contracted license agent,~~ or the Department of Natural Resources License Center. Drawings shall be conducted by the department to determine persons who are eligible to purchase licenses for the season. The drawings are subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for the hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt prairie chicken. Upon issuance of a prairie chicken license, all accumulated preference for prairie chicken hunting is lost.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Drawing application fee.** An applicant must pay a fee as prescribed by statute at time of application ~~at the electronic license system-point of sale (ELS-POS).~~ Refunds of application fees shall not be made for any reason.

Subp. 6. **Undersubscribed prairie chicken permit areas.** In permit areas with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas on a first-come, first-served basis. An eligible person must apply individually ~~and in person at an ELS-POS agent location or individually through the ELS-Internet or ELS-Telephone system~~ to obtain a remaining available license through the electronic licensing system, a contracted license agent, or the Department of Natural Resources License Center. Any remaining available licenses not purchased by unsuccessful applicants may then be issued as prescribed by the commissioner to

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any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6262.1000 SPECIAL FISH MANAGEMENT TAGS.

Subpart 1. [See repealer.]

Subp. 2. **Special fish management species.** The following is a special fish management species and requires ~~a tag~~ an endorsement:

Lake sturgeon (*Acipenser fulvescens*).

Subp. 3. ~~Tag Endorsement requirements.~~ A person may not possess a special fish management species unless the person has a valid tag endorsement for that species. ~~A tag~~ An endorsement is not required to angle for a special fish management species.

Subp. 4. **Eligibility.** A person applying for a tag special fish management endorsement must either possess a valid fishing license or be specifically exempt by law from the fishing license requirement. A person exempt by law from the fishing license requirement must still obtain ~~a tag~~ an endorsement to legally possess a special fish management species.

Subp. 5. [See repealer.]

Subp. 6. **Tagging Validation.**

A. Immediately after reducing a special fish management species to possession, ~~a tag~~ an endorsement holder must validate ~~and attach a tag to the fish~~ their license. ~~A tag~~ An endorsement holder may not ~~affix any tag to the carcass of~~ validate a special fish management species that the tag endorsement holder did not personally catch.

B. To validate a tag license, the tag endorsement holder must ~~use a sharp object to cut out or use a pen to indelibly mark the appropriate notch on the tag indicating~~ indicate:

[For text of subitems (1) to (3), see Minnesota Rules]

C. A tag validated license must ~~be attached to remain with~~ a special fish management species ~~as described in this item and in such a manner that it cannot be readily removed before until~~ the fish is consumed or processed. ~~For lake sturgeon, tag holders must attach the validated tag to the caudal peduncle (narrow portion of the body just in front of the tail fin) using string, twine, wire, or similar device.~~

Subp. 7. **Registration.** A ~~tag holder must register a catch of~~ a special fish management species must be registered electronically or at a registration agent within 48 hours of reducing it to possession ~~by completing and mailing the registration card provided with the tag. The following registration information is required:~~

~~A: tag holder information;~~

~~B: date when reduced to possession;~~

~~C: fish length;~~

~~D: name of the water body where the fish was reduced to possession; and~~

~~E: signature of permittee.~~

6262.3200 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION.

[For text of subparts 1 to 5, see Minnesota Rules]

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Subp. 6. Restrictions on special fish management species.

A. A person may transport a ~~tagged~~ special fish management species during the open season and the two days following the season for that species once the fish has been registered and the licensee has validated their license for that fish.

B. A person other than the ~~tag endorsement~~ holder may transport a ~~tagged~~ special fish management species that the ~~tag holder~~ has been registered if the fish has an additional informational tag information attached to it, marked in indelible ink with the signature full name of the ~~tag endorsement~~ holder and the locations from which and to which the fish is being transported.

C. All ~~tagged~~ special fish management species must be transported in devices that readily allow for inspection.

D. Processing of a special fish management species may only be done at the ~~tag endorsement~~ holder's permanent residence, except:

[For text of subitems (1) to (4), see Minnesota Rules]

E. ~~The validated special fish management species tag must be a part of the packaging and remain with the processed fish until all meat is consumed.~~

F. ~~E.~~ Special fish management species must be shipped undressed and the packaging must have include the ~~appropriate validated tag attached~~ full name of the endorsement holder, except when packaged by a licensed fish packer.

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subparts 1 to 31, see Minnesota Rules]

Subp. 32. **Lake sturgeon restrictions.** As described in part 6262.1000 and Minnesota Statutes, sections 97A.551 and 97C.087, a special fish management ~~tag endorsement~~ is required to harvest lake sturgeon. Notwithstanding part 6266.0700, subpart 2, item B, the following seasons and possession limits apply to all Minnesota-Canadian border waters and associated tributary streams. A person may possess only one lake sturgeon per license year. Lake sturgeon may be harvested from April 24 to May 7 or July 1 to September 30. All lake sturgeon in possession while on or fishing in the above listed waters must be 45 inches to 50 inches in length, inclusive, or greater than 75 inches in length. All lake sturgeon that are less than 45 inches in length or that are more than 50 inches but not more than 75 inches in length, must be immediately returned to the water. From May 8 to May 15 and October 1 to April 23, angling for lake sturgeon is limited to catch and release only. During catch-and-release seasons all sturgeon must be immediately released back into the water.

[For text of subparts 33 to 89, see Minnesota Rules]

Subp. 90. **Lake St. Croix and St. Croix River lake sturgeon regulations.** As described in part 6262.1000 and Minnesota Statutes, sections 97A.551 and 97C.087, a special fish management ~~tag endorsement~~ is required to harvest lake sturgeon. Notwithstanding part 6266.0500, subpart 3, the following seasons and possession limits apply to all waters of Lake St. Croix and the St. Croix River of the Minnesota-Wisconsin boundary waters between Prescott and Taylor's Falls Dam. Lake sturgeon may be harvested from the first Saturday in September to September 30. While a person is on or angling in these waters, all lake sturgeon in possession must be 60 inches or greater in length. All lake sturgeon less than 60 inches in length must be immediately returned to the water. A person may possess only one lake sturgeon per calendar year. From October 1 to October 15, angling for lake sturgeon is limited to catch and release only. During the catch-and-release season, all lake sturgeon caught must be immediately released.

[For text of subparts 91 to 153, see Minnesota Rules]

6266.0700 TAKING FISH ON MINNESOTA-CANADA BOUNDARY WATERS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Species, seasons, and limits on Minnesota-Canada boundary waters.

[For text of items A and B, see Minnesota Rules]

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C. Except as provided in chapter 6264, the following applies to the species, seasons, and limits for taking fish on Minnesota-Canada boundary waters. When the closing date of the season falls on a Saturday, the season extends to the following Sunday, except for the walleye and sauger season, which always ends on April 14 regardless of which day of the week it falls.

Species	Open Season	Daily and Possession Limits
<i>[For text of subitem (1), see Minnesota Rules]</i>		
(2) Sturgeon		
An angler must have a special fish management tag endorsement to harvest sturgeon. All border waters not listed in subitem (1), unit (b) or (c), or in chapter 6264.	June 16 to April 14 for catch and release only. Closed April 15 to June 15. When the closing date of a season falls on a Saturday, the season does not extend through the following Sunday.	

[For text of subitems (3) to (9), see Minnesota Rules]

[For text of subparts 3 to 6, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 6213.0500, subpart 2; 6232.0300, subpart 5; 6232.4400, subpart 5; and 6262.1000, subparts 1 and 5, are repealed.

Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Commissioner's Order #2 ML 2024: Amend Mille Lacs Lake Walleye Fishing Regulations

Effective Date: December 1, 2024

Statutory authority: *Minnesota Statutes*, section 97C.005, subdivision 3

Supersedes: Commissioner's Order #1 ML 2024: Amend Walleye Regulations for Open Water Angling on Lake Mille Lacs as published in the August 12, 2024, *State Register* (49 SR 157)

BACKGROUND

Each year a harvestable surplus is set for walleye in Lake Mille Lacs by a joint management process between the state of Minnesota and the eight Ojibwe Bands signatory to the Treaty of 1837. The harvestable surplus is the pounds of fish that can be taken safely from Lake Mille Lacs while ensuring sufficient walleye remain in the lake for a healthy population. The harvestable surplus is then divided between the state of Minnesota and the eight Ojibwe Bands. The harvestable surplus for 2025 will not be determined until January 2025. However, based on 2024 fall fisheries surveys, the Minnesota Department of Natural Resources anticipates that the 2025 harvestable surplus will allow for limited

Commissioner's Orders

walleye harvest by state-licensed anglers during the winter 2024-2025 fishing season while not exceeding the state's share of the harvestable surplus. The winter 2024-2025 fishing season will commence December 1, 2024, and extend through February 23, 2025. This order establishes the walleye harvest restrictions that will be in effect for the winter 2024-2025 fishing season.

For all other species, the Expedited Emergency Game and Fish Rule as published in the May 6, 2024, State Register (48 SR 1014) will remain in effect.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97C.005, subdivision 3, that:

1. The winter angling season for walleye begins at 12:01 a.m. on December 1, 2024, and continues to 11:59 p.m. on February 23, 2025. While a person is on or angling in Lake Mille Lacs or its associated tributaries to the posted boundaries, the daily and possession limit for walleye is two, provided:
 - a. one of which may be over 28 inches in length; and
 - b. all walleye less than 18 inches in length or greater than 20 inches but less than 28 inches in length must be returned immediately to the water.
2. Fishing for all other species and the existing regulations for all other species, continue unaffected by this order.

Date: 11/07/2024

Sarah Strommen, Commissioner

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Employment and Economic Development (DEED) Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development ("DEED") will conduct a public hearing on Wednesday, December 4, 2024, at 1:00 p.m., or as soon thereafter as reasonably possible at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101 on one (1) proposal to provide funding through the Minnesota Job Creation Fund Program ("JCF") pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

Description of Project and Proposed JCF Funding:

States Manufacturing (NAICS 335313) is looking to expand in Dayton (Hennepin County). States Manufacturing offers integrated services through four manufacturing groups: Electrical Solutions, Metal Fabrication, Equipment

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Shelters, and Painting Services. The company plans to renovate a 500,000-square-foot building in Dayton as part of the project. The total project cost is \$23,915,000 with \$11,075,000 eligible for capital investment rebate for site improvements, and renovations to an existing building, which would be rebated up to 5%. The company expects to create 340 jobs within the first three (3) years at an average cash wage of \$39.12 per hour. All jobs will qualify for a job creation award. The state is considering further participation with \$1,960,000 via the Minnesota Investment Fund, which will be forgivable if job creation and wage goals are met. The project may be eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$340,000 depending on final project specifications. No additional local assistance is being proposed.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Sala Yussuf, Senior Loan Officer at (651) 259-7518 or salahadin.yussuf@state.mn.us prior to the date of the hearing for instructions on how to participate in the call.

Interested persons may mail written comments to Sala Yussuf at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101, or e-mail salahadin.yussuf@state.mn.us prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

Department of Labor and Industry (DLI) Notice of Certification of Highway and Heavy Prevailing Wage Rates

The Commissioner of Labor & Industry will certify prevailing wage rates for Highway and Heavy construction projects in all ten regions on Monday, November 18, 2024. These rates were identified by annual survey of highway and heavy construction projects in Minnesota collected by the Department.

Wage rate determinations are available online at:

<http://dli.mn.gov/business/employment-practices/prevailing-wage-information>

Questions regarding determinations may be directed to the following:

Division of Labor Standards

443 Lafayette Road N
St. Paul, MN 55155

Phone: 651-284-5192

Email: pwsurvey.dli@state.mn.us

Minnesota Pollution Control Agency (MPCA)

Resource Management and Assistance Division

REQUEST FOR COMMENTS on Rules Governing Reporting and Fees Paid by Manufacturers Upon Submission of Required Information about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor's ID Number R-4828 (Previously R-4828 for PFAS in products: Reporting and R-4827 PFAS in Products: Fee rules)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned new rules for submission of required information about products containing PFAS. This rulemaking is referred to as the **PFAS in Products Reporting and Fee Rule**. Previously, there were two separate rules for reporting and fees. The main purpose of this rulemaking is to establish a program for the MPCA to collect information about products containing PFAS intentionally added to products sold, offered for sale, or distributed in Minnesota as required

by *Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2 and 6*. Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the **Comments** section below.

In a previous Request for Comments (RFC) on this rulemaking published in the State Register on September 25, 2023, the MPCA asked for comment on the PFAS Reporting and PFAS Fee rules under a new chapter 7026 for PFAS in Products. **If you submitted comments to the original RFC, those responses will still be considered along with the responses to this second RFC; you do not need to resubmit comments.**

The main purpose of this second RFC is to combine these two rules from the first RFC. Doing so helps to ensure that the fee process is directly a part of the reporting system being created for products with intentionally-added PFAS. This second request for comments (RFC) is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the Subject of Rules section.

Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the planned rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

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, please contact the **MPCA Contact Person**.

Statutory Authority. *Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2 and 6.*

Subject of Rules. The MPCA requests comments on planned new rules governing PFAS in products reporting. Information must be submitted by “manufacturers” of a product containing intentionally added PFAS about the product, the PFAS, and the submitter, as authorized by Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2, which states:

“(a) On or before January 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

- (1) a brief description of the product, including a universal product code (UPC), stock keeping unit (SKU), or other numeric code assigned to the product;
 - (2) the purpose for which PFAS are used in the product, including in any product components;
 - (3) the amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;
 - (4) the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and
 - (5) any additional information requested by the commissioner as necessary to implement the requirements of this section.
- (b) With the approval of the commissioner, a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.
- (c) A manufacturer must submit the information required under this subdivision whenever a new product that contains intentionally added PFAS is sold, offered for sale, or distributed in the state and update and revise the information whenever there is significant change in the information or when requested to do so by the commissioner.
- (d) A person may not sell, offer for sale, or distribute for sale in the state a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under this subdivision and the person has received notification under subdivision 4.”

The MPCA also requests comments on the associated fee to administer this new reporting program as authorized by *Minnesota Statute Chapter 116, Section 116.9407, subdivision 6.*, which states:

“The commissioner may establish by rule a fee payable by a manufacturer to the commissioner upon submission

Official Notices

of the information required under subdivision 2 to cover the agency's reasonable costs to implement this section. Fees collected under this subdivision must be deposited in an account in the environmental fund."

In addition, other subdivisions in the law may directly relate to or have implications for reporting, such as the subdivisions referring to definitions, waivers and extensions, and exemptions.

In developing the reporting and fee rule, the MPCA would appreciate comments relating to the reporting and associated fee for products containing intentionally added PFAS.

The MPCA is interpreting these information submittals ("reporting") to occur once, on or before January 1, 2026, and to not involve resubmittal of the same information. However, updates to reported products when PFAS are added or subtracted ("whenever there is a significant change") are required.

Parties Affected. The new rule would affect any manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS. Definitions of pertinent terms are provided in Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 1, including:

- "Manufacturer" means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.
- "Intentionally added" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.
- "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

"Manufacturers" can be located in Minnesota or anywhere outside the State, as long as they are selling a product, offering a product for sale, or distributing a product (or component) in the state that contains intentionally added PFAS.

Note that in some cases "manufacturer" may include people or entities not typically thought of as manufacturers, such as retailers which have their brand name or a private label brand name they own affixed to products. "Manufacturer" does not include landfill or wastewater treatment operators or any person who sells, offers for sale, or distributes in Minnesota:

- Products for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
- A product regulated under section 325F.072 or 325F.075;
- A used product; or
- Products which contain a pesticidal ingredient regulated by and reported to the Minnesota Department of Agriculture.

While subdivision 8 of the law exempts them from prohibitions and testing and certificate of compliance requirements, "manufacturers" of prosthetic or orthotic devices or any products that are medical devices or drugs or that are otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration are not exempted from information submittal requirements.

Where to Get More Information. Information about this rulemaking is available on the rulemaking website at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting>. As stated above, we do not yet have draft rule

language. If you are interested in being notified of opportunities for public comment, when the draft rules are available for review, and of other activities relating to this (or other MPCA rulemakings) register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Comments. Interested parties may submit written comments or information on these possible rules until **4:30 p.m. on Tuesday, December 19th 2024**. Submit written comments or information to the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore, OAH, telephone 651-361-7893, email William.T.Moore@state.mn.us. You may view frequently asked questions about the OAH eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Comments 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 will not publish a Notice of Intent to Adopt the rules until more than 60 days have elapsed from the date of this RFC.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: The MPCA will carefully consider all comments received in response to this RFC. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only the written comments received in response to the draft rules after they are proposed with a Notice of Intent to Adopt Rules. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you should resubmit your comments after the rules are formally proposed with a Notice of Intent to Adopt the rules.

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, email quinn.carr@state.mn.us. Technical questions on the planned rules should be submitted to Andria Kurbondski, telephone 651-757-2525, email Andria.kurbondski@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Date: November 7, 2024

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

Teachers Retirement Association

Board of Trustees

Notice of Special Meetings

Notice is hereby given that the Board of Trustees will hold 2 special meetings on **Wednesday, November 20, 2024 at 9:00 a.m. and at 1:30 p.m.** in the Teachers Retirement Association office at 60 Empire Drive, Room 414, Saint Paul, Minnesota, 55103. Board members may participate in the meetings by interactive technology. The public may monitor the meeting electronically from a remote site as set out on the Teachers Retirement Association's website, which can be found at www.minnesotatra.org.

The purpose of the meeting will be for the board to participate in Executive Director Search: Training.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

Minnesota Department of Health Request for Proposals for Exception to the Nursing Home Moratorium

Purpose

The commissioner of health is accepting written proposals from nursing homes and certified boarding care homes requesting funding through the moratorium exception process, according to Minn. Stat. § 144A.073. The commissioner of health, in coordination with the commissioner of health services, may approve such requests under conditions listed in the Minnesota Statutes. These conditions refer to categories of exceptions which are defined as:

- a. “Conversion” means relocation of a nursing home bed from a nursing home to an attached hospital.
- b. “Relocation means movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- c. “Renovation means extensive remodeling of an existing facility with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less. A renovation may include the replacement or upgrade of existing mechanical or electrical systems.
- d. “Replacement means the constructions of a completely new facility.
- e. “Addition” means the construction of new space to an existing facility.
- f. “Upgrade” means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.
- g. “Phased project” means a proposal that identifies construction occurring with more than one distinct completion date. To be considered a distinct completion, each phase must have construction that is ready for resident use, as determined by the commissioner, which is not dependent on similar commissioner approval for future phases of construction. The commissioner of human services shall only allow rate adjustments for construction projects in phases if the proposal from a facility identifies construction in phases and each phase can be approved for use independent of the other phases.
- h. “Consolidation” means a project that meets criteria for “consolidation of nursing facilities” as outlined in 144A.071, Subd. 4d.

Appropriation Available

Previously, the amount for this Request for Proposals (RFP), posted on July 21, 2024, was \$4,891,643.00. There

State Grants & Loans

is additional funding available. The new appropriation amount available for this Request for Proposals (RFP), is \$5,032,217.00.

Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to the commissioner of health.

Method for Estimating Proposal Cost

The method that the commissioner will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Criteria for Review

Minn. Stat. § 144A.073, Subd. 4a, states the criteria the commissioner of health is to consider in reviewing moratorium exception proposals:

Subd. 4a, Criteria for review. In reviewing the application materials and submitted costs by an applicant to the moratorium process, the review panel shall consider the following criteria in recommending proposals:

1. The extent to which the proposed nursing home project is integrated with other health and long-term care services for older adults;
2. The extent to which the project provides for the complete replacement of an outdated physical plant;
3. The extent to which the project results in a reduction of nursing facility beds in an area that has relatively high number of beds per thousand occupied by persons age 85 and over;
4. The extent to which the project produces improvements in health; safety, including life safety code corrections; quality of life; and privacy of residents;
5. The extent to which, under the current facility ownership and management, the provider has shown the ability to provide good quality of care based on health-related findings on certification surveys, quality indicator scores, and quality-of-life scores, including those from the Minnesota nursing home report card;
6. The extent to which the project integrates the latest technology and design features in a way that improves the resident experience and improves the working environment for employees;
7. The extent to which sustainability of the nursing facility can be demonstrated based on the need for services in the area and the proposed financing of the project; and
8. The extent to which the project provides or maintains access to nursing facility services needed in the community.

Projects Not Meeting Moratorium Exception Criteria

Projects that do not meet the criteria for the Moratorium Exception process may qualify for a "threshold" project in accordance with **Minn. Stat. § 256B.434, Subd. 4f**. Threshold projects are different from projects approved through the competitive moratorium exception process in that the capitalized expenses need not be related to improvements to the physical plant beyond replacement of existing components.

Note: As of October 1, 2023, Minn. Stat. § 256B.434, Subd. 4f, allows threshold projects with costs less than \$2,359,742 to proceed without applying for a moratorium exception under this process.

Procedure for Receiving Application Materials

The application materials, including instructions, format and necessary forms are available at the following website: ***Nursing Home and Certified Boarding Care Home Moratorium Exceptions*** (<https://www.health.state.mn.us/facilities/regulation/nursinghomes/moratoriumapp/index.html>); or upon email request to ***Health.NHM@state.mn.us***.

State Grants & Loans

Review and Approval of Proposals

Proposals will be reviewed by a committee composed of organizations that represent consumers and providers of nursing home services; persons who provide engineering, building construction, or design services; and state agencies involved in long term care issues, housing and finance. Applicants will have the opportunity to present their proposal, by *virtual public meeting*, to the (Proposal Review Committee) prior to the Committee submitting comments and recommendations to the commissioner. Details on this *virtual meeting*, including date, time will be made available to the contact person listed in each moratorium exception proposal. The commissioner of health will approve or disapprove project proposals based on criteria established in law and rule. The commissioner will make the final decision no later than **April 2, 2025**, this has been revised from April 4, 2025.

Questions Concerning the RFP

Any questions relating to the RFP process must be submitted by prospective applicants in writing, via email to ***Health.NHM@state.mn.us***.

No answers will be provided in response to phone calls. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested application materials. Only responses in writing by staff of the Minnesota Department of Health will be considered official. The closing date for the receipt of questions will be **October 21, 2024**.

State Contracts

Technical assistance in completing the application forms is available from LeadingAge of Minnesota at (651) 645-4545, Care Providers of Minnesota at (952) 854-2844 or the Minnesota Department of Health at (651) 201-4200.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. Applicant must obtain access to upload application materials.

Completed proposals must be uploaded to the Minnesota Department of Health CloudDrive, no later than **4:30 PM** on **December 19, 2024**.

Email information regarding the facility name, contact person and email address of the individual who will be uploading the application materials should be sent to ***Health.NHM@state.mn.us***.

To obtain this information in a different format, call: 651-201-4200.

Department of Human Services

Contracts and Legal Compliance Division

Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: ***<https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>***.

The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs are solely the responsibility of the responder.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Contact the Office of State Procurement at: (651) 296-2600

Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities for goods and services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). Minnesota State may add new public notices to the website daily and post for the time indicated within the public notice.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Minnesota House of Representatives and Minnesota Senate Requests for Bids for printing the Members Directory of the Minnesota Legislature

The Minnesota House of Representatives and the Minnesota Senate are seeking bids from qualified printers to provide printing services for the Members Directory of the Minnesota Legislature.

The size of the publication will be 4" x 6". The Members Directory of the Minnesota Legislature will contain approximately 208 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to Third Floor, Centennial Office Building, 658 Cedar St., St. Paul, MN 55155, or delivered via email to Andrew.VonBank@house.mn.gov, no later than December 2, 2024 at 4:30 p.m.

A copy of the Request for Bid packet can be obtained by contacting: Andrew VonBank, Third Floor, Centennial Office Building, 658 Cedar St., St. Paul, MN 55155, phone: 651-296-1320, email: Andrew.VonBank@house.mn.gov

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

State Contracts

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.



MINNESOTA STATE REGISTER
THE SOURCE FOR RULES THAT MATTER TO YOU



Exhibit B

B. Not enclosed: a petition for rulemaking because no petition was filed on the rules

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to PFAS in Products; Reporting and Fees

AGENCY: Minnesota Pollution Control Agency

REVISOR ID: R-4828

MINNESOTA RULES: Chapter 7026

The attached rules are approved for
publication in the State Register

Cindy K. Maxwell

Cindy K. Maxwell
Assistant Deputy Revisor

1.1 **Minnesota Pollution Control Agency**

1.2 **Proposed Permanent Rules Relating to PFAS in Products; Reporting and Fees**

1.3 **7026.0010 DEFINITIONS.**

1.4 Subpart 1. **Applicability.** Terms used in this chapter have the meanings given in this
1.5 part and, unless otherwise provided in this part, Minnesota Statutes, section 116.943.

1.6 Subp. 2. **Authorized representative.** "Authorized representative" means a person
1.7 designated by a manufacturer to report on behalf of the manufacturer.

1.8 Subp. 3. **Brand name.** "Brand name" means a name, symbol, word, or mark that
1.9 identifies a product and attributes the product to the owner of the brand.

1.10 Subp. 4. **Brief description of the product.** "Brief description of the product" means
1.11 a character-limited description of a product or grouping of similar products with similar
1.12 components that includes, whenever applicable, brand name, product model, and other
1.13 characteristics that distinguish the product or grouping of products from similar products
1.14 made or sold by other manufacturers.

1.15 Subp. 5. **Chemical identifying number.** "Chemical identifying number" means a
1.16 Chemical Abstracts Service Registry number (CASRN), European Community (EC) number,
1.17 United States Environmental Protection Agency Toxic Substances Control Act accession
1.18 number, or another unique alphanumeric or numeric identifier used in commerce, in research,
1.19 and by governments to cross-reference all information available on a particular chemical.
1.20 A particular chemical may have more than one chemical identifying number.

1.21 Subp. 6. **Chemical name.** "Chemical name" means a systematic nomenclature that
1.22 follows the internationally recognized conventions established by the International Union
1.23 of Pure and Applied Chemistry (IUPAC).

2.1 Subp. 7. **Component.** "Component" means a distinct and identifiable element or
2.2 constituent of a product. Component includes packaging only when the packaging is
2.3 inseparable or integral to the final product's containment, dispensing, or preservation.

2.4 Subp. 8. **Consumer.** "Consumer" means a person who acquires a product from a
2.5 manufacturer for personal, residential, commercial, or industrial purposes.

2.6 Subp. 9. **Distribute for sale.** "Distribute for sale" means to ship or otherwise transport
2.7 a product with the intent or understanding that the product will be sold or offered for sale
2.8 by a receiving party after the product is delivered.

2.9 Subp. 10. **Fully fluorinated carbon atom.** "Fully fluorinated carbon atom" means a
2.10 carbon atom on which all the hydrogen substituents have been replaced by fluorine.

2.11 Subp. 11. **Function.** "Function" means the explicit purpose or role served by PFAS
2.12 when intentionally incorporated at any stage in the process of preparing a product or its
2.13 constituent components for sale, offer for sale, or distribution for sale.

2.14 Subp. 12. **Homogenous material.** "Homogenous material" means one material of
2.15 uniform composition throughout or a material, consisting of a combination of materials,
2.16 that cannot be disjointed or separated into different materials by mechanical actions.

2.17 Subp. 13. **Identifiable element.** "Identifiable element" means an element that can be
2.18 recognized, distinguished, or discerned, even when not visually evident, as in the case of a
2.19 mixture or formulation.

2.20 Subp. 14. **Manufacturer.** "Manufacturer" means the person that creates or produces
2.21 a product, that has a product created or produced, or whose brand name is legally affixed
2.22 to the product. In the case of a product that is imported into the United States when the
2.23 person that created or produced the product or whose brand name is affixed to the product
2.24 does not have a presence in the United States, manufacturer means either the importer or

3.1 the first domestic distributor of the product, whichever is first to sell, offer for sale, or
3.2 distribute for sale the product in the state.

3.3 Subp. 15. **Numeric product code.** "Numeric product code" means a numeric code
3.4 that a manufacturer assigns to a product being reported and that is recognizable to purchasers
3.5 on labels, listings, invoices, or receipts, including a universal product code (UPC), stock
3.6 keeping unit (SKU), harmonized tariff schedule (HTS) code, or other numeric code assigned
3.7 to the product.

3.8 Subp. 16. **Packaging.** "Packaging" has the meaning given under Minnesota Statutes,
3.9 section 115A.03.

3.10 Subp. 17. **Publicly available.** "Publicly available" means lawfully available to the
3.11 public from federal, state, or local government records or disclosures made to the public
3.12 that are required by federal, state, or local law.

3.13 Subp. 18. **Significant change.** "Significant change" means a change in the composition
3.14 of a product that results in the addition of a specific PFAS not previously reported in a
3.15 product or component or a measurable change in the amount of a specific PFAS from the
3.16 initial amount reported that would move the product into a different concentration range
3.17 listed under part 7026.0030, subpart 1, item C.

3.18 Subp. 19. **Substantially equivalent information.** "Substantially equivalent
3.19 information" means information that the commissioner can identify as conveying the same
3.20 information required under part 7026.0030 and Minnesota Statutes, section 116.943,
3.21 subdivision 2. Substantially equivalent information includes an existing notification by a
3.22 person who manufactures a product or component when the same product or component is
3.23 offered for sale under multiple brands.

3.24 Subp. 20. **Used product.** "Used product" means a product that has been installed,
3.25 operated, or utilized for its intended purpose by at least one owner or operator or that is

otherwise not pristine. Used product does not include a product that has been returned to a retailer or that is otherwise offered for resale if the product was not installed, operated, or utilized before resale.

7026.0020 PARTIES RESPONSIBLE FOR REPORTING.

Subpart 1. Scope. A manufacturer or group of manufacturers of a product sold, offered for sale, or distributed in the state must submit a report for each product or component that contains intentionally added PFAS.

Subp. 2. Reporting on behalf of other manufacturers. All manufacturers must assume responsibility to report unless manufacturers in the same supply chain enter into an agreement to establish their respective reporting responsibilities. A manufacturer may submit the information required for reporting on behalf of another manufacturer in accordance with part 7026.0030 if the following requirements are met:

A. the reporting manufacturer must notify any other manufacturer that is a party to the agreement that the reporting manufacturer has fulfilled the reporting requirements;

B. all manufacturers must maintain documentation of a reporting responsibility agreement in accordance with part 7026.0080, subpart 3, and must provide the documentation to the commissioner upon request;

C. all manufacturers must verify, in a format specified by the commissioner, that the data submitted on their behalf is accurate and complete in accordance with parts 7026.0030 and 7026.0040; and

D. for the verification required under item C to be considered complete, all manufacturers must submit the fee required under part 7026.0100, subpart 2 or 3, as applicable.

5.1 **7026.0030 REPORT; REQUIRED INFORMATION.**

5.2 Subpart 1. Report required. A manufacturer or group of manufacturers of a product
5.3 that is sold, offered for sale, or distributed in the state and that contains intentionally added
5.4 PFAS must submit a report to the commissioner on or before January 1, 2026. A manufacturer
5.5 or group of manufacturers of a new product with intentionally added PFAS after January
5.6 1, 2026, must submit a report before the product can be sold, offered for sale, or distributed
5.7 in the state. The report must include the following information in a format specified by the
5.8 commissioner:

5.9 A. a product description that includes:

5.10 (1) a brief description of the product or grouping of similar products. Once
5.11 established, the identical brief description of the product must be used during any reporting
5.12 updates on the product.

5.13 (a) The manufacturer may group together similar products comprised of
5.14 homogenous materials if the products meet the following criteria:

5.15 i. the PFAS chemical composition in the products are the same;

5.16 ii. the PFAS chemicals in the products fall into the same reporting
5.17 concentration ranges;

5.18 iii. the PFAS chemicals in the products provide the same function
5.19 in each product; and

5.20 iv. the products have the same basic form and function and only
5.21 differ in size, color, or other superficial qualities that do not impact the composition of the
5.22 intentionally added PFAS.

5.23 (b) If the product consists of multiple PFAS-containing components, the
5.24 manufacturer must report each component under the product name provided in the brief

description of the product. The manufacturer may group similar components listed within a product if the components meet the following criteria:

- i. the PFAS chemical composition in the components are the same;
- ii. the PFAS chemicals in the components fall into the same reporting concentration ranges;
- iii. the PFAS chemicals in the components provide the same function in each product component; and
- iv. the components have the same basic form and function in the final product and only differ in size, color, or other superficial qualities that do not impact the composition of the intentionally added PFAS; and

(2) the numeric product codes assigned to the product. The numeric product codes are listed in units (a) to (d) in a hierarchy of the most preferred to least preferred for reporting. The most preferred numeric product code available must be reported. The multiple numeric product codes listed in unit (a) are equal in preference and any may be reported:

(a) a code with root digits harmonized under the Global Product Classification system for consumer products, including brick or universal product codes or the harmonized tariff schedule code for imported products;

(b) a nonharmonized code such as stock keeping units;

(c) a numeric code that will be used on labels, listings, invoices, or receipts; or

(d) if no numeric code has been assigned, report "none";

B. PFAS chemicals used in the product or its components as identified by:

(1) the chemical name; and

7.1 (2) the Chemical Abstracts Service Registry number (CASRN) or, if no
7.2 CASRN exists, another chemical identifying number;

7.3 C. the concentration of PFAS chemicals in a product or components of a product
7.4 made up of homogenous material. A manufacturer must report the concentration of PFAS
7.5 chemicals as identified in subitem (1) or (2):

7.6 (1) within the following ranges:

7.7 (a) practical detection limit to <100 parts per million (ppm);

7.8 (b) 100 ppm to <1,000 ppm (0.1 percent);

7.9 (c) 1,000 ppm to <10,000 ppm (one percent);

7.10 (d) 10,000 ppm to <150,000 ppm (15 percent);

7.11 (e) 150,000 ppm to <300,000 ppm (30 percent);

7.12 (f) 300,000 ppm to <600,000 ppm (60 percent);

7.13 (g) 600,000 ppm to <900,000 ppm (90 percent);

7.14 (h) 90 to 100 percent; or

7.15 (i) present but the amount or concentration range is unknown; or

7.16 (2) the total organic fluorine, determined using commercially available
7.17 analytical methods, if the amount of each PFAS is not known within applicable due diligence
7.18 standards under part 7026.0080;

7.19 D. the function that each PFAS chemical provides to the product or its components;

7.20 E. manufacturer information, including:

7.21 (1) name;

7.22 (2) address; and

8.1 (3) the North American Industry Classification System (NAICS) code, or if
8.2 a NAICS code does not exist, the Standard Industrial Classification (SIC) code;

8.3 F. information for the authorized representative of the manufacturer who has the
8.4 authority to execute or direct others to execute reporting to the state, including the
8.5 representative's:

8.6 (1) name;

8.7 (2) address;

8.8 (3) email address; and

8.9 (4) phone number; and

8.10 G. an alternative to the authorized representative under item F, including:

8.11 (1) name;

8.12 (2) address;

8.13 (3) email address; and

8.14 (4) phone number.

8.15 Subp. 2. **Fee required.** For submission of the report required under subpart 1 to be
8.16 considered complete, a manufacturer or group of manufacturers must submit the fee required
8.17 under part 7026.0100, subpart 2.

8.18 Subp. 3. **Failure to submit.** A manufacturer that fails to submit the initial report under
8.19 this part or the applicable fee under part 7026.0100 is subject to penalties under Minnesota
8.20 Statutes, section 116.072.

9.1 **7026.0040 REPORTING UPDATES.**

9.2 **Subpart 1. Updates required.**

9.3 **A. By February 1 each year, a manufacturer or group of manufacturers must**
9.4 **submit an update to the report submitted under part 7026.0030 if during the previous 12**
9.5 **months:**

9.6 **(1) a significant change was made to a product;**

9.7 **(2) new product information was provided to a manufacturer; or**

9.8 **(3) a new product was sold, offered for sale, or distributed in or into the state.**

9.9 **B. The update must include the information required under part 7026.0030.**

9.10 **Subp. 2. Annual recertification. If an update is not required under subpart 1, a**
9.11 **manufacturer or group of manufacturers must recertify the report submitted under part**
9.12 **7026.0030 by February 1 each year.**

9.13 **Subp. 3. Voluntary updates. A manufacturer or group of manufacturers may**
9.14 **voluntarily update the initial report of information required under part 7026.0030 whenever**
9.15 **a PFAS is reduced or eliminated from a product or component or there is a change in the**
9.16 **information required under part 7026.0030, subpart 1, items E to G. Voluntary updates**
9.17 **submitted under this subpart are not subject to a fee according to part 7026.0100, subpart**
9.18 **6.**

9.19 **Subp. 4. Fee required. For submission of the updates and recertifications under**
9.20 **subparts 1 and 2 to be considered complete, a manufacturer or group of manufacturers must**
9.21 **submit the fee required under part 7026.0100, subpart 3.**

9.22 **Subp. 5. Failure to submit. A manufacturer or group of manufacturers that fails to**
9.23 **submit an annual update or recertification under this part or to pay the applicable fee under**
9.24 **part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.**

10.1 **7026.0050 WAIVERS.**

10.2 Subpart 1. **Waiver eligibility.** Upon request of a manufacturer or group of
10.3 manufacturers, the commissioner must waive all or part of the information required under
10.4 part 7026.0030 if the commissioner determines that substantially equivalent information is
10.5 publicly available. Gaining access to the information must not impose an undue burden in
10.6 terms of resources required for collection. When determining whether access imposes an
10.7 undue burden, the commissioner must consider fees, the number of locations to be accessed,
10.8 and other relevant factors.

10.9 Subp. 2. **Waiver request.** A manufacturer or group of manufacturers requesting a
10.10 waiver must submit the request annually in a format specified by the commissioner. The
10.11 request must contain:

10.12 A. the information required under part 7026.0030, subpart 1, items E to G;

10.13 B. a description of the products or components for which a waiver is requested;

10.14 C. a list of the requirements under part 7026.0030 for which the manufacturer
10.15 seeks a waiver;

10.16 D. a description of the publicly available records that contain substantially
10.17 equivalent information to the information required under part 7026.0030;

10.18 E. a statement that the publicly available information identified in item D is
10.19 accurate and that the data is verified by the manufacturer or group of manufacturers.
10.20 Verification may include certification from a third-party contractor with expertise in the
10.21 relevant field to ensure accuracy and compliance; and

10.22 F. a link to or copy of all publicly available and substantially equivalent
10.23 information described by the manufacturer.

10.24 Subp. 3. **Requirements not waived.** A manufacturer or group of manufacturers must
10.25 still submit a report for any requirements under part 7026.0030 that are not waived.

11.1 **Subp. 4. Waiver request deadline.**

11.2 A. A manufacturer or group of manufacturers must submit the waiver request to
11.3 the commissioner at least 30 days before the applicable reporting due date.

11.4 B. If the commissioner denies a waiver request, the manufacturer or group of
11.5 manufacturers must submit their report according to part 7026.0030 or 7026.0040 within
11.6 30 days of the notice of denial or by the established reporting due date, whichever is later.

11.7 **Subp. 5. Fee required.** For submission of the waiver request under subpart 2 to be
11.8 considered complete, a manufacturer or group of manufacturers must submit the fee required
11.9 under part 7026.0100, subpart. 4.

11.10 **7026.0060 EXTENSIONS.**

11.11 **Subpart 1. Authority.** The commissioner must extend the deadline for submitting
11.12 information under part 7026.0030 if the commissioner determines that more time is justified
11.13 by the manufacturer or group of manufacturers to comply with the reporting requirements.

11.14 **Subp. 2. Extension request.** A manufacturer or group of manufacturers requesting
11.15 an extension must submit the request in a format specified by the commissioner. The request
11.16 must contain:

11.17 A. the information required under part 7026.0030, subpart 1, items E to G;

11.18 B. the reason for the extension request, including a detailed explanation of the
11.19 circumstances that prevent timely submission;

11.20 C. supporting documentation, including any relevant documents that substantiate
11.21 the need for an extension, such as communication records with other manufacturers, evidence
11.22 of technical challenges, or third-party testing delays; and

11.23 D. a plan for completion, including an outline of how the manufacturer will submit
11.24 the remaining work by the new deadline.

12.1 Subp. 3. **Extension request deadline; approval or denial.**

12.2 A. A manufacturer or group of manufacturers must submit the request for an
12.3 extension to the commissioner at least 30 days before the reporting due date established in
12.4 part 7026.0030. The request must include documentation demonstrating that the extension
12.5 is justified, based on the materials submitted under subpart 2, to allow the manufacturer or
12.6 group of manufacturers to comply with the reporting requirements.

12.7 B. If the commissioner determines that the requestor has demonstrated that an
12.8 extension is justified, based on the materials submitted under subpart 2, the commissioner
12.9 must grant a 90-day extension of the established reporting due date.

12.10 C. If an extension request is denied by the commissioner, the manufacturer or
12.11 group of manufacturers must submit a report according to part 7026.0030 within 30 days
12.12 after the notice of denial or by the established reporting due date, whichever is later.

12.13 Subp. 4. **Fee required.** For submission of the extension request under subpart 2 to be
12.14 considered complete, a manufacturer or group of manufacturers must submit the fee required
12.15 under part 7026.0100, subpart 5.

12.16 **7026.0070 TRADE SECRET DATA REQUEST.**

12.17 Subpart 1. **Procedure for trade secret data request.** A manufacturer or group of
12.18 manufacturers may request that the commissioner maintain trade secret data as not public
12.19 information according to part 7000.1300. Trade secret data that is eligible to be considered
12.20 not public information includes:

12.21 A. **chemical name;**

12.22 B. **chemical identifying number; and**

12.23 C. **specific supply chain information identified in part 7026.0080, subpart 2.**

13.1 Subp. 2. **Public data; alternative data requirement.**

13.2 A. If the required data under subpart 1 is trade secret information as defined in
13.3 Minnesota Statutes, section 13.37, then in addition to the information required under part
13.4 7026.0030, subpart 1, item B, the manufacturer or group of manufacturers must submit a
13.5 chemical subclass to designate as public data.

13.6 B. If the required data is not trade secret information as defined in Minnesota
13.7 Statutes, section 13.37, the data must be designated as public data.

13.8 **7026.0080 DUE DILIGENCE.**

13.9 Subpart 1. **Reporting due diligence.** A manufacturer must assume responsibility for
13.10 reporting products containing intentionally added PFAS unless notification from another
13.11 manufacturer is received according to part 7026.0020, subpart 2, confirming that the reporting
13.12 requirements under part 7026.0030 have been fulfilled.

13.13 Subp. 2. **Supply chain requests.** A manufacturer or group of manufacturers must
13.14 request detailed disclosure of information required in part 7026.0030 from their supply
13.15 chain until all required information is known.

13.16 Subp. 3. **Documentation and recordkeeping.**

13.17 A. A manufacturer or group of manufacturers must maintain documentation of
13.18 all communication with other manufacturers, including emails, letters, and responses
13.19 regarding PFAS reporting compliance and reporting responsibility agreements as provided
13.20 in part 7026.0020, subpart 2.

13.21 B. A manufacturer or group of manufacturers must provide the documentation
13.22 under item A to the commissioner upon request.

C. A manufacturer or group of manufacturers must maintain records according to this subpart for at least five years after products containing intentionally added PFAS are removed from the supply chain.

7026.0090 REPORTING EXEMPTIONS.

The following are exempt from the reporting requirements under parts 7026.0020 to 7026.0080:

A. a product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;

B. a product regulated under Minnesota Statutes, section 325F.072 or 325F.075;

C. the sale or resale of a used product;

D. a product reported to the Department of Agriculture as meeting the reporting waiver requirements under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b); and

E. information regarding PFAS-containing products or components that is provided to any federal government agency and that is classified information as defined in United States Code, title 18, section 798.

7026.0100 FEES.

Subpart 1. Fees required. A manufacturer of products or components that is required to submit a report under part 7026.0030 or 7026.0040 or that submits a request under part 7026.0050 or 7026.0060 must pay a fee for the submittal to be considered complete.

Subp. 2. Initial report. A manufacturer must pay a \$1,000 fee to submit the initial report under part 7026.0030, subpart 1. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay a \$1,000 fee.

15.1 Subp. 3. **Annual update or recertification.** A manufacturer must pay a \$500 flat fee
15.2 for the annual update according to part 7026.0040, subpart 1, or annual certification update
15.3 according to part 7026.0040, subpart 3. If a group of manufacturers is reporting or a
15.4 manufacturer is reporting on behalf of multiple manufacturers as allowed under part
15.5 7026.0020, subpart 2, each individual manufacturer must pay the \$500 fee.

15.6 Subp. 4. **Waiver request.**

15.7 A. A manufacturer or group of manufacturers that submits a reporting waiver
15.8 request under part 7026.0050 must still pay the fee required under subpart 2 or 3, as
15.9 applicable.

15.10 B. If the commissioner denies a waiver request, the manufacturer or group of
15.11 manufacturers must submit a report according to part 7026.0030 or 7026.0040 but is not
15.12 subject to duplicative fees under subpart 2 or 3.

15.13 Subp. 5. **Extension request.** A manufacturer that submits an extension request under
15.14 part 7026.0060 must pay a \$300 fee as part of the extension request application. If a group
15.15 of manufacturers requests an extension as allowed under part 7026.0060, subpart 4, each
15.16 individual manufacturer must pay the \$300 fee.

15.17 Subp. 6. **Fees waived.** No fee is required for voluntary updates made in accordance
15.18 with part 7026.0040, subpart 4.

15.19 Subp. 7. **Inflation.** Beginning July 1, 2027, and each odd-numbered year thereafter,
15.20 the unadjusted fee in subparts 2 to 5 must be adjusted for inflation using the aggregated
15.21 annual consumer price index and becomes the new unadjusted fee rounded to the nearest
15.22 dollar.



STATEMENT OF NEED AND REASONABLENESS

In the Matter of Proposed Minnesota Rules New
Chapter 7026; Revisor ID No. RD-4828

Resource Management & Assistance Division

April 2025

General information:

- 1) Availability: The *State Register* notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: <https://www.pca.state.mn.us/public-notice>
- 2) View older rule records at: <https://www.revisor.mn.gov/rules/status/>
- 3) Agency contact for information, documents, or alternative formats: Upon request, this SONAR can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Quinn Carr, Rulemaking Coordinator, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194; telephone 651-757-2722; 1-800-657-3864; email Quinn.Carr@state.mn.us; or use your preferred telecommunications relay service.
- 4) How to read a sample Minnesota Statutes citation: Minn. Stat. § 116.07, subd. 2(f)(2)(ii)(A) is read as Minnesota Statutes section 116.07, subdivision 2, paragraph (f), clause (2), item (ii), subitem (A).
- 5) How to read a sample Minnesota Rules citation: Minn. R. 7150.0205, subp. 3(B)(3)(b)(i) is read as Minnesota Rules, chapter 7150, part 0205, subpart 3, item B, subitem (3), unit (b), subunit (i).

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Acronyms, abbreviations, or definitions

ACA - American Coatings Association
ACC - American Chemistry Council
AEM - Association of Equipment Manufacturers
AHAM - Association of Home Appliance Manufacturers
AHI - Animal Health Institute
AHRI - Air-Conditioning, Heating, and Refrigeration Institute
APA – Administrative Procedures Act
ALJ – Administrative Law Judge
ASDWA – Association of State Drinking Water Administrators
ATCS – Alliance for Telomer Chemistry Stewardship
ATSDR – Agency for Toxic Substances and Disease Registry
AWA - American Watch Association
BAJ - Battery Association of Japan
BIFMA - Business Institutional Furniture Manufacturers Association
CASRN - Chemical Abstract Service Registry Numbers
CBA - Cookware & Bakeware Alliance
CBI – Confidential Business Information
CDC – Centers for Disease Control and Prevention
CDR – Chemical Data Reporting Rule
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
CPI - Center for the Polyurethanes Industry
CUC - Chemical Users Coalition
CUU – Currently Unavoidable Use
CWA – Clean Water Act
DNR – Minnesota Department of Natural Resources
DOD - U.S. Department of Defense
DTSC - California Department of Toxic Substances Control
ECOS - Environmental Council of the States
EJ – Environmental Justice
EJ Table - Minnesota Environmental Justice Table
EMA - Truck and Engine Manufacturers Association
EPA - U.S. Environmental Protection Agency
ERIS - Environmental Research Institute of the States
EWG - Environmental Working Group
FDA - Food and Drug Administration
FSSA - Fire Suppression Systems Association
FTE – Full-time Equivalent
FY – Fiscal Year
HARC - Halon Alternatives Research Corporation Inc.
HBV - Health-Based Value
HFPO-DA - Hexafluoropropylene oxide dimer acid or “GenX”
HCPA - Household & Commercial Products Association
HTS - harmonized tariff schedule
IC2 - Interstate Chemicals Clearinghouse
ITRC - Interstate Technology and Regulatory Council

IUPAC - International Union of Pure and Applied Chemistry
JBMA - Japan Business Machine and Information System Industries Association
JEMIMA - Japan Electric Measuring Instruments Manufacturers' Association
JFMA - Japan Fluorocarbon Manufacturers Association
JFMDA - Japan Federation of Medical Devices Association
JP4EE - Japanese electric and electronic industrial associations
LDL - Low-density lipoprotein
MassDEP - Massachusetts Department of Environmental Protection
MCL - Maximum Contaminant Level
MDA – Minnesota Department of Agriculture
MDH - Minnesota Department of Health
Minn. R. – Minnesota Rules
Minn. Stat. – Minnesota Statutes
MMB – Minnesota Management and Budget
MN – Minnesota
MNIT - Minnesota Information Technology Services Agency
MnTAP - Minnesota Technical Assistance Program
MPCA or Agency – Minnesota Pollution Control Agency
MRAA - Marine Retailers Association of the Americas
NAICS - North American Industry Classification System
NECA - Nippon Electric Control Equipment Industries Association
NEMA - National Electrical Manufacturers Association
NEWMOA - Northeast Waste Management Officials Association
NIH - National Institutes of Health
NGO - Non-governmental organization
NMMA - National Marine Manufacturers Association
NPDWR – National Primary Drinking Water Regulation
NRDC - National Resources Defense Council
OAH – Office of Administrative Hearings
OEHHA – California Office of Environmental Health Hazard Assessment
OPEI - Outdoor Power Equipment Institute
PCTFE - Polychlorotrifluoroethylene
PFAS – Per-and polyfluoroalkyl substances
PFHxS - Perfluorohexane sulfonate
PFNA – Perfluoronanoic acid
PFOA - Perfluorooctanoic acid
PFOS - Perfluorooctane sulfonic acid
PMI - Plumbing Manufacturers International
PPWG - PFAS Pharmaceutical Working Group
PTFE - Polytetrafluoroethylene
Ppb – Parts per billion
Ppm – Parts per million
Ppt - Parts per trillion
PWS – Public water system
RCRA - Resource Conservation and Recovery Act
RFC – Request for Comments
§ – Section
SBEAP – Minnesota Pollution Control Agency's Small Business Environmental Assistance Program

SIA - Semiconductor Industry Association
SIC - Standard Industrial Classification
SKU - Stock Keeping Unit
SONAR – Statement of Need and Reasonableness
SPAN - Sustainable PFAS Action Network
TOF - Total organic fluorine
TRI - Toxic release inventory
TSCA - Toxic Substances Control Act
TURA - Toxics Use Reduction Act
TURI - Toxics Use Reduction Institute
UPC - universal product code
WMFTS - Watson-Marlow Fluid Technology Solutions
WSIA - Water Sports Industry Association
WWTP – Wastewater Treatment Plant
XPSA - Extruded Polystyrene Foam Association

1. Introduction and overview

A. Introduction

Minnesota's 2023 Products Containing PFAS law, Minn. Stat. § 116.943 (Amara's Law), 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. Minn. Stat. § 116.943 also provides the MPCA with the authority to adopt rules necessary to implement the various program elements required to comply with the law, including reporting and fee collection. Manufacturers and groups of manufacturers (collectively "manufacturer(s)") are required to report PFAS in products information on or before January 1, 2026. Therefore, the MPCA is adopting rules to clarify whether the statute applies to the manufacturer, clarify which product reporting requirements may apply, and specify how and what to report to the MPCA.

PFAS are a group of synthetic chemicals that contain carbon-fluorine bonds and have been manufactured in the United States since the 1940s. The carbon-fluorine bond is strong and stable, which extends useful properties such as heat, oil, and water resistance when used in products.¹ However, this stability also makes PFAS extremely persistent – they do not readily break down over time. This persistence causes PFAS to accumulate in humans, animals, and the environment. The persistence of PFAS in the environment has led to the nickname of "forever chemicals." Many PFAS have been proven to be toxic, associated with adverse health outcomes such as altered immune and thyroid function, liver disease, kidney disease, adverse reproductive and developmental outcomes, and cancer.²

The use of PFAS in products causes pollution through every stage of the life cycle of the product. First, the PFAS chemicals must be made. The manufacturing of PFAS results in pollution through disposal or discharge in wastewater, stormwater, or air emissions. Then, the use of PFAS to manufacture a product, whether intentionally added to the product itself or otherwise used in the manufacturing process, causes similar routes of pollution from manufacturing waste and byproducts. Finally, the product that contains intentionally added PFAS will be disposed when it is no longer useful.

Disposal of PFAS and products containing intentionally added PFAS during the various stages of a product's life cycle causes pollution, whether disposed at a landfill or incinerator. Products containing intentionally added PFAS placed in a landfill can cause PFAS pollution that ends up in soil, leachate, groundwater, and stormwater. Due to years of PFAS disposal, landfills are now major sources of PFAS pollution to the environment. Products that contain intentionally added PFAS that are not destroyed in the incineration process are emitted into the air.

PFAS are also discharged to wastewater treatment plants (WWTP). PFAS inputs to a WWTP come from industrial sources, domestic sources, landfill leachate, and other sources. Many WWTP are not equipped to remove PFAS from the water, so while other contaminants are removed during the treatment process, PFAS are ultimately discharged to surface waters. Biosolids from a WWTP may also contain PFAS and can be a source of pollution when used in land application to agricultural fields. Stormwater is

¹ Buck, R.C., Franklin, J., Berger, U., Conder, J.M., Cousins, I.T., de Voogt, P., Jensen, A.A., Kannan, K., Mabury, S.A. and van Leeuwen, S.P. (2011), *Perfluoroalkyl and polyfluoroalkyl substances in the environment: Terminology, classification, and origins. Integrated Environmental Assessment and Management*, 7(4), 513-541. <https://doi.org/10.1002/ieam.258>

² Fenton, S.E., Ducatman, A., Boobis, A., DeWitt, J.C., Lau, C., Ng, C., Smith, J.S. and Roberts, S.M. (2020), *Per- and polyfluoroalkyl substance toxicity and human health review: Current state of knowledge and strategies for informing future research. Environmental Toxicology and Chemistry*, 40(3), 606-630. <https://doi.org/10.1002/etc.4890>

another route in which PFAS enter the environment, and it can carry PFAS from industrial or domestic sources to pollute land and water.

Pollution prevention is the most cost-effective way to reduce PFAS exposure and reduce the need for expensive treatment and remediation efforts. The cost to buy PFAS to make consumer products is \$50-\$1,000 per pound, while the cost to remove and destroy PFAS from municipal wastewater is \$2.7 - \$18 million per pound.

Once PFAS enter the environment they are difficult to track for many reasons. One reason is the large variety of chemicals in the class. Although the commonly used EPA Test Method 1633 can test for the presence of 40 PFAS, there are potentially millions of PFAS chemicals that meet the statutory definition of “PFAS” in Minn. Stat. § 116.943. It is very difficult to track such a broad-based chemical constituent with limited testing methods and resources.³ The proposed reporting program will address the inability to test for specific PFAS chemicals intentionally added to consumer products by requiring manufacturers to report the PFAS used in their products.

Another reason that PFAS are difficult to track is due to the extensive use of PFAS in products. A scientific article published in 2020 describes the conclusion of a non-exhaustive study of PFAS in products that found more than 200 uses of PFAS in products across 64 use categories and identified 1,400 individual PFAS in use.⁴ The same study identified nearly 300 functions of PFAS within those products and properties that make them valuable to product performance such as non-flammability, high stability, low reactivity, and many others. The study reaffirmed known uses of PFAS in industries such as semiconductor manufacturing and firefighting foam but also discovered uses of PFAS in undocumented use categories including PFAS in ammunition, climbing ropes, guitar strings, artificial turf, and soil remediation. Another article published in 2023 provided a meta-analysis of 52 global PFAS product testing studies and found 107 PFAS in 1,040 consumer products.⁵ Among the household items that were tested, textiles, household chemicals, and cosmetics contained the highest average concentrations of PFAS. Minnesota’s PFAS reporting requirements, as established by this rulemaking, will be essential to inform the public about where PFAS are used and to fill gaps in the research of the extent of PFAS use in products.

Minn. Stat. § 116.943, subdivision 2 outlines the information that a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit on or before January 1, 2026. Subdivision 3 grants the commissioner the authority to waive all or part of the information required if substantially equivalent information is already publicly available, and to grant an extension on the deadline for submission if more time is needed to comply with the submission requirements. Subdivision 6 grants the commissioner the authority to establish by rule a fee associated with the reporting requirements under subdivision 2 to cover the costs of program implementation. This proposed rulemaking clarifies each of these subdivisions within Minn. Stat. § 116.943.

A Request for Comments (RFC) for the PFAS in products reporting rulemaking was published in the *State Register* on September 25, 2023. An RFC for the PFAS in products fees rulemaking was published in the *State Register* on September 25, 2023. The two rules were combined, and a new RFC was published in

³ Environmental Protection Agency (EPA). (2024, June 10). PFAS Analytical Methods Development and Sampling Research. <https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>

⁴ Glüge, J., Scheringer, M., Cousins, I., DeWitt, J. C., Goldenman, G., Herzke, D., Lohmann, R., Ng, C., Trier, X., & Wang, Z. (2020). An overview of the uses of per- and polyfluoroalkyl substances (PFAS). *Environmental Science: Processes & Impacts*, 22(12), 2345–2373. <https://doi.org/10.31224/osf.io/2eqac>

⁵ Dewapriya, P., Chadwick, L., Gorji, S., Schulze, B., Valsecchi, S., Samanipour, S., Thomas, K., & Kaserzon, S. (2023). Per- and polyfluoroalkyl substances (PFAS) in consumer products: Current knowledge and research gaps. *Journal of Hazardous Materials Letters*, Volume 4. 100086, ISSN 2666-9110. <https://doi.org/10.1016/j.hazl.2023.100086>.

the *State Register* on November 18, 2024. The MPCA considered comments received during these comment periods and all comments received during this rulemaking in developing the rule language.

This document fulfills the requirements of the Minnesota Administrative Procedures Act (APA), which requires a Statement of Need and Reasonableness (SONAR) justifying and explaining the need for the proposed rule amendments (Minn. Stat. § 14.131). It also addresses the statutory requirements associated with the proposed administrative rules.

B. Statement of General Need

The Agency needs this rule to meet the legislative directive to improve data collection on products containing intentionally added PFAS. This data may provide the information needed to guide future regulation that is protective of human health and Minnesota's environment. The purpose and need of the proposed rule is to fulfill the requirements set forth by Minn. Stat. § 116.943 to require manufacturers to report information on products containing intentionally added PFAS. The specific reasonableness of the requirement to report is listed in Section 5(B) of this SONAR.

This proposed PFAS in Products Reporting and Fees Rule is expected to clarify some of the definitions in subdivision 1 of Minn. Stat. § 116.943 which relates to the reporting process and its scope, including "manufacturer," "PFAS," "intentionally added," "product," and "product component". While the definition in Minn. Stat. § 116.943 still applies, in some cases, there are terms within the definitions themselves that also require clarity. Additionally, there are other undefined terms used in Subdivision 2, "Information required," and Subdivision 3 "Information requirement waivers; extensions," which require clarity related to reporting requirements.

In addition to clarifying the statute, this rule proposes to outline the process by which a manufacturer must report the information required under Minn. Stat. § 116.943 subdivision 2, how a manufacturer must submit an application for a waiver or extension to the reporting requirements (subdivision 3), and how the fees payable by the manufacturer are established (subdivision 6). The information submitted by manufacturers and assessed by the Agency as a result of this rule will be used in various applications.

Increased Awareness of PFAS in the Environment

This PFAS in Products Reporting and Fees Rule will lead to the unprecedented disclosure of the presence and quantity of intentionally added PFAS in products and their components. This information will allow Minnesotans to make informed choices about their PFAS exposure, inform whether to avoid purchasing certain products, and inform future Agency program development and rulemaking, such as the PFAS in Products Currently Unavoidable Use rule. Fewer purchases of PFAS-containing products will reduce environmental impacts from product manufacture, use, and disposal. In addition, manufacturers may be more inclined to seek alternatives to PFAS in products due to customer pressure and increased public awareness. The reporting process will also establish a database of products are subject to the 2032 PFAS in products ban as outlined in Minn. Stat. § 116.943.

Scope of PFAS use in Products

As discussed in the introduction of this SONAR, pollution prevention is the most cost-effective way to reduce PFAS exposure. However, in order to implement an effective pollution prevention program, more data is needed to identify the source of the pollution. With this rule, manufacturers will submit information not only on the types of products containing intentionally added PFAS, but also the concentration of PFAS within those products. This will allow the MPCA and other agencies with a vested interest in human health and the environment to better understand the correlation between PFAS in products and PFAS pollution throughout the life cycle of a product.

Informed consumers are key to reducing PFAS exposure and pollution. By providing clear, accessible information on which products contain intentionally added PFAS, the proposed rule empowers consumers to make educated purchasing decisions. As awareness grows about the environmental and health impacts of PFAS, consumers are likely to favor products that do not contain these chemicals. This shift in purchasing habits can encourage manufacturers to explore safer alternatives, ultimately reducing the presence of PFAS in the marketplace and minimizing environmental contamination throughout the product life cycle.

Funding Program Implementation

This rule proposes the assessment of fees on manufacturers who submit PFAS reports. The fees will support the development, maintenance, and oversight of the reporting system, as well as data analysis and compliance activities. A flat fee will be required for initial reports, with lower fees for annual recertifications. Additionally, a fee will be assessed for any extension requests. These fees are necessary to ensure the MPCA can efficiently manage the reporting system, analyze data, and enforce compliance, all while maintaining a balanced and sustainable program that does not overburden the state's budget. The fee structure has been carefully designed to minimize the economic impact on manufacturers while ensuring adequate resources for the program.

C. Scope of the proposed new chapter:

The following new sections of the new chapter 7026 of Minnesota Rules are proposed:

- 1) Chapter 7026.0010 "Definitions" to add definitions that are applicable to rules regulating PFAS in products.
- 2) Chapter 7026.0020 "Parties Responsible for Reporting" to establish who must report products containing intentionally added PFAS to the Agency.
- 3) Chapter 7026.0030 "Information Required in Report" to establish what information must be provided to the Agency in the report.
- 4) Chapter 7026.0040 "Reporting Updates" to establish when and how a manufacturer must provide updates to the initial report submitted to the Agency.
- 5) Chapter 7026.0050 "Waivers" to establish when and how a manufacturer may request a waiver to the reporting requirements.
- 6) Chapter 7026.0060 "Extensions" to establish when and how a manufacturer may request an extension to the reporting deadline.
- 7) Chapter 7026.0070 "Trade Secret Data Request" to establish when and how a manufacturer may request data to be considered not public information.
- 8) 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.
- 9) Chapter 7026.0090 "Reporting Exemptions" to establish products that are exempt from the reporting requirements in this rule.
- 10) Chapter 7026.0100 "Fees" to establish the fees required to be submitted with the initial report, report updates, waiver requests, and extension requests.

2. Background

PFAS are man-made chemicals that are synthetically formed by taking a molecule with a carbon backbone and replacing the carbon-hydrogen bond(s) with a much stronger carbon-fluorine bond(s). The resulting molecule is a PFAS; known to be resistant to biological and chemical degradation. Even when treated, some long-chain PFAS only break down into new shorter-chain PFAS. They do not degrade easily in the natural environment, which makes them useful in man-made product applications. However, PFAS persist in the environment for long periods, accumulating in soil, water, and living organisms. This persistence, combined with growing evidence of their toxicity, has raised significant concerns regarding human health and environmental impacts.

The first PFAS, polychlorotrifluoroethylene (PCTFE), was discovered in 1934, and manufactured on a commercial scale in the early 1950s.⁶ Another PFAS, polytetrafluoroethylene (PTFE) and later trademarked as “Teflon,” was later discovered and used during World War II for a variety of uses including in nuclear warheads, liquid-fuel tanks, and in pipes and other vessels used to contain toxic chemicals. Today, PTFE is still used in a variety of products from medical technologies to non-stick cook- and bakeware. Around the same time, perfluorooctane sulfonic acid (PFOS) was developed to treat fabric stains and act as a water-repellant. Today there are thousands of PFAS chemicals, many of which are used in consumer products. Originally PFAS was considered a “wonder chemical” because of its unique properties and numerous useful functions in products. Now, PFAS have been dubbed “forever chemicals” as new information continues to emerge on the risks of PFAS exposure to human health and the environment through persistence and bioaccumulation.

PFAS compounds are particularly concerning due to their persistence in the environment and their tendency to bioaccumulate in both wildlife and humans. Research from the Centers for Disease Control and Prevention (CDC) has shown that PFAS can be detected in the blood of nearly 97% of Americans, indicating widespread exposure. The accumulation of these chemicals in the body is slow, and their half-life in humans can range from several years to decades, especially for long-chain PFAS compounds such as perfluorooctanoic acid (PFOA) and PFOS.⁷ These long-chain PFAS are more bioaccumulative and are generally toxic at lower doses than their short-chain counterparts, making them a significant concern for public health.⁸ The most studied PFAS include PFOA, PFOS, GenX (HFPO-DA), and perfluorohexane sulfonate (PFHxS). These chemicals are widely used for their water- and grease-resistant properties in products such as nonstick cookware, stain-resistant fabrics, and firefighting foams. Research has linked certain PFAS to a variety of health effects. PFOA and PFOS, in particular, have been associated with adverse health outcomes such as increased cholesterol levels, changes in liver enzymes, immune system suppression, and developmental effects in fetuses and infants. Additionally, prolonged exposure to higher levels of these PFAS has been linked to kidney and testicular cancer, as well as thyroid disruption.⁹ The persistence of PFAS in the environment and their bioaccumulative nature further amplify their potential health impacts across populations.

The Committee on the Guidance on PFAS Testing and Health Outcomes conducted a thorough review of

⁶ Perera, D. C., & Meegoda, J. N. (2024). *Pfas: The journey from Wonder Chemicals to Environmental Nightmares and the search for solutions*. *Applied Sciences*, 14(19), 8611. <https://doi.org/10.3390/app14198611>

⁷ Centers for Disease Control (CDC). 2022. *National Report on Human Exposure to Environmental Chemicals*. <https://www.cdc.gov/exposurereport/index.html>

⁸ Olsen, G. W., Church, T. R., Miller, J. P., Burris, J. M., Hansen, K. J., Lundberg, J. K., Armitage, J. B., Herron, R. M., Medhdizadehkashi, Z., Nobiletti, J. B., O'Neill M. E., Mandel, J. H., and Zobel, L. R. (2003). Perfluorooctane sulfonate and other fluorochemicals in the serum of American Red Cross adult blood donors. *Environmental health perspectives*, 111(16):1892-1901. <https://doi.org/10.1289/ehp.6316>

⁹ Agency for Toxic Substances and Disease Registry (ATSDR). (2021). *Toxicological Profile for Perfluoroalkyls*. <https://wwwn.cdc.gov/TSP/ToxProfiles/ToxProfiles.aspx?id=1117&tid=237>

recent epidemiologic studies related to PFAS exposure.¹⁰ Although various PFAS have different properties, the committee opted to provide strength-of-evidence conclusions for all PFAS as a group, considering the complex exposure to PFAS mixtures. They found sufficient evidence of an association between PFAS exposure and several health outcomes, including decreased antibody response, dyslipidemia, reduced infant and fetal growth, and an increased risk of kidney cancer. Additionally, limited or suggestive evidence linked PFAS to increased risks of breast cancer, liver enzyme alterations, pregnancy-induced hypertension, testicular cancer, thyroid disease, and gastrointestinal diseases, such as ulcerative colitis.

PFAS have also been linked to adverse health effects, particularly affecting lipid profiles in women undergoing menopausal transitions. A recent study¹¹ associated PFAS exposure with unfavorable changes in blood lipids, including higher levels of total cholesterol and low-density lipoprotein (LDL) cholesterol, key risk factors for cardiovascular diseases. Researchers analyzed serum concentrations of PFAS such as PFOA, PFHxS, and PFOS in women aged 45–56 over a 15-year period. This study identified a strong correlation between higher PFAS exposure and elevated cholesterol levels, while also noting an inverse association with triglycerides in some cases. These findings suggest that PFAS may disrupt lipid homeostasis, contributing to an increased risk of cardiovascular and metabolic diseases during this vulnerable life stage.

The MPCA recognizes the importance of understanding the potential human health risks associated with exposure to PFAS through various routes. PFAS exposure can occur via several pathways, including ingestion, inhalation, and dermal contact, each of which presents unique health risks.

Ingestion: One of the primary routes of PFAS exposure is through the consumption of contaminated water and food. Studies have demonstrated that PFAS can accumulate in fish, livestock, and wildlife; leading to higher concentrations in those that are consumed by humans. Additionally, PFAS can be present in drinking water supplies due to industrial discharges, landfills, and wastewater treatment facilities. The Minnesota Department of Health (MDH) has established consumption guidelines to mitigate risks associated with PFAS in fish, particularly for vulnerable populations such as pregnant women and children.

Inhalation: Inhalation exposure to PFAS may occur through airborne emissions from industrial sources, contaminated dust, and the use of products containing PFAS. Limited data exist regarding the specific health effects related to inhalation; however, emerging research suggests potential links between PFAS exposure via this route and various adverse health outcomes, including respiratory issues and decreased immune response.

Dermal Contact: Dermal exposure to PFAS can occur through the use of consumer products such as stain-resistant fabrics, water-repellent outdoor gear, and certain cosmetics. Although the extent of dermal absorption remains uncertain, there is growing concern about this pathway of exposure.

PFAS contamination is increasingly being detected in various environmental settings, including waterways, landfills, and soil, as well as in wildlife. Research and reports, such as Minnesota's *PFAS*

¹⁰ National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Division on Earth and Life Studies; Board on Population Health and Public Health Practice; Board on Environmental Studies and Toxicology; Committee on the Guidance on PFAS Testing and Health Outcomes. (2022). *Guidance on PFAS Exposure, Testing, and Clinical Follow-Up. Potential Health Effects of PFAS*. Washington (DC): National Academies Press (US). <https://www.ncbi.nlm.nih.gov/books/NBK584690/>

¹¹ Kang, H., Ding, N., Karvonen-Gutierrez, C. A., Mukherjee, B., Calafat, A. M., & Park, S. K. (2023). *Per- and Polyfluoroalkyl substances (PFAS) and lipid trajectories in women 45-56 years of age: The Study of Women's Health Across the Nation*. *Environmental Health Perspectives*, 131(8), 87004. <https://doi.org/10.1289/EHP12351>

Blueprint,¹² provide comprehensive insights into where these chemicals are being found and their impact.

Studies have shown that PFAS are prevalent in surface water, groundwater, and drinking water sources across the US. The EPA and state agencies have detected PFAS in numerous rivers, lakes, and reservoirs, particularly near industrial sites and military installations where PFAS-containing firefighting foams were used. In Minnesota, MDH and MPCA identified multiple water systems contaminated with PFAS, especially near waste disposal sites, manufacturing facilities, and military bases. The state's PFAS Blueprint outlines specific areas of concern, including the Mississippi River and nearby lakes.

Since 2004, thousands of fish from over 200 lakes, rivers, and streams have been analyzed for PFAS, revealing that approximately 85% of tested waters contain fish with detectable levels of these substances. However, most levels are below those considered unsafe by the MDH. PFOS is frequently identified in fish tissue, along with other types of PFAS. The Minnesota Department of Natural Resources (DNR) conducts routine fish sampling, and additional testing occurs based on suspected local contamination. This ongoing effort is part of Minnesota's comprehensive PFAS Blueprint and involves close collaboration among state agencies. MDH issues Safe-Eating Guidelines that inform the public about safe fish consumption, particularly for vulnerable populations such as pregnant women and children. These guidelines are regularly updated based on current research regarding the health effects of PFAS exposure. To date, MDH has established statewide guidance for PFOS and specific guidelines for 51 water bodies.¹³ Understanding the presence of PFAS in fish also provides insights into broader environmental contamination and the potential pathways through which PFAS affect humans and wildlife. The recent legislative support for expanding fish monitoring programs reflects Minnesota's commitment to addressing PFAS pollution.

Landfills are major collection points for PFAS due to the disposal of products that contain these chemicals. Minnesota's 2022 *PFAS Blueprint* highlights landfills as a key concern, with monitoring data showing significant PFAS levels in landfill leachate. A concern also exists for PFAS contamination in lined landfills, as many products containing PFAS have historically been disposed of in landfills before their dangers were understood. The 2024 PFAS Monitoring Report¹⁴ went on to recommend reducing the amount of PFAS in leachate that is land applied and to monitor leachate for PFAS.

PFAS have been found in soils, especially in agricultural areas where contaminated water or biosolids have been used for irrigation or fertilization. This contamination not only affects plants and wildlife but also poses risks to humans through the food chain. If groundwater polluted with PFAS is used to irrigate forage crops, PFAS can integrate into the leaf tissue and bioaccumulate. When a cow eats the grass, the PFAS can be detected in milk and meat products. When those products are then consumed by humans, the PFAS bioaccumulates in the human body. Studies also indicate that PFAS accumulate in wildlife, including fish and birds, raising concerns about ecosystem health and bioaccumulation in food sources.

¹² MPCA. (2021, February). *Minnesota's PFAS Blueprint: A plan to protect our communities and our environment from per- and polyfluorinated alkyl substances*. <https://www.pca.state.mn.us/waste/pfas-studies-and-reports>

¹³ MDH (2024, October). *Fish Consumption Guidance*. <https://www.health.state.mn.us/communities/environment/fish/index.html>

¹⁴ MPCA (2024, May). *PFAS Monitoring Plan: Initial findings and next steps*. <https://www.pca.state.mn.us/sites/default/files/p-gen1-22h.pdf>

In response to growing evidence of PFAS-related health risks, regulatory agencies like the U.S. EPA have begun to take action. The EPA originally set health advisory levels for PFOA and PFOS in drinking water at 70 parts per trillion (ppt) in 2016, but recent studies have led to even stricter limits for the enforceable Maximum Contamination Level (MCL)¹⁵.

Table 1. Legally enforceable MCLs in drinking water established by EPA.

Compound	MCL (ppt)
PFOA	4.0
PFOS	4.0
PFHxS	10
PFNA	10
HFPO-DA (commonly known as GenX Chemicals)	10
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS	1 (unitless) Hazard Index

Some states, such as Minnesota, California and New York, have already implemented more stringent PFAS regulations, including bans on PFAS in food packaging and lower allowable limits for PFAS in drinking water.¹⁶ (OEHHA 2717).

Despite these efforts, many PFAS compounds in commercial use still lack comprehensive toxicity data. The EPA and other research agencies are working to close this gap, but the sheer number of PFAS chemicals and their widespread use across industries make this an ongoing challenge for public health officials and regulators. The main agencies performing research on PFAS include:

- Federal Resources: U.S. EPA, Agency for Toxic Substances and Disease Registry (ATSDR), National Institutes of Health (NIH), Food and Drug Administration (FDA), U.S. Department of Defense (DOD), and branches of the military (Navy, Air Force).
- State Resources: Association of State Drinking Water Administrators (ASDWA), Interstate Technology and Regulatory Council (ITRC), Environmental Council of the States (ECOS), Environmental Research Institute of the States (ERIS).

Minnesota is proactively addressing PFAS contamination through initiatives that align with and enhance federal actions. The MPCA collaborates with MDH and other state agencies to implement strategies for managing PFAS in the environment. As part of this approach, MDH develops health-based guidance values (HBVs) for PFAS contaminants in drinking water¹⁷. These HBVs indicate levels that can be present in water without posing significant health risks over a lifetime, including for sensitive populations.

¹⁵EPA. (2025, February). Final PFAS National Primary Drinking Water Regulation. <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

¹⁶ California Office of Environmental Health Hazard Assessment (OEHHA). (2017, October). Chemicals Listed Effective October 27, 2017 as Known to the State of California to Cause Cancer: N,N-Dimethylformamide, 2-Mercaptobenzothiazole, and Tetrabromobisphenol A. <https://oehha.ca.gov/proposition-65/cnr/chemicals-listed-effective-october-27-2017-known-state-california-cause-cancer>

¹⁷MDH. (2024, November). PFAS and Health. <https://www.health.state.mn.us/communities/environment/hazardous/topics/pfashealth.html>

Table 2. HBVs for PFAS in drinking water as established by MDH.

PFAS Detected in Minnesota	Drinking Water Guidance Value (ppt)
Perfluorobutane sulfonate (PFBS)	100
Perfluorobutanoate (PFBA)	7,000
Perfluorohexane sulfonate (PFHxS)	47
Perfluorohexanoate (PFHxA)	200
Perfluorooctane sulfonate (PFOS)	2.3
Perfluorooctanoate (PFOA)	0.0079

At the federal level, the EPA has introduced new National Primary Drinking Water Regulations, establishing MCLs for several PFAS compounds. Minnesota's strategy mirrors these federal efforts by requiring testing of public water systems for PFAS while distinguishing itself through the integrated and collaborative framework established in the Minnesota PFAS Blueprint. This blueprint addresses a wide range of issues related to PFAS, including prevention, remediation, and risk assessment.

The Minnesota PFAS Blueprint outlines both short- and long-term opportunities for action, as well as legislative steps, to manage and mitigate the impact of PFAS on the environment, families, and communities. These initiatives aim to protect public health by reducing PFAS contamination in air, water, and soil. Over the next several years, state agencies, in partnership with local communities, will continue developing strategies to address the complexities of PFAS management. In the short term, efforts will focus on progressing toward statewide water quality standards for PFAS in drinking water, creating monitoring plans for PFAS in groundwater and permitted facilities, and developing performance testing for PFAS emissions from air sources. Long-term goals include assessing wildlife risks, requiring air toxics reporting, providing assistance to businesses transitioning away from PFAS, and potentially developing new water quality standards for aquatic ecosystems. This collaborative approach aims to prevent, manage, and clean up PFAS pollution while engaging stakeholders and ensuring a comprehensive response to these persistent chemicals.

The exact extent of PFAS use in products remains largely unknown, highlighting a critical gap in our understanding of their environmental and health impacts. This uncertainty is one of the driving factors behind the need for comprehensive regulations and reporting requirements. As research continues to unveil the potential risks associated with PFAS exposure, including links to serious health issues, it is increasingly important for state agencies to monitor and manage these substances effectively.

As a result, the 2023 Minnesota Legislature passed Minn. Stat. § 116.943, also known as Amara's Law, to require manufacturers to report information about products containing intentionally added PFAS that are sold, offered for sale, or distributed in the State to the MPCA. This proposed rule is intended to clarify the law and establish how reporting must be conducted.

3. Public participation and stakeholder involvement

A. Request for comments published in *State Register*

The MPCA published its notice of RFC for this rulemaking on September 25, 2023, in the *State Register* (S-28). An RFC for the PFAS in products fees rulemaking was published in the *State Register* on September 25, 2023. The two rules were combined, and a new RFC was published in the *State Register* on November 18, 2024. These RFCs specifically requested comments on the new PFAS reporting requirement process and fees needed to cover the Agency's costs to implement the reporting process. A

summary of the stakeholders who submitted comments is provided below. The MPCA also posted a PDF of all written comments on its website along with a summary of comment topic areas. The MPCA considered all comments received that were within the scope of this rulemaking. Below includes entities that submitted comments for this first RFC:

- AdvaMed, the MedTech Association
- Alliance for Automotive Innovation
- Alliance for Telomer Chemistry Stewardship Performance Fluoropolymer Partnership & Center for the Polyurethanes Industry (ATCS)
- American Chemistry Council's Performance Fluoropolymer Partnership
- American Coatings Association (ACA)
- Animal Health Institute (AHI)
- Association of Equipment Manufacturers (AEM)
- Association of Home Appliance Manufacturers (AHAM)
- Best Technology
- Beveridge & Diamond, PC
- Business Institutional Furniture Manufacturers Association
- Clean Water Action Minnesota
- Chemical Users Coalition (CUC)
- Coalition of Manufacturers of Complex Products
- Consumer Brand Association
- Consumer Technology Association
- DuPont de Nemours, Inc.
- Gujarat Fluorochemicals Limited
- Honeywell
- Household & Commercial Products Association (HCPA)
- Japanese electric and electronic industrial associations (JP4EE)
- Kindeva Drug Delivery L.P.
- Lac-Mac Limited
- MN Chamber of Commerce
- Medical Alley
- Minnesota Grocers Association
- National Marine Manufacturers Association (NMMA), the Marine Retailers Association of the Americas (MRAA) and the Water Sports Industry Association (WSIA)
- OE Electrics Inc
- Personal Care Products Council
- PFAS Pharmaceutical Working Group (PPWG)
- Polar Semiconductor
- SEMI
- Solvay America, Inc.
- Sustainable PFAS Action Network (SPAN)

- Truck and Engine Manufacturers Association (EMA)
- W. L. Gore & Associates, Inc.

Topics covered in comments submitted to the MPCA during the RFC period included:

- The definition of PFAS and the scope for which PFAS reporting will be required. Commentors also sought clarification on the level of detail for reporting and whether PFAS will be reported by categories or by each individual PFAS chemical.
- The definition of manufacturer and clarification on who exactly in the economic supply chains will be required to report intentionally added PFAS.
- How a product will be defined, and if this will entail packaging, resold or reused materials as well as how manufacturers address products with potentially thousands of components that may or may not have PFAS.
- Testing for PFAS – regulated parties are seeking clarification and instruction on how testing can be implemented while addressing issues where not all PFAS has a Chemical Abstract Service Registry Number (CASRN) or when PFAS is added in small volumes that are difficult to measure.
- Confidential business information – there was support to implement similar processes for handling sensitive information that the federal EPA has implemented under the Toxic Substances Control Act (TSCA), a preference by commenters to report data in categories or more general terms, as well as being able to clearly note in the data submission process that information is confidential.
- The fee structure and method of collection – Different approaches were considered such as tiered fees by the size of the business, a per-product or per-company fee, a per-PFAS or PFAS amount fee, other state or agency fee models as well as how often fees should be collected while asking for commenters to provide other issues for submitting fees.

B. Webpages

The MPCA maintains the following webpages that are publicly accessible and relevant to this rulemaking:

- **PFAS in products: Reporting** (<https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting>) on September 11, 2023 in order to provide the public with background and other information relevant to this rulemaking. Once the RFC was published on September 11, 2023, the MPCA updated the webpages to include rulemaking documents, including a supplement to the RFC that provided more detail on rule concepts; a target schedule for rule adoption; and information on opportunities to provide input, including dates and locations for public meetings around the state. This webpage was updated to **PFAS in Products: Reporting and Fees** (<https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>) on November 18, 2024 to incorporate a second RFC that combined this rule with the PFAS in products fee rule to better align the fee and reporting processes.
- A PFAS in products webpage (<https://www.pca.state.mn.us/get-engaged/pfas-in-products>) was also created to provide background on the other rulemakings tied to the same 2023 legislation Amara's Law (Minn. Stat. § 116.943).
- Minnesota Rulemaking at (<https://www.pca.state.mn.us/get-engaged/proposed-rules>). The MPCA's rulemaking webpage provides the public with centralized information about current rulemaking projects and the rulemaking process. It also explains how the public can receive notice of rule changes. The MPCA's "Public Rulemaking Docket," updated monthly, is located on

this webpage and includes information about current rulemaking projects such as the rule webpage, contact person, and timeline.

C. GovDelivery and electronic notifications

- The MPCA uses a self-subscription service called “GovDelivery” to provide notice electronically (via email) to interested and affected persons of various updates and public notices issued on a wide range of topics, including administrative rulemakings. Any person may visit the GovDelivery subscription page at <http://public.govdelivery.com/accounts/MNPCA/subscriber/new> to subscribe and choose the notifications they want to receive. Request for US Mail service is also available.
- The MPCA lists rule projects on the Public Rulemaking Docket (see above). Once a rule project becomes active (i.e., it is no longer listed as a future project), a GovDelivery self-subscription list for that specific rulemaking is established. GovDelivery alerts individuals who have signed up to receive notice for all rulemakings to notify them of new rule projects.

D. Meetings

i) Public meetings

After the first RFC was published and the agency received comments, the MPCA sent a GovDelivery notice to subscribers on June 17, 2024, to announce an initial public meeting. The MPCA held this webinar on July 18th to provide a presentation on preliminary rule writing for the PFAS in products reporting, fees and currently unavoidable use rules. The presentation was provided on our external website along with a recording of the session.

ii) Technical meetings

The MPCA also held technical meetings to allow for focused conversations with variety of stakeholders that are impacted by this rule. Below are the specific meetings and their purpose:

April 25, 2024, 10-11:30 am at the MPCA St. Paul Office and virtually via Microsoft Teams: The first manufacturers meeting to solicit feedback and input on developing this rule.

May 2, 2024, 10-11:30 am at the MPCA St. Paul Office and virtually via Microsoft Teams: The first non-manufacturers meeting to solicit feedback and input on developing this rule.

June 18, 2024, 10-11:30 am at the MPCA St. Paul Office and virtually via Microsoft Teams: The second manufacturers meeting to solicit feedback and input on developing this rule.

July 2, 2024, 10-11:30 am at the MPCA St. Paul Office and virtually via Microsoft Teams: The second non-manufacturers meeting to solicit feedback and input on developing this rule.

iii) Stakeholder meetings

The MPCA sought input on this rulemaking from organizations that create and manage products with intentionally added PFAS. The MPCA sought focused input from organizations that use complex products that may not have obvious replacements or have intricate processes to make products. Stakeholder meetings were held prior to publishing Notice of Intent to Adopt.

MPCA staff met with interested parties, as listed below, to discuss the proposed concepts and solicit input on the anticipated effects of the proposed rule. These included The United States Department of Commerce, Alliance for Automotive Innovation and more. In its communications, MPCA staff offered to meet with any interested party to discuss their concerns. Some stakeholders opted not to meet with

MPCA staff. This list is not exhaustive and does not include the many emails, phone conversations, and informal discussions that took place between MPCA staff and individual stakeholders throughout the process of developing the rule amendments.

- Association of Home Appliances on 2/7/2024
- Emerson on 5/8/2024
- United States Department of Commerce on 5/10/2024
- Apple Inc. on 5/14/2024
- Business Institutional Furniture Manufacturers Association (BIFMA) furniture industry association on 7/11/2024
- RTX Corporation with subsidiary Collins Aerospace on 9/11/2024
- Alliance for Automotive Innovation on 10/2/2024

iv) Informal Check-in Groups

The MPCA invited various industry groups, businesses, non-governmental organizations (NGOs), regulatory, and academic groups to participate in informal check-in groups to advise the MPCA on PFAS in products rulemaking. Many of the participants participating provided meaningful and constructive public comments to the reporting and fees RFC. Participants helped provide the MPCA with technical answers to their proposed rule concepts and helped explain in-depth issues that could arise during product reporting and what could be reasonably done to rectify those issues.

Manufacturing and Industry

- 3M
- Alliance for Automotive Innovation
- American Chemistry Council (ACC) - Alliance for Telomer Chemistry Stewardship
- Association of Home Appliance Manufacturers (AHAM)
- Boston Scientific
- Business Institutional Furniture Manufacturers Association (BIFMA)
- Consumer Brands Association
- GreenSoft
- Honeywell
- Household & Commercial Products Association (HCPA) HCPA
- Medical Alley
- MillerKnoll
- Minnesota Chamber of Commerce
- National Marine Manufacturers Association (NMMA), the Marine Retailers Association of the Americas (MRAA), and the Water Sports Industry Association (WSIA)
- SEMI
- Sustainable PFAS Action Network (SPAN) SPAN
- Target

Academia and Environmental

- California Department of Toxic Substances Control (DTSC)
- Clean Water Action

- Defend Our Health
- Environmental Working Group (EWG)
- Essential Use paper authors
- Maine Department of Environmental Protection
- Minnesota Environmental Justice Table (EJ Table)
- Minnesota Technical Assistance Program (MnTAP)
- National Resources Defense Council (NRDC)
- Northeast Waste Management Officials Association (NEWMOA)
- Toxic-Free Future
- Toxics Use Reduction Institute (TURI)
- University of St. Thomas
- Washington Department of Ecology

4. Statutory authority

The MPCA has specific authority to adopt these rules under Minn. Stat. § 116.943, Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 2 as follows:

Subd. 2. Information required. (a) On or before January 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

(1) A brief description of the product, including a universal product code (UPC), stock keeping unit (SKU), or other numeric code assigned to the product;

(2) The purpose for which PFAS are used in the product, including in any product components;

(3) The amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;

(4) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and

(5) Any additional information requested by the commissioner as necessary to implement the requirements of this section.

(b) With the approval of the commissioner, a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.

(c) A manufacturer must submit the information required under this subdivision whenever a new product that contains intentionally added PFAS is sold, offered for sale, or distributed in the state and update and revise the information whenever there is significant change in the information or when requested to do so by the commissioner.

(d) A person may not sell, offer for sale, or distribute for sale in the state a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under this subdivision and the person has received notification under subdivision 4.

In addition, the MPCA has specific authority to adopt these rules under Minn. Stat. § 116.943, Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 9 as follows:

Subd. 9. Rules. The commissioner may adopt rules necessary to implement this section. Section 14.125 does not apply to the commissioner's rulemaking authority under this section.

Under these state statutory provisions, the MPCA has the necessary statutory authority to adopt the proposed amendments into Minnesota Rules.

5. Reasonableness of the amendments

A. General Reasonableness

Minnesota's PFAS Blueprint identifies strategies for PFAS management, from most desirable to least desirable, as preventing PFAS pollution wherever possible, managing PFAS pollution when prevention is not feasible, and cleaning up PFAS contaminated sites. To begin this work, the MPCA needs data on where PFAS are being used, and that starts with this proposed PFAS in products reporting and fees rule.

The MPCA currently has no rules that regulate PFAS in products. In the past several years, the Minnesota Legislature has recognized the need for regulation of PFAS chemicals and passed several laws to that effect. Those laws, to date, include:

- Minn. Stat. § 325F.072 Firefighting Foam prohibits certain uses of class B firefighting foam in Minnesota. The prohibition on testing and training with such foam took effect on July 1, 2020. A further prohibition on the manufacture, sale, distribution, and use of class B firefighting foam in the state took effect on January 1, 2024;
- Minn. Stat. § 325F.075 Food Packaging; PFAS, which took effect January 1, 2024, to prohibit the manufacture, distribution, and sale of a food packaging that contains intentionally added PFAS in the state; and,
- Minn. Stat. § 116.943 Products Containing PFAS, more commonly known as, "Amara's Law," which contains several stages of PFAS in products prohibitions and requirements for the agency to undergo rulemaking, including this proposed reporting and fees rule.

This proposed rule is reasonable because the Minnesota Legislature authorized the MPCA to develop rules related to products containing PFAS, as outlined in Minn. Stat. § 116.943. Even without the legislative authority for this rulemaking, and as outlined in this SONAR, PFAS chemicals pose risks to human health and the environment. As data pertaining to the toxicity associated with PFAS exposure continues to develop in coming years, having the information reported to the MPCA because of this rulemaking will contribute to ongoing monitoring and be crucial to future informed decision-making.

On the federal level, the EPA has initiated steps to regulate PFAS in products, as well as in other media. The EPA has expanded existing federal rules and acts to incorporate requirements for PFAS reporting and other regulations. Those rules, to date, include:

- In October 2023, the EPA published a final rule under 40 CFR Part 705 – Reporting and recordkeeping requirements for certain per- and polyfluoroalkyl substances, which outlines reporting and recordkeeping procedures for manufacturers (including importers) of PFAS under section 8(a)(7) of the Toxic Substances Control Act (TSCA);
- In October 2023, the EPA released a final rule pertaining to 40 CFR Part 372 Toxic Chemical Release Reporting: Community Right-to-Know, to eliminate an exemption that allowed facilities to avoid reporting PFAS emissions when those chemicals were used in small concentrations;

- In January 2024, the EPA finalized a new rule under 40 CFR Parts 9 and 721 – Per- and Poly-Fluoroalkyl Chemical Substances Designated as Inactive on the TSCA Inventory; Significant New Use Rule, that prevents manufacturers from resuming the use of 329 PFAS that are listed as “inactive” on the TSCA Inventory without EPA review and risk determination;
- In April 2024, the EPA issued the first national drinking water standard under 40 CFR Part 141 Subpart Z – Control of Per- and Polyfluoroalkyl Substances (PFAS), which establishes maximum contaminant levels in community water-systems and non-transient, non-community water systems for six PFAS; and
- In April 2024, the EPA finalized a rule that designates two PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

In addition to federal regulations, state of Minnesota agencies have established PFAS-related regulations including:

- The MDH has established HBVs for PFAS in drinking water; and
- Minn. Stat. § 115B contains the Minnesota Environmental Response and Liability Act (MERLA) requiring responsible parties to undergo remediation and cleanup of “hazardous substances,” PFAS are included under Minnesota’s definition of hazardous substances.

In addition to these finalized rules, the EPA has taken several other actions to address PFAS including nationwide monitoring for PFAS in drinking water, publishing toxicity assessments for specific PFAS, expanding data collection efforts on PFAS, requiring toxic release inventory (TRI) reporting of PFAS air emissions, initiation of rulemaking efforts to clean up PFAS contamination through the Resource Conservation and Recovery Act (RCRA), releasing effluent limitation guidelines for PFAS concentrations in leachate discharges from landfills, and releasing methods to measure PFAS in the environment.

As detailed above, the current regulatory framework surrounding PFAS in products includes several measures, notably those established by the EPA. This proposed rule is reasonable because it builds upon existing regulations while addressing the evolving challenges posed by PFAS contamination. The MPCA intends to utilize the data reported by manufacturers to inform future policy decisions and guide rulemaking processes. By leveraging this data, the MPCA aims to enhance its understanding of PFAS prevalence and impacts in products, which will be instrumental in shaping effective regulatory strategies moving forward. This approach aligns with the objectives outlined in the PFAS Monitoring Plan and Blueprint.

Ultimately, the legislative directive requiring manufacturers to report information on products containing intentionally added PFAS compels the MPCA to act, but the MPCA is committed to ensuring that Minnesota addresses the pressing issue of PFAS contamination and its effects on public health and the environment.

B. Specific Reasonableness

Minn. Stat. § 14.131 requires the MPCA to explain the facts establishing the reasonableness of the proposed rules. “Reasonableness” means that there is a rational basis for the MPCA’s proposed action. Explained in this section is the specific reasonableness of the proposed rules, together with an explanation of the need for each change.

This proposed chapter 7026 applies to all manufacturers of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS.

7026.0010 DEFINITIONS

Subpart 1. **Applicability.** A subpart 1 is proposed to establish that the following definitions will apply to all of chapter 7026 regulating PFAS in products. It is reasonable to propose a scope that identifies what rule chapter the definitions apply to for clarity.

Subpart 2. **Authorized representative.** A definition of “Authorized representative” is added to the rule to identify that each manufacturer must appoint a person to report on their behalf. The purpose of including this definition in rule is also to require manufacturers to include a point of contact in their reporting so that the agency can reach out if additional information or clarifications are needed. It is reasonable to define “authorized representative” because the agency intends to promote flexibility and understands that a variety of entities may be submitting reports, so including this definition will allow reporting by consultants, groups of manufacturers, associations, or any other identified representative.

Subpart 3. **Brand name.** A definition of “Brand name” is added to the rule so the MPCA can attribute a product containing intentionally added PFAS to the correct owner. This term is used in the Minn. Stat. § 116.943 definition of “Manufacturer” which means “the person that creates or produces a product or whose brand name is affixed to the product.” However, the term “brand name” itself is not statutorily defined. It is reasonable to define the term “brand name” because it clarifies who the manufacturer of a product is, and therefore who is responsible for reporting intentionally added PFAS in a product.

Subpart 4. **Brief description of the product.** A definition of “Brief description of the product” is added to the rule to outline how manufacturers should describe a product or group of products in order to distinguish them from other products offered for sale by other manufacturers. While other numerical codes will be useful to the agency for data analysis, providing a brief description of the products being reported will ensure public transparency. It is reasonable to propose a definition of “Brief description of the product” because it will allow the public to easily identify the types of products that manufacturers are reporting.

Subpart 5. **Chemical identifying number.** A definition of “Chemical identifying number” is added to the rule that provides a means to identify and cross-reference any and all information available on a particular chemical and provides examples of such identifiers. It is reasonable to propose a definition of “Chemical identifying number” because Minn. Stat. § 116.943 only required manufacturers to report CASRN, but not all PFAS compounds have CASRN affixed to them. By allowing manufacturers to report other “Chemical identifying numbers” for PFAS without a CASRN, the MPCA will receive more complete data. The legislature may not have anticipated that certain PFAS compounds lack CASRN, creating a gap in the statutory reporting requirements. The Agency has been given statutory authority to request any additional information as necessary to implement the requirements of this section, which includes asking for the specific amounts of each PFAS. Following input from PFAS working groups, the MPCA identified the need to expand chemical identification methods within the rule. Consequently, the MPCA included provisions recognizing alternative chemical identifiers. This approach is reasonable because it ensures that all PFAS types, including those without CASRN, are accurately identifiable and reportable, thereby supporting comprehensive data collection and effective regulatory oversight.

Subpart 6. **Chemical name.** A definition of “Chemical name” is added to the rule to identify the specific nomenclature of a chemical that has been established by the International Union of Pure and Applied Chemistry (IUPAC). Chemicals often have other names associated with them such as abbreviations, trade names, common names, and CASRN, so this definition is needed to distinguish the chemical name being cited. It is reasonable to propose a definition of “Chemical name” to provide clarity.

Subpart 7. **Component.** A definition of “component” is added to the rule to establish what elements are included or constituents of a product. The term “component” is used in the statutory definition of

“product” and “product component”; but, it is not defined itself. Similarly, the statute does not define packaging and, where packaging is considered an integral “component” and/or that packaging is the sole component of a product containing intentionally added PFAS, then the responsible manufacturer must report on that product. For clarity, this definition addresses what the term “packaging” means in the given context and references an existing definition for packaging found in Minn. Stat. § 115A.03. It is reasonable to reference an existing definition because it provides clarity to those subject to the rule.

Subpart 8. **Consumer.** A definition of “Consumer” is added to the rule to identify the persons receiving a product that is sold. The term consumer is used in the Minn. Stat. §116.943 definition of “product” but is not otherwise defined in statute. In the statutory definition of “product,” the consumer is referred to when they are using the product for personal, residential, commercial, or industrial use. The statute is specific to list commercial and industrial use and does not refer only to items sold at retail, for household or residential use. Because the statute refers to products also used in commercial or industrial settings it is reasonable to propose a definition of “Consumer” that refers more broadly to persons that acquire a product, regardless of its use in a residential or commercial setting.

Subpart 9. **Distribute for sale.** A definition of “Distribute for sale” is added to the rule to identify any means of transferring a product if the intention is to disseminate that product to a consumer. This phrase is used several times throughout Minn. Stat. §116.943 but is never defined. It is reasonable to propose a definition of “Distribute for sale” because it is used in other definitions in rule to identify the party responsible for reporting intentionally added PFAS in a product.

Subpart 10. **Fully fluorinated carbon atom.** Minn. Stat. §116.493 defines PFAS as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom; however, the term “fully fluorinated carbon atom” is not defined in Minn. Stat. §116.493. In order to clarify the statutory definition of PFAS, the rule clarified the term “fully fluorinated carbon atom.” The Agency definition of “fully fluorinated carbon atom” mirrors the definition adopted by the U.S. Geological Survey, the National Defense Authorization Act (NDAA), and other federal regulatory bodies. It is reasonable to incorporate the USGS definition of “fully fluorinated carbon atom” in this rule because it is an existing definition used in regard to PFAS substances and emerging contaminants as they relate to United States Code Title 15 Commerce and Trade. This ensures consistency with existing regulatory frameworks and supports effective enforcement of PFAS-related regulations.

Subpart 11. **Function.** A definition of “Function” is added to the rule to specify the role that the addition of PFAS serves when intentionally added to a product. Manufacturers reporting products or components with intentionally added PFAS will be required to report the function that the PFAS provides to the product or component. It is reasonable to propose a definition of “Function” because the MPCA’s list of Functional Use Categories and codes will include the 117 used by reporting manufacturers in the U.S. EPA’s TSCA Chemical Data Reporting (CDR) and PFAS reporting programs, plus additional functional use categories and codes from other authoritative organizations or reporting systems or commonly used by manufacturers in the “Other” category descriptions in U.S. EPA’s TSCA reporting programs. The MPCA received comments suggesting that the agency leverage the existing functional use categories and “F codes” which the U.S. EPA requires for its recurring CDR and current one-time PFAS reporting rule programs. The MPCA has done this, augmenting those with additional categories and codes from other reporting programs and from companies use and suggestions. The Agency's purpose is to get as many responses into standardized function categories rather than as customized, free-text entry descriptions by individual companies. Discouraging free-text entry of custom descriptions may also help in keeping descriptions of articles (finished products or components) out of function reporting and in product or component descriptions where they belong.

Subpart 12. **Homogenous material.** A definition of “Homogenous material” is added to define materials that are either uniform in their makeup or materials that cannot be separated into different materials by mechanical means. It is reasonable to propose a definition of “Homogenous material” because the MPCA is allowing manufacturers to group similar products comprised of these materials for the purposes of reporting. In order to allow that grouping, the MPCA needs to identify what constitutes “homogenous material” so that manufacturers are reporting their products containing intentionally added PFAS to the correct level of detail.

Subpart 13. **Identifiable element.** A definition of “Identifiable element” is added to the rule to narrow the scope of elements to the most distinct unit of an item that can be recognized. The term “identifiable element” is used in the definition of “component” as proposed in the rule. Because manufacturers are required to report any products or product components containing intentionally added PFAS, it is reasonable to propose a definition of “Identifiable Element” to provide clarity.

Subpart 14. **Manufacturer.** The proposed definition of “Manufacturer” in the rule clarifies the definition in Minn. Stat. §116.493. The rule inserts the phrase “has a product created or produced” into the definition to clarify the parties responsible for reporting under this rule. Similarly, the definition encompasses parties that either import or are the first domestic distributor of the product, whichever is first to sell, offer for sale, or distribute the product for sale in the state. It is reasonable to define “Manufacturer” in this way in the rule to clarify that companies that do not manufacture their own products are subject to the rule reporting and fee requirements. If the original manufacturer of a product lacks a presence in the United States, requiring the importers and first domestic distributors of those products to report ensures potential regulatory gaps are closed.

This comprehensive approach ensures all products entering Minnesota's market are subject to the same standards, regardless of origin, supporting transparency and enforcement.

Subpart 15. **Numeric product code.** A definition of “numeric product code” is added to the rule to outline the types of numeric codes affixed to a product that fall under this definition. Not all products have the same code system assigned to them. Common numeric codes include universal product code (UPC), stock keeping unit (SKU), harmonized tariff schedule (HTS) code, and others. It is reasonable to propose a definition of “Numeric product code” to provide clarity to manufacturers on the types of numeric codes that are included in this definition.

Subpart 16. **Packaging.** A definition of “packaging” is added to the rule to refer back to the Minn. Stat. § 3.9 section 115A.03. It is reasonable to refer back to an existing statute to ensure consistency in definitions.

Subpart 17. **Publicly available.** A definition of “Publicly available” is added to the rule because it is not defined but is used in 116.943 in subd. 3, specific to information requirement waivers, which may be provided if all or part of information required to be submitted is substantially equivalent and already publicly available. It is reasonable to propose a definition of “Publicly available” to clarify what data meets the requirements in statute. The definition excludes PFAS product data elements reported to EPA under their new TSCA PFAS reporting rule which are approved by the EPA as confidential business information (“trade secret” or “not public” in Minnesota) for two reasons: 1) those data would not be lawfully available to the general public, and 2) while MPCA could establish a way to get this confidential business information (CBI) data from EPA, the process is time-consuming, inefficient, and expends resources that are subject to change from one administration to another.

Subpart 18. **Significant change.** A definition of “Significant Change” is added to the rule because if the composition of a product changes, which results in the addition of a specific PFAS not previously

reported or a change in the amount of a specific PFAS being used in the product, it could move the product into a different concentration range as designated in the rule. It is reasonable to propose a definition of “Significant Change” because the reporting system will allow the MPCA to account for changes in how regulated parties are using PFAS in their products after initial information is reported. This will also allow the MPCA to track trends in PFAS use within products if there is a shift in the types of PFAS being used to fulfill a desired function in a product’s performance, or if the overall use of PFAS in products begins to increase.

Subpart 19. **Substantially equivalent information.** A definition of “substantially equivalent information” is added to the rule to clarify circumstances in which waivers may be granted. It is reasonable to propose a definition of “substantially equivalent information” because gaining access to complete information should not impose an undue burden in terms of resources required for collection and implementation. This approach encompasses fees, the number of locations to be accessed, and other relevant factors.

Subpart 20. **Used.** A definition of “Used” is added to the rule because the term “used” appears in Minn. Stat. § 116.943, subd. 8. Exemptions, but is not statutorily defined. The statute states that the Products containing PFAS section does not apply to “the sale or resale of a used product”. The proposed definition refers to products that have already been installed, operated, or utilized for their intended purpose or that are otherwise not pristine, but also identifies that products that have been returned to a retailer without having been installed, operated, or utilized are not included in the definition, regardless of the product’s physical condition. It is reasonable to define this term because it eliminates a potential loophole to the reporting requirements while also establishing the instances in which a product meets the definition of “used.”

7026.0020 PARTIES RESPONSIBLE FOR REPORTING

Subpart 1 identifies the entities that are required to report products containing intentionally added PFAS. It is reasonable to provide the scope of a proposed section of rule so that affected parties know whether a particular section applies to them or not. It is reasonable to notify all members of the supply chain that they must be aware of PFAS in the products that are being sold and to report the product containing PFAS accordingly.

Subpart 2 is proposed to allow one entity to report for the entire supply chain, but each entity within the supply chain will need to produce documentation that demonstrates that another manufacturer is reporting on their behalf. It is reasonable to allow a manufacturer to submit the reporting requirements for another manufacturer because of the large overlap in common components used throughout the manufacturing of complex products. The MPCA will allow a manufacturer to report on behalf of another manufacturer only if they meet the requirements proposed in this rule under items A to D. Detailed guidance on how reporting entities can submit on behalf of multiple manufacturers will be included in the reporting system instructions or in a supplemental guidance document. This information will be available once the reporting system’s functional capabilities are fully established, ensuring that entities have clear, practical steps for submission on behalf of multiple manufacturers.

Item A is proposed to require the reporting manufacturer to notify the other manufacturer that the reporting requirements have been fulfilled. This is needed because without this line of communication between manufacturers, there may otherwise be multiple reports submitted by multiple manufacturers for each product. This item is reasonable because it will prevent the submittal of duplicative data under the reporting requirements as the Agency seeks accurate data that is useful information for regulators and the public. This requirement is also reasonable to reduce the burden for manufacturers required to report by ensuring that manufacturers are not reporting information that has already been submitted on their behalf by another manufacturer.

Item B is proposed to require the manufacturer to maintain and provide documentation of the agreement reached with other manufacturer(s) in the supply chain to fulfill the reporting requirement. This section acknowledges that manufacturers may consolidate the reporting requirement through an agreement and clarifies that manufacturers should maintain and provide documentation of the agreement so it is clear which manufacturer is fulfilling the reporting requirement for that product or component. This requirement is reasonable because it is the responsibility of manufacturers to report on a product containing intentionally added PFAS. This item also requires the manufacturer to provide the documentation of their reporting responsibility agreement to the commissioner upon request. It is reasonable to require manufacturers to submit their reporting responsibility agreement so that the MPCA can verify that all reporting requirements for every manufacturer has been met.

Item C is proposed to require the manufacturer to verify that the data submitted on their behalf is still accurate and complete. This requirement is reasonable to ensure that the data submitted is representative of the products containing intentionally added PFAS being sold, offered for sale, or distributed in the state by the manufacturer.

Item D is proposed to require all manufacturers being represented in a submitted report to pay the associated fee regardless of whether the report is being submitted on behalf of a single manufacturer or a group of manufactures. This requirement is reasonable to ensure fair fee amounts to every manufacturer required to report.

7026.0030 INFORMATION REQUIRED IN REPORT

Subpart 1 identifies and clarifies the information that must be submitted to the commissioner in the required report. It is reasonable to notify the manufacturer of the data required in the report. The proposed deadline for submission of this report is January 1, 2026. This deadline is reasonable because it mirrors the statutory requirement in Minn. Stat. 116.943, subd. 2.

Subpart 1 also establishes the information that must be included in the report in items A to G.

Item A requires that the report include a product description. Under this item, subitems (1) and (2) are also proposed.

Subitem (1) is proposed to require manufacturers to submit a brief description of the product in their report. The term “brief description of the product” is defined in part 7026.0010 subpart 4. It is reasonable to require manufacturers to report a brief description of the product because it will allow the MPCA and the public to differentiate between the types of products that contain intentionally added PFAS. The brief description of the product is also proposed to be reported for any updates on the product in subsequent years.

This subitem also provides options under units (a) and (b) for a manufacturer to group similar products and components when reporting and sets forth the criteria in subunits i. to iv. for such grouping. It is reasonable to reduce the reporting burden on the manufacturer and to allow manufacturers to group similar products and components as it fulfills the reporting requirements. Grouping products or components by similar form, function, PFAS chemical concentrations, and chemical compositions allows for very complex products with a large number of components to be more easily reported and reduces the potential for collection of redundant information.

Subitem (2) is proposed to require manufacturers to submit numeric product codes associated with the product in their report. The term “numeric product code” is defined in part 7026.0010 subpart 15. It is reasonable to require manufacturers to report numeric product codes because it will allow the MPCA to track products using standardized codes. This subitem also contains a hierarchy of the most preferred to least preferred numeric product codes in units (a) to (d) and establishes that the most preferred

numeric product code must be reported if available. It is reasonable to offer multiple options for reporting numeric product codes because not all products have the same standardized codes assigned to them. It is reasonable to establish a hierarchy for the most preferred codes to ensure that the MPCA has data using the same codes for products, provided that the information is available to the manufacturer.

Unit (a) identifies codes with root digits harmonized under Global Product Classification system for consumer products, including brick or UPC codes, or the HTS system for imported products. It is reasonable to require manufacturers to report these codes, if available, because they facilitate accurate tracking and identification of products across supply chains and regulatory frameworks. By using existing standardized product codes, it enables more efficient data collection and analysis regarding PFAS content.

Unit (b) identifies non-harmonized codes such as Stock Keeping Units (SKUs). It is reasonable to allow manufacturers to report SKUs if the codes listed under unit (a) are unknown because SKUs provide an alternative method for tracking and identifying products within a specific company's inventory system where it does not make sense to use other codes such as UPC or HTS codes. Allowing the use of SKUs ensures that manufacturers can still comply with reporting requirements even if standardized codes are not available, thereby maintaining a level of accountability and transparency in product disclosure. It is reasonable to require manufacturers to report these codes, if available, because SKUs can facilitate internal tracking and management of products, assisting in the identification of items that may contain PFAS. This flexibility helps regulators and stakeholders access vital information about product compositions, enabling more effective monitoring of compliance with PFAS reporting requirements.

Unit (c) identifies numeric codes such as those listed on labels, listings, invoices, or receipts. It is reasonable to allow manufacturers to report these numeric codes if the codes listed under units (a) and (b) are unknown because having some sort of numeric code assigned to the product is more valuable than having none. It is reasonable to require manufacturers to report these codes, if available, because it will allow the MPCA to still distinguish the product from other products in the database. Even if the code is not exhaustive, having any form of numeric identifier enhances the MPCA's ability to effectively track, categorize, and manage products. This added detail strengthens data accuracy and ensures more efficient oversight compared to the absence of any product code.

Unit (d) identifies that if no numeric codes have been assigned, the manufacturer may report "none." It is reasonable to allow manufacturers to report no numeric product codes only if the codes listed under units (a), (b), and (c) are unknown because there may be some situations where a product does not have any numeric product codes assigned.

Item B requires that the report include the PFAS chemicals used in the product or components. Under this item, the manufacturer must report both the chemical name under subitem (1) and the chemical identifying number under subitem (2). The terms "chemical name" and "chemical identifying number" are defined in part 7026.0010 subparts 6 and 5, respectively. It is reasonable to require manufacturers to report this information because different PFAS chemicals have different levels of toxicity and persistence, and it is important for the MPCA to have specific data on the types of PFAS being used in products.

Item C requires that the report include the amount of PFAS chemicals in a product or components of a product made up of homogenous material. Under this item, subitems (1) and (2) are proposed as options to report the amount of PFAS chemicals in a product or components. Subitem (1) identifies PFAS concentrations that fall into ranges listed in units (a) to (i). This proposed rule language provides chemical concentration ranges to help manufacturers group similar products or components and to conceal sensitive trade secret or confidential business information related to chemical formulations used in the products reported. It is also reasonable to ask for concentration ranges instead of exact amounts to account for variation that may occur in product testing results, especially at lower concentration levels.

The Agency intends to require reporting of products that have <1% PFAS concentrations as they are not captured in other chemical reporting requirements such as federal PFAS TSCA reporting. The Agency proposed narrow ranges for the <1% concentration range but received feedback that some of the ranges would be too narrow to allow for claims of trade secrecy or CBI. Based on the recommendations received, the Agency combined some of the smaller concentration ranges in the proposed rule. Additionally, using the TSCA reporting ranges would leave a large gap between the 1% and 30% concentrations, so one additional PFAS concentration range is included in the proposed rule. The Agency considered narrow ranges within the <1% concentration bracket but received feedback from working groups that certain ranges were too specific to protect trade secrets or CBI. In response, the Agency combined some of these smaller concentration ranges. TSCA reporting ranges create a significant gap between the 1% and 30% concentration levels, prompting the inclusion of an additional PFAS concentration range in the proposed rule to address this issue.

Subitem (2) allows manufacturers to report Total Organic Fluorine (TOF) within each product or component if the amount of each PFAS is not known. It is reasonable to provide additional options for reporting PFAS to close gaps in product knowledge between supply chains and manufacturers. Manufacturers may provide a TOF concentration for a product or a component as an option when a supply chain is not able or not willing to provide exact PFAS data downstream. It is reasonable to allow facilities to report TOF because TOF levels are considered as a reporting option when specific chemicals are not known due to the difficulty and lack of standardized test methods for the majority of PFAS chemicals in various matrices.

Item D requires a manufacturer to report the function that each PFAS chemical provides to the product or its components. The term “function” is defined in part 7026.0010 subpart 11. It is reasonable to require manufacturers to report the function of PFAS in the product because PFAS chemicals can provide a wide range of properties to products. Knowing specifically why a certain PFAS is used in a product will help the Agency better understand the potential need for its use or if an alternative exists that can be used in its place. This information may also drive future policy and decision-making, and directly relates to whether the use of PFAS within the product is a “currently unavoidable use.”

Items E to G require the manufacturer to report manufacturer information as identified in subitems (1) to (3), authorized representative information as identified in subitems (1) to (4), and an alternative authorized representative’s information as identified in subitems (1) to (4).

Under item E, subitems (1) and (2) request general contact information for the manufacturer including name and address. It is reasonable to require a manufacturer to submit their name and location because this information will be used to differentiate between the data sets submitted to the Agency. Subitem (3) requests that the manufacturer provides their Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes. NAICS codes were requested from manufacturers based on internal feedback from MPCA staff that there would be a benefit to collecting NAICS codes for deeper understanding of the different industries that are using PFAS. SIC codes were

also added to account for manufacturers reporting from outside the countries covered by NAICS codes (Canada, Mexico, and the United States). It is reasonable to request manufacturers submit NAICS or SIC codes because they are standardized codes applied to industries and can typically be found publicly for a business. Manufacturers that possess NAICS codes should provide that code preferentially. This request can help streamline data analysis and reporting processes, as NAICS codes are designed to offer more detailed insights into industry sectors, particularly within North America.

Companies may have both a NAICS and an SIC code, especially if they operate in multiple countries or if their classification falls under different standards. Some companies might also only have one code based on their primary business activities or the region in which they operate. Therefore, specifying a preference for NAICS codes while allowing SIC codes acknowledges this duality and ensures comprehensive reporting. The collection of standardized codes, whether NAICS or SIC, enhances the Agency's ability to differentiate data sets effectively, analyze industry-specific trends, and assess the usage of PFAS across various sectors. This clarity in the rule could facilitate better compliance and cooperation from manufacturers.

Under items F and G, subitems (1) to (4) request general contact information for an authorized representative and an alternative to the authorized representative including name, address, email, and phone number. An authorized representative for each manufacturer was added to ensure that each reporting manufacturer can be contacted in case of employee turnover or change. It is reasonable to require manufacturers to submit contact information for the authorized representative and an alternative to the authorized representative because the MPCA may need to contact someone with follow-up questions or clarifications after the report is submitted.

Subpart 2 asserts that the manufacturer must submit the applicable fee under part 7026.0100, subpart 2, for the report submission to be considered complete. It is reasonable to add rule language that provides clarification indicating to which parts of the rule manufacturers should refer in order to meet the reporting requirements.

Subpart 3 asserts that a manufacturer that fails to submit the reporting requirements may be subject to penalties under Minn. Stat. §116.072. It is reasonable to add rule language that outlines the penalties should a regulated party fail to comply with the rule.

7026.0040 REPORTING UPDATES

Minn. Stat. § 116.943, subd. 2(5)(c), requires manufacturers to update their reporting information when a significant change has occurred.

Subpart 1 is proposed to provide clear expectations that updates to the initial report must be submitted annually by February 1. This deadline is reasonable because it allows one month for manufacturers to collect and sort any data needed to report that may have changed during the last year, especially in the months leading up to the start of a new calendar year.

Under subpart 1, items A to C establish under what circumstances an update to the initial report is needed.

Item A identifies a significant change in a product. The term “significant change” is defined in part 7026.0010, subpart 18. It is reasonable to require manufacturers to update their initial report following a significant change in a product because the Agency wants to ensure data is accurate and reflects what consumers will likely find when purchasing the products. Reporting significant changes also allows the Agency to follow trends that manufacturers may be taking to reduce or increase the use of PFAS chemicals in their products.

Item B identifies new product information provided to a manufacturer. It is reasonable to require manufacturers to update their initial report when new product information is provided to a manufacturer because the Agency has already received feedback from manufacturers that are working on collecting PFAS data from their supply chains that this is a scenario they have experienced. Due to complex international supply chains, there are often delays in responses or difficulties crossing language barriers to receive the proper information back.

Item C identifies a new product that is sold, offered for sale, or distributed in or into the state. It is reasonable to require manufacturers to update their initial report if a new product is sold in the state because the new product will also be subject to the proposed reporting rules and would not have been reported previously.

Subpart 2. outlines the information that must be included in the annual update to the initial report under part 7026.0030. It is reasonable to require the manufacturer to verify that the information submitted in the initial report under part 7026.0030 is still correct to ensure that the MPCA has the most accurate data available for those products.

Subpart 3. outlines that if no annual update to the initial report is needed, the manufacturer must still submit an annual certification of the information previously submitted. Requiring an annual certification is reasonable because it reduces the reporting burden for manufacturers that made changes by requiring them to only update their information once a year or reverify that the information previously provided has not changed. This also provides MPCA staff a clear time frame during which to expect updated data for further analysis and provides expectations for compliance.

Subpart 4 allows manufacturers the option to voluntarily update the initial report whenever PFAS is reduced or eliminated from a product or component or a change in manufacturer information occurs. It is reasonable to allow manufacturers to voluntarily submit this information because the MPCA wants information on when PFAS is reduced or eliminated as soon as it is available and will not charge manufacturers a fee to provide this information. This will also help keep consumers up to date on product information and allow the Agency to monitor trends in PFAS reduction or elimination as it occurs. The Agency did not want additional fees to hamper manufacturers from reporting a reduction or elimination of PFAS from their products, so it was determined that these voluntary updates outside of the required annual update and certification should be at no cost to the manufacturer.

Allowing manufacturers to submit a voluntary update for changes to manufacturer information will account for changes to a manufacturer's name, address, or SIC and NAICS codes. It is reasonable to require manufacturers to update their report if any of this information changes to ensure that the report reflects the correct information regarding the products containing intentionally added PFAS that are produced by that manufacturer. It is also reasonable to allow manufacturers to update their initial report when there is a change in contact information because the MPCA needs up-to-date contact information in order to contact the authorized representative or alternative to the authorized representative with any follow-up questions to the report. It is reasonable to assume that some contact information may change over the years as people change jobs or companies for which they work.

Subpart 5 asserts that the manufacturer must submit the applicable fee under part 7026.0100, subpart 3, for the annual update or certification submissions to be considered complete. It is reasonable to add rule language that provides clarification referring manufacturers to specific rule provisions in order to meet the reporting requirements.

Subpart 6 asserts that a manufacturer that fails to submit an update or recertification may be subject to penalties under Minn. Stat. §116.072. It is reasonable to add rule language that outlines the penalties should a regulated party fail to comply with the rule.

7026.0050 WAIVERS

Minn. Stat. § 116.943 subd. 3 allows the commissioner to waive all or part of the information required in reporting. The MPCA believes that waivers were added by the legislature to Minn. Stat. § 116.943 to reduce redundant PFAS reporting if similar information was required in other states proposing similar PFAS laws, or the new PFAS TSCA reporting requirements by EPA. At this point in time, there are no equivalent PFAS reporting requirements at the state or federal level that are collecting the data required by Minn. Stat. § 116.943.

Subpart 1 is proposed to reiterate the commissioner's authority to waive reporting requirements if substantially equivalent information is publicly available. Both the terms "substantially equivalent" and "publicly available" are defined in part 7026.0010, subparts 19 and 17, respectively. It is reasonable to establish under what circumstances the commissioner may waive reporting requirements so that manufacturers are not submitting waiver requests where information is not substantially equivalent nor publicly available. Waiver requests are intended to be used if a manufacturer decides to provide their information publicly.

Subpart 2 outlines the information required for a manufacturer to request a waiver from reporting. Under subpart 2, items A to F list the requirements of a waiver request.

Item A references the information required under chapter 7026.0030, subpart 1, items E to G. The proposed rule requires manufacturers to provide contact information when submitting a waiver request.

It is reasonable to request manufacturer information such as the company's name, address, and relevant industry classification codes (SIC or NAICS codes) to ensure that the Agency can accurately identify and categorize the manufacturer based on its industrial activities and regulatory obligations.

It is reasonable to request authorized representative information to ensure that the MPCA has contact information for an individual that has sufficient authority to oversee compliance with state regulations, provide accountability, and to ensure that the reporting process is properly managed.

It is reasonable to request alternative to the authorized representative information to ensure continuity of communication between the MPCA and the manufacturer, and to prevent delays in case of personnel changes or unavailability.

Item B identifies that the waiver request must include a description of the products or components. It is reasonable to require manufacturers to submit a description of the products or components they are requesting a waiver for because the Agency will need to know what products will be accounted for elsewhere if not reported into the Agency-approved reporting system.

Item C identifies that the waiver request must include a list of requirements under part 7026.0030 for which the manufacturer seeks a waiver. It is reasonable to require manufacturers to identify which requirements they seek a waiver for because it will help determine if the manufacturer is seeking a full waiver or partial waiver to the reporting requirements. Manufacturers may also submit a partial waiver if they have another entity reporting on behalf of some of the product components they use in their final product.

Item D identifies that the waiver request must include a description of any publicly available records that contain substantially equivalent information to that required under part 7026.0030. It is reasonable to require manufacturers to submit this information in the waiver request because, as outlined in subpart 1, the commissioner will only waive reporting requirements if it is determined that substantially equivalent information is publicly available. The Agency will have to confirm the publicly available information cited in the request in order to approve or deny the request.

Item E identifies that the waiver request must include a statement that verifies that the publicly available information is accurate. It is reasonable to require manufacturers to submit this information in the waiver request because, as outlined in subpart 1, the commissioner will only waive reporting requirements if it is determined that substantially equivalent information is publicly available. Manufacturers using the reporting system will be required to verify a similar statement of accuracy, so it is reasonable that those using the waiver to be held to the same standard. It is also reasonable to allow manufacturers to include verified data from third-party contractors with expertise in the relevant field to ensure the accuracy and compliance of publicly available information, providing an additional layer of credibility and consistency in the waiver review process.

Item F identifies that the waiver request must include a link to or copy of all publicly available and substantially equivalent information. It is reasonable to require manufacturers to submit this information in the waiver request because, as outlined in subpart 1, the commissioner will only waive reporting requirements if it is determined that substantially equivalent information is publicly available.

Subpart 3 asserts that the manufacturer must still submit a report for requirements that are not waived by the commissioner. It is reasonable to require the manufacturer to submit a report on the information not waived to ensure that the MPCA is still receiving any data that is not substantially equivalent or publicly available from another source.

Subpart 4 establishes that waiver requests to be submitted at least 30 days prior to the reporting due date. This deadline is reasonable because it provides the Agency time to review requests and provide a response to the reporting entity.

Under subpart 4, item A provides required actions if a request is denied by the commissioner. It is reasonable to allow 30 days from the notice of denial for the manufacturer(s) to report into the Agency-approved system due to the assumption that the manufacturer(s) requesting a waiver already has the required information available elsewhere outside of the reporting system.

Subpart 5 asserts that the manufacturer must submit the applicable fee under part 7026.0100, subpart 4, for the waiver request to be considered complete. It is reasonable to add rule language that clarifies to which parts of the rule manufacturers should refer in order to meet the reporting requirements.

7026.0060 EXTENSIONS

Minn. Stat. §116.943, subd. 3, allows for extensions on submitting the required information to the Agency if it is determined that more time is needed by the manufacturer to comply with submission requirements. Subpart 1 is proposed to reiterate the commissioner's authority to extend the deadline for submission of the report under part 7026.0030. It is reasonable to establish under what circumstances the commissioner may extend the deadline for reporting so that manufacturers can submit extension requests appropriately.

Subpart 2 establishes the necessary information that a manufacturer must provide when requesting an extension to the reporting deadline. These requirements ensure that the extension process is clear, transparent, and consistent for all reporting entities, while providing the MPCA with sufficient information to evaluate whether an extension is warranted. It is reasonable to require manufacturers to provide this information in extension requests to ensure that they have made progress toward fulfilling their obligations and are actively working to gather and report the required data. This provision helps maintain transparency and allows the Agency to assess whether the extension request is warranted based on the completeness of the data submitted.

The following items A to D outline the specific details that must be included in the request:

Item A references the information required under chapter 7026.0030 subpart 1 items E to G. The proposed rule requires manufacturers to provide contact information when submitting an extension request.

It is reasonable to request manufacturer information such as the company's name, address, and relevant industry classification codes (SIC or NAICS codes) to ensure that the Agency can accurately identify and categorize the manufacturer based on its industrial activities and regulatory obligations.

It is reasonable to request authorized representative information to ensure that the MPCA has contact information for an individual that has sufficient authority to oversee compliance with state regulations, provide accountability, and to ensure that the reporting process is properly managed.

It is reasonable to request alternative to the authorized representative information to ensure continuity of communication between the MPCA and the manufacturer, and to prevent delays in case of personnel changes or unavailability.

Item B requires the manufacturer to submit a reason for the extension request including a detailed explanation of the circumstances that prevent timely submission. This item requires the manufacturer to provide a detailed explanation of why additional time is needed to comply with the reporting requirements. It is reasonable to require that manufacturers clearly articulate the challenges they are facing in meeting the deadline, such as supply chain delays, lack of access to necessary information, or logistical issues. Requiring this justification ensures that the commissioner can assess whether the extension is necessary and appropriate.

Item C requires the manufacturer to submit supporting documentation, including any relevant documents that substantiate the need for an extension. This may include communication records with other manufacturers in the supply chain, evidence of technical challenges, or third-party testing delays. It is reasonable to require this evidence to prevent unwarranted extension requests and to ensure that requests are supported by verifiable issues that are beyond the manufacturer's control. This requirement enhances the integrity of the extension process and ensures that necessary and appropriate extensions are granted.

Item D requires the manufacturer to submit a plan for completing the required reporting within the extended deadline. The plan must outline how the manufacturer intends to address outstanding issues and ensure timely compliance by the new deadline. Requiring a plan for completion is reasonable because it provides the commissioner with assurance that the manufacturer has intent to meet the reporting requirements. It also prevents unnecessary delays and ensures that manufacturers are committed to completing their obligations in a timely manner.

Subpart 3 is proposed to require an extension request be filed 30 days before the reporting due date because the Agency needs sufficient time to review extension requests. This will also limit the extension to a reasonable deadline to ensure timely submission or continuation of good faith effort from the manufacturer(s) submitting a report.

Items A and B allows a 90-day extension which gives reasonable time for a manufacturer to procure more data from their supply chain or receive testing information from labs to compile the required information needed in reporting. This proposal is reasonable because the Agency recognizes that less than 90 days is too short a timeframe for most labs to turn around PFAS data based on known wait times from PFAS testing labs, or to receive more information from a supply chain based on feedback from manufacturers' experience.

Item C requires, in the event of an extension request denial, that a manufacturer must submit their report within 30 days of the notice of denial or the reporting due date, whichever is later. It is reasonable to require manufacturers to submit their report on this timeline should the extension be denied because it ensures that the data required in the report is still submitted in a timely fashion.

Subpart 4 asserts that the manufacturer must submit the applicable fee under part 7026.0100, subpart 5, for the waiver request to be considered complete. It is reasonable to add rule language that clarifies to which parts of the rule manufacturers should refer to meet the reporting requirements.

7026.0070 TRADE SECRET DATA REQUEST

During public request for comments on the PFAS reporting rule, the Agency received many comments requesting provisions to protect trade secret and confidential business information (CBI) during reporting.

Minn. Stat. § 13.37 governs data practices protocol and classifies data. In compliance with chapter 13, Subpart 1 of the rule establishes that some of the data submitted in the report may be classified as trade secret and, in items A to C, identifies data that may be considered in the trade secret data request. Such data includes the chemical name, chemical identifying number, and other data elements required by the commissioner through this rule which are not defined in Minn. Stat. § 116.943. These “other data elements” were expanded upon in subitems (1) and (2), including specific supply chain information such as customer lists, or other data that meet the definition of “trade secret information” as defined in Minn. Stat. § 13.37.

Subpart 1 is proposed to reference the procedure for a manufacturer to assert that the data they submit is a trade secret. The MPCA references existing rule language under part 7000.1300 that requires a person to submit a written request setting forth the statutory grounds and the reasons that justify the classification of records or other information as not public pursuant to Minn. Stat., § 13.37. It is reasonable to identify the process for manufacturers to affirmatively request data as not public and to allow the commissioner to efficiently, effectively, and uniformly, approve or deny the request. There may be instances where a manufacturer requests data as not public that does not meet the definition of trade secret information, and in those instances that information will be made public.

Items A and item B, which reference “chemical name” and “chemical identifying number” as defined in rule, are identified as trade secret data that may be considered as not public information because chemical names and chemical identifying numbers may be critical components of proprietary formulations. Public disclosure of this information could enable competitors to replicate or reverse-engineer products, undermining a manufacturer’s competitive advantage. Because these data points are reporting elements that may constitute a “formula” with independent economic value under Minn. Stat. § 13.37, it is reasonable to allow manufacturers to request trade secret protection. This approach aligns with established regulatory frameworks that balance transparency with the need to safeguard confidential business information.

Item C specifies supply chain details, including customer lists, represent critical business assets. Public disclosure could unfairly expose competitive strategies, supplier relationships, and market positioning, leading to economic harm. Protecting this information as a trade secret prevents competitive disadvantages and aligns with the broader intent of Minn. Stat. § 13.37 to safeguard proprietary business interests.

Subpart 2 requires a manufacturer with an approved request to provide the chemical subclass of intentionally added PFAS as public data. If a trade secret request is made for information required under part 7026.0030 subp. 1 item B, the PFAS chemical subclass must still be included in public-facing reports. This requirement is reasonable because it allows the manufacturer to maintain trade secrets while still providing data that is of interest to the public and environmental groups.

Subpart 3 is proposed to clarify that if a request for trade secret information is denied, it will be designated as public data. It is reasonable to add rule language identifying classification of the data if a request is denied.

Initially the Agency considered allowing manufacturers to request a specific amount of PFAS in the product be considered as “not public data”; but, in considering the administrative burden for approving not public data requests, and in the interest of protecting chemical formulations, the Agency decided to allow manufacturer(s) to report concentration ranges. The Agency also received feedback from stakeholders that the original concentration ranges may expose trade secrets, so the Agency adjusted some of the lower ranges of concentration allowed for reporting as addressed in rule under part 7026.0030 above.

7026.0080 DUE DILIGENCE

The MPCA recognizes that manufacturers rely on complex global supply chains, making it difficult to identify PFAS at various stages of production. The MPCA’s proposed rules under this section outline the steps manufacturers must take to gather information from other manufacturers in the supply chain, ensuring compliance with Minn. Stat. § 116.943 and this proposed rule.

Subpart 1 is proposed to make clear that a manufacturer must assume responsibility for reporting unless notification has been received from a manufacturer in the supply chain in accordance with part 7026.0020, subpart 2, confirming that the reporting requirements have been fulfilled. This subpart also states that if the manufacturer has not received this notification from another manufacturer in the supply chain, then they are subject to subparts 2 and 3. It is reasonable to propose rule language that clarifies the provisions manufacturers should follow in order to meet the reporting requirements.

Subpart 2 is proposed to require manufacturers or a group of manufacturers to actively engage with their supply chain to obtain the information required in the proposed part 7026.0030 of rule. It is reasonable to require manufacturers or a group of manufacturers to continue to request information from their supply chain until the reporting requirements can be fulfilled because PFAS can be present at various stages of product manufacturing and may be introduced at different points within the supply chain. By ensuring that manufacturers trace PFAS usage through multiple tiers of manufacturers in the supply chain, the MPCA can gather comprehensive and accurate data on PFAS in products, thereby preventing gaps in reporting that could undermine the rule’s effectiveness. This thorough approach ensures that all relevant PFAS data is captured, regardless of where in the supply chain the chemicals were introduced, promoting transparency and accountability across the entire manufacturing process. It also helps mitigate the risk of non-compliance, ensuring that no stage of the production process is overlooked and that the ultimate responsibility for accurate reporting is fulfilled.

By establishing these due diligence requirements, the MPCA aims to improve transparency regarding PFAS in products and reduce the risk of non-compliance. The framework allows manufacturers to share reporting responsibilities within the supply chain, minimize duplicative reporting and promote collaboration. Ultimately, the due diligence requirements support the MPCA’s broader goal of protecting public health and the environment by providing accurate and comprehensive information on PFAS use in Minnesota.

The rule also addresses expectations on retention time requirements for documentation related to reporting as outlined in subpart 3, items A to C. Item A requires a manufacturer or a group of manufacturers to maintain documentation of all communications between themselves and other manufacturers regarding PFAS reporting compliance. It is reasonable to require manufacturers to maintain this documentation because it provides proof that the manufacturer has met the due diligence requirements to engage with their supply chain. By maintaining these records, manufacturers demonstrate that they have actively engaged with their supply chain to gather the necessary information on PFAS content and usage. This engagement is essential to ensure the accuracy and completeness of the reported data. Without such documentation, it would be challenging to prove that the manufacturer has taken the required steps to investigate and obtain relevant PFAS information, especially if other manufacturers within the supply chain are reluctant or slow to provide data. The retention of these records ensures that, should a discrepancy or non-compliance issue arise, manufacturers can substantiate their efforts, protect themselves, and enhance overall transparency within the supply chain.

Item B requires a manufacturer or a group of manufacturers to provide requested records to the commissioner. It is reasonable to require manufacturers to provide these records because it ensures that the MPCA can monitor compliance effectively across all manufacturers and promote fair and equitable treatment in the enforcement of PFAS reporting requirements. Access to these records allows the MPCA to verify that manufacturers have taken the necessary steps to meet their obligations and have actively engaged with their supply chain. Additionally, by having access to this documentation, the MPCA fulfills its responsibility of providing accurate and complete data to the public regarding PFAS in products, which is crucial for transparency and maintaining public trust.

Item C requires a manufacturer or a group of manufacturers to maintain the records for at least five years after the products containing intentionally added PFAS are removed from the supply chain. It is reasonable to require a manufacturer to maintain these records because it ensures that documentation will be available for future reference or investigations related to PFAS use, even after the products are no longer on the market. This extended retention period allows the MPCA to verify compliance and trace the lifecycle of PFAS-containing products, which is particularly important given the long-term environmental and health risks associated with PFAS. The MPCA initially considered requiring manufacturers to maintain records for five years following the report submission, but this shorter retention period was deemed insufficient. The persistence of PFAS in the environment and their potential for long-term human exposure necessitate a longer record-keeping timeframe. Maintaining records for five years after the product is removed from the supply chain better aligns with the ongoing need for monitoring and enforcement, ensuring that the MPCA can access relevant data if questions or issues arise years after the initial reporting.

7026.0090 REPORTING EXEMPTIONS

Subpart 1 is proposed to list the products or information in items A to E that are exempt from the reporting requirements in this rule.

Items A to C reiterate the exemptions outlined in Minn. Stat. §116.943, subd. 8. It is reasonable to restate the exemptions provided in statute to provide clarity to manufacturers for what products are excluded from the reporting requirements.

Item D exempts items under Minn. Stat. § 116.943 subd 3(b) reported to the Minnesota Department of Agriculture (MDA). This exemption is applicable only to the component (i.e. a pesticide regulated under chapter 18B, a fertilizer, an agricultural liming material, a plant amendment, or a soil amendment regulated under chapter 18C) and not the product it is applied to. It is reasonable to provide an

exemption to these components because the data regarding intentionally added PFAS is already being reported to another state agency.

Item E is proposed because the Agency determined an additional exemption should be made to account for information that may be considered “classified information” under the US government classification system. The Agency received feedback and public comments questioning how sensitive data related to national security would be handled. Ultimately the Agency determined that MPCA staff would not have clearance to review that information, so it should not be required to be reported to the Agency. It is reasonable to provide an exemption for products or components considered classified information because it ensures that sensitive information related to national security is appropriately protected. Requiring the disclosure of classified information would create a significant risk of unauthorized access, as MPCA staff do not possess the necessary security clearances to handle such data. This exemption aligns with federal requirements for safeguarding sensitive information and prevents potential conflicts with national security protocols. Furthermore, it acknowledges the need to balance transparency in PFAS reporting with the protection of data that could compromise government security interests. By exempting classified information, the MPCA ensures that manufacturers can comply with both state regulations and federal security protocols without risk of violating confidentiality requirements.

Notably, certain safety and design standards (Federal Aviation Administration, DoD, Underwriters Laboratories, etc.) require the use of PFAS in materials and components; however, this general category is not specifically exempted from reporting. Only products or product components used for national defense under the classified information system are considered for exemption. If the same product or product components are used in applications not related to national defense, the use of PFAS in those products must be reported to the agency. To address this nuance, the proposed rule includes language that the products or components must meet the definition of “classified information” as defined in United States Code, title 18, section 798. Under this section of code, “classified information” means, “information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution.” It is reasonable to reference this definition to make clear the types and scope of products that are exempt from the rule.

The MPCA received public comments and additional concerns during the informal check-in work groups about information that would be considered classified for national defense reasons. The MPCA ultimately decided there should be an additional exemption added to reduce manufacturer(s) and Agency burden of attempting to get clearance to review classified information. The MPCA determined that requiring reporting of classified information was not within the intent of Minn. Stat. § 116.943 and did not want to risk compromising that information by requiring it in product reporting. The Agency was able to review the DoD’s report on Mission Critical PFAS Uses¹⁸ and can use this report to help supplement product reporting later in rule writing for the PFAS in Products Currently Unavoidable Use (CUU) rule.

7026.0100 FEES

Minn. Stat. §116.943, subd. 6, authorizes the Agency to establish fees to cover reasonable costs to implement the reporting rule.

Limited information on the number of manufacturers using PFAS in the state or country was available due to the limited scope of other federal reporting requirements (such as TSCA) or release or emissions

¹⁸ Department of Defense (DoD). (2023, August). *Report on Critical Per- and Polyfluoroalkyl Substance Uses*. <https://www.acq.osd.mil/eie/ee/ecc/pfas/docs/reports/Report-on-Critical-PFAS-Substance-Uses.pdf>

reporting (such as TRI). Due to the unknown scope of PFAS in products, the Agency made calculations based on estimations made by the EPA for PFAS TSCA reports and based on the amount of reporting extensions the state of Maine received for their original reporting requirements. The state of Maine received over 2,700 extension requests from manufacturers before their PFAS reporting laws were amended. In the EPA's report, "Initial Regulatory Flexibility Analysis and Updated Economic Analysis for TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances,"¹⁹ they estimated that there are 131,157 importers of articles potentially containing PFAS, and using their best professional judgement, estimated that around 10% or 13,116 of those importers would be reporting under TSCA. The MPCA does not expect that all parties that report under TSCA will have to report under this proposed rule due to differences in the respective requirements.

The Agency did not want to impose a per-product fee that would deter manufacturers from reporting to avoid excessive costs or to avoid manufacturers potentially grouping products beyond what was allowed for in rule. It was ultimately determined that a flat fee was the most reasonable approach and should be used on a per-manufacturer basis.

Subpart 1 states that a manufacturer must pay the associated fee in order for the submittal to be considered complete. It is reasonable to require manufacturers to submit the fee as part of a complete report or request because it ensures that the regulatory process is adequately funded and that the resources necessary for processing these submissions are available. By requiring the fee as part of a complete report, it promotes accountability and encourages manufacturers to provide thorough and accurate information from the outset. This approach also streamlines the review process, allowing regulatory agencies to prioritize and manage submissions effectively, thereby reducing delays and improving overall compliance with the reporting requirement.

Subpart 2 establishes a \$1000 flat fee per manufacturer for the initial report. It is reasonable to establish a fee to cover costs incurred for initial program implementation resulting from this rule. The MPCA estimates that between 5,000-10,000 manufacturers will be required to submit an initial report, and this fee would yield enough revenue to cover the costs associated with the implementation of the rule. More detail on the projected costs of program implementation can be found under section 10 of this SONAR.

Subpart 3 establishes a flat fee of \$500 per manufacturer for annual updates to the initial report. It is reasonable to establish a fee for annual updates because it will support the ongoing costs of maintaining the reporting platform and the administrative costs of maintaining and updating the reports. More detail on the projected ongoing costs of program maintenance can be found under section 10 of this SONAR.

Subpart 4 establishes the fee required for a reporting waiver. The manufacturer is required to pay the \$1000 flat fee associated with the initial report in subpart 2, or the \$500 flat fee associated with an annual update to the initial report in subpart 3. It is reasonable to establish a fee for waiver requests to cover allocated time to review and either approve or deny a waiver request from a manufacturer.

Under this subpart, item A is proposed to establish that if the waiver request is denied, the manufacturer would still be subject to the reporting requirements but would not be required to submit an additional fee. Although the review process for both approved and denied requests requires the same amount of staff time, the MPCA is proposing that waiver requests that are denied will not incur an additional fee when submitting the initial report or an annual update to the initial report. This approach

¹⁹ EPA (2024, November). *Initial Regulatory Flexibility Analysis and Updated Economic Analysis for TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances*.
https://www.epa.gov/system/files/documents/2022-11/2070-AK67_TSCA%20a7%20IRFA_11-25-22%20clean.pdf

ensures that manufacturers are not subject to duplicative fees and maintains fairness in the fee structure.

Subpart 5 establishes the fee required for an extension request. A \$300 flat fee per manufacturer is proposed. It is reasonable to establish a fee for extension requests due to the additional administrative work it will take to track a potential large amount of extension requests in a limited time frame. More detail on the projected costs can be found under section 10 of this SONAR.

Subpart 6 establishes conditions under which the fees are waived by referencing the proposed section of rule regarding voluntary updates (7026.0030 subpart 4). The MPCA is proposing that no fee is required for updates to a manufacturer's contact information. It is reasonable to waive the fee for a manufacturer to update their contact information because it is information that the MPCA needs, and it does not require staff time to review. This provision also proposes that no fee is required for updates to report the reduction or removal of PFAS chemicals from a product. It is reasonable to waive the fee for a manufacturer to report the reduction or removal of PFAS chemicals from a product because the MPCA wants information on when PFAS is reduced or eliminated as soon as it is available and will not charge manufacturers a fee to provide this information. This will also help keep consumers up to date on product information and allow the Agency to monitor trends in PFAS reduction or elimination as it occurs. The Agency did not want additional fees to hamper manufacturers from reporting reduction or elimination from their products so it was determined these voluntary updates outside of the required annual update would not cost anything.

Subpart 7 establishes adjustments to the fee schedule to account for inflation. Because the Agency set low flat rate fees for reporting to support ongoing administrative costs for this rule, the MPCA wants to ensure that the fees will be adjusted with inflation in future years to support the staff needed to review the data reported. Reporting is expected to run beyond 2032 and will have ongoing maintenance and administrative costs. It is reasonable to account for inflation in the fees because it will support the ongoing costs of maintaining the reporting platform and the administrative costs of maintaining and updating the reports.

6. Regulatory analysis

A. Description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The purpose of the proposed rule is to require reporting of PFAS in products offered for sale in Minnesota by manufacturers as defined in Minn. Stat. § 116.943 and this proposed rule. This rule will allow the MPCA to inform the public of PFAS in products and continue to pursue its mission to protect human health and the environment. The parties that will be most affected are manufacturers that sell products containing intentionally added PFAS that will be required to report, and the MPCA who will review the data reported, monitor, and enforce the rule. An indirect result of this rule is that Minnesotans will have a database to consult so they can be better informed of which consumer products contain PFAS and can take action to safeguard their health. The following are categories of affected groups. See section 6(E) for an analysis and presentation of the costs and benefits of the proposed rule to these groups.

i. Manufacturers that sell products containing intentionally added PFAS

As the PFAS in products reporting and fees rule is a unique reporting requirement in the country with no other similar requirements found in other state rules, it is difficult to estimate the number of manufacturers required to report. The required reporting will help the Agency understand the

widespread use of PFAS in products and narrow the scope of manufacturers that use PFAS in their products. The Agency estimates approximately 5,000-10,000 manufacturers may report into the new reporting system. This range is based on early estimates of expected manufacturers that will be required to report to the EPA under the federal PFAS reporting rule, 40 CFR Part 705, and based on the number of manufacturers that requested PFAS in product reporting extensions in the state of Maine prior to a statutory amendment altering such reporting.

Manufacturers are anticipated to bear minimal costs to comply with the reporting rule. The largest anticipated cost to manufacturers is the staff hours the manufacturer will need to compile complex data sets and format them for the reporting platform. Reporting fees will also be a cost to each manufacturer but are minimal flat fees.

Since reporting fees are minimal, the MPCA does not foresee costs passing to consumers. There is a potential for a reduction in product sales from consumers if they decide not to buy a product based on the presence of PFAS as reflected in the public-facing side of the reports. There is a possibility that a manufacturer will choose not to sell a PFAS containing product in the state of Minnesota if they determine that the burden and cost of reporting is too much. However, the MPCA anticipates most manufacturers will be minimally impacted by the cost of reporting.

ii. The MPCA

The MPCA will be the sole Minnesota government agency responsible for implementing, administering, and enforcing the proposed rule. This will require additional MPCA staff time from different programs within the Agency. The specific MPCA programs that will require additional staff and the anticipated costs for these staff are detailed below in Section 6(B).

iii. The public

While the proposed rule will not directly reduce PFAS in products, there are indirect and secondary benefits from the MPCA having more information about PFAS in products. This information could enable the MPCA to respond more quickly and effectively to new health-based data from PFAS exposure and pollution. However, consumers will be able to access new chemical data related to the products they are considering buying and help make more informed purchase choices. The reporting information will also increase awareness to the public about the widespread uses of PFAS. While the reporting is specific to products containing PFAS being sold in Minnesota, anyone will have access to the public facing information, even those outside of Minnesota.

B. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The MPCA will be the only Minnesota state agency with a responsibility to implement and enforce the proposed rule. Various programs within the MPCA will be involved, including data analysis, green chemistry and safer products, compliance and enforcement, and small business environmental assistance program (SBEAP).

An estimation of \$6.027 million has been posed as the cost of implementing PFAS reporting, fees, and currently unavoidable use rules over a period of nine years. The fees section of the reporting rule was developed to help recover the costs to implement rules related to Minn. Stat. § 116.943. Initial cost estimates from the “HF1000-1E-PFAS in Certain Products Prohibited Consolidated Fiscal Note”²⁰ are detailed below. These cost estimates account for full-time equivalent (FTE) staffing needs for rule and

²⁰ Brand, Jeff. (2023, March). HF1000-1E-PFAS in Certain Products Prohibited Consolidated Fiscal Note. <https://mn.gov/mmbapps/fnsearchlbo/?number=HF1000&year=2023>

program development, reporting system platform creation and maintenance, product purchasing and laboratory testing costs, and compliance and enforcement needs.

The Agency anticipates utilizing the Interstate Chemicals Clearinghouse (IC2) High Priority Chemicals Data System; an application that allows manufacturer(s) to submit data on chemicals in products, and for participating states and the public to access that reported data. The Agency is already a member of this association. However, the fiscal note estimated there to be an upfront cost of \$80,000 to integrate the system to accommodate Minnesota-specific requirements with annual ongoing maintenance costing an additional \$17,000 per year. After working with the contractors on the scope of work for build the system, the estimated cost is closer to \$260,000. To facilitate use of the data, the Agency may need to configure existing Agency data systems to acquire data from the IC2 data system and develop technology infrastructure for issuing waivers and conducting enforcement. The cost for information technology staff (0.25 FTE) and contractor time (232 hours) is estimated to be \$153,240.

Two program staff started in fiscal year 2024 (FY24): 1.5 FTE program staff to assist with rulemaking in FY24 and FY25 with the remaining 0.5 FTE focused on program development. At the close of rulemaking, these positions will transition to reviewing, analyzing, and responding to priorities identified, and enable and maintain the fee collection process. An additional two FTE will start in FY25 to aid with waiver generation and to monitor compliance with the reporting requirement. The MPCA hopes to realize efficiencies in compliance by sharing information among other states with similar notification laws. Starting in FY25, project dollars will include \$70,000 for purchase and testing of up to 80 products per year.

Program staff time not associated with rulemaking: $\$140,000 \times 0.5 \text{ FTE} = \$70,000$ in FY24 (program development and outreach), $\$140,000 \times 3.5 \text{ FTE} = \$490,000$ in FY25 and $\$140,000 \times 4 \text{ FTE} = \$560,000$ in FY26 and beyond (outreach, purchasing products and conducting testing, reviewing and analyzing data, processing waivers, and compliance and enforcement activities).

Rulemaking costs are assumed as follows:

Calculation for costs to complete the rulemaking required by the bill. Total of \$617,618.

- a) MPCA program staff, rule coordinator, and legal costs would be split over FY24 and FY25; Office of Administrative Hearings (OAH) and most *State Register* and miscellaneous costs are placed in FY25.
- b) Program staff: $140,000 \times 1.5 \text{ FTE} = \$210,000$ FY24 and FY25
- c) Rule coordinator: $140,000 \times 0.5 \text{ FTE} = \$70,000$ FY24 and FY25
- d) Legal: $\$148/\text{hr} \times 86 \text{ hr} = \$12,728$ (\$6,364 in FY24 and FY25)
- e) OAH: $\$245/\text{hr} \times 135 \text{ hr} = \$33,075$ in FY25
- f) *State Register* = \$7,890 (\$270 in FY24; \$7,620 in FY25)
- g) Hearing room, communication and general expenses = \$3,925 FY25

Additional information technology costs will be incurred to transfer data to Agency systems, build a user interface, and implement waiver generation technology. Costs are assumed as follows:

- a) MPCA data staff to complete analysis, build requirements, and test reports for internal systems: 0.5 FTE at \$140,000 = \$70,000 (\$35,000 in FY24 and \$35,000 in FY25)
- b) Contractor to build reports for internal systems: 232 hours at \$175/hr = \$40,600 (\$20,300 in FY24 and \$20,300 in FY25)

- c) Minnesota Information Technology Services Agency (MNIT) staff to set up data: 0.25 FTE at \$82/hr = \$42,640 (\$21,320 in FY24 and \$21,320 in FY25)

Starting in FY25; the Agency would budget \$70,000 annually for the acquisition and testing of products for PFAS. The price of products varies widely; more products may be purchased in a given year based on identified priority products and their price points. Products purchased and tested are limited by laboratory capacity and will be focused on verifications for products not already tested and reported by other states.

- a) \$150 per product (purchasing) for 80 products (\$12,000)
b) \$725 per product for analytical analysis for 80 products (\$58,000)

*The annual cost of 1.0 FTE is \$140,000 in FY2023-2027. Annual costs for 1.0 FTE include salary, fringe, and non-specialized employee support costs (workspace, computer and office supplies, office equipment, local travel, etc.)

C. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The purpose of this rule is to clarify the reporting process for manufacturers of PFAS in products offered for sale in Minnesota. This rule will allow the MPCA to inform the public and continue to pursue its mission to protect human health and the environment. Although the MPCA considered alternative methods for achieving this purpose, the MPCA reached the conclusion that there is no other thorough and effective way to achieve this purpose and meet the legislative intent.

The MPCA considered other methods of gathering information on PFAS in products, but they would not have the same results as the proposed rule. Those methods include:

- Using new data reported under TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances; however this reporting requirement has very different parameters required in reporting. The TSCA PFAS reporting asks for information on PFAS chemical manufacturing and PFAS containing article importation. The data is a retrospective look only at manufacturing and importation since January 1, 2011.
- Originally, at the time when Minn. Stat. § 116.943 as signed into law, the law provided that manufacturers could request a waiver if the data they reported was publicly available elsewhere, such as through the state of Maine's PFAS in products reporting system. The MPCA could have gathered existing information to reduce reporting burden and cost; however Maine's law has since been amended and broad PFAS in products reporting is no longer required in a way that would be sufficient to meet the requirements of Minnesota's required reporting.

D. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the Agency and the reasons why they were rejected in favor of the proposed rule.

The MPCA has examined the alternatives to this rule, which would ultimately require alternatives to the statute, that provide information to the public on PFAS in products and broaden the MPCA's understanding of where PFAS is widely used. Alternatives include:

Product Labeling

Product labeling alternatives would require PFAS chemical labels on products to gain knowledge on where PFAS is being used in products. This strategy was outlined in the Minnesota PFAS Blueprint; but, posed multiple challenges to implement. Only requiring product labeling would result in incomplete and inequivalent data that would be difficult to compile for larger public awareness and education without a

central database. This would also require manufacturers to make a change in their product production process which could lead to bigger costs to comply with Minn. Stat. § 116.943. Lastly, it would be extremely difficult for the MPCA to make sound data driven regulatory considerations in the future without a central database to capture all the information placed on product labels.

Testing Products

Testing products is a much more intrusive and costly endeavor to obtain knowledge on where and how PFAS is being used in products. The high cost of staff time and expenses to run lab analysis on such tests made this alternative infeasible. In addition, without knowing exactly what chemicals to test for, it would be nearly impossible to get an accurate picture of what PFAS are used in which products. The Agency would also be unable to determine the function of the PFAS within the product. There is no realistic means to comprehensively test all relevant products to cover the scope of the reporting requirements proposed in rule.

Voluntary Reporting by Manufacturers

The MPCA has previously developed voluntary reporting for other programs, but with varying degrees of success. When reporting is voluntary, there is no incentive to report accurate data. The MPCA could attempt to curb this barrier by increasing the ease of reporting, but without a mandatory reporting rule there will still be manufacturers that fail to report or report conservatively rather than accurately.

Per Product Fees

Fees for reporting are based on a “per manufacturer” flat rate. The Agency considered using a “per product” fee structure, however, there were concerns that it would lead to manufacturers under reporting. A “per product” fee structure could also have a potential to result in disproportionate impact to small businesses.

No Reporting

The last consideration would be to forgo the reporting requirements under Minn. Stat. § 116.943. This option would require an amendment to the current law and would result in a loss of crucial data needed for the MPCA to make sound regulatory decisions. The PFAS in products rules set out to gather an unprecedented amount of data on PFAS chemicals uses and functions in products. While the reporting rule is limited to those manufacturers that are selling products containing intentionally added PFAS in Minnesota, the publicly available data from the reports would be useful to a wide breadth of interested parties outside of the state as well. The total extent of PFAS uses are still widely unknown and only in the recent years have started to be understood. Without the proposed reporting rule and the data collected as a result, the Agency would not be able to make well informed decisions on future PFAS regulation such as the currently unavoidable use PFAS rule. Consumers will also lack a centralized database to help make informed purchasing decisions for products they use every day.

E. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

As detailed in Section 6(A), the primary party that will be affected and will bear the costs associated with the proposed rule will be manufacturers that sell products containing intentionally added PFAS. Costs to manufacturers may include internal staff costs or costs of hiring external consultants to complete the reporting obligations. Fees associated with reporting will be minimal—\$1000 for the initial year of reporting and \$500 annually afterwards. Besides additional staff time, whether internal staff or external consultants, and reporting fees, it is not expected that manufacturers affected by this rule will need any other operational or capital resources to fulfill the reporting obligations.

The MPCA has determined that it will likely need to hire additional staff to cover the need for product testing for compliance and enforcement. The Agency has already started testing food packaging products for PFAS in a related PFAS prohibition law (Minn. Stat. § 325F.075) and has found the process of procuring, prepping, cataloging, and analyzing results to be more time consuming than originally anticipated. Since reporting is such a wide scope for this rule, it is expected that testing result follow up and enforcement actions will also require additional staff.

This rule will not cost anything to the public to implement.

F. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

The alternative to not adopting the proposed rule would result in a continuation of the current lack of reporting and knowledge of products containing intentionally added PFAS. The main consequence of not adopting the proposed rule is forgoing the benefits that PFAS in products reporting would provide. These benefits are not necessarily quantifiable, but rather qualitative data that could be used to drive future policy and rulemaking.

Without the PFAS in products reporting and fees rule, the MPCA will be unable to clarify the legislative directive under Minn. Stat. § 116.943 that requires manufacturers to report. The Agency will face difficulty making sound, data-driven decisions if the extent of PFAS in products remains unknown. The MPCA has begun to document locations where PFAS is found in the environment and how it is impacting Minnesota citizens' health. Without knowing the actual sources of PFAS within products, it is difficult to make decisions on a product's essential use within society. The MPCA aims to pinpoint where PFAS is entering the environment, from cradle to grave, and make the most impactful decisions based on a comprehensive database.

The PFAS in products reporting will create an educational public resource where people will be able to understand what toxic substances may be present in a product they purchase. The data required to be reported in this rule will help increase awareness of potential exposure routes to PFAS as well. The data can also help increase understanding of where it is essential in society to use these chemicals and why they are being used. The Agency understands the benefit these chemicals can provide to product function, but also considers the potential for negative impacts to human health and the environment. Having access to a comprehensive wealth of data on the use of these chemicals will be critical to working towards preserving function in products that are essential to the health, safety, and functioning of society without sacrificing the health and wellbeing of those within that society.

Without the required reporting rule, businesses would continue to operate in a "business as usual" manner and may lack a deeper understanding of the potentially toxic chemicals they are using in their products. Without being required to work through their supply chains to gain this knowledge, they may never address the use of these chemicals in their products. PFAS has been relatively unregulated until recently, and often industry will not work to replace these toxic substances unless legally required or enough public pressure is put on the industry to change. In addition, some businesses may not know these chemicals are in their products until required to research the use of them within their products. Without implementation of the reporting rule, it would be difficult for industry and regulators to fully understand where PFAS chemicals need to be regulated in the first place. Lastly, it would be difficult for manufacturers to argue the essential need of PFAS in their products for the upcoming Currently Unavoidable Use (CUU) rule if the manufacturers and the Agency do not fully understand where and why the chemicals are being used.

G. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

Minn. Stat. § 14.131 requires that the MPCA consider the proposed amendments in relation to the corresponding federal requirements. In addition to this requirement to benchmark with the federal program, there is an additional requirement in Minn. Stat. § 116.07, subd. 2 (f), that requires the MPCA to benchmark with the federal program, other states bordering Minnesota, and other states within US EPA Region 5. The assessment is discussed in section 13 of the SONAR.

The MPCA submitted a report to the legislature in February of 2024 on the potential for fee collection options for PFAS reporting implementation and took an in-depth look at existing chemical reporting requirements on other state and federal levels. Below is an overview of existing chemical reporting that was outlined in that report.

Federal EPA TSCA Reporting:

The CDR under the TSCA requires that facilities report on the manufacture, processing, or use of chemical substances in commerce exceeding 25,000 pounds per year. Data collection under the CDR occurs approximately every four years. Reporting requirements change to some degree for each data collection cycle. Note that reporting under the CDR includes facilities producing or manufacturing PFAS within Minnesota or importing PFAS into the country; interstate importation is not covered by this reporting requirement. There is only one Minnesota business that has reported either the manufacture or use of PFAS since 1998.

A new TSCA rule promulgated in October 2023, under TSCA Section 8(a)(7), will require onetime retroactive reporting for PFAS manufacture for commercial purposes, in any amount, from 2011 through December 2022. Facilities that are importers of PFAS as a chemical substance, chemical mixture, and/or articles containing or that may contain PFAS are also subject to reporting requirements under this rule.

The new reporting requirement under Section 8(a)(7) will capture data from facilities that may manufacture or have historically manufactured quantities of PFAS less than the 25,000-ton minimum threshold for CDR reporting and have therefore not reported thus far. Further, unlike the CDR, the new TSCA rule does not have any small manufacturer exemptions, nor are importers of articles containing or potentially containing PFAS exempt from reporting.

Reporting under the new Section 8(a)(7) rule is due in 2026 (the due date has been extended out from the original 2025 date due to delay in updating the reporting system). As under the CDR, considerations for CBI will apply, so it is likely that many reporters under the new Section 8(a)(7) rule will claim confidentiality, making access to data more difficult to anyone outside of the EPA. The new TSCA Section 8(a)(7) rule will provide additional onetime information about historical PFAS use, but the reporting requirement is not ongoing.

The TSCA PFAS reporting requirements will provide a lot of new chemical manufacturing data but will be historical information from a limited time frame and does not cover the detail of use of those chemicals in the wide breadth of products the Minnesota reporting rule is aiming to capture.

State Required Reporting:

Some states have promulgated rules to address gaps in the understanding of PFAS use. For example, the Massachusetts Department of Environmental Protection (MassDEP) specifically requires reporting on PFAS use under the Toxics Use Reduction Act (TURA). MassDEP's reporting requirements are based on TRI-reportable PFAS compounds and thresholds, so limitations remain for facilities using less than 100 pounds of PFAS per year.

Many states have introduced bills to require PFAS in products reporting including the following:

- Kentucky introduced H.B.1169 in 2024, the bill establishes a reporting requirement for manufacturers that intentionally include PFAS in products manufactured for sale or distribution in the state.
- Virginia introduced HB245, in 2024, the bill requires all facilities that have engaged since January 1, 2021, in the manufacture of or knowing use in the production process of one or more chemicals listed as PFAS to produce a one-time report on the use of such chemicals.
- Illinois introduced HB 3092 in 2023, the bill establishes a publicly accessible data collection interface that manufacturers shall use to report certain data about products that contain intentionally added PFAS.

Most notably, the state of Maine passed 38 M.R.S. §1614, Products Containing PFAS, which the state of Minnesota based their own product reporting requirements on. The state of Maine has since amended their law and now only requires reporting information on products seeking a currently unavoidable use exemption.

At this point in time, Minnesota is leading the way on gathering unique in-depth reporting information on where and why PFAS chemicals are used in products.

H. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

Minn. Stat. § 14.131 defines “cumulative effect” as “the impact that results from incremental impact of the proposed rule in addition to the other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

Minnesota’s PFAS in products reporting requirements are the only of its kind on the state or federal level. There will be no significant cumulative burden to report this information to the state. The data will also be available to the public so other states’ government agencies will have access to our information. Other state agencies looking to implement PFAS in products reporting may be able to leverage this publicly available data to reduce reporting burden on affected parties.

7. Environmental justice policy

The MPCA has a long-standing commitment to addressing environmental justice (EJ) concerns, particularly in communities that have historically been disproportionately impacted by environmental hazards. The Agency’s formal engagement with environmental justice began in the mid-1990s, following national directives aimed at safeguarding vulnerable populations. This commitment was reinforced through Presidential Executive Order 12898, issued in 1994, which directed all federal agencies to prioritize environmental justice by identifying and mitigating disproportionate environmental and health effects on minority and low-income communities.

This executive order built on Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. As a recipient of federal funding, the MPCA is required to adhere to these standards, ensuring that its programs, policies, and enforcement actions do not contribute to unjust environmental outcomes. The Agency’s Environmental Justice Framework, last updated in 2022, serves as a guide for integrating these principles into all facets of its work, including the development of regulations such as the PFAS reporting rule.

To emphasize this commitment, the MPCA's environmental policies and regulatory efforts are guided by a core principle: ensuring that all communities, particularly those historically marginalized, have an equitable voice in environmental decision-making. As part of this approach, the MPCA affirms:

"The Minnesota Pollution Control Agency expects the fair treatment and meaningful involvement of communities of color, Indigenous communities, and low-income communities in agency actions and decisions that affect them. It is the policy of the MPCA that an outcome of its work, in addition to protecting and improving the environment and public health, must address environmental justice concerns."
Meaningful Involvement happens when:

- *People have an opportunity to participate in decisions about activities that may affect their environment and/or health;*
- *The public's contribution can influence the regulatory agency's decision;*
- *Community concerns are considered in the decision-making process; and*
- *The decision makers seek out and facilitate the involvement of those potentially affected.*
- *Communities of color, indigenous communities, and low-income residents have a right to live in conditions that support a healthy and fulfilling life. The MPCA is committed to using its authority and influence to identify and support opportunities that improve environmental conditions and reverse generations of environmental inequities in areas of concern, enhancing environmental quality, and providing economic opportunities for future generations of Minnesotans."*

As outlined in the MPCA's Environmental Justice (EJ) Framework²¹, the Agency is committed to ensuring that its rules and policies are fair, equitable, and developed with input from all Minnesotans, particularly those from communities most affected by environmental issues. When undertaking rulemaking, the MPCA carefully considers how the impacts of a proposed rule are distributed across Minnesota and actively works to engage all residents in the rule development process. This proactive approach ensures that all voices, particularly those historically underrepresented, are heard and included in decision-making. Although this level of analysis is not required under the Administrative Procedures Act (Minn. Stat. ch. 14), the MPCA includes a review of the impacts and meaningful involvement as part of the SONAR to align with the Agency's broader mission of addressing disparities in exposures and impacts.

The MPCA defines areas of concern for EJ as areas in Minnesota that, based on the most recent data published by the United States Census Bureau, meets one or more of the following criteria²²:

- 40 percent or more of the area's total population is nonwhite;
- 35 percent or more of households in the area have an income that is at or below 200 percent of the federal poverty level;
- 40 percent or more of the area's residents over the age of five have limited English proficiency; or
- The area is located within Indian country, which is defined as federally recognized reservations and other Indigenous lands.

Equity analysis

The MPCA does not anticipate that the proposed rule will result in negative environmental consequences. Rather, the Agency expects that the rule will yield benefits for communities in

²¹ Brooks, Ned (MPCA). (2022, May). Environmental Justice Framework. <https://www.pca.state.mn.us/sites/default/files/p-gen5-05.pdf>

²² Understanding environmental justice in Minnesota. (Accessed October 25, 2024). <https://www.pca.state.mn.us/about-mpca/environmental-justice>

environmental justice areas. The intent of the PFAS reporting rule is to enhance transparency and accountability regarding the presence of PFAS in products sold or distributed within Minnesota. By requiring manufacturers to report the intentional addition of PFAS in their products, the rule aims to:

- **Protect Public Health:** Gather critical data on PFAS usage to assess and mitigate potential health risks associated with exposure to these substances, especially in vulnerable populations.
- **Inform Regulatory Decisions:** Enable the MPCA and other stakeholders to make informed decisions regarding the management, regulation, and remediation of PFAS contamination in the environment.
- **Enhance Environmental Justice:** Address the disproportionate impacts of PFAS exposure on low-income and communities of color by prioritizing the collection of data in areas where these communities are more likely to be affected.
- **Promote Transparency:** Provide the public with accessible information about the presence of PFAS in consumer products, empowering communities to make informed choices and engage in advocacy for environmental health.
- **Support Remediation Efforts:** Facilitate the identification and cleanup of contaminated sites by establishing a clear inventory of PFAS-containing products, aiding in the reduction of environmental pollution.
- **Encourage Alternatives:** Stimulate the development and use of safer alternatives to PFAS in manufacturing processes and products, ultimately reducing reliance on these harmful substances.

Table 3: Benefits for low-income communities, people of color, and Native American lands.

Requirements beyond EPA:	Expected added benefits:
Comprehensive PFAS Reporting for All Products	Increased transparency regarding PFAS presence in consumer products, enabling informed choices, especially for vulnerable communities.
Community Engagement and Outreach Programs	Enhanced awareness and education about PFAS risks, empowering low-income communities and communities of color to advocate for their health.
Specific Health Risk Assessments for Affected Communities	Targeted public health interventions can be implemented to reduce exposure in populations disproportionately affected by PFAS contamination.
Public Access to PFAS Data	Communities can actively monitor and address local contamination issues, facilitating collective action and remediation efforts.
Inclusion of Local Knowledge in Decision-Making	Empowering community members to share their experiences and insights can lead to more effective regulatory actions tailored to local needs.
Development of Culturally Relevant Health Resources	Tailored information and resources that resonate with the specific needs of diverse communities, improving understanding and compliance.
Regulatory Oversight on PFAS	Enforcement of regulations that may disproportionately impact low-income communities and communities of color.
Reporting on PFAS Commitments and Progress	Increases accountability and transparency, enabling communities to track progress and understand the impact of regulations on their health and environment.

Meaningful involvement

To ensure meaningful involvement in the development of the proposed PFAS reporting rules, the MPCA has actively engaged with stakeholders throughout the process to solicit input and feedback. Recognizing the critical importance of including all voices, particularly those from historically marginalized communities, the MPCA has undertaken targeted outreach efforts to inform and involve affected populations. This outreach has included hosting public meetings, informational sessions, and distributing accessible materials designed to explain the proposed rules and their potential impact on public health. These efforts aim to ensure that communities most affected by PFAS contamination are not only informed but have the opportunity to contribute meaningfully to the rulemaking process. Through these engagements, the MPCA strives to foster trust, transparency, and a more equitable regulatory approach.

Throughout the development of the proposed PFAS reporting rules, the MPCA has engaged stakeholders to gather input and feedback. The MPCA has made concerted efforts to inform affected communities about the proposed rule. This outreach includes meetings, informational sessions, and distribution of materials that explain the implications of PFAS reporting and its importance for public health.

During the formal public comment period, all interested parties, including community members and organizations, are encouraged to submit their comments and perspectives regarding the proposed rule. The MPCA recognizes that community input is vital in shaping effective regulations and addressing the unique concerns of those most impacted by PFAS contamination.

Data collected on PFAS will play a crucial role in future health risk modeling and assessments, informing both the public and decision-makers about the risks associated with these pollutants. The MPCA encourages community members to identify areas of concern based on reported data. By sharing information about PFAS sources, the Agency aims to empower communities to advocate for their health and environmental well-being.

Once the PFAS reporting rule is implemented and emissions data is routinely updated, communities will have the opportunity to engage with this information on a publicly available website. This ongoing engagement will allow residents to track changes and identify emerging areas of concern, fostering a proactive approach to community health and safety.

8. Notice plan

Minn. Stat. § 14.131 requires that an agency include in its SONAR a description of its efforts to provide additional notification to people or classes of person who may be affected by the proposed rule or must explain why these efforts were not made.

The MPCA uses GovDelivery, a self-subscription service for interested and affected parties to register to receive rule-related notices and other information. Request for notification by US Mail is also available. The Agency lists its rule projects on its Public Rulemaking docket. Once projects are active (i.e., no longer listed as a future project), a self-subscription GovDelivery list for that specific rule is established and an electronic notice sent to all subscribers to the MPCA's New Rulemaking list, encouraging everyone interested in the topic of the new project to subscribe to its list. The webpage for each rulemaking project also includes a link to subscribe to its GovDelivery topic listing.

In addition, the Agency purchases email lists from the Association of Minnesota Counties and the League of Minnesota Cities to reach out to new government officials who may not be familiar with the MPCA's GovDelivery service—these officials include Commissioners, County Board Chairs, Planning and Zoning Administrators, Solid Waste Officers, City Managers, Administrators, Assistant Administrators, Clerks, Deputy Clerks, and other chief appointed city officials. The MPCA periodically sends an electronic message inviting these individuals to subscribe to topics that interest them; the most recent copy of this message went to the listed government officials on March 4, 2024.

A. Notice

Request for Comments

For this rulemaking, the first notice required by Minn. Stat. § 14.101, subd.1, is the Request for Comments (RFC). The MPCA published the RFC on Planned New Rules Governing Reporting by Manufacturers Upon Submission of Required Information About Products Containing PFAS, in the *State Register* on September 25, 2023. An RFC for the PFAS in products fees rulemaking was published in the *State Register* on September 24, 2023. The two rules were combined, and a new RFC was published in the *State Register* on November 18, 2024. To inform the public, the MPCA notified interested parties who are subscribed to the "Rulemaking: PFAS" GovDelivery list, of the RFC the same day it was published. The GovDelivery notice was sent to the 2,175 subscribers to the list, at that time. Also on the same date, the MPCA provided specific notice of the RFC to the designated water tribal contact persons for Minnesota Tribal Nations. This electronic notice contained the information in the September 25, 2023, GovDelivery notice about the RFC. The MPCA maintains a list of contacts for the 11 federally recognized tribes in Minnesota. As explained in Section 3 above, GovDelivery is a self-subscription service for interested and affected persons to register to receive rule-related notices via email.

In addition, the MPCA also posted the RFC, the same day it was published in the *State Register*, on the MPCA's webpage for this rulemaking at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>.

The remaining required notifications are listed below with a description of how the MPCA will comply with each.

1. Minn. Stat. § 14.14, subd. 1a. On the day the proposed rules are published in the *State Register*, the MPCA will send an electronic notice using GovDelivery with a hyperlink to the webpage where electronic copies of the Notice, SONAR and the proposed rules can be viewed. The GovDelivery notice will be sent to all parties who have registered with the MPCA to receive notices of "Rulemaking: PFAS." Parties who are registered to receive non-electronic notice will receive copies of the Notice and the proposed rules via U.S. mail. Both the electronic and U.S. mail notice will be sent at least 33 days before the end of the public comment period.
2. Minn. Stat. § 14.116. The MPCA will send a cover letter by electronic or U.S. mail to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule amendments as required by Minn. Stat. § 14.116. The letter will include a link to electronic copies of the notice, proposed rules, and SONAR. This notice will be sent at least 33 days before the end of the comment period.
3. Minn. Stat. § 14.116 also states that if the mailing of the notice is within two years of the effective date of the law granting the Agency authority to adopt the proposed rules, the Agency must make reasonable efforts to send a copy of the notice and SONAR to all sitting house and senate legislators who were chief authors of the bill granting the rulemaking. This requirement applies because Minnesota Session Law – 2023, Chapter 60, H.F. No. 2310 (Minn. Stat. § 116.943) which was

authored within the past two years grants the MPCA rulemaking authority specifically for these rules.

4. Minn. Stat. § 14.111. If the rule affects agricultural land or farming operations, Minn. Stat. § 14.111 requires an agency to provide a copy of the proposed rule to the Commissioner of Agriculture no later than 30 days before publication of the proposed rule in the *State Register*. The proposed rule is not expected to impact agricultural land or farming operations. However, as a courtesy the MPCA will send an electronic copy of the proposed rules to the Commissioner of Agriculture at least 30 days before publication in the *State Register*.

B. Additional notice plan

Minn. Stat. § 14.14 requires that in addition to its required notices:

“each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication.”

The MPCA considered these statutory requirements governing additional notification and, as detailed in this section, intends to fully comply with them. In addition, as described in Section 2, Public participation and stakeholder involvement, the MPCA has made reasonable efforts, thus far, to notify and involve the public and stakeholders in the rule process, including various meetings and publishing the RFC.

The MPCA intends to request that the Office of Administrative Hearings (OAH) review and approve the Additional Notice Plan, pursuant to Minn. R. 1400.2060. The MPCA’s plan to notify additional parties includes the following:

1. Publish its Notice, proposed rules, and SONAR on the MPCA’s webpage for this rulemaking at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>.
2. Provide specific notice to tribal authorities. The MPCA maintains a list of the 11 federally recognized tribes in Minnesota and updates the list quarterly. The MPCA will send electronic notice to the designated tribal contact of Minnesota’s tribal communities. The notice will be sent on or near the day the proposed rules are published in the *State Register* and will have a hyperlink to the webpage where electronic copies of the Notice, proposed rules, and SONAR can be viewed.
3. Provide specific notice to the 35 commenters that submitted comments during the RFC public comment period. Electronic or U.S. mail notice will be sent to these commenters on or near the day the proposed rules are published in the *State Register* and will have a hyperlink to the webpage where electronic copies of the Notice, proposed rules, and SONAR can be viewed.
4. Provide specific notice to associations and environmental groups. Electronic or U.S. mail notice will be sent to the following associations and environmental groups on or near the day the proposed rules are published in the *State Register* and will have a hyperlink to the webpage where electronic copies of the Notice, proposed rules, and SONAR can be viewed.
 - AdvaMed
 - Air-Conditioning, Heating, and Refrigeration Institute (AHRI)
 - Alliance for Automotive Innovation
 - Alliance for Telomer Chemistry Stewardship
 - American Chemistry Council’s Performance Fluoropolymer Partnership

- American Coatings Association (ACA)
- American Honda Motor Co.
- American Watch Association (AWA)
- Animal Health Institute (AHI)
- Asahi Kasei Corporation, Japan
- Association of Equipment Manufacturers (AEM)
- Association of Home Appliance Manufacturers (AHAM)
- Association of Metropolitan Municipalities
- Association of Minnesota Counties
- Baker Hughes
- Battery Association of Japan (BAJ)
- Best Technology
- Beveridge & Diamond, PC
- BioPhorum
- Business Institutional Furniture Manufacturers Association (BIFMA)
- Center for the Polyurethanes Industry (CPI)
- Chemical Users Coalition (CUC)
- Claigan Environmental Inc.
- Clean Water Action Minnesota
- Clean Water Minnesota
- Commscope
- Coalition of Manufacturers of Complex Products
- Coalition of Greater Minnesota Cities
- Cookware & Bakeware Alliance (CBA)
- Consumer Brand Association
- Consumer Technology Association
- Datwyler Pharma Packaging USA Inc.
- DuPont de Nemours, Inc
- Electric Hydrogen
- Emerson Electric Co.
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- Flow Control Coalition
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- Halon Alternatives Research Corporation Inc. (HARC)
- Hitachi Enery USA Inc.
- Honeywell
- Hussmann Corporation
- Household & Commercial Products Association (HCPA)
- IDEXX Laboratories Inc.
- Intel Corporation
- Iwaki America
- Izaak Walton League Minnesota Chapter
- Japan Business Machine and Information System Industries Association (JBMA)
- Japan Electric Measuring Instruments Manufacturers' Association (JEMIMA)
- Japan Fluorocarbon Manufacturers Association (JFMA)
- Japanese Federation of Medical Devices Association (JFMDA)
- Japanese Electric and Electronic Industrial Associations (JP4EE)
- John Crane Inc.
- Kindeva Drug Delivery L.P.
- King County (WA) Hazardous Waste Program
- Kluber Lubrication NA LP
- Lac-Mac Limited
- League of Minnesota Cities
- Leech Lake Band of Ojibwe
- Medical Alley
- MEMA, The Vehicle Suppliers Association
- Metropolitan Council
- Minnesota Association of Small Cities
- Minnesota Chamber of Commerce
- Minnesota City/County Management Association
- Minnesota Center for Environmental Advocacy
- Minnesota Environmental Partnership
- Minnesota Environmental Science and Economic Review Board
- Minnesota Grocers Association
- Motorcycle Industry Council, Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association
- Mozarc Medical
- National Electrical Manufacturers Association (NEMA)
- National Marine Manufacturers Association (NMMA)
- Natural Resources Defense Council (NRDC)
- Nippon Electric Control Equipment Industries Association (NECA)

- OE Electrics Inc
- Outdoor Power Equipment Institute (OPEI)
- Pacific Industrial Co.
- Panasonic Corporation of North America
- PCB Piezotronics
- Performance Fluoropolymer Partnership
- Personal Care Products Council
- PFAS Pharmaceutical Working Group (PPWG)
- Plumbing Manufacturers International (PMI)
- Polar Semiconductor
- Polaris Industries Inc.
- Power Tool Institute
- PSG
- ResMed Pty Ltd
- RTX (Aerospace and defense company)
- SEMI
- Semiconductor Industry Association (SIA)
- Sierra Club North Star Chapter
- Smith Sport Optics
- SPX Flow Technology Germany
- Solvay America, Inc.
- Steam Thermal Solutions
- Sustainable PFAS Action Network (SPAN)
- Syensqo Group
- Taco, Inc.
- Tecan US Inc.
- The Rechargeable Battery Association
- Thermo Fisher Scientific
- Trelleborg Sealing Solutions
- Truck and Engine Manufacturers Association (EMA)
- Unigasket Group
- Valmet Inc. and Valmet Flow Control Inc.
- Viking Enterprise Solutions (a division of Sanmina Corp.)
- Vision Council
- W. L. Gore & Associates
- Water Legacy
- Watson-Marlow Fluid Technology Solutions (WMFTS)
- Waygate Technologies

- Whirlpool Corporation
- Wilo USA LLC
- Window & Door Manufacturers Association
- YAGEO Group

Note: some members of these entities may already subscribe to receive GovDelivery notices about this rulemaking.

Pursuant to Minn. Stat. § 14.14, subd. 1a, the MPCA believes its regular means of notice, including publication in the *State Register* and on the MPCA's proposed rules webpage (<https://www.pca.state.mn.us/get-engaged/proposed-rules>) and the webpage for this rulemaking will adequately provide notice of this rulemaking to persons interested in or regulated by these rules.

9. Performance-based rules

Minnesota Stat. § 14.002 requires that state agencies, whenever feasible, develop rules that are flexible and not overly prescriptive, ensuring they focus on achieving regulatory objectives while providing maximum flexibility for both the regulated parties and the MPCA. In alignment with this statute, the MPCA aims to create rules that offer clarity and adaptability, making compliance as straightforward as possible for manufacturers and other regulated entities. The MPCA fulfills this requirement by employing various approaches designed to balance the need for effective regulation with flexibility in implementation. These approaches include:

Product Grouping: Manufacturers can report similar products and similar product components together rather than individually, simplifying the reporting process and reducing the administrative burden.

Concentration Ranges: The rule allows manufacturers to report PFAS content in concentration ranges instead of requiring precise measurements, offering flexibility in data submission and protecting trade secrets.

Trade Secret Protections: The rule includes provisions for manufacturers to protect confidential business information by submitting trade secret requests, ensuring sensitive data is safeguarded.

Extension Requests: Manufacturers facing challenges in meeting deadlines can request extensions, allowing for more time to ensure compliance with the reporting rule.

Reporting on behalf of other entities: The rule provides options for a manufacturer to report on behalf of another manufacturer if they provide products in various supply chains. This reduces the burden of duplicative reporting on manufacturers.

10. Consideration of economic factors

In accordance with Minnesota Stat. § 116.07, subdivision 6 and Minnesota Stat. § 115.43, subdivision 1, the MPCA must give due consideration to a range of economic factors when exercising its regulatory powers. These statutes require the MPCA to account for:

"...the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances..."

In developing the proposed PFAS reporting rules, the MPCA has carefully evaluated the economic impact on businesses, municipalities, and other stakeholders. The objective is to implement a regulatory framework that achieves environmental goals without imposing undue financial burdens. To ensure this balance, the MPCA has adopted a fee structure designed to minimize costs for reporting entities while maintaining regulatory oversight and effectiveness.

Manufacturer(s) will face low initial and annual fees. For the initial report, each manufacturer will pay a flat fee of \$1000. If an entity reports on behalf of multiple manufacturers, each manufacturer will still be subject to the \$1000 fee. For annual updates to the initial report, a flat fee of \$500 will apply per manufacturer. Additionally, manufacturers requesting an extension to the reporting deadline will be charged a \$300 fee for the application. Waivers, where manufacturers can apply for an exemption from reporting directly into the state's reporting system if the information is already substantially equivalent and publicly available, will still be required to provide the payment of the initial \$1000 reporting fee.

This fee structure ensures that businesses can comply with the PFAS reporting requirements at a reasonable cost while maintaining the MPCA's ability to monitor and manage PFAS data effectively. By keeping fees low, the MPCA supports economic feasibility for manufacturers without compromising public health and environmental protection.

To meet these statutory requirements, the MPCA conducted an economic analysis as discussed in Section 6 of this SONAR, "Regulatory Analysis." This analysis examines the potential economic impacts of the proposed PFAS reporting rules, ensuring they remain practical and feasible while balancing regulatory obligations.

11. Consult with MMB on local government impact

As required by Minn. Stat. § 14.131, the MPCA will consult with Minnesota Management and Budget (MMB). The MPCA will do this by sending MMB copies of the documents sent to the Office of the Governor for review and approval on the same day we send them to the Governor's Office. The MPCA will do this before publishing the Notice of Hearing in the *State Register*. The documents will include the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The MPCA will include a copy of the cover correspondence and any response received from MMB in the rulemaking record the MPCA submits to the Office of Administrative Hearings (OAH) at the hearing or with the documents it submits for Administrative Law Judge (ALJ) review.

12. Impact on local government ordinances and rules

Minn. Stat. § 14.128, subd. 1, requires an agency to make a determination of whether a proposed rule will require a local government to adopt or amend any ordinances or other regulation in order to comply with the rule.

The MPCA has determined that the proposed amendments will not have any effect on local ordinances or regulations. Local governments are not required to oversee reporting or fees for chemicals in products in their ordinances, so there will be no additional burden or effect on them.

13. Costs of complying for small business or city

Minn. Stat. § 14.127, subds. 1 and 2 require an agency to "determine if the cost of complying with a proposed rule in the first year after the rule takes effect will exceed \$25,000 for: (1) any one business that has less than 50 full-time employees; or (2) any one statutory or home rule charter city that has less than ten full-time employees." A small business may face costs that exceed \$25,000 when it comes to

the FTE's or cost to hire a consultant to assist with reporting. The MPCA's SBEAP may be able to assist small businesses with understanding and complying with the reporting requirements under this rule. The SBEAP currently assists small businesses with other MPCA reporting requirements, such as the annual air emissions inventory, and may be able to offer similar assistance to small businesses subject to this rule.

There will be no cost to facilities to use the Agency's reporting database with exceptions of minimal flat fees charged per manufacturer to submit a report.

There should be no cost of complying with the rule for cities, because cities are not manufacturing nor distributing for sale products containing intentionally added PFAS.

14. Differences with federal and other state standards

Minn. Stat. § 116.07 subd. 2 requires that for proposed rules adopting air quality, solid waste, hazardous waste, or water quality standards, the SONAR must include an assessment of any differences between the proposed rule and existing federal standards adopted under the Clean Air Act, title 42, section 7412(b)(2); Clean Water Act, United States Code, title 33, sections 1312(a) and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title 42, section 6921(b)(1); similar standards in states bordering Minnesota; and similar standards in states within the US EPA Region 5; and a specific analysis of the need and reasonableness of each difference.

A. Differences with Federal Standards

Minnesota's proposed PFAS reporting rule offers a proactive framework that aligns with federal regulations under the Toxic Substances Control Act (TSCA), specifically Section 8(a)(7). This section requires comprehensive reporting of PFAS manufactured or imported in the U.S. since 2011, focusing on historical data collection to enhance accountability. The EPA aims to characterize the sources and quantities of manufactured PFAS, ensuring a clearer understanding of their prevalence in the market.

However, the implementation of this federal requirement has faced challenges, including significant delays attributed to budget constraints and resource limitations. The EPA's ongoing efforts to fully discern the data reported as a result of the TSCA reporting requirements has been hampered by inadequate funding, impacting their ability to effectively monitor and manage PFAS-related risks.

Minnesota's rule addresses these challenges by establishing a robust and efficient reporting system that actively monitors PFAS in products sold within the state. This proactive approach ensures that Minnesota can gather essential data on PFAS while the federal program faces delays, effectively safeguarding public health and the environment from potential contaminants.

The TSCA PFAS reporting requirements will provide new chemical manufacturing data; however, the data will consist of historical information from a limited time frame that does not cover the detail of PFAS use within the myriad of products reported. For that reason, the EPA's rule and the MPCA's proposed rule are not directly comparable, but it is reasonable to propose a reporting rule that accounts for ongoing use of PFAS in products so the Agency can understand trends in PFAS use over time. This information will also be crucial as ongoing studies occur and data is published on the persistence and toxicity of PFAS and how exposure may affect the environment and human health.

B. Differences with Other State Standards

In contrast to Minnesota's approach, Maine has recently changed its PFAS reporting requirements under Public Law 2021, c. 477, An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution due to an amendment made to their PFAS reduction laws under Public Law 2023, c. 630, An Act to Support

Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances. As a result of this amendment, product reporting in Maine will only be required now for products applying for currently unavoidable use exemption. Minnesota aims to fill the knowledge gap of PFAS in products by implementing a comprehensive and flexible reporting system. It is reasonable to propose a rule that requires manufacturers to report all products containing intentionally added PFAS to the Agency, not just those seeking a currently unavoidable use exemption, to understand the full scope of PFAS use within products.

Additionally, Minnesota's rule incorporates critical elements such as product grouping, concentration ranges, and trade secret protections, allowing manufacturers flexibility while still achieving regulatory objectives. Minnesota's reporting rule is the first and only of its kind at this point in our country. Many states are looking at our state as a leader in this area. It is reasonable to propose a rule that is not directly comparable to rules promulgated by other states, because the data collected as a result of this rule will include public information that may inform future policy and decision-making in those other states as well.

Minnesota's proactive PFAS reporting rule stands as a necessary response to the limitations of both federal and state-level monitoring efforts. By establishing a strong framework, Minnesota can better protect public health and the environment from PFAS impacts, setting a precedent for effective regulatory practices in neighboring states facing similar challenges.

Unlike other state rules, the MPCA is proposing to charge a fee associated with the reporting requirements in rule. These fees will cover some of the costs of implementation of the rule. Minnesota's PFAS reporting rule is distinguished as one of the only comprehensive programs nationally that requires manufacturers report products containing intentionally added PFAS. Unlike Maine's revised reporting requirements, which now apply solely to currently unavoidable use (CUU) applications with a corresponding fee, Minnesota's rule takes a broader approach, incorporating a fee structure to support thorough data collection and analysis on PFAS usage in products. This fee structure is essential for enabling the MPCA to manage program administration efficiently, including processing submissions, maintaining the reporting system, and ensuring regulatory compliance, without additional costs to taxpayers.

The inclusion of fees in Minnesota's rule is a reasonable measure, as it allows the Agency to uphold a comprehensive reporting system with minimal financial impact on public funds. Given the significant public health and environmental benefits expected from enhanced PFAS monitoring, Minnesota's rule presents a viable and sustainable framework for PFAS regulation. This approach may serve as a model for other states considering similar legislation, offering an effective way to address PFAS impacts on both state and national levels.

15. Authors, witnesses, and SONAR exhibits

A. Authors

- 1) Andria Kurbondski, PFAS Pollution Prevention Program Lead, Resource Management and Assistance Division, MPCA, is a technical lead in this rulemaking.
- 2) Joshua Swanson, PFAS Pollution Prevention Program Specialist, Resource Management and Assistance Division, MPCA, is a technical lead in this rulemaking.

- 3) Peder Sandhei, Green Chemistry and Safer Product Program Coordinator, Resource Management and Assistance Division, MPCA, is a technical lead in this rulemaking.
- 4) Derric Pennington, Economic Policy Analyst, Environmental Analysis and Outcomes Division, MPCA, is the economist for this rulemaking.

B. Witnesses and other staff

- 1) For the scheduled hearing, the Agency anticipates having the listed authors testify as witnesses in support of the need for and reasonableness of the rules.
- 2) Emily McMillan, MPCA. Emily is a associate general counsel attorney to the Agency and will introduce the required jurisdictional documents into the record.
- 3) Quinn Carr, MPCA. Quinn is the project rule coordinator and will testify on any Minnesota Administrative Procedures Act process questions.
- 4) Megan Saley, MPCA. Megan works in compliance and enforcement for the Agency and provided insight into the implementation of the proposed rule.

16. Conclusion

In this SONAR, the Agency has established the need for and the reasonableness of each of the proposed rules under new Minn. R. Ch. 7026. The Agency has provided the necessary notifications and, in this SONAR, documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.



Katrina Kessler, P.E.
Commissioner

March 28, 2025
Date

From: [Carr, Quinn \(He/Him/His\) \(MPCA\)](#)
To: reports@lrl.mn.gov
Subject: PFAS in Products: Reporting and Fee Rule
Date: Tuesday, April 22, 2025 8:24:00 AM
Attachments: [image001.jpg](#)
[legislative reference library.pdf](#)
[c-pfas-rule1-07-Statement of Need and Reasonableness.pdf](#)

Good morning,

Please see the attached cover letter and SONAR for the MPCA's PFAS in Products: Reporting and Fee Rule. Let me know if you have any questions!

Take care,
Quinn

Quinn Carr, M.A. (he/him/his) | Rule Coordinator
Minnesota Pollution Control Agency (MPCA)
Resource Management and Assistance Division
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VIA EMAIL

April 22nd, 2025

Legislative Reference Library
sonars@lrl.leg.mn

In the Matter of Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule; Revisor's ID Number Revisor's ID Number RD-4828; OAH Docket No. 5-9003-40410

Dear Legislative Reference Library:

The Minnesota Pollution Control Agency intends to adopt rules relating to PFAS in Products: Reporting and Fees for manufacturers selling these products in Minnesota. We published a Notice of Hearing in the April 21st 2025, *State Register*.

We have prepared a Statement of Need and Reasonableness. As required under Minnesota Statutes, sections 14.131 and 14.23, we are sending the library an electronic copy of the Statement of Need and Reasonableness at the same time that we are sending our Notice of Intent to Adopt Rules.

If you have any questions or concerns, please contact me at Quinn.Carr@state.mn.us or 651-757-2722.

Sincerely,

A handwritten signature in black ink that reads 'Quinn Carr'.

Quinn Carr
MPCA Rule Coordinator

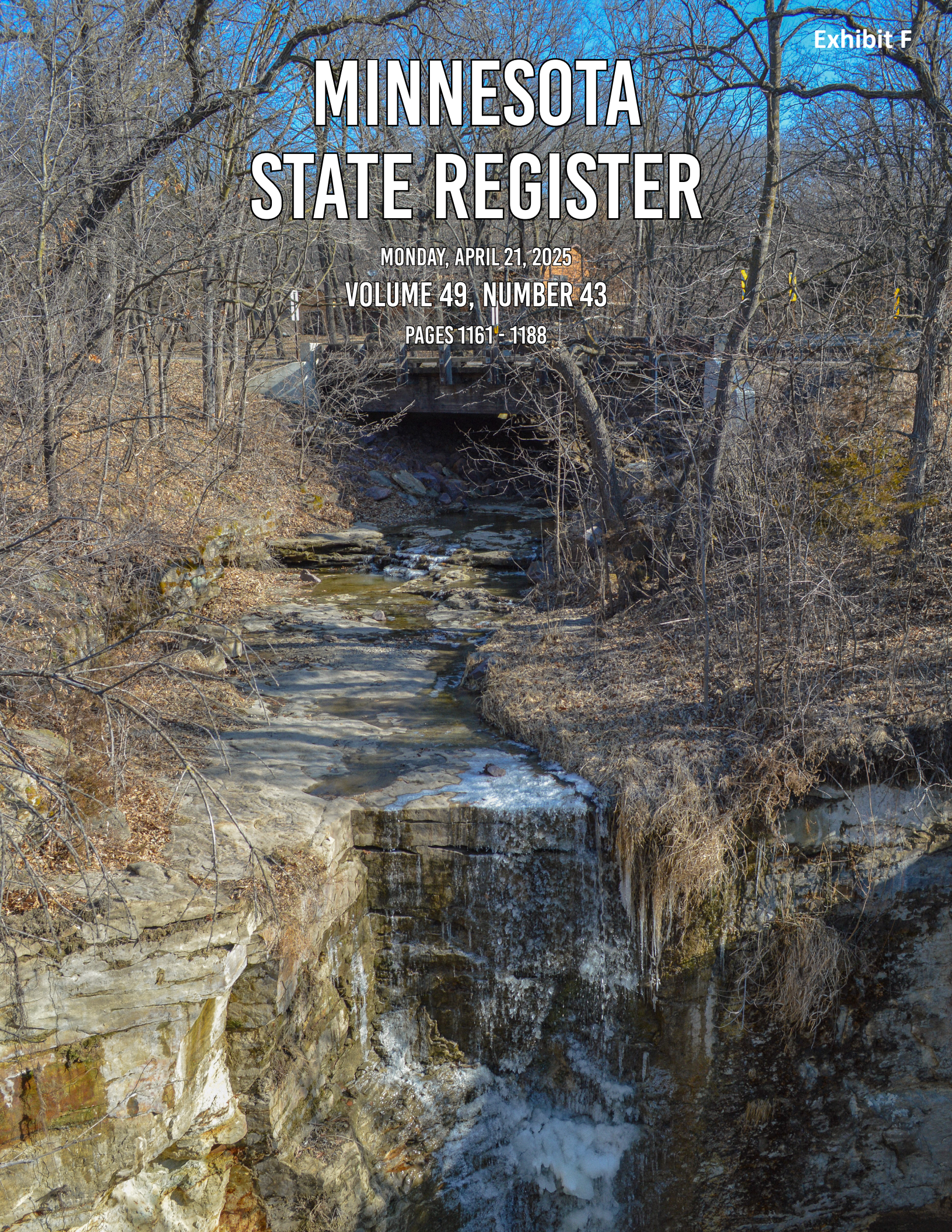
Enclosure: Statement of Need and Reasonableness

MINNESOTA STATE REGISTER

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PAGES 1161 - 1188



Minnesota State Register

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The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

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- Appointments
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- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 49 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#44	Monday 28 April	Noon Tuesday 22 April	Noon Thursday 17 April
#45	Monday 5 May	Noon Tuesday 29 April	Noon Thursday 24 April
#46	Monday 12 May	Noon Tuesday 6 May	Noon Thursday 1 May
#47	Monday 19 May	Noon Tuesday 13 May	Noon Thursday 8 May

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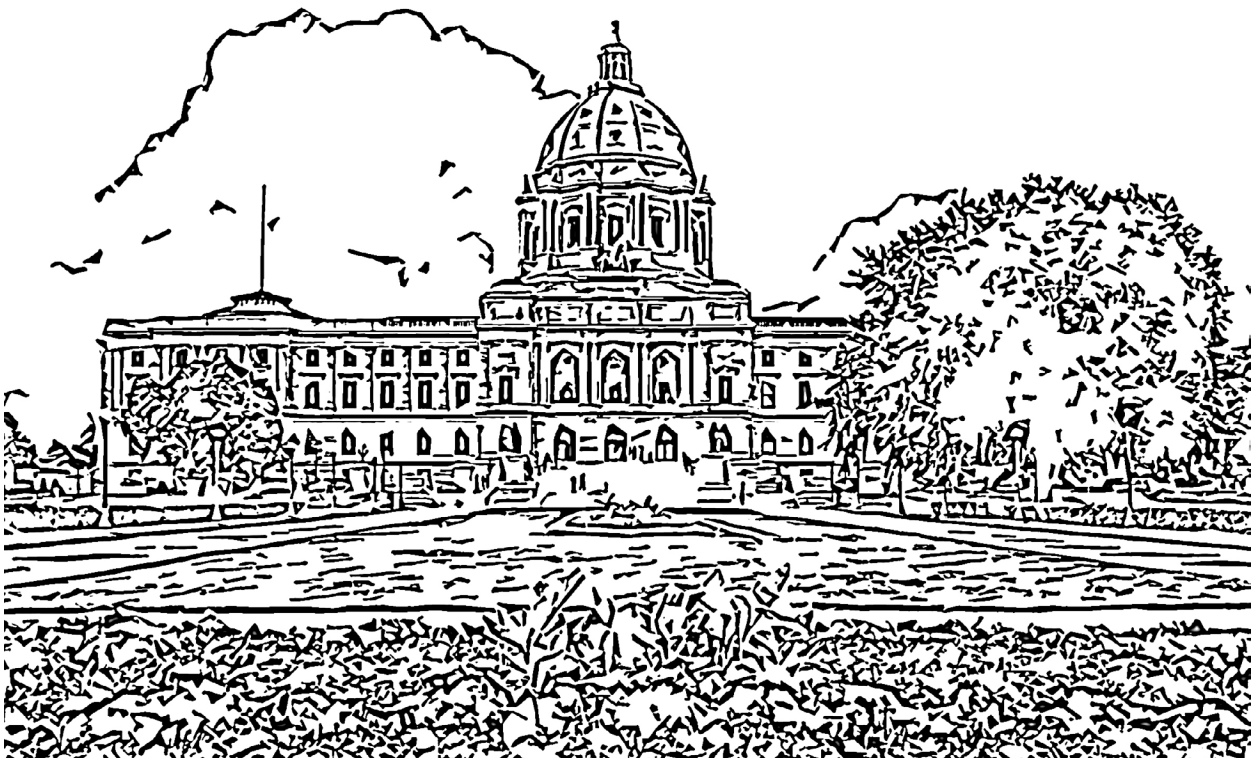
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Front Cover Artwork: *A final spring thaw allows water to trickle down the sandstone waterfall at Minnemishinona Falls in Mankato, Minn.
Photo by Sean Plemmons*



Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Pollution Control Agency

Resource Management and Assistance Division

Proposed Permanent Rules Relating to PFAS in Products; Reporting and Fees; Notice of Hearing

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

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(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: *Webex Hearing Link*

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.

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- **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.

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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.

Date: March 28, 2025

Katrina Kessler, P.E. Commissioner

7026.0010 DEFINITIONS.

Subpart 1. **Applicability.** Terms used in this chapter have the meanings given in this part and, unless otherwise provided in this part, Minnesota Statutes, section 116.943.

Subp. 2. **Authorized representative.** "Authorized representative" means a person designated by a manufacturer to report on behalf of the manufacturer.

Subp. 3. **Brand name.** "Brand name" means a name, symbol, word, or mark that identifies a product and attributes the product to the owner of the brand.

Subp. 4. **Brief description of the product.** "Brief description of the product" means a character-limited description

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of a product or grouping of similar products with similar components that includes, whenever applicable, brand name, product model, and other characteristics that distinguish the product or grouping of products from similar products made or sold by other manufacturers.

Subp. 5. **Chemical identifying number.** “Chemical identifying number” means a Chemical Abstracts Service Registry number (CASRN), European Community (EC) number, United States Environmental Protection Agency Toxic Substances Control Act accession number, or another unique alphanumeric or numeric identifier used in commerce, in research, and by governments to cross-reference all information available on a particular chemical. A particular chemical may have more than one chemical identifying number.

Subp. 6. **Chemical name.** “Chemical name” means a systematic nomenclature that follows the internationally recognized conventions established by the International Union of Pure and Applied Chemistry (IUPAC).

Subp. 7. **Component.** “Component” means a distinct and identifiable element or constituent of a product. Component includes packaging only when the packaging is inseparable or integral to the final product’s containment, dispensing, or preservation.

Subp. 8. **Consumer.** “Consumer” means a person who acquires a product from a manufacturer for personal, residential, commercial, or industrial purposes.

Subp. 9. **Distribute for sale.** “Distribute for sale” means to ship or otherwise transport a product with the intent or understanding that the product will be sold or offered for sale by a receiving party after the product is delivered.

Subp. 10. **Fully fluorinated carbon atom.** “Fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

Subp. 11. **Function.** “Function” means the explicit purpose or role served by PFAS when intentionally incorporated at any stage in the process of preparing a product or its constituent components for sale, offer for sale, or distribution for sale.

Subp. 12. **Homogenous material.** “Homogenous material” means one material of uniform composition throughout or a material, consisting of a combination of materials, that cannot be disjointed or separated into different materials by mechanical actions.

Subp. 13. **Identifiable element.** “Identifiable element” means an element that can be recognized, distinguished, or discerned, even when not visually evident, as in the case of a mixture or formulation.

Subp. 14. **Manufacturer.** “Manufacturer” means the person that creates or produces a product, that has a product created or produced, or whose brand name is legally affixed to the product. In the case of a product that is imported into the United States when the person that created or produced the product or whose brand name is affixed to the product does not have a presence in the United States, manufacturer means either the importer or the first domestic distributor of the product, whichever is first to sell, offer for sale, or distribute for sale the product in the state.

Subp. 15. **Numeric product code.** “Numeric product code” means a numeric code that a manufacturer assigns to a product being reported and that is recognizable to purchasers on labels, listings, invoices, or receipts, including a universal product code (UPC), stock keeping unit (SKU), harmonized tariff schedule (HTS) code, or other numeric code assigned to the product.

Subp. 16. **Packaging.** “Packaging” has the meaning given under Minnesota Statutes, section 115A.03.

Subp. 17. **Publicly available.** “Publicly available” means lawfully available to the public from federal, state, or local government records or disclosures made to the public that are required by federal, state, or local law.

Subp. 18. **Significant change.** “Significant change” means a change in the composition of a product that results in the

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addition of a specific PFAS not previously reported in a product or component or a measurable change in the amount of a specific PFAS from the initial amount reported that would move the product into a different concentration range listed under part 7026.0030, subpart 1, item C.

Subp. 19. **Substantially equivalent information.** “Substantially equivalent information” means information that the commissioner can identify as conveying the same information required under part 7026.0030 and Minnesota Statutes, section 116.943, subdivision 2. Substantially equivalent information includes an existing notification by a person who manufactures a product or component when the same product or component is offered for sale under multiple brands.

Subp. 20. **Used product.** “Used product” means a product that has been installed, operated, or utilized for its intended purpose by at least one owner or operator or that is otherwise not pristine. Used product does not include a product that has been returned to a retailer or that is otherwise offered for resale if the product was not installed, operated, or utilized before resale.

7026.0020 PARTIES RESPONSIBLE FOR REPORTING.

Subpart 1. **Scope.** A manufacturer or group of manufacturers of a product sold, offered for sale, or distributed in the state must submit a report for each product or component that contains intentionally added PFAS.

Subp. 2. **Reporting on behalf of other manufacturers.** All manufacturers must assume responsibility to report unless manufacturers in the same supply chain enter into an agreement to establish their respective reporting responsibilities. A manufacturer may submit the information required for reporting on behalf of another manufacturer in accordance with part 7026.0030 if the following requirements are met:

A. the reporting manufacturer must notify any other manufacturer that is a party to the agreement that the reporting manufacturer has fulfilled the reporting requirements;

B. all manufacturers must maintain documentation of a reporting responsibility agreement in accordance with part 7026.0080, subpart 3, and must provide the documentation to the commissioner upon request;

C. all manufacturers must verify, in a format specified by the commissioner, that the data submitted on their behalf is accurate and complete in accordance with parts 7026.0030 and 7026.0040; and

D. for the verification required under item C to be considered complete, all manufacturers must submit the fee required under part 7026.0100, subpart 2 or 3, as applicable.

7026.0030 REPORT; REQUIRED INFORMATION.

Subpart 1. **Report required.** A manufacturer or group of manufacturers of a product that is sold, offered for sale, or distributed in the state and that contains intentionally added PFAS must submit a report to the commissioner on or before January 1, 2026. A manufacturer or group of manufacturers of a new product with intentionally added PFAS after January 1, 2026, must submit a report before the product can be sold, offered for sale, or distributed in the state. The report must include the following information in a format specified by the commissioner:

A. a product description that includes:

(1) a brief description of the product or grouping of similar products. Once established, the identical brief description of the product must be used during any reporting updates on the product.

(a) The manufacturer may group together similar products comprised of homogenous materials if the products meet the following criteria:

i. the PFAS chemical composition in the products are the same;

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- ii. the PFAS chemicals in the products fall into the same reporting concentration ranges;
- iii. the PFAS chemicals in the products provide the same function in each product; and
- iv. the products have the same basic form and function and only differ in size, color, or other superficial qualities that do not impact the composition of the intentionally added PFAS.

(b) If the product consists of multiple PFAS-containing components, the manufacturer must report each component under the product name provided in the brief description of the product. The manufacturer may group similar components listed within a product if the components meet the following criteria:

- i. the PFAS chemical composition in the components are the same;
- ii. the PFAS chemicals in the components fall into the same reporting concentration ranges;
- iii. the PFAS chemicals in the components provide the same function in each product component; and
- iv. the components have the same basic form and function in the final product and only differ in size, color, or other superficial qualities that do not impact the composition of the intentionally added PFAS; and

(2) the numeric product codes assigned to the product. The numeric product codes are listed in units (a) to (d) in a hierarchy of the most preferred to least preferred for reporting. The most preferred numeric product code available must be reported. The multiple numeric product codes listed in unit (a) are equal in preference and any may be reported:

(a) a code with root digits harmonized under the Global Product Classification system for consumer products, including brick or universal product codes or the harmonized tariff schedule code for imported products;

(b) a nonharmonized code such as stock keeping units;

(c) a numeric code that will be used on labels, listings, invoices, or receipts; or

(d) if no numeric code has been assigned, report “none”;

B. PFAS chemicals used in the product or its components as identified by:

(1) the chemical name; and

(2) the Chemical Abstracts Service Registry number (CASRN) or, if no CASRN exists, another chemical identifying number;

C. the concentration of PFAS chemicals in a product or components of a product made up of homogenous material. A manufacturer must report the concentration of PFAS chemicals as identified in subitem (1) or (2):

(1) within the following ranges:

(a) practical detection limit to <100 parts per million (ppm);

(b) 100 ppm to <1,000 ppm (0.1 percent);

(c) 1,000 ppm to <10,000 ppm (one percent);

(d) 10,000 ppm to <150,000 ppm (15 percent);

(e) 150,000 ppm to <300,000 ppm (30 percent);

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(f) 300,000 ppm to <600,000 ppm (60 percent);

(g) 600,000 ppm to <900,000 ppm (90 percent);

(h) 90 to 100 percent; or

(i) present but the amount or concentration range is unknown; or

(2) the total organic fluorine, determined using commercially available analytical methods, if the amount of each PFAS is not known within applicable due diligence standards under part 7026.0080;

D. the function that each PFAS chemical provides to the product or its components;

E. manufacturer information, including:

(1) name;

(2) address; and

(3) the North American Industry Classification System (NAICS) code, or if a NAICS code does not exist, the Standard Industrial Classification (SIC) code;

F. information for the authorized representative of the manufacturer who has the authority to execute or direct others to execute reporting to the state, including the representative's:

(1) name;

(2) address;

(3) email address; and

(4) phone number; and

G. an alternative to the authorized representative under item F, including:

(1) name;

(2) address;

(3) email address; and

(4) phone number.

Subp. 2. **Fee required.** For submission of the report required under subpart 1 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 2.

Subp. 3. **Failure to submit.** A manufacturer that fails to submit the initial report under this part or the applicable fee under part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.

7026.0040 REPORTING UPDATES.

Subpart 1. **Updates required.**

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A. By February 1 each year, a manufacturer or group of manufacturers must submit an update to the report submitted under part 7026.0030 if during the previous 12 months:

- (1) a significant change was made to a product;
- (2) new product information was provided to a manufacturer; or
- (3) a new product was sold, offered for sale, or distributed in or into the state.

B. The update must include the information required under part 7026.0030.

Subp. 2. **Annual recertification.** If an update is not required under subpart 1, a manufacturer or group of manufacturers must recertify the report submitted under part 7026.0030 by February 1 each year.

Subp. 3. **Voluntary updates.** A manufacturer or group of manufacturers may voluntarily update the initial report of information required under part 7026.0030 whenever a PFAS is reduced or eliminated from a product or component or there is a change in the information required under part 7026.0030, subpart 1, items E to G. Voluntary updates submitted under this subpart are not subject to a fee according to part 7026.0100, subpart 6.

Subp. 4. **Fee required.** For submission of the updates and recertifications under subparts 1 and 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 3.

Subp. 5. **Failure to submit.** A manufacturer or group of manufacturers that fails to submit an annual update or recertification under this part or to pay the applicable fee under part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.

7026.0050 WAIVERS.

Subpart 1. **Waiver eligibility.** Upon request of a manufacturer or group of manufacturers, the commissioner must waive all or part of the information required under part 7026.0030 if the commissioner determines that substantially equivalent information is publicly available. Gaining access to the information must not impose an undue burden in terms of resources required for collection. When determining whether access imposes an undue burden, the commissioner must consider fees, the number of locations to be accessed, and other relevant factors.

Subp. 2. **Waiver request.** A manufacturer or group of manufacturers requesting a waiver must submit the request annually in a format specified by the commissioner. The request must contain:

- A. the information required under part 7026.0030, subpart 1, items E to G;
- B. a description of the products or components for which a waiver is requested;
- C. a list of the requirements under part 7026.0030 for which the manufacturer seeks a waiver;
- D. a description of the publicly available records that contain substantially equivalent information to the information required under part 7026.0030;
- E. a statement that the publicly available information identified in item D is accurate and that the data is verified by the manufacturer or group of manufacturers. Verification may include certification from a third-party contractor with expertise in the relevant field to ensure accuracy and compliance; and
- F. a link to or copy of all publicly available and substantially equivalent information described by the manufacturer.

Subp. 3. **Requirements not waived.** A manufacturer or group of manufacturers must still submit a report for any

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requirements under part 7026.0030 that are not waived.

Subp. 4. Waiver request deadline.

A. A manufacturer or group of manufacturers must submit the waiver request to the commissioner at least 30 days before the applicable reporting due date.

B. If the commissioner denies a waiver request, the manufacturer or group of manufacturers must submit their report according to part 7026.0030 or 7026.0040 within 30 days of the notice of denial or by the established reporting due date, whichever is later.

Subp. 5. Fee required. For submission of the waiver request under subpart 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart. 4.

7026.0060 EXTENSIONS.

Subpart 1. Authority. The commissioner must extend the deadline for submitting information under part 7026.0030 if the commissioner determines that more time is justified by the manufacturer or group of manufacturers to comply with the reporting requirements.

Subp. 2. Extension request. A manufacturer or group of manufacturers requesting an extension must submit the request in a format specified by the commissioner. The request must contain:

A. the information required under part 7026.0030, subpart 1, items E to G;

B. the reason for the extension request, including a detailed explanation of the circumstances that prevent timely submission;

C. supporting documentation, including any relevant documents that substantiate the need for an extension, such as communication records with other manufacturers, evidence of technical challenges, or third-party testing delays; and

D. a plan for completion, including an outline of how the manufacturer will submit the remaining work by the new deadline.

Subp. 3. Extension request deadline; approval or denial.

A. A manufacturer or group of manufacturers must submit the request for an extension to the commissioner at least 30 days before the reporting due date established in part 7026.0030. The request must include documentation demonstrating that the extension is justified, based on the materials submitted under subpart 2, to allow the manufacturer or group of manufacturers to comply with the reporting requirements.

B. If the commissioner determines that the requestor has demonstrated that an extension is justified, based on the materials submitted under subpart 2, the commissioner must grant a 90-day extension of the established reporting due date.

C. If an extension request is denied by the commissioner, the manufacturer or group of manufacturers must submit a report according to part 7026.0030 within 30 days after the notice of denial or by the established reporting due date, whichever is later.

Subp. 4. Fee required. For submission of the extension request under subpart 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 5.

7026.0070 TRADE SECRET DATA REQUEST.

Subpart 1. **Procedure for trade secret data request.** A manufacturer or group of manufacturers may request that the commissioner maintain trade secret data as not public information according to part 7000.1300. Trade secret data that is eligible to be considered not public information includes:

- A. chemical name;
- B. chemical identifying number; and
- C. specific supply chain information identified in part 7026.0080, subpart 2.

Subp. 2. **Public data; alternative data requirement.**

A. If the required data under subpart 1 is trade secret information as defined in Minnesota Statutes, section 13.37, then in addition to the information required under part 7026.0030, subpart 1, item B, the manufacturer or group of manufacturers must submit a chemical subclass to designate as public data.

B. If the required data is not trade secret information as defined in Minnesota Statutes, section 13.37, the data must be designated as public data.

7026.0080 DUE DILIGENCE.

Subpart 1. **Reporting due diligence.** A manufacturer must assume responsibility for reporting products containing intentionally added PFAS unless notification from another manufacturer is received according to part 7026.0020, subpart 2, confirming that the reporting requirements under part 7026.0030 have been fulfilled.

Subp. 2. **Supply chain requests.** A manufacturer or group of manufacturers must request detailed disclosure of information required in part 7026.0030 from their supply chain until all required information is known.

Subp. 3. **Documentation and recordkeeping.**

A. A manufacturer or group of manufacturers must maintain documentation of all communication with other manufacturers, including emails, letters, and responses regarding PFAS reporting compliance and reporting responsibility agreements as provided in part 7026.0020, subpart 2.

B. A manufacturer or group of manufacturers must provide the documentation under item A to the commissioner upon request.

C. A manufacturer or group of manufacturers must maintain records according to this subpart for at least five years after products containing intentionally added PFAS are removed from the supply chain.

7026.0090 REPORTING EXEMPTIONS.

The following are exempt from the reporting requirements under parts 7026.0020 to 7026.0080:

A. a product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;

B. a product regulated under Minnesota Statutes, section 325F.072 or 325F.075;

C. the sale or resale of a used product;

D. a product reported to the Department of Agriculture as meeting the reporting waiver requirements under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b); and

Proposed Rules

E. information regarding PFAS-containing products or components that is provided to any federal government agency and that is classified information as defined in United States Code, title 18, section 798.

7026.0100 FEES.

Subpart 1. **Fees required.** A manufacturer of products or components that is required to submit a report under part 7026.0030 or 7026.0040 or that submits a request under part 7026.0050 or 7026.0060 must pay a fee for the submittal to be considered complete.

Subp. 2. **Initial report.** A manufacturer must pay a \$1,000 fee to submit the initial report under part 7026.0030, subpart 1. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay a \$1,000 fee.

Subp. 3. **Annual update or recertification.** A manufacturer must pay a \$500 flat fee for the annual update according to part 7026.0040, subpart 1, or annual certification update according to part 7026.0040, subpart 3. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay the \$500 fee.

Subp. 4. **Waiver request.**

A. A manufacturer or group of manufacturers that submits a reporting waiver request under part 7026.0050 must still pay the fee required under subpart 2 or 3, as applicable.

B. If the commissioner denies a waiver request, the manufacturer or group of manufacturers must submit a report according to part 7026.0030 or 7026.0040 but is not subject to duplicative fees under subpart 2 or 3.

Subp. 5. **Extension request.** A manufacturer that submits an extension request under part 7026.0060 must pay a \$300 fee as part of the extension request application. If a group of manufacturers requests an extension as allowed under part 7026.0060, subpart 4, each individual manufacturer must pay the \$300 fee.

Subp. 6. **Fees waived.** No fee is required for voluntary updates made in accordance with part 7026.0040, subpart 4.

Subp. 7. **Inflation.** Beginning July 1, 2027, and each odd-numbered year thereafter, the unadjusted fee in subparts 2 to 5 must be adjusted for inflation using the aggregated annual consumer price index and becomes the new unadjusted fee rounded to the nearest dollar.

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Minnesota Department of Revenue

Revenue Notice # 25-02: Sales and Use Tax – Exemption for Townships – Revocation of Revenue Notice # 12-08

This Revenue Notice revokes Revenue Notice # 12-08. Revenue Notice # 12-08 contains outdated statutory references. While the exemption for townships remains active, the exemption has been expanded to apply broadly to local governments, as defined in Minnesota Statutes section 297A.70, subdivision 2d (2023).

In 2013, the Minnesota Legislature expanded the sales to government exemption that applied to towns to also include cities and counties, effective January 1, 2014. 2013 Minn. Laws, ch. 143, art. 8, sect. 29. This exemption was further expanded in 2014 to include special districts, instrumentalities of a statutory or home rule charter city, county, or township, and joint powers boards and organizations, effective January 1, 2017. 2014 Minn. Laws, ch. 308, art. 3, sect. 11.

Because the exemption for sales to local government has expanded, Revenue Notice # 12-08, which applies only to towns, is no longer needed. The department provides an online Government - Local Governments Industry Guide which contains guidance for local governments broadly and includes the guidance previously provided by Revenue Notice # 12-08.

Revenue Notice # 12-08, as originally published June 11, 2012, revoked Revenue Notice # 99-16. Revenue Notice # 99-16 remains revoked.

Publication Date: April 21, 2025

Terese Mitchell, General Counsel
Minnesota Department of Revenue

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Capitol Area Architectural and Planning Board

Notice of Public Hearing on the Application to Add a New Commemorative Work at the State Capitol Grounds: The Pillbox (Ballpark)

The Capitol Area Architectural and Planning Board (CAAPB) will host a public hearing on **May 15, 2025 from 3:30 to 4:30 pm in Conference Room 116B in the Administration Building (50 Sherburne Ave., Saint Paul, MN 55155)** to gather input on whether ALL of the conditions in *Minnesota Rules 2400.2703 Subpart 2* have been met for the Board

Official Notices

to consider an application to commemorate the ‘Pillbox’ (ballpark) on the Minnesota State Capitol Grounds.

Description of Application

On December 18, 2024, CAAPB received an application from Stew Thornley of the Halsey Hall Chapter Society of American Baseball Research, to add a new Commemorative Work for the Pillbox on the State Capitol Grounds per Minnesota Rules 2400.2703.

Detailed information on the application to commemorate The Pillbox can be found on the CAAPB website: <https://bit.ly/4j1GPBQ>

Board Consideration

The board will consider for further review the request to add a new commemorative artwork in the Capitol area if the artwork meets **ALL** of the following conditions:

- A. there has been documented public support of the artwork;
- B. the artwork has lasting statewide significance for Minnesotans;
- C. the artwork is respectful of the diversity of Minnesotans;
- D. viewing the artwork provides a rich experience to broaden the understanding of Minnesota’s shared history, heritage, and culture;”

Staff Finding Leads to Public Hearing

So far, CAAPB’s staff have made the finding that the addition request meets all of the conditions, which means that by Rule, the Board is now required to host a public hearing to gather input on the conditions.

Public Hearing on May 15, 2025

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference may do so via <https://bit.ly/42yU9ao>

Written comments may be mailed to Capitol Area Architectural and Planning Board, Freeman Building, 625 Robert Street North, Saint Paul, MN 55155 or email Tina.Chimuzu@state.mn.us prior to the date of the hearing set forth above.

All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to whether all conditions have been met for the Capitol Area Architectural and Planning Board to consider the application to add the ‘Pillbox’ (Ballpark) commemoration at the Capitol Mall.

Website and Contact Information

To stay informed of the application to add The Pillbox Commemoration, follow updates through the agency’s website <https://bit.ly/4j1GPBQ>.

Alternative Format

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Statutory Authority

Minnesota Statute, 15B.01, gives the Capitol Area Architectural and Planning Board the statutory authority to consider the application to propose addition of new commemorative works.

Department of Health

Division of Health Regulation – Managed Care Systems Section

Notice of Application for Essential Community Provider Status - Cook Area Health Services Inc., dba Scenic Rivers Health Services Inc.

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Cook Area Health Services Inc., dba Scenic Rivers Health Services Inc. Clinical services are offered at 20 5th Street SE, Cook, MN 55723.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Andrea Ecklund
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
651-201-5176

Department of Health

Division of Health Regulation – Managed Care Systems Section

Notice of Application for Essential Community Provider Status - Sawtooth Mountain Clinic

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Sawtooth Mountain Clinic. Clinical services are offered at 513 5th Avenue W., Grand Marais, MN 55604.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Andrea Ecklund
Managed Care Systems Section
Division of Health Regulation
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
651-201-5176

Official Notices

Minnesota Pollution Control Agency

SECOND REQUEST FOR COMMENTS for Planned New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules*, chapters 7001, 7002, 7005, 7007, 7011, 7017, and 7019; Revisor's ID Number R04805

Overview. The Minnesota Pollution Control Agency (MPCA) is requesting comments on legislatively mandated amendments to air rules, *Minnesota Rules*, ch. 7001, 7002, 7005, 7007, 7011, 7017, and 7019. This rulemaking is referred to as the Cumulative Impacts rule. The MPCA is required to undertake this rulemaking to comply with *Minnesota Statutes, section 116.065* and the scope of this rulemaking is limited to that purpose.

In a previous Request for Comments (RFC) published in the *State Register* on July 24, 2023, the MPCA asked for comments on the development of new rules governing cumulative impacts analysis for permit decisions in environmental justice (EJ) areas of concern in the Twin Cities metropolitan area, Duluth, and Rochester, and listed *Minnesota Rules* ch. 7001 as the placement for the new/amended rule text. After consideration, MPCA staff determined that existing rule wording in chapters 7002, 7005, 7007, 7011, 7017, and 7019 will also need to be updated to reflect the changes required by this law. Publishing this RFC is how the MPCA gives legal notice of its plan to include those additional chapters in the project. Nothing about the substance or subject of the rulemaking has changed, and if you already submitted comments in response to the 2023 RFC, they will still be considered and weighed equally with the responses to this second RFC. You do not need to resubmit comments.

Subject of Rules. The MPCA requests comments on new rules governing cumulative impacts analysis for permit decisions in EJ areas. As required by statute, the rules would apply as follows:

(a) This section applies to an application for a permit by a facility that:

(1) is located in or within one mile of a census tract that is part of an EJ area; and

(2) is located:

(i) in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington; or

(ii) in a city of the first class.

(b) The commissioner must enter into consultation, consistent with *Minnesota Statutes* § 10.65, regarding the application of this section to permit applications located in Indian Country. After consultation, the Tribal government with jurisdiction over the applicable EJ area may elect that the facility seeking the permit action be subject to this section and must so notify the commissioner in writing.

Some people have exposure to more or multiple kinds of pollution. Some people are more vulnerable to the health impacts of pollution. These groups of people may be more severely affected by air pollution, and many may live in identified EJ areas.¹ Information from cumulative impacts analysis can help the MPCA identify what these impacts are, how they affect people, and what the MPCA can do to help mitigate these effects.

Elements of this rulemaking may change before the agency proposes formal rule text, based on comments received or other information. This rulemaking is needed to enact the cumulative impacts analysis requirements as directed by Minnesota Session Law 2023, which include rules that will:

1. Establish benchmarks to assist the Commissioner's determination regarding the need for a cumulative impacts analysis.
2. Establish the required content of a cumulative impacts analysis and provide sources of public information that

¹ <https://www.pca.state.mn.us/about-mpca/mpca-and-environmental-justice> This tool has been updated to reflect the statutory definition.

an applicant can access regarding environmental stressors present in an EJ area.

3. Define conditions, criteria, or circumstances that establish an environmental or health impact as a substantial adverse impact.
4. Establish the content of a community benefit agreement and procedures for entering into community benefit agreements, which must include:
 - i. active outreach to residents of the affected EJ area designed to achieve significant community participation;
 - ii. considerations other than or in addition to economic considerations, but with priority given to considerations that directly impact the residents of the EJ area; and
 - iii. at least one public meeting held within the affected EJ area.
5. Establish a petition process and form to be submitted to the agency by EJ area residents to support the need for a cumulative impact analysis.
6. Establish a process through consultation as defined in MN Statute 10.65 by which a Tribal government can elect to apply this section to a permit application.
7. Establish methods for holding public meetings and handling public comments.

In addition, the MPCA encourages comments on additional engagement methods for the rulemaking that would actively incorporate input from community and stakeholders, including but not limited to establishing the community benefit agreement and petition processes. The MPCA also requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental effects of the proposed rule in addition to other rules, regardless of which state or federal agency has adopted the other rules.

MPCA welcomes all other relevant comment on cumulative impacts analysis.

Parties Affected. The new rules would be most likely to affect residents of the EJ areas defined by the legislation, and potential new or expiring permit applicants in those areas. The MPCA does not anticipate that the rules will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes* section, 14.128; local governments may submit written information to the contrary.

Comments. Interested parties may submit written comments or information on these possible rules until **4:30 p.m. on May 21, 2025**, by the following methods:

- 1) electronically on the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>;
 - 2) by mail to OAH attn: William Moore, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620;
- or
- 3) by fax at 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.

Comments 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.

Official Notices

NOTE: The MPCA will carefully consider all comments received in response to this RFC as well as the one issued in July 2023. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only those written comments received in response to the proposed rule text after it is published with a Notice of Intent. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you must resubmit your comments after the rules are formally proposed with a Notice of Intent. The MPCA will not publish a Notice of Intent to adopt the rules until more than 60 days have elapsed from the date of this RFC.

Agency Contact Person. Questions about this RFC and the rulemaking process should be directed to Rule Coordinator Katie Izzo at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; email katie.izzo@state.mn.us; or telephone 651-757-2595. Questions on the technical subject matter should be directed to Hassan Bouchareb at Hassan.Bouchareb@state.mn.us or 651-757-2653. You may also call the MPCA at 651-296-6300 or 1-800-657-3864 using your preferred relay service. Again, please note that you may not submit rulemaking comments by phone or email.

Rule Drafts. The MPCA has not yet drafted the new rule amendments. Parties interested in being notified when a draft of the rules is available and of other activities relating to this rulemaking are encouraged to register at http://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_523 (MPCA GovDelivery—Rulemaking: Cumulative Impacts)

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, please contact Rule Coordinator Katie Izzo as listed above.

Statutory Authority. *Minnesota Statutes*, section 115.03, assigns the MPCA the authority to adopt rules regarding the discharge of pollutants, and *Minnesota Statutes*, section 116.065, requires the Commissioner of the MPCA to adopt rules to implement cumulative impacts analysis for permit decisions in EJ areas. The content of the rule is specified in the law.

Date: April 1, 2025

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

Minnesota Department of Human Services Notice of Grant Opportunities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) places notice of any available grant opportunities on the DHS Grant Requests for Proposals website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Contact the Office of State Procurement at: (651) 296-2600

Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities for goods and services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). Minnesota State may add new public notices to the website daily and post for the time indicated within the public notice.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Minnesota State Colleges and Universities (Minnesota State) Lake Superior College Request for Proposals for MnDOT Technical Certification Training Program

NOTICE IS HEREBY GIVEN that bids are being solicited to assist in developing the MnDOT Technical Certification Training Program instruction and certification. This training will focus on Bridge Construction and Grading & Base Inspector courses. All training, instructors, classroom materials, content manuals and exams will be provided by the winning proposal.

For additional information or to request a copy of the Request for Proposal, please contact:

State Contracts

Mike Francisco, Purchasing
Lake Superior College
2101 Trinity Road, Duluth MN 55811
P: 218-733-5968 E: purchasing@lsc.edu

The RFP can also be found at <https://www.lsc.edu/rfp/>. Proposals are due at the Lake Superior College Business Office by 12:00pm CST on Friday, May 2, 2025.

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

Department of Commerce

Division of Energy Resources

Request for Proposals for Consultant to Evaluate, Review and Write Testimony on Xcel Energy's Wildfire Mitigation Proposal and to Determine Reasonable Rate Recovery Of Related Expenses And Capital Costs In The Current Minnesota Contested Rate Case Proceeding

The Minnesota Commerce Department, Division of Energy Resources (Department) seeks a technical expert or experts to assist with its review of the Xcel Energy's Wildfire Proposal and determine reasonable rate recovery of related expenses and capital costs in Docket E002/GR-24-320. This will allow the Department to fully participate in these investigative proceedings to represent the public interest. Through written testimony or expert reports, the selected responder(s) will be asked to analyze and explain, at a minimum, the Wildfire Proposal issues listed in the Commission's Notice and Order. In addition, the Department may have additional questions for the consultant to evaluate regarding the Wildfire Proposal and rate recovery of related expense and capital costs. In the course of this work, the selected responder(s) will also assist with developing written discovery topics and questions, and review Department briefs for technical accuracy.

On November 1, 2024, Northern States Power Company, d/b/a Xcel Energy (NSP, Xcel or the Company) filed a general rate case and submitted its request for a multi-year rate plan (MYRP) pursuant to *Minn. Stat. § 216B.16, subs. 1 and 19*, to increase rates for electric service in Minnesota in Docket No. E002/GR-24-320 (2024 Rate Case).

On December 30, 2024, the Commission issued its *NOTICE OF AND ORDER FOR HEARING* (Notice and Order). Ordering Point No. 3 stated:

The Commission requests that the Department seek authorization under *Minn. Stat. § 216B.62* from the Commissioner of Management and Budget to incur costs for specialized technical professional investigative services to develop and evaluate the record on the Company's claimed prepaid pension asset and the Company's **wildfire mitigation costs**, peak pricing, and demand-response programs.

Moreover, the Commission stated in its Notice and Order on pages 3 and 5 that it expects parties will thoroughly develop a full record, addressing at a minimum, the following for wildfire mitigation costs:

What wildfire mitigation costs should be approved, and the impact these measures will have on other areas of Company operations, including Fault Location, Isolation, and Service Restoration (FLISR), Advanced Distribution Management System (ADMS), vegetation management, and pole replacements.

The extent to which the Marshall Wildfire in Colorado and the 2024 Smokehouse Creek Fire Complex in Texas affect the insurance premium, rate of return, or borrowing costs for the MN jurisdiction.

As a result, the Department is seeking a technical expert or experts to assist with its review of the Xcel's wildfire

mitigation proposal and related costs to allow the Department to fully participate in these investigative proceedings and represent the public interest. Through written testimony or expert reports, the selected responder(s) will be asked to analyze and explain Xcel's wildfire mitigation proposal and costs as discussed above in the Commission's Notice and Order. In the course of this work, the selected responder(s) will also assist with developing written discovery topics and questions, and review Department briefs for technical accuracy.

The Department seeks a responder or responders that can assist in reviewing all aspects of Xcel's wildfire mitigation proposal, including review and determination of if expenses and capital costs related wildfire mitigation should be included in Xcel's electric energy rates charged to Minnesota customers. Additionally, a review to determine any impacts to insurance expense and cost of capital charged to Minnesota caused by wildfires in other states. *In addition, the responder may be asked to address additional questions as determined jointly by the Department and responder regarding the reasonable rate recovery of wildfire mitigation costs in Xcel's MYRP.*

A Request for Proposals (RFP) is available for download on the Department's RFP website at ***Request for Proposals (RFP) / Minnesota Department of Commerce - Business (mn.gov)***.

Late proposals will not be considered. Instructions and links for submitting bids are detailed in the RFP and attachments.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Transportation (MnDOT) Engineering Services Division Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2025 Lavatory Buildings Rehabilitation

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2025 Lavatory Buildings Rehabilitation
MAC Contract No.:	106-2-1076
Bids Close At:	2:00 PM on May 13, 2025
Bid Opening Conference Call:	3:00 PM on May 13, 2025
Teleconference Dial-In #:	1-612-405-6798
Conference ID #:	897 927 742#

Notice to Contractors: Electronic bid submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

Bid Security: Each bid shall be accompanied by a "bid security" in the form of a certified check made payable to the mac in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the mac, with the surety company thereon duly authorized to do business in the State of Minnesota.

Project Labor Agreement: This project is subject to the MAC's Project Labor Agreement requirements. a copy (or sample) of the Project Labor Agreement and Contract Riders are included in appendix B.

Availability of Construction Documents: Plans and specifications are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room.

Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9620715 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made

— Non-State Public Bids, Contracts & Grants

available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will ONLY be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on April 21, 2025, at MAC's web address of <https://metroairports.org/doing-business/solicitations> (construction bids).





Exhibit G

G. Enclosed:

G-1. the Certificate of Mailing the Notice of Intent to Adopt Rules to the Rulemaking Mailing List.

G-2. the GovDelivery bulletin with recipient count.

G-3. the Certificate of Accuracy of the Mailing List.

Minnesota Pollution Control Agency

**CERTIFICATE OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING
TO THE RULEMAKING MAILING LIST**

**Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule, chapter
7026; Revisor's ID Number R-4828; OAH docket number 5-9003-40410**

I certify that on April 21, 2025, at least 33 days before the end of the comment period, in Saint Paul, Ramsey County, Minnesota, I emailed the Notice of Hearing, SONAR, and proposed rules by sending an electronic copy to all persons on the rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a. A copy of the GovDelivery bulletin is attached to this Certificate.

Date: 4/21/2025

Rule Coordinator
Minnesota Pollution Control Agency

From: [Minnesota Pollution Control Agency](#)
To: [Gaffney, Kevin \(MPCA\)](#); [Olson, Adam \(He/Him/His\) \(MPCA\)](#); [Stremmel, Corinne \(She/Her/Hers\) \(MPCA\)](#); [Lewandowski, Lauren \(MPCA\)](#); [Izzo, Katie \(She/Her/Hers\) \(MPCA\)](#); [Lentz, Becky \(She/Her/Hers\) \(MPCA\)](#); [Sabroski, Hannah \(MPCA\)](#); [Wenger, Maggie \(MPCA\)](#); [Letnes, Yolanda \(She/Her/Hers\) \(MPCA\)](#); [Kepulis, Kathryn \(MPCA\)](#); [Otto, Addison \(She/Her/Hers\) \(MPCA\)](#); [Michels, Tanja \(MPCA\)](#); [Hathaway, Jennifer \(She/Her/Hers\) \(MPCA\)](#); [Barto, Kelly \(She/Her/Hers\) \(MPCA\)](#); [mary.lynn@state.mn.us](#); [Ruiter, Dan \(MPCA\)](#); [Godfrey, Beverly \(She/Her/Hers\) \(MPCA\)](#); [Andre, Paul \(MPCA\)](#); [Beyer, Lindsey \(MPCA\)](#); [Lamers, Kate \(MPCA\)](#); [Rafferty, Michael \(MPCA\)](#); [Meyer, Glenn \(MPCA\)](#); [Held, Ted \(MNIT\)](#); [Carr, Quinn \(He/Him/His\) \(MPCA\)](#)
Subject: Courtesy Copy: Notice of intent to adopt rules with a hearing— PFAS reporting and fees rule
Date: Monday, April 21, 2025 9:47:25 AM

This is a courtesy copy of an email bulletin sent by Corinne Stremmel.

This bulletin was sent to the following groups of people:

Subscribers of Rulemaking: PFAS (5008 recipients)

[Minnesota Pollution Control Agency logo on white background](#)



Proposed rules



Notice of intent to adopt rules with a hearing— PFAS reporting and fees rule

April 21, 2025

MPCA's legal notice of its intent to adopt PFAS reporting and fees rule

The Minnesota Pollution Control Agency (MPCA) remains committed to removing intentionally added PFAS from products sold or distributed for personal, residential, commercial, or industrial use. One key to achieving this goal is to understand the scope of products sold in Minnesota that contain intentionally added PFAS.

The MPCA will finalize a reporting and fee process that requires manufacturers to report all products that contain intentionally added PFAS. The next step in this

process includes providing the public and manufacturers the opportunity to provide comments on the proposed PFAS reporting and fees rule.

MPCA's legal notice of its intent to adopt PFAS reporting and fees rule

The Minnesota Pollution Control Agency (MPCA) has issued a 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**

The MPCA published this notice in the April 21, 2025, edition of the [State Register](#). The notice is also available on the [MPCA's website](#).

What this means

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

Next steps

The comment period has opened, and you can submit your questions, comments, and feedback on the proposed rule to the administrative law judge (ALJ) assigned to this rulemaking. Please submit your written comments to the ALJ online using the Office of Administrative Hearings' rulemaking e-comments website.

The comment period closes at 4:30 p.m. on May 21, 2025. The hearing will be held at 2 p.m. on May 22, 2025.

[Comment here!](#)

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 these rules via WebEx. The hearing will continue until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 5 p.m.).

The ALJ will conduct the hearing at **2 p.m** on **May 22, 2025**, via [WebEx](#).

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

You can find more information on this rulemaking at the [PFAS in products rule webpage](#).

The Minnesota Pollution Control Agency is a state agency committed to ensuring that every Minnesotan has healthy air, sustainable lands, clean water, and a better climate.

[MPCA logo](#)



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Minnesota Pollution Control Agency

CERTIFICATE OF ACCURACY OF THE MAILING LIST

Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule, chapter 7026; Revisor's ID Number R-4828; OAH docket number 5-9003-40410

I certify that the list of persons and associations who have requested under Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on the Pollution Control Agency rulemaking mailing list is accurate, complete, and current as of April 21, 2025.

Date: 4/21/2025

A handwritten signature in black ink, appearing to read "Julie Carr".

Rule Coordinator
Minnesota Pollution Control Agency

Minnesota Pollution Control Agency

CERTIFICATE OF GIVING ADDITIONAL NOTICE UNDER THE ADDITIONAL NOTICE PLAN

Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule, chapter 7026; Revisor's ID Number R-4828; OAH docket number 5-9003-40410

I certify that at least 33 days before the end of the comment period, at Saint Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on April 18, 2025. Specifically, I met the components of the approved Additional Notice Plan through the following actions:

On Monday, November 25, 2024;

1. Published the Notice of Intent to Adopt Rules on the MPCA's public notice webpage at: <https://www.pca.state.mn.us/public-notices>.
2. Provided specific notice to tribal authorities via email with a hyperlink to electronic copies of the Notice, Statement of Need and Reasonableness (SONAR), and proposed rule amendments to the 11 federally recognized tribes in Minnesota.
3. Provided specific notice to associations, environmental groups, and other entities identified in the Additional Notice Plan section of the SONAR via email with a hyperlink to electronic copies of the Notice, SONAR, and proposed rule.
4. Posted relevant rulemaking updates and associated documents including the Notice, SONAR, and proposed rule on the PFAS in Products: Reporting and Fees rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/pfas-in-products>.

Date: 4/21/2025



Rule Coordinator
Minnesota Pollution Control Agency

Exhibit I

Written comments received by the MPCA during the comment period for the Notice of Intent to Adopt Rules with a Hearing for Amara's Law PFAS in Products: Reporting and Fees rulemaking (Revisor's ID #4828, OAH Docket # 5-9003-40410).

All comments on this rulemaking have been directed to the Office of Administrative Hearings (OAH) either by fax, U.S. mail, or the OAH eComments site. Comments are available to review at <https://minnesotaoah.granicusideas.com/discussions/40410-pollution-control-agency-notice-of-hearing-on-pfas-in-products-reporting-and-fee-rule>. The comment period will remain open until 4:30pm on May 21, 2025.

Exhibit J

J. Not Enclosed: a copy of the document from the chief judge authorizing the agency to omit the text of any proposed rule from the notice of hearing published in the State Register because the proposed rule was published in the State Register.

Exhibit K

K. Enclosed: any other document or evidence to show compliance with any other law or rule that the Pollution Control Agency must follow to adopt the rules.

K-1. a certificate of Sending the Notice and the Statement of Need and Reasonableness to Legislators and the Legislative Coordinating Commission.

K-2. a copy of the transmittal letter showing the agency sent notice to Legislators per Minnesota Statutes, section 14.116.

K-3. a copy of the transmittal letter showing the agency consulted with MMB per Minnesota Statutes, section 14.131, and MMB's memo dated April 24, 2024, in response.

K-4. a copy of the transmittal letter showing the agency sent a courtesy copy of the proposed rules to the Commissioner of Agriculture per Minnesota Statutes, section 14.111.

Minnesota Pollution Control Agency

**CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS
TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION**

**Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule, chapter
7026; Revisor's ID Number R-4828; OAH docket number 5-9003-40410**

I certify that on April 21, 2025, after the Agency published the Notice of Hearing to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by sending an electronic copy via email. I emailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.

Date: 4/21/2025

A handwritten signature in black ink, appearing to read "Julieann Carr".

Rule Coordinator
Minnesota Pollution Control Agency



VIA EMAIL

April 21, 2025

Senator Tou Xiong, Chair
Senator Andrew R. Lang, Ranking Minority Member
State and Local Government Committee

Senator Matt D. Klein, Chair
Senator Gary H. Dahms, Ranking Minority Member
Commerce and Consumer Protection Committee

Senator Fong Hawj, Chair
Senator Steve Green, Ranking Minority Member
Environment, Climate, and Legacy Committee

Representative Peter Fischer, Co-Chair
Representative Josh Heintzeman, Co-Chair
House Environment and Natural Resources Finance and Policy Committee

Representative Tim O'Driscoll, Co-Chair
Representative Kaohly Vang Her, Co-Chair
House Commerce Finance and Policy Committee

Legislative Coordinating Commission
lcc@lcc.mn.gov

SF834 Authors: Senators Seeberger, Mann, McEwen, and Boldon
HF1000 Authors: Representatives Frederick, Jordan, Hansen, Hollins, Norris, Elkins, Agbaje, Howard, Greeman, Gomez, Lee, Fischer, Pursell, Bahner, Bierman, Hemmingsen-Jaeger, Cha, Reyer, Hussein, Hill, Finke, Vang, Noor, Freilberg, Xiong, Curran, Youakim, Kraft, and Moller
Authors of Minnesota Statutes, section 116.943 (Amara's Law)

In the Matter of the Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees Rule; Revisor's ID Number Revisor's ID Number RD-4828; OAH Docket No. 5-9003-40410

Dear Legislators:

The Minnesota Pollution Control Agency (MPCA) intends to adopt rules relating to PFAS in Products: Reporting and Fees for manufacturers selling these products in Minnesota.

Minn. Stat. § 116.943 would require manufacturers and groups of manufacturers (collectively “manufacturer(s)”) to report PFAS in products information on or before January 1, 2026. The MPCA is adopting rules to clarify whether the statute applies to the manufacturer, clarify which product reporting requirements may apply, and specify how and what to report to the MPCA.

The proposed rules require 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 administering this new program.

The MPCA is proposing to require manufacturers to provide the following information on their products with intentionally added PFAS:

- A. A description of their product
- B. PFAS chemicals used in the product or its components
- C. The concentration of PFAS chemicals in a product or components
- D. The function that each PFAS chemical provides
- E. Manufacturer information
- F. Authorized representatives
- G. And an alternative authorized representative

An initial flat fee must be submitted with each report along with a smaller fee for annual updates. The rule and SONAR documents attached to this email provide more detail.

A Notice of Intent to Adopt Rules with a hearing will be published in the April 21, 2025 edition of the *State Register*. **The rule hearing will be held May 22, 2025, beginning at 2:00 pm.** More information regarding the hearing can be found in the Notice of Hearing. The MPCA is now sending the Notice under section 14.14.

As required under section 14.116, we are sending you a copy of the Notice and the Statement of Need and Reasonableness. We are also enclosing a copy of the proposed rules.

If you have any questions or concerns, please contact me at Quinn.Carr@state.mn.us or 651-757-2722.

Sincerely,

Quinn Carr
MPCA Rule Coordinator

Enclosures:

- Notice of Hearing
- Statement of Need and Reasonableness (SONAR)
- Proposed Rules

cc: Legislative Coordinating Commission

From: [Carr, Quinn \(He/Him/His\) \(MPCA\)](#)
Cc: [Johnson, Tom \(MPCA\)](#); ["lcc@lcc.mn.gov"](#)
Bcc: ["rep.luke.frederick@house.mn.gov"](#); ["rep.sydney.jordan@house.mn.gov"](#); ["rep.rick.hansen@house.mn.gov"](#); ["rep.athena.hollins@house.mn.gov"](#); ["rep.matt.norris@house.mn.gov"](#); ["rep.steve.elkins@house.mn.gov"](#); ["rep.esther.agbaje@house.mn.gov"](#); ["rep.michael.howard@house.mn.gov"](#); ["rep.emma.greenman@house.mn.gov"](#); ["rep.aisha.gomez@house.mn.gov"](#); ["rep.fue.lee@house.mn.gov"](#); ["rep.peter.fischer@house.mn.gov"](#); ["rep.kristi.pursell@house.mn.gov"](#); ["rep.kristin.bahner@house.mn.gov"](#); ["rep.robert.bierman@house.mn.gov"](#); ["rep.amanda.hemmingsen-jaeger@house.mn.gov"](#); ["rep.ethan.cha@house.mn.gov"](#); ["rep.liz.rever@house.mn.gov"](#); ["rep.samakab.hussein@house.mn.gov"](#); ["rep.josiah.hill@house.mn.gov"](#); ["Robin.Mercer-Taylor@house.mn.gov"](#); ["rep.samantha.vang@house.mn.gov"](#); ["rep.mohamud.noor@house.mn.gov"](#); ["rep.mike.freiberg@house.mn.gov"](#); ["rep.jay.xiong@house.mn.gov"](#); ["rep.brion.curran@house.mn.gov"](#); ["rep.cheryl.youakim@house.mn.gov"](#); ["rep.larry.kraft@house.mn.gov"](#); ["rep.kelly.moller@house.mn.gov"](#); ["sen.judy.seeberger@senate.mn"](#); ["sen.alice.mann@senate.mn"](#); ["sen.jennifer.mcewen@senate.mn"](#); ["sen.liz.boldon@senate.mn"](#); ["rep.peter.fischer@house.mn.gov"](#); ["rep.josh.heintzeman@house.mn.gov"](#); ["rep.tim.odriscoll@house.mn.gov"](#); ["rep.kaohly.her@house.mn.gov"](#); ["sen.tou.xiong@senate.mn"](#); ["sen.andrew.lang@senate.mn"](#); ["sen.matt.klein@senate.mn"](#); ["sen.gary.dahms@senate.mn"](#); ["sen.foung.hawj@senate.mn"](#); ["sen.steve.green@senate.mn"](#)
Subject: FW: Notice of intent to adopt rules with a hearing— PFAS reporting and fees rule
Date: Monday, April 21, 2025 10:44:00 AM
Attachments: [image001.jpg](#)
[Legislator Letter.pdf](#)
[c-pfas-rule1-05 \(Notice of Hearing\).pdf](#)
[c-pfas-rule1-06 \(Certified Revisor Copy of the Proposed Rules\).pdf](#)
[c-pfas-rule1-07-Statement of Need and Reasonableness.pdf](#)

Good morning,

Please see the notice (below) and attachments regarding proposed permanent rules as part of Amara's Law for the PFAS in Products: Reporting and Fee Rule; Revisor's ID Number R-4828; OAH Docket No. 5-9003-40410. Please feel free to reach out to me with any questions that you may have.

Quinn

Quinn Carr, M.A. (he/him/his) | Rule Coordinator
Minnesota Pollution Control Agency (MPCA)
Resource Management and Assistance Division
520 Lafayette Rd | St. Paul, MN | 55155
651-757-2722
Quinn.Carr@state.mn.us | www.pca.state.mn.us



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NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you.

From: Minnesota Pollution Control Agency <mpca@public.govdelivery.com>
Sent: Monday, April 21, 2025 9:47 AM
To: Carr, Quinn (He/Him/His) (MPCA) <quinn.carr@state.mn.us>
Subject: Notice of intent to adopt rules with a hearing— PFAS reporting and fees rule



Proposed rules



Notice of intent to adopt rules with a hearing— PFAS reporting and fees rule

April 21, 2025

MPCA's legal notice of its intent to adopt PFAS reporting and fees rule

The Minnesota Pollution Control Agency (MPCA) remains committed to removing intentionally added PFAS from products sold or distributed for personal, residential, commercial, or industrial use. One key to achieving this goal is to understand the scope of products sold in Minnesota that contain intentionally added PFAS.

The MPCA will finalize a reporting and fee process that requires manufacturers to report all products that contain intentionally added PFAS. The next step in this process includes providing the public and manufacturers the opportunity to provide comments on the proposed PFAS reporting and fees rule.

MPCA's legal notice of its intent to adopt PFAS reporting and fees rule

The Minnesota Pollution Control Agency (MPCA) has issued a 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**

The MPCA published this notice in the April 21, 2025, edition of the [State Register](#). The notice is also available on the [MPCA's website](#).

What this means

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

Next steps

The comment period has opened, and you can submit your questions, comments, and feedback on the proposed rule to the administrative law judge (ALJ) assigned to this rulemaking. Please submit your written comments to the ALJ online using the Office of Administrative Hearings' rulemaking e-comments website.

The comment period closes at 4:30 p.m. on May 21, 2025. The hearing will be held at 2 p.m. on May 22, 2025.

[Comment here!](#)

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 these rules via WebEx. The hearing will continue until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 5 p.m.).

The ALJ will conduct the hearing at **2 p.m** on **May 22, 2025**, via [WebEx](#).

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

You can find more information on this rulemaking at the [PFAS in products rule webpage](#).

The Minnesota Pollution Control Agency is a state agency committed to ensuring that every Minnesotan has healthy air, sustainable lands, clean water, and a better climate.

MPCA logo



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Agency
520 Lafayette Road North · Saint Paul, MN 55155 · 1-800-439-1420

VIA EMAIL

April 7, 2025

Ryan Merz
Executive Budget Officer
Minnesota Management and Budget
658 Cedar St., Suite 400
St. Paul, MN 55155

**In the Matter of the Proposed Permanent Rules Relating to Amara's Law PFAS in Products:
Reporting and Fees; Revisor's ID Number RD-4828; OAH Docket No. 5-9003-40410**

Dear Ryan Merz:

Minnesota Statutes, section 14.131, requires that an agency engaged in rulemaking consult with the commissioner of Minnesota Management and Budget "to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government."

Enclosed for your review are copies of the following documents on proposed rules relating to the Amara's Law PFAS in Products: Reporting and Fees rule:

1. The Governor's Office Proposed Rule and SONAR Form (signed by Commissioner Kessler).
2. The rule text signed on 3/28/25 by Commissioner Kessler, we are waiting on a certified copy from the Revisor's Office with slight updates.
3. The 3/28/2025 draft of the SONAR

If you have any questions or concerns, please contact me at Quinn.Carr@state.mn.us or 651-757-2722.

Sincerely,



Quinn Carr
MPCA Rule Coordinator

From: [Carr, Quinn \(He/Him/His\) \(MPCA\)](#)
To: [Merz, Ryan \(MMB\)](#)
Cc: [Wenger, Maggie \(MPCA\)](#)
Subject: PFAS in Products: Reporting and Fee Rule - Fiscal Impact and Benefits Evaluation
Date: Monday, April 7, 2025 3:40:00 PM
Attachments: [Chapter 7026 PFAS Product Reporting and Fees SONAR Report.pdf](#)
[Chapter 7026 PFAS Products Reporting and Fees Governors Office Approval.pdf](#)
[Chapter 7026 PFAS Products Reporting and Fees Rule Text.pdf](#)

Good afternoon Ryan,

This email is in regard to the proposed new rules to require manufacturers selling products in Minnesota with intentionally added PFAS to submit an annual report with an associated fee. This is under the Revisor's ID Number RD-4828.

I have attached to this email copies of the following documents on the proposed PFAS in Products: Reporting and Fee Rule:

1. The Governor's Office Proposed Rule and SONAR Form (signed by Commissioner Kessler).
2. The rule text signed on 3/28/25 by Commissioner Kessler, we are waiting on a certified copy from the Revisor's Office with slight updates.
3. The 3/28/2025 draft of the SONAR

Please feel free to reach out with any questions or concerns that you may have.

Thanks Ryan!

Quinn Carr, M.A. (he/him/his) | Rule Coordinator
Minnesota Pollution Control Agency (MPCA)
Resource Management and Assistance Division
520 Lafayette Rd | St. Paul, MN | 55155
651-757-2722
Quinn.Carr@state.mn.us | www.pca.state.mn.us



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Date: April 24, 2025

To: Quinn Carr, M.A.
Rule Coordinator
Minnesota Pollution Control Agency

From: Ryan Merz
Executive Budget Officer
Minnesota Management & Budget

Subject: M.S. 14.131 Review of Proposed Revisions to Rules Relating to PFAS in Products Reporting and Fees;
Rules Chapter 7026, Rule Draft 4828

Background

The Minnesota Pollution Control Agency (MPCA) proposes to amend Minnesota Rules and establish Chapter 7026 to clarify the reporting and fee requirements stipulated in M.S. 116.943 (Amara's Law) regarding products with intentionally added per- and polyfluoroalkyl substances (PFAS) that are sold, offered for sale, or distributed in Minnesota. This same statute directs that MPCA may adopt rules necessary to implement it (subd 9).

The rules proposed by MPCA create ten sections within Chapter 7026 that address subjects related to reporting and fee requirements for products with intentionally added PFAS, including definitions, required information in reports, update processes, conditions when MPCA can waive reporting requirements, extensions, trade secret data, fees, and more. Provisions of note:

- Reporting requirements will fall on manufacturers of products containing intentionally added PFAS. Only one entity within the supply chain needs to report, but other entities will produce documentation that demonstrates another entity is reporting on their behalf.
- Manufacturers of products with intentionally added PFAS will need to submit an initial report (due Jan 1, 2026) and then annual updates if a significant change has occurred (ex. new product or new information is available) or an annual certification that there are no updates. Manufacturers may also voluntarily submit updates when PFAS has been eliminated from a product.
- A flat fee of \$1,000 per manufacturer will be required for the initial report (due Jan 1, 2026) and a \$500 fee with required annual updates. These fees will be adjusted for inflation in the future according to Consumer Price Index (CPI).

Pursuant to Minn. Stat. § 14.131, MPCA has requested Minnesota Management and Budget (MMB) evaluate the proposed amendments for fiscal impact and benefits on units of local government.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness to help evaluate the fiscal impact these rules may have on local governments.

Fiscal Impact on local governments

The proposed rulemaking does not have any identified fiscal impact on local governments. Local governments are not required to oversee reporting or fees for products in their ordinances or carry out other work associated with these rules. Furthermore, the proposed amendments are not anticipated to have any effect on local ordinances or regulations.

Other Notes on Fiscal Impacts

MPCA estimates that implementing reporting and fee requirements over a nine-year period will cost \$6.027M. The fees established in these rules are intended to recover these costs. There was a fiscal note on original bill language (HF1000 1E from 2023 session). MPCA cost estimates are generally in alignment with the original fiscal note estimates. MPCA will be the sole Minnesota government agency responsible for implementing, administering, and enforcing the proposed rule.

These rules will have a financial impact to manufacturers of products with intentionally added PFAS, who will be subject to reporting and fee requirements. MPCA does not anticipate local governments, or consumers at large, will experience passed on cost increases for products because of the additional reporting requirements.

Sincerely,
Ryan Merz
Executive Budget Officer (MMB)

Cc: Katrina Kessler, Commissioner (MPCA)
Nick Lardinois, Budget Policy and Analysis Director (MMB)

From: [Carr, Quinn \(He/Him/His\) \(MPCA\)](#)
To: [Spanier, Doug \(MDA\)](#)
Subject: FW: Reminder for public comments: PFAS reporting and fees rule
Date: Wednesday, May 14, 2025 9:29:00 AM

Good morning,

You are receiving this notice because you are legal counsel for the Minnesota Department of Agriculture Commissioner. The MPCA has published a Notice of Hearing to Adopt Rules as part of Amara's Law for the PFAS in Products: Reporting and Fee Rule. This will be a new reporting and fee program that requires manufacturers to report all products that contain intentionally added PFAS. Please feel free to reach out to me with any questions you may have, otherwise the information regarding the proposed rule can be found in the bulletin forwarded below.

Thank you,
Quinn

Quinn Carr, M.A. (he/him/his)| Rule Coordinator
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Our mission is to protect and improve the environment and human health.

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From: Minnesota Pollution Control Agency <mpca@public.govdelivery.com>
Sent: Wednesday, May 14, 2025 9:02 AM
To: Carr, Quinn (He/Him/His) (MPCA) <quinn.carr@state.mn.us>
Subject: Reminder for public comments: PFAS reporting and fees rule



Proposed rules



Public comment period closing— PFAS reporting and fees rule

May 14, 2025

Public comment period closing: PFAS reporting and fees rule

The Minnesota Pollution Control Agency (MPCA) remains committed to removing intentionally added PFAS from products sold or distributed for personal, residential, commercial, or industrial use. One key to achieving this goal is to understand the scope of products sold in Minnesota that contain intentionally added PFAS.

The MPCA will finalize a reporting and fee process that requires manufacturers to report all products that contain intentionally added PFAS. This includes an opportunity for the public and manufacturers to provide comments on the proposed PFAS reporting and fees rule. The comment period closes at **4:30 p.m. on May 21, 2025**. Comments will also be taken at the hearing on May 22 and in the 20-day post-hearing comment period. Written and verbal comments will be given equal weight.

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

How to comment

The comment period is now open, and you can submit your questions, comments, and feedback on the proposed rule to the administrative law judge (ALJ) assigned to this rulemaking. Please submit your written comments to the ALJ online using the [Office of Administrative Hearings' rulemaking e-comments website](#). **The comment period closes at 4:30 p.m. on May 21, 2025. The hearing will be held at 2 p.m. on May 22, 2025.**

[Comment here!](#)

Public hearing

The MPCA intends to adopt the proposed 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 these rules via Webex. The hearing will continue until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 5 p.m.).

The ALJ will conduct the hearing at **2 p.m** on **May 22, 2025**, via [Webex](#).

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

You can find more information on this rulemaking at the [PFAS in products rule webpage](#).

The Minnesota Pollution Control Agency is a state agency committed to ensuring that every Minnesotan has healthy air, sustainable lands, clean water, and a better climate.

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