



**The public hearing presentation  
will begin shortly.**

Thank you for your patience.

To join the hearing by WebEx (video):

Enter meeting number: 2505 148 2147  
Password: 5GMmaA7yRJ3

To join the hearing by telephone (audio only):

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# Public Hearing

Proposed Rules Relating to Amara's Law PFAS in  
Products: Reporting and Fees, *Minnesota Rules*  
7026.0010 - .0100

OAH Docket No. 5-9003-40410

# Introduction

- **OAH** renders justice through fair, timely, and impartial hearings and high-quality dispute resolution services.
- **OAH** is independent from the Department and all other parties to this proceeding.
- **Hearing Purpose:** to allow the agency to present its case and to receive public comments

The Honorable  
Jim Mortenson  
Administrative Law Judge



# Your Participation Matters

- Public participation in the rulemaking process is **essential** to the development of **fair** and **thoughtful** public policy.
- Pursuant to Minn. Stat. Ch. 14, this hearing is being conducted so that the public can **participate** and **be heard**.
- **Thank you** for contributing your thoughts, experience, and expertise.



# Key Issues

1. Does the Agency have legal authority to adopt the rules?
2. Has the Agency fulfilled all relevant legal and procedural requirements to promulgate the rules?
3. Has the Agency demonstrated the need and reasonableness of each portion of the proposed rules?



# Roadmap for Today



- My remarks
- Introduce agency staff
- Agency exhibits and presentation
- Public questions and comments
- Hearing will adjourn when the last speaker present is heard

# Hearing Procedure



- Everyone is treated **fairly** and **impartially**
- The agency **submits documents into the record**, including the statement of need and reasonableness, and any written exhibits in support of the proposed rule
- The agency **may also** present additional oral evidence
- Interested people **may comment** orally or in writing
- Commenters **may question** agency representatives or witnesses in order to explain the purpose or intended operation of the proposed rule, explain a suggested modification, or for other purposes if relevant to the evaluation or formulation of the proposed rule
- The judge **may limit repetitive or immaterial** oral statements and questioning

# Agency Panel

- **1 Andria Kurbondski**, a PFAS Pollution Prevention Program Lead in MPCA's Resource Management and Assistance Division. Ms. Kurbondski is a technical lead in this rulemaking. After the introduction of the hearing exhibits, Ms. Kurbondski will make a presentation on the proposed rule.
- **2 Peter Sandhei** is a Green Chemistry and Safer Product Program Coordinator in MPCA's Resource Management and Assistance Division. Mr. Sandhei is a technical lead in this rulemaking.
- **3 Quinn Carr** is the MPCA rule coordinator for this rulemaking. Mr. Carr manages the administrative procedures aspects of the rule and is the point of contact for process-related questions.



# Agency Exhibits



Agency documents related to this rulemaking are available to view at:

<https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting-and-fees>

# Ways to Comment

(1) Offer **oral comments** at this hearing

(2) Offer **written comments** electronically, by mail, or by fax

**Electronically** at: [www.minnesotaoah.granicusideas.com/discussions](http://www.minnesotaoah.granicusideas.com/discussions)

By **U.S. mail** to:

Office of Administrative Hearings

Attn: William Moore

P.O. Box 64620

St. Paul, MN 55164-0620

By **Fax** to 651-539-0310

# Preferred Method for Written Comments

- **eComments** is the preferred method for submitting written comments
- Review OAH's website:  
<https://mn.gov/oah/media/rulemaking.jsp>  
for step-by-step instructions on submitting eComments



# Presenting Oral Comments

## In WebEx

- On your computer screen, click the **Chat** icon
- Send a message that you would like to speak
- You will be put in the queue in the order received
- Do not post questions or comments in the **Chat**

## By Telephone

- Press **\*3** on your telephone to add yourself to the queue
- Press **\*3** again to remove yourself from the queue

# Process for Presenting Oral Comments

- For those attending by WebEx, **turn on your video** by clicking the video icon
- To ensure everyone is heard, the judge may limit your initial comments to 5 minutes
- You may return to the queue to speak again, time permitting (Preference will be given to those who have not spoken yet)
- Our objective during the hearing process is to hear from as many different people, and on a wide a range of topics, as our time together permits

# Tips for Oral Comments

- State and spell your first and last name
- If you are commenting on behalf of an organization, identify the organization
- Speak slowly, clearly, and loudly - only audible statements will be recorded
- Spell names and technical terms
- Introducing an acronym? Be sure to state the full phrase



# Importance of Courtesy and Respect

- This is a legal proceeding
- Respect other speakers and the time limits, if any
- Do not interrupt other commenters
- The court reporter may interject if something is not clear



# Recordkeeping

- The court reporter's transcript is the official record of the hearing
- The judge and the agency will cite to the transcript
- The transcript will include your comments, and the judge may quote you in the report





# Remember – Other Ways to Comment

- You may also submit written comments by **eComments**, **mail**, or **fax**
- If you are unable to comment today, please know that all comments are considered in the same way regardless of the way they are submitted



# Commenting on Key Issues

- Focus your comments on the three key issues for this hearing:
  1. The Agency's legal **authority** to adopt the rules
  2. The Agency's **compliance** with legal and procedural requirements
  3. The **need for** and **reasonableness** of the rules
- If you are commenting on a particular part of the proposed rule, identify it



# Time for Comments



Initial comment period closes

**June 23, 2025**

Comments must be received by

**4:30 p.m. on**

**June 23, 2025**

# Time for Rebuttal



**Rebuttal** is a reply to something someone else said - not a new comment.

5 business days from close of comment period

**Rebuttals must be received by 4:30 p.m. on June 30, 2025**

# Judge's Report



- Judge will issue a report
- Within 30 days of the close of the record, unless extension is granted
- You can view the report at  
<https://mn.gov/oah/media/opinion-archive.jsp>  
OR <https://tinyurl.com/OAH-Archive>
- Report will be posted on the day it is issued

# Required Reminder for Lobbyists



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

- Lobbyists must register with the Campaign Finance and Public Disclosure Board
- Questions about registration should be directed to that Board
- [www.cfb.mn.gov](http://www.cfb.mn.gov)

# Agency Panel

# Public Questions and Comments

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- In **WebEx**, put your name in the **Chat** box to request to speak and be placed in the queue
- To comment by **phone**, press **\*3** to be placed in the queue
  - Press **\*3** again to remove yourself from the queue
- Repeat if you want to speak again



# Comment Deadline Reminder



**Initial comments must be received by**

**4:30 p.m. on**

**June 23, 2025**

**Rebuttals must be received by**

**4:30 p.m. on**

**June 30, 2025**

**Docket No. 5-9003-40410**



# Thank you!

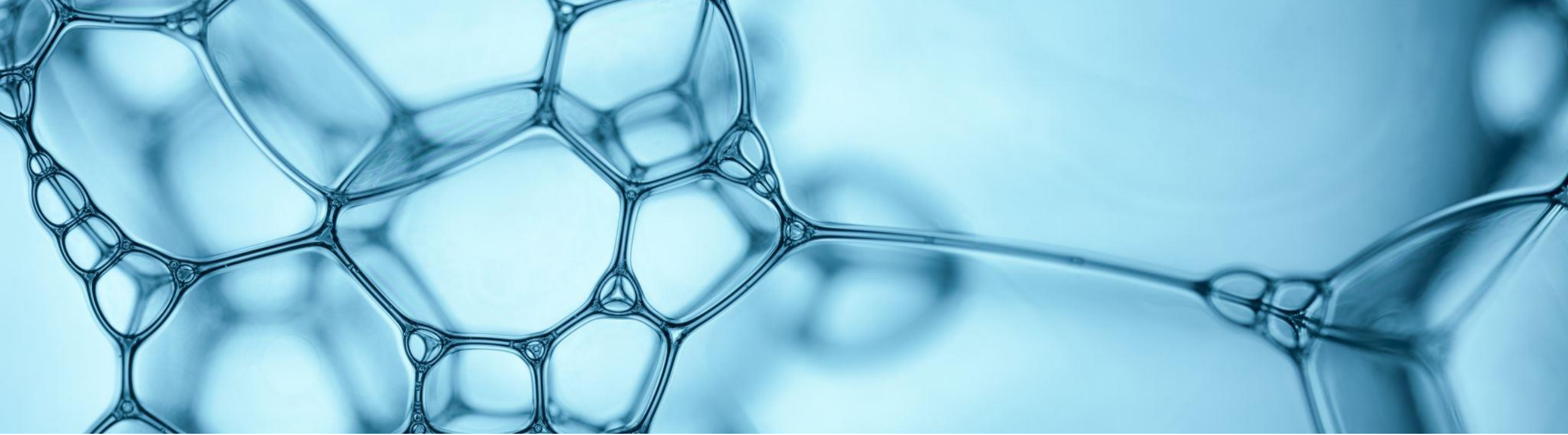
[mn.gov/oah](https://mn.gov/oah)



# Brief Intermission

## Our Hearing Will Resume Soon

[mn.gov/oah](https://mn.gov/oah)



# PFAS reporting and fees rule hearing

# Agenda



- Statute background & summary
- PFAS in Products Reporting Elements
- Required Fees

# Why PFAS are intentionally added

## **Durability**

PFAS compounds resist heat, water, oil, and corrosion, extending product life in harsh environments.

## **Performance Benefits**

Used to enhance stain resistance, waterproofing, lubrication, and nonstick properties.

## **Widespread Applications**

Found in electronics, textiles, food packaging, medical devices, construction materials, and more.

## **Functional Versatility**

Can be engineered for a range of roles—barrier, coating, adhesive, surfactant, or fire suppressant.

# The problem with PFAS chemicals

Small amounts  
may be harmful.



Some build up in  
people over time.



All are difficult  
to remove and  
destroy.



# PFAS response actions

1



## **Prevent**

PFAS pollution wherever possible

2



## **Manage**

PFAS pollution when prevention is not feasible, or pollution has already occurred

3



## **Clean up**

PFAS pollution at contaminated sites



# Amara's Law

January 1, 2025	January 1, 2026	January 1, 2032
PFAS in 11 product categories	PFAS in products reporting due	PFAS prohibited in all products unless determined to be a “currently unavoidable use”

# Statute summary

By **January 1, 2026**, manufacturers of products sold, offered for sale, or distributed in Minnesota that contain **intentionally added PFAS** must submit a report to the commissioner including:

1. A brief description of the product, including a numeric product code (UPC, SKU, HTS, etc.);
2. The purpose or function of PFAS in the product or its components;
3. The amount of each PFAS (by CAS number, if available), reported as an exact quantity or approved range;
4. Manufacturer's name, address, and contact details;

**The commissioner may adopt new rules necessary for implementation.**

With commissioner approval, a manufacturer may report by product category instead of individual products.

Reports must also be updated whenever:

- A new PFAS-containing product is introduced,
- Information changes significantly,
- Or when the commissioner requests.

**Products may not be sold in Minnesota if the manufacturer fails to provide the required information and notification under subdivision 4 has been issued.**

# PFAS in products reporting

# Product description

## Product description

- Brief product description – whenever applicable, brand name and product model plus other characteristics which distinguish it from similar products made or sold by other manufacturers
- Numerical product code - including a universal product code (UPC), stock keeping unit (SKU), harmonized tariff schedule (HTS) code, or other numeric code assigned to the product

# Product description

Similar homogenous products may be grouped under one product description if:

- The PFAS chemical composition in the products are the same;
- The PFAS chemicals in the products fall into the same reporting concentration ranges;
- The PFAS chemicals in the products provide the same function, and
- 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.

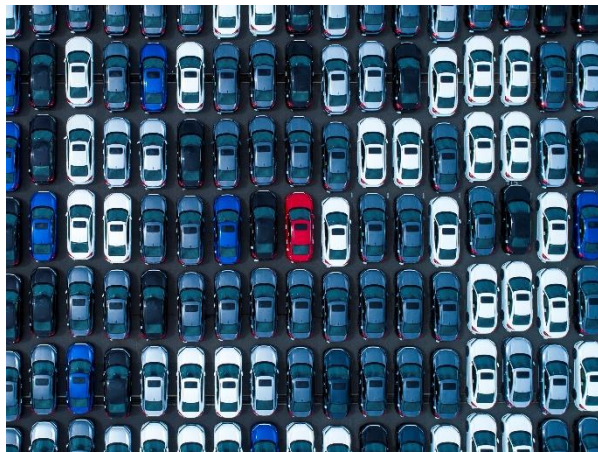




# Product description

Products consisting of multiple PFAS-containing component may be grouped under one product description if:

- The PFAS chemical composition in the components are the same;
- The PFAS chemicals in the components fall into the same reporting concentration ranges;
- The PFAS chemicals in the components provide the same function; and
- 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.





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

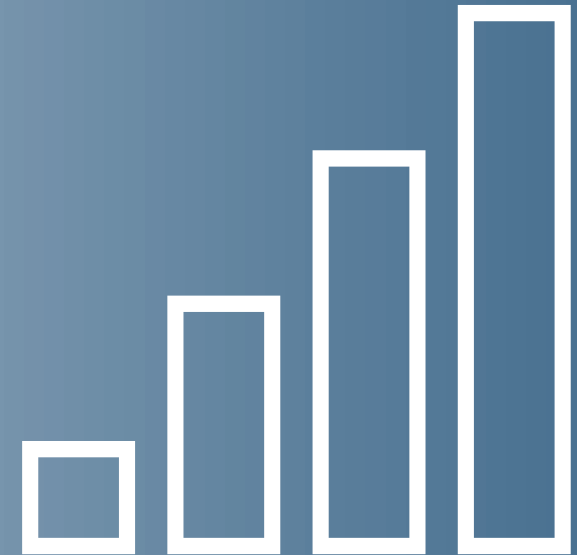
- the chemical name; and
- the Chemical Abstracts Service Registry number (CASRN) or, if no CASRN exists, another chemical identifying number



# Amount of PFAS

## Concentration ranges for reporting PFAS amounts by weight:

- Practical Detection Limit to <100 parts per million (ppm);
- 100 ppm to <1,000 ppm (0.1%);
- 1,000 ppm to <10,000 ppm (1%);
- 10,000 ppm to <150,000 ppm (15%);
- 150,000 ppm to <300,000 ppm (30%);
- 300,000 to <600,000 ppm (60%);
- 600,000 to <900,000 ppm (90%);
- 90 to 100%; or
- present but the amount or concentration range is unknown.



Function (purpose) for which PFAS are used in the product



## Purpose of PFAS



## Annual updates:

- ✓ a significant change was made to a product;
- ✓ new product information was provided to a manufacturer; or
- ✓ a new product was sold, offered for sale, or distributed in or into the state.

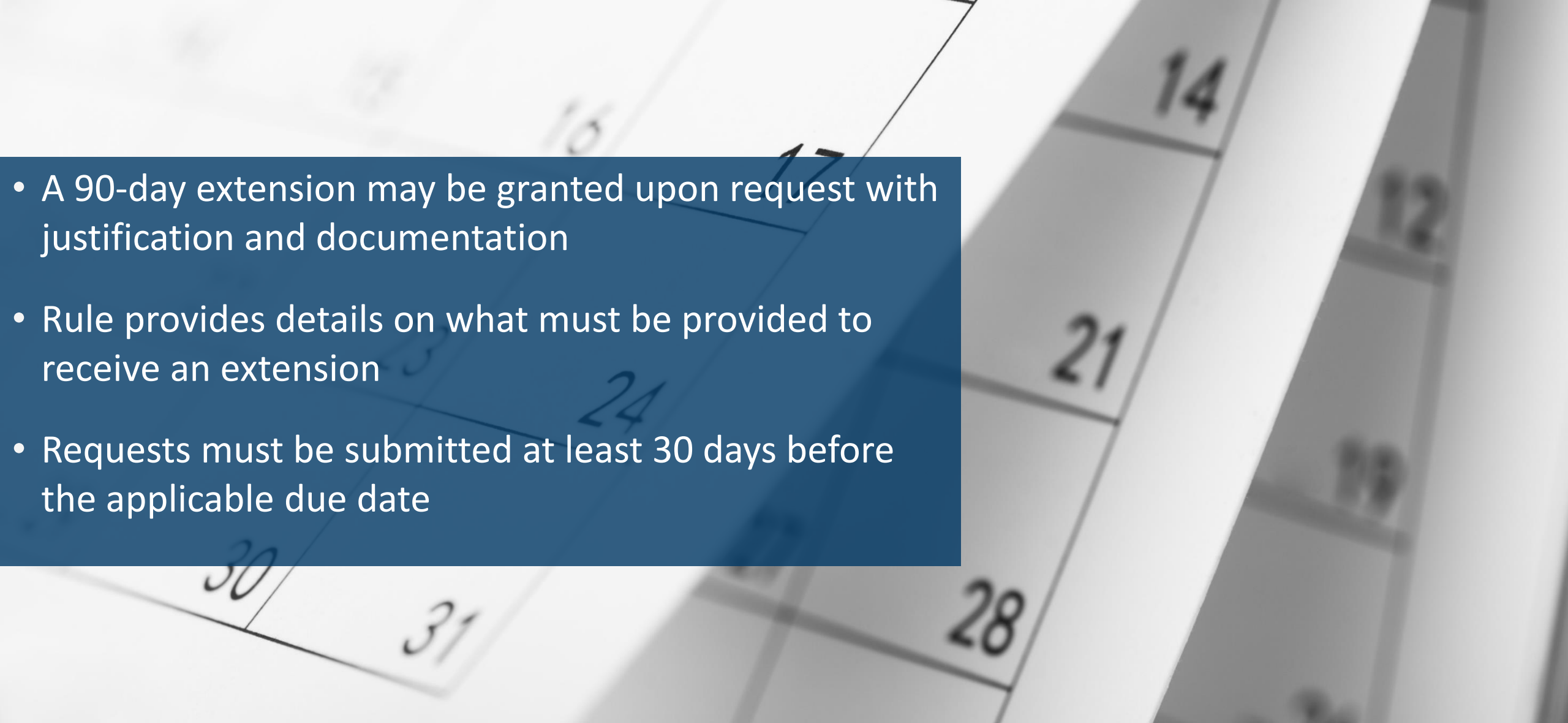
Annual recertification if no updates are required

Voluntary updates may be made when PFAS is reduced or eliminated from a product or component



- Rule defines what is considered substantially equivalent information and publicly available
- Requests must be submitted at least 30 days before the applicable due date
- Applicable reporting fees still apply
- Rule clarifies that waiver requests must be submitted annually

## Waivers

- 
- A 90-day extension may be granted upon request with justification and documentation
  - Rule provides details on what must be provided to receive an extension
  - Requests must be submitted at least 30 days before the applicable due date

## Extensions



Data that can be eligible for not public data, per MN  
§13.37 GENERAL NONPUBLIC DATA:

- chemical name;
- chemical identifying number; and
- specific supply chain information identified in part 7026.0080

# Alternative data

## Non-Polymers

- Subclass: Perfluoroalkyl substances+
- Subclass: Polyfluoroalkyl substances

## Polymers

- Subclass: Fluoropolymers
- Subclass: Polymeric perfluoropolyethers
- Subclass: Side-chain fluorinated polymers

## Other

- “Fluor” in Chemical name
- Functional groups(s) other than alkyls present



## Data submitted to the agency

Manufacturer requests to protect the name and CAS # of the PFAS in their product or product component.

Ex: PTFE, 9002-84-0

If request meets requirements...

## Data seen in public facing reports

CAS # will not appear and the name of the PFAS would show up as the subclass it belongs to

Ex: Fluoropolymers, “trade secret” or “NA”



In addition to exemptions in Subd. 8 of the statute, an additional exemption for reporting has been included for any information on products and components subject to classified information as defined in United States Code, title 18, section 798.

# Exemptions

# Reporting fees

- \$1000 flat fee per manufacturer for the initial report submitted
  - Not a per product fee
- Subsequent \$500 flat fee each year when submitting an annual report update or annual recertification
- Extension request require a \$300 fee
- Applicable fees still apply to those receiving a reporting waiver
- No fees for voluntary updates

# Thank you!

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