BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

OF THE STATE OF MINNESOTA

IN THE MATTER OF

Proposed Rules Relating to Amara's Law

PFAS in Products: Reporting and Fees

Minnesota Rules 7026.0010 - .0100

OAH DOCKET NO. 5-9003-40410

Public hearing taken via WebEx

Thursday, May 22, 2025

Met, pursuant to notice, at 2:00 p.m.

BEFORE:
JIM MORTENSON, ADMINISTRATIVE LAW JUDGE

REPORTER:
Colleen M. Sichko, Registered Professional Reporter

APPEARANCES:

EMILY McMILLAN, Associate General Counsel, Minnesota Pollution Control Agency

ANDRIA KURBONDSKI, PFAS Pollution Prevention Program Lead, Resource Management and Assistance Division, Minnesota Pollution Control Agency.

PEDER SANDHEI, Green Chemistry and Safer Product Program Coordinator, Resource Management and Assistance Division, Minnesota Pollution Control Agency

QUINN CARR, Rule Coordinator, Minnesota Pollution Control Agency

(WHEREUPON, the following proceedings were duly had and entered of record, to-wit:)

I N D E X

I N D E X (CONTINUED)

THE JUDGE: Well, good afternoon everybody. My name is Jim Mortenson and I'm an Administrative Law Judge with the Minnesota Office of Administrative Hearings. I welcome everyone this afternoon and I thank you for taking your time to be here today to participate in this public rulemaking process.

Today is Thursday, May 22nd, 2025, and it's just after 2:00 p.m., and we're here for a public hearing in the matter of the Minnesota Pollution Control Agency's proposed rules governing reporting fees by manufacturers upon submission required information about products containing per- and polyfluoroalkyl substances, or PFAS for short.

These proposed rules are found with the Revisor at R-4828 and will be in Minnesota Rules Chapter 7026. Specifically, these proposed rules govern PFAS reporting requirements for manufacturers and the fees to be paid with reports in accordance with Minnesota Statutes, Section 116.943, which left these details to the Pollution Control Agency to determine. This matter is assigned Docket Number 5-9003-40410 by the Office of Administrative Hearings. Please use this case number when you submit written comments to the record.

The Office of Administrative Hearings is an Executive Branch court, independent of State agencies such as the MPCA. Our role is to provide hearings that are neutral and fair to all of the participants, including overseeing Executive Branch agency rulemaking such as this. The purpose of this hearing is to allow the MPCA to present its case regarding its proposed rules and to hear from the public regarding the proposal before the rules are finalized. Next slide.

Pursuant to state law, rulemaking hearings are conducted so that members of the public can be heard as part of the rulemaking process. I'm here to ensure procedural fairness, to ensure that we are courteous to each other so that all interested parties can be heard, and to draw knowledge from as many voices as possible. An underlying assumption in this process is that we, as a self-governing people, collectively rely on each other to share wisdom and perspective about particular topics being considered for our collective well-being.

Now, there are differences between constructive criticism and questions and discourteousness. I'm here to police that, but it

is always important that government agencies hear your thoughts, hear about your experience and hear your expertise in the formation of public policies through rulemaking. Next slide, please.

This hearing is part of a process by which rules are adopted under the Minnesota Administrative Procedures Act. During this hearing, which is an important part of the rulemaking process, the agency is required to, first, demonstrate that it has fulfilled all relevant legal and procedural requirements of the law and, second, demonstrate the need for and reasonableness of each portion of the proposed rules with an affirmative presentation of facts. These are the two big -- two of the three big issues I'll be reviewing as part of this proceeding, and I encourage you to make comments and ask questions about the proposed rules with these issues in mind.

The other issue I will determine is whether the agency has the legislative authority to promulgate the rules. That's primarily a question of law, but your comments are welcome on that point, as well.

It is not my job as the judge in this matter to rewrite the rules based on the views of

participants or my own views or to select one set of proposed rules or policy priorities over another set. My job is limited to ensure that the agency followed statutory requirements for rulemaking and that proceedings like this are conducted fairly. In doing so, I may limit questioning that is repetitive or immaterial and comments that are discourteous or irrelevant. Next slide, please.

After I complete my introductory remarks about the hearing procedures, I'll turn the presentation over to the MPCA's panel and I'll admit its exhibits in support of the proposed rule into the record. After the agency concludes its presentation, I'll begin taking public questions and comments.

There's a court reporter on the line with us today who is transcribing these proceedings to create a clear record of the hearing. Because there is a court reporter, we may need to take a break from time to time, and I'll rely on the court reporter to inform me when it's appropriate to take a break. The hearing will conclude after the last person wishing to speak is heard or -- and will continue until 5:00 even if we appear to have wrapped up folks; and if we need to add an

additional day of the proceeding because we've hit the limit and there's still many people who wish to speak, I'll discuss that with the agency folks so we can accommodate that. Next slide, please.

When asking questions about the proposed rules or making a comment, consider seeking information about or commenting about their purpose or intended operation, proposing a modification or raising other relevant issues related to the proposed rules. While all questions and comments become part of the record, not all questions can be immediately answered. In those cases, answers will be responded to -- questions will be responded to in writing following the hearing and the written comment period. Next slide.

If we can have the agency panelists introduce themselves? Yes, I'm putting you on the spot.

MS. McMILLAN: Thank you, Your Honor. My name is Emily McMillan, E-m-i-l-y M-c-M-i-l-l-a-n. I am an Associate General Counsel with the Minnesota Pollution Control Agency, referred to as MPCA, address at 520 Lafayette Road North, Saint Paul, Minnesota 55155. I am appearing in this rule proceeding on behalf of the Minnesota

Pollution Control Agency.

I would like to give a quick introduction to the MPCA staff here today as listed on the slide, who will be making a presentation about the proposed rule. Andria Kurbondski, who will introduce herself shortly, is 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.

Peder 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.

Quinn Carr is the MPCA rule coordinator for this rulemaking. Mr. Carr manages the administrative procedure aspects of the rule and is the point of contact for process-related questions.

THE JUDGE: Thank you very much.

As Ms. McMillan said, these are the people who will provide testimony about the proposed rules and will be available to answer questions the best they can about these proposed rules today. Next slide, please.

The agency has filed with my office its exhibits in support of these rules and I will receive those exhibits into the record a bit later, but they are available on the agency's website and that's presented on the screen here.

Most of the hearing time today is allotted for questions and comments from members of the public. That's the key reason we're here today, and there are two ways you can submit questions and comments into the record. First, you can do so orally here today and, second, you can submit questions and comments in writing through our eComments website by mail or by fax. The contact information is on the screen.

Comments are not accepted by email. Email is not a recognized method for commenting in OAH proceedings because it's not reliable enough for the creation of a formal rulemaking record. Emails can be missed or misdirected or sometimes get caught in a spam filter and are never received. We also do not accept comments through social media platforms. Next slide, please.

The preferred method for submitting written comments is through the eComment website. It allows the agency and others to see your comments

as soon as they are submitted. You can also read the comments of others on this website. Next slide, please.

Today's proceeding, however, is to hear from folks orally. If you want to comment at today's hearing, here's what you need to do. Please click the chat icon on your screen. This will indicate to the facilitator that you wish to speak. For those of you participating by telephone, you can press *3 on your telephone, and as those requests to speak come in, we'll put commenters into a queue and then start working through that list. You may also press *3 on your phone if you're using that method to remove yourself from the phone queue, but you can still keep listening. Next slide, please.

For those commenting by WebEx, please turn on your video by clicking the video icon. That will allow me to see you, as well as the court reporter. Commenters will be unmuted or invited to unmute themselves so that you can make your comment. My goal today is to hear from everyone who wishes to make a comment, and please be mindful that there are others who also wish to speak, so consider focusing your comment to be as clear and succinct as possible. Please limit your comments to five

minutes or less. If you go over five minutes, I may cut you off in order to ensure everyone gets a chance to speak. If there's time after everyone is heard once, I may provide you with a chance to finish your comments. Next slide, please.

So in making comments during today's hearing, here are some general directions. Please fully identify yourself, spelling your first and last name, and identify any organization you represent. These are important for the record. Please speak slowly, clearly and loudly so that the court reporter can accurately record your identity and your comment or question. Next slide, please.

Please remember that this is a legal proceeding and respect for the process includes respect for each other. Because we are human beings and imperfect, I have my role to play to ensure the process stays respectful. The court reporter is also empowered to intervene if they cannot hear what is being said. Next slide, please.

The court reporter's transcript is the official record of what is said here. It will include the comments, the agency presentation, and any questions and answers. I may include quotes in my report which come from the transcript. Next

slide, please.

If you are unable to comment today, please remember that you can also file written comments. It doesn't matter whether your questions or comments are entered into the record orally or in writing, they are given the same consideration. Next slide, please.

So please remember the three issues that I'll be considering include whether the MPCA has legal authority to adopt these rules, whether the MPCA has complied with the legal and procedural requirements, and whether the rules are needed and reasonable; and, and this is very important, if your comment relates to a particular part of the rule, please identify that part you are addressing. If you want to supplement your oral comments, you can also do that in writing during the comment period. Next slide, please.

Minnesota Statutes, Section 14.15, subdivision 1, gives me the authority to keep the hearing record open for up to 20 working days after the end of the public hearing. I have issued that Order on the record today and the comment period is extended for 20 working days from the close of the hearing. Thus, you have until June 23rd, 2025, at

4:30 p.m. to submit comments.

After the close of the comment period, there will be a five-working-day rebuttal period. That five-day period is meant for comments on the comments, not to introduce new matters. So you'll have until June 30th, 2025, at 4:30 p.m. to submit rebuttal to the comments presented. Next slide, please.

Following the close of the record, I'll prepare a report that contains my conclusion about whether the Department has met its statutory burdens in this matter, specifically whether the agency has documented its authority to enact the rules, whether the agency has fulfilled all the required procedures, and whether the agency has demonstrated the need and reasonableness for each portion of the proposed rules. You can expect my report within 30 days after the last comment deadline unless an extension is necessary. My report will be published on the OAH website on the day it is issued. Next slide, please.

A final reminder that if you are a lobbyist, you must register with the Minnesota Campaign Finance and Disclosure Board. That information is on this slide.

Now I'm going to turn the presentation over to the agency's representatives, who will introduce the agency's exhibits for me to admit into the record -- I trust that will be Ms. McMillan -- and then they will begin the agency's presentation. We will likely have a short intermission before we start with the public comments after that point.

With that, I believe, Ms. McMillan, you will want to take the floor.

MS. McMILLAN: Thank you, Your Honor. As you stated, the Minnesota Pollution Control Agency is proposing a rule governing per- and polyfluoroalkyl substances, referred to as PFAS, reporting requirements and fees as directed by Minnesota Session Law 2023, Chapter 60, Article 3, Section 21, House File 2310.

Before the presentation, I would like to submit into the hearing record the hearing exhibits. The exhibits are also posted on the agency's website. The purpose of these documents is, as you outlined, to document the legal authority of the Minnesota Pollution Control Agency to adopt the proposed rule, demonstrate that the agency has fulfilled all relevant legal and procedural requirements for promulgating the rule, and

demonstrate that each portion of the proposed rule is needed and is reasonable.

I will quickly review the exhibits and relate each exhibit to one of the three purposes I just mentioned. There is an index of the exhibits at the front of the hearing exhibits.

Exhibit C contains the text of the proposed rule.

Exhibit D contains the Statement of Need and Reasonableness, referred to as the SONAR, that was published with the rule. The SONAR documents the statutory authority of the Minnesota Pollution Control Agency to adopt the proposed rule. The MPCA has legal authority to promulgate PFAS reporting and fee rules under Minnesota Statute 116.943, subdivisions 6 and 9. The SONAR in Exhibit D also demonstrates that each portion of the proposed rule is needed and is reasonable. The SONAR includes both a general description of why the rule is needed and reasonable and a detailed description of why each proposed rule part is needed and reasonable.

Many of the other exhibits demonstrate that the agency has fulfilled all relevant legal and procedural requirements. These include the

following:

Exhibit A-1, the Initial Request for Comments that started the formal rulemaking process.

Exhibit A-2, the Second Request for Comments to combine the previously separate reporting and fee rules into one rulemaking.

Exhibit C, the Revisor's approval of the proposed rule.

Exhibit E, the certificate verifying submission of the SONAR to the Legislative Reference Library.

Exhibit F, the Notice of Intent to adopt, as sent, as posted electronically on the MPCA webpage and as published in the State Register.

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

Exhibit G-2, the GovDelivery bulletin with recipient count.

Exhibit G-3, the Certificate of Accuracy of the mailing list.

Exhibit H, the Certificate of Additional Notice.

Exhibits K-1 and K-2, evidence of compliance with requirements to notify legislators.

Exhibit K-3, the approval by Management and Budget of the agency's fiscal analysis of the impact of the rules.

And Exhibit K-4, a courtesy copy of the transmittal letter showing the agency sent the proposed rules to the Commissioner of Agriculture.

Exhibit I includes copies of comments on the proposed rule that were received by the MPCA during the prehearing comment period.

At this time, the MPCA will also introduce Exhibit L, which is now added to the hearing record materialities. This exhibit is a copy of the slides from the presentation MPCA will be making today at the hearing.

So, Your Honor, I would like to offer the exhibits into the record at this time.

THE JUDGE: Thank you very much. The Department's exhibits listed A through L and all of their subparts are admitted into the record.

MS. McMILLAN: Thank you, Your Honor. Now Ms. Kurbondski will make a presentation outlining the proposed rule and summarizing the need for and reasonableness of the proposed rule. The presentation will take about 25 minutes.

MS. KURBONDSKI: Thank you. My name is

Andria Kurbondski, spelled A-n-d-r-i-a, last name K-u-r-b-o-n-d-s-k-i, and I am with the MPCA, here to give you a summary of the proposed rules. Next slide, please.

Today we will be going over the statute background and summary. We will be talking about the PFAS and product reporting elements and the required fees that go along with the reporting. Next slide.

Just a little bit of background on how we got to this statute. We have been seeing these PFAS chemicals developed in the 1940s by US chemical companies for their unique properties. We see them rapidly expanding throughout the '50s and '60s, particularly in products like nonstick cookware, stain-resistance fabrics and the like.

A lot of these chemicals were used for things like durability. These chemicals are really good for resisting heat, oil, water, corrosion, extending product life in harsh environments. They have performance benefits, enhance stain resistance, waterproofing, lubrication and giving nonstick properties. They have been able to be used in widespread applications from electronics to textiles, food packaging, medical devices,

construction materials and more. Due to this functional versatility, they have created a large range of roles and barriers, coatings, adhesives, surfactants and fire suppressants.

However, in the early 2000s some manufacturers started phasing out some of these longer chain PFAS chemicals like PFOA and PFOS due to regulatory pressure and health studies findings. Around that time we were starting to see studies finding these chemicals found worldwide in the environment, in animals and the majority of humans. Next slide.

So as I mentioned, those -- the problem with these very versatile chemicals is that some of them may be harmful at very small amounts. Some of these are able to build up in people over time and all types of them accumulate in the environment over time. Due to their very strong chemical bond, they are very difficult to remove or destroy from the environment and/or people and animals. Manufacturing of these chemicals over the decades of use have led to widespread contamination. Next slide, please.

Here in Minnesota we have had kind of the -- our main three steps for our response to PFAS

contamination. Our first step we want to take that is the most impactful is preventing PFAS pollution whenever possible. Following that in the hierarchy, we would try to manage PFAS pollution when prevention is not preventable or it has already occurred. And the last response in the hierarchy is cleanup. PFAS pollution is occurring at contaminated sites and they are very costly to clean up.

So by -- you know, so far in our state a lot of our prevention has really kind of focused -- or I guess our work on it has really been on kind of the cleanup of it, and the passing of Amara's Law in 2023 is our state's largest initiative to prevent the PFAS pollution from occurring in the first place. Next slide, please.

Amara's Law contains three main components for PFAS pollution prevention. On January 1 of 2025, our state banned products containing intentionally-added PFAS in eleven different product categories from being sold within our state. The next stage of this law is what we're here to talk about today. We will be requiring manufacturers to report information on PFAS-containing products that are being sold into

our state. The third part of the law eventually eliminates or prohibits the use of PFAS in all products unless they have been determined to be a currently unavoidable use within that product.

I would like to stress now today we are presenting on the rules proposed for implementing the reporting requirement of Amara's Law. The currently unavoidable use rule will be taking place in the future. Next slide.

Next we'll be doing just a quick summary of the statute in which we are gaining authority to create this rule to help implement. So from our Minnesota Statute 116.943, subdivision 2, by January 1 of 2026 manufacturers of products sold, offered for sale or distributed in Minnesota that contain intentionally-added PFAS, they must submit a report to the commissioner including the following information: A brief description of the product including a numeric product code; the purpose of or function of that PFAS in the product or its components; the amount of each PFAS by CAS number, if available, reported as an exact quantity or approved range; and then information on the manufacturer. The commissioner may adopt new rules necessary for implementing this requirement. Next

slide.

With commissioner approval, a manufacturer may report by product category instead of individual products. Products -- or reports must also be updated whenever a new product that contains PFAS is introduced, information changes significantly or when the commissioner requests. The statute states that products may not be sold into Minnesota if a manufacturer has failed to provide this required information during reporting. Next slide, please.

So now I will take you through some of the details and background of the proposed reporting and fees rule. Next slide, please.

All right. The first part of the rule we have been adding to clarify, we are requiring a brief product description. We have added kind of clarification on what we want that to include, so wherever applicable, we would like to see a brand name, product model, plus any characteristic that could distinguish it from a similar item or product being made or sold by other manufacturers. So, again, you're thinking of company names, product X.

We also are requiring that when you report a product, that you provide a numerical

product code. This is kind of an open flexible one determined by the reporter, but it could include a universal product code, or UPC; a stock keeping unit, or SKU; harmonized tariff schedule, or HTS, code; or another numeric code assigned to the product. It should be noted that this code will be assigned at the product level when we are reporting it. Next slide, please.

The rule allows for grouping of similar products and/or components. When we are looking at a very similar homogenous product, it may be grouped under one product description if the following items are met. If the PFAS chemical composition in the products are the same; if those chemicals fall into the same concentration ranges being reported; if the chemicals provide the same function; and if the product has the same basic form, functionality and really only differs in size, color or some other kind of superficial quality that really doesn't impact the composition of that intentionally-added PFAS chemical.

So the two, you know, examples we see below, say we have a manufacturer who produces a, you know, fluoropolymer coating for wiring insulation. Now, they may require that wire

covering or coating in different thicknesses or lengths or colors to distinguish different components that someone may use them for. If they are really the same chemical that's used throughout and they are providing the same function, those could be grouped together under a similar product name.

You know, another example we have here is something like an architectural covering like paint. It was not our intent to know about every single color of paint that could be out there that contains PFAS, but we would want to know, you know, kind of by an identifiable -- again, kind of brand name, product, model reporting level of, say, your exterior high gloss paint. It may come in a lot of colors, but if really the composition of all those different paints are the same, it can be grouped as such. Next slide, please.

Another grouping for reporting we have decided to propose is that when we have a more complex product that may have multiple PFAS-containing components, the components, as well, can be grouped together following kind of that same guidance as before, if that chemical composition in those components are the same, if they all fall into

the same concentration ranges provided, if they have the same function and really only differ in something that may be superficial like color and size.

So, you know, we tried to give examples on this, as well. Say you are reporting a certain car model. We understand, you know, there could be lots of wire insulations, printed circuit boards, O-rings, gaskets within that car. We don't need to know that there are X amount of O-rings that are in the car. If they are all pretty similar and made of the same, you know, composition, they can be grouped together just to make that a little easier. We really -- like I said before, we really are trying to streamline some of the redundant information if some of the components in these complex products are kind of the same throughout and serve the same function. Next slide, please.

The chemical identities of these PFAS chemicals used in the product must be identified by the chemical name and a Chemical Abstracts Service Registry number, or CASRN. If no CASRN exists, another chemical identifier number shall be presented. We understood for a handful of reasons presented to us from industry stakeholders that PFAS

chemicals may not have a CASRN and we wanted to clarify that there are other identifiers that could be used instead, and so we have defined what those are in definitions of the rule. Next slide.

The amount of PFAS chemical used in these products also must be reported. We ultimately decided to go just with concentration ranges over exact concentrations for a few reasons. We did receive a lot of feedback from manufacturers either over, you know, trade secrecy concerns to report exact amounts and, you know, potential for, say, things like formulas to be exposed.

We also looked into and wanted to account for, you know, the variation you may have from product testing if a manufacturer was required to test a product or component to determine the PFAS chemical and amount. We also did present and offer up an option for concentrations that the chemical is present, but the amount or concentration range is not known. We understand that sometimes, again, when trying to get the information from a complex supply chain, the information may not be forthcoming all the way up front. Next slide, please.

The next requirement in the reporting is the purpose of the PFAS. We are now, I guess,

referring to this more as, like, the function of the PFAS chemical when it's being used in that product. That also must be reported. And next slide.

Next we'll be moving on to the section of the rule where we are going to propose reporting updates. So the rule says that annual updates must occur and be done when a significant change has been made to a product and we have defined "significant change" in our definitions, as well, in this rule; a new product information was provided to a manufacturer; or a new product was being sold, offered for sale or distributed into the state for sale.

Annual recertifications are required if no updates are needed for the report. We also allowed for voluntarily updates at any time if you want to report the reduction or elimination of a PFAS chemical from a product or component. We were hoping to be somewhat, you know, accommodating to complex products that may frequently change, release new models or encompass a lot of customizable components; and I would like to state right now that we have, from our initial review of some of the comments we've gotten up through tomorrow -- or yesterday, that there is a bit of conflicting

language in the rule that we will provide written feedback on, as well, about new products. Next slide, please.

The rule does allow for certain waivers to be applied for. We define in the rule what may be considered substantially equivalent information or publicly available information, which are requirements that need to be met for a waiver to be approved, and this is pretty much for allowing, you know, this information that's substantially equivalent be made somewhere else or publicly available outside of the reporting system we are developing.

These requests must be submitted at least 30 days before the application is due. Application -- or applicable reporting fees will still apply for those that are granted waivers, and the rule clarifies that the waiver requests must be submitted annually, as well. Next slide, please.

Extensions. We -- there are kind of two ways we'll talk about how extensions may occur for reporting. Within the rule we have added a -- a process for requesting a 90-day extension to be granted upon request with, you know, justification and documentation that must be presented for us to

approve -- let's see -- and the requests need to be submitted at least 30 days before the applicable due date of the report.

We understand that for a lot of reasons an individual manufacturer may want to apply for an extension on reporting. You know, we definitely know that there's wait times if we are expecting information back from our suppliers that aren't being forthcoming or still trying to investigate. We understand, too, if you are testing a product, labs are quite busy and sometimes their turnaround time is a bit lengthy. So we wanted to make sure we gave room for reporters to submit independent -- you know, individual extensions for their report.

We also, within the statute, have the authority to grant all manufacturers an extension or change the due date if we or the commissioner determines that more time is needed. Next slide, please.

Trade secrets, the data elements that may be eligible for not public data per Minnesota Statute 13.37, General Nonpublic Data. The reporting elements that we are requiring, chemical name, chemical identifier number, and specific supply chain information may fall under what we

would consider nonpublic data in Minnesota. Requests for these data elements to be nonpublic would be submitted through our reporting system. These elements, if approved, would not be appearing on publicly available data if approved by us. Next slide, please.

Our agency does, however, require in the rule that if someone is submitting a chemical name to be trade secret, that you submit a chemical subclass in lieu of the chemical name that will be provided to the publicly available data. Next slide, please.

Let's see. This slide is kind of a conceptualization of how trade secret data may be submitted versus what would be available to the public, and we take into account any data that would be approved as nonpublic. So say a manufacturer requests the product name and the CAS number in their product be marked as trade secret. Say, you know, we approve that or it meets the requirements to be a trade secret per our statute. You know, the name would not appear on there. It would either be marked as trade secret or NA, but the subclass would show up under that product. Next slide, please.

Under our Exemptions section, an

additional exemption was added to the statute. It's been included for any information on products or components that may be subject to classified information as defined by the United States Code, Title 18, Section 798. We do want to point out, though, manufacturers claiming an exemption such as this should retain any documentation that would demonstrate it and it must be able to be provided to the MPCA upon request. All right, next slide.

We'll be talking about the fees next. So here today we'll say we have definitely received and noticed that there's a little bit of confusion in some of the rule text about the initial fees and subsequent fees, so we just wanted to emphasize today that the fees we are proposing are not a per product fee. In the fee section we are proposing just a $1,000 flat fee per manufacturer that is reporting in for the first initial report that they are submitting, and then subsequent annual reports or updates just require a $500 flat fee each year when submitting those.

We have also added a $300 fee for an extension request and, as I mentioned earlier, any applicable fees would still apply to those that have received a reporting waiver. There are no fees

associated with voluntary updates. The rule also notes that fees will be adjusted for inflation starting July 1 of 2027.

These fees are used to cover the administrative costs, system maintenance, related operational expenses that are associated with the reporting system and the, you know, enforcement and compliance of this rule. There we go, and last slide.

Thank you again for everyone participating today. As we've mentioned, we are combing through lots of comments we got yesterday and we look forward to hearing some more today, as well. Thank you.

MS. McMILLAN: Thank you. This is Emily McMillan speaking again. This concludes the MPCA's presentation. I have nothing further, Your Honor.

THE JUDGE: Thank you very much.

I want to thank you for the presentation, Ms. Kurbondski.

With that, I would like to start collecting questions and comments from the public, but before we do that, I believe we've been online here for 45 minutes. We will take a short

intermission, no more than ten minutes, and then we'll start with the public comments. I think we have a slide, an intermission slide back in the deck somewhere and near that -- I think it's slide 27. I think slide 27 might be our intermission slide, and then we'll put the -- slide 24, I think, is our instructions on how to make comments.

So ten minutes and at 2:55 we'll start taking those questions and comments. So write them down, get them ready, and we'll start going through the list. Thank you.

(Short break taken.)

THE JUDGE: Mr. Carr, so you've got control of the list of folks who want to make comments or ask questions, so I'll let you govern that and I will sit here quietly and take notes and assist in any way I can, if there's -- if necessary.

MR. CARR: That sounds good. We just have a few in the chat to speak and then we'll make you a panelist temporarily to speak and you can unmute and turn your camera on when it's your turn.

So we have Bill Erny first in the queue.

THE JUDGE: And if you'll put up -- I think it was slide 24 with the instructions for the

public. That one, perfect.

MR. ERNY: Okay. Can everybody hear me?

THE JUDGE: You're loud and clear.

MR. ERNY: Perfect. So my name is Bill Erny, B-i-l-l E-r-n-y, and I'm speaking here today on behalf of the RV Industry Association. So I'm Bill Erny and I'm a senior manager of regulatory affairs for the RV Industry Association. We represent over 98 percent of all RVs that are produced right here in America by American workers. These products include motor homes, travel trailers, park model RVs and more. RVing is about connecting people to the great outdoors in a safe and healthy environment as a core principle for our industry.

I would like to say that we share your goal of removing harmful chemicals from products sold in the state of Minnesota, and while our industry is fully committed to this goal, unfortunately, the reporting requirements under this proposed rule, especially on such a short timeline, present serious challenges for the RV industry.

RVs are highly complex products. They are comprised of thousands of individual parts and components that are sourced across a diverse and

complex global supply chain. Further, RVs are highly customizable and each unit can differ significantly based on the customer's selected floor plan, finishes, furnishings and other optional features. As a result, components used in each vehicle can vary even within the same model line.

Given this complexity, we are deeply concerned that the proposed reporting process will not be feasible as currently drafted. We ask that the MPCA work with our unique industry to achieve our shared goal of a healthy environment while ensuring the viability of the RV industry in Minnesota. To do this, we offer the following four recommendations.

One, delay the reporting deadline by at least twelve months. This will allow MPCA to appropriately finalize guidance, make sure that you test the reporting tools, and provide the industry with the time needed to work with complex supply chains to obtain the required information.

Number two, permit aggregate reporting at the total product or vehicle level. This will allow RV manufacturers to provide MPCA with meaningful data while minimizing the arduous and unnecessary reporting burden at the component level.

And number three, exclude internal components from reporting at this time. Internal components are fully integrated into the vehicle systems. They are not accessible during routine use or handling. This includes the electronics, internal wiring, sealed gaskets, among other things. These components are engineered for durability or function and are not designed for consumer interaction.

And then, four, provide a reasonable standard for due diligence reporting, a standard that's consistent with the EPA federal definition of known or reasonably ascertainable and one which will allow for realistic compliance expectations.

Thank you for this opportunity to provide input on this important rulemaking. Please refer to our written comments for further information and for more detailed recommendations. We look forward to working with you in the future on these critical issues. Thank you.

THE JUDGE: Thank you very much, Mr. Erny.

Mr. Carr, next comment or question?

I'll add if anyone from the panel has -- to the extent questions arise or if comments

are raised to which there's -- you know, they have already been considered by the agency, feel free to speak up on that.

MR. CARR: Next we have Stacy Tatman.

MS. TATMAN: Your Honor, the Complex Products Manufacturers Coalition appreciates the necessary work to implement Minnesota Statute, Section 116.943 and we thank you, the Minnesota Office of Administrative Hearings and the Minnesota Pollution Control Agency, for providing us with the opportunity to testify on the proposed permanent rules relating to PFAS in products reporting and fees.

I am Stacy Tatman. My name is spelled S-t-a-c-y T-a-t-m-a-n, and I'm here on behalf of the Complex Products Manufacturers Coalition, also known as the CPMC. The CPMC is a multi-stakeholder group dedicated to driving positive change in policy-making for sensible PFAS management. CPMC members assemble tens to hundreds or thousands of parts, components and raw materials to manufacture products that are frequently referred to as complex products. Throughout this testimony when I refer to "complex products," I'm referring to industrial, commercial and consumer products such as appliances,

batteries, communication devices, electrical and power transmission and distribution equipment, electronics, HVAC RWH systems, lighting, outdoor power equipment, vehicles, vessels and others, as well as their essential chemical components such as low risk refrigerants, fluoropolymers, insulating gasses and their replacement parts. Complex products are used to support nearly every major sector in the nation, providing critical and often lifesaving services upon which our modern society depends.

Due to the complexities of multitiered international supply chains and related issues, manufacturers of complex products face compliance burdens beyond those of most of the regulated community. Complex products manufacturers are downstream users who don't typically have the type of information chemical producers have and that which is required for reporting. The CPMC makes the following nine recommendations specific to the proposed rule and this compliments our comments that we submitted yesterday.

Number one, definitions. The CPMC recommends adoption of a definition for "complex products" where "complex products" means

manufactured goods composed of multiple manufactured components with an intended useful life of three or more years and where the product is typically not consumed, destroyed or discarded after a single use. Additionally, the CPMC strongly recommends narrowing the PFAS definition and providing CAS numbers to increase the workability of the final regulations for both MPCA and the regulated community. While the statute provides the minimum characterization of PFAS, we assert that the law does not prevent the MPCA from narrowing the definition or from providing further clarification for this family of chemicals.

Number two, reporting exemptions. There are significant differences between exemptions provided for under the statute and those put forward in the proposed rule. MPCA should include all exemptions stated in the statute and should also use its authority under the law to promulgate additional exemptions for complex products in its final regulations. MPCA should prioritize chemicals management using a risk-based approach that considers both hazard and exposure.

Number 3, waivers. The CPMC asserts that under the statute, the MPCA has the authority to grant additional waivers, including an

information requirement waiver, and should do so for complex products in its final regulations.

Number four, reporting deadline. The CPMC recommends that MPCA uses existing authority under the law to extend its reporting deadline. The CPMC suggests that to avoid issuing multiple postponements, as seen in other jurisdictions, MPCA should extend the deadline by at least two years, especially for complex products.

Number five, reporting updates. The CPMC recommends removing the overly burdensome annual recertification section and require recertification every five years instead.

Number six, extensions. The CPMC requests that MPCA use its authority under the law to increase extensions from 90 days to 180 days.

Number seven, parties responsible for reporting. The CPMC recommends modifying and clarifying the concept of group reporting. The MPCA should also address antitrust and confidential business information issues.

Number eight, due diligence. The CPMC believes the requirement for manufacturers to survey their supply chain "until all required information is known" is unrealistic and not achievable. CPMC

recommends that, instead, MPCA adopts the US Environmental Protection Agency's Toxic Substances Control Act, Section 887, PFAS Reporting Rule Standard, that which is "known or reasonably ascertainable."

Last one, number nine, reporting fees. The CPMC recommends that MPCA revise the fee structure and schedule to correspond with our recommendations to eliminate annual recertification requirements and related requests.

Thank you for your time. This concludes my testimony. I'm happy to answer any questions. Thank you.

THE JUDGE: Thank you for your comments.

MR. CARR: All right. Next we have Catherine Palin.

MS. PALIN: Hi, good afternoon. My name is Catherine Palin, C-a-t-h-e-r-i-n-e, last name P-a-l-i-n, representing the Alliance for Automotive Innovation or Auto Innovators. We represent automakers that produce more than 90 percent of all light-duty vehicles sold in the United States, their suppliers, and technology and mobility companies.

My comments today reflect the concerns and recommendations of the US automotive sector and aim to assist Minnesota in developing regulations that are needed and reasonable and provide useful information for Minnesota consumers. Auto Innovators has been working with the Pollution Control Agency staff and appreciate their willingness to listen to our concerns.

But there remain, however, several critically important revisions needed to effectuate a more functional reporting program. I'm going to cover five major issues today. We more thoroughly address other concerns that we have in our written comments.

The first is component level reporting. PCA is proposing that if a product consists of multiple PFAS-containing parts, the manufacturer must provide PFAS details individually for each component in that product. This would place a tremendous burden upon the auto industry, as our products can have as many as 30,000 parts at the lowest component level and we believe that hundreds, if not thousands of components in vehicles may contain PFAS.

If you multiply those hundreds of items

by the multiple product variance that each automaker sells, multiply that by the several automakers that are selling into the state of Minnesota, Auto Innovators expects that just automakers could be submitting 337,500 lines of data to the system. We also question whether detailed information on the presence of PFAS within a singular gasket truly provides information of utility to Minnesota consumers.

In some of our written comments we have proposed a PFAS reporting methodology that would have the auto industry reporting at a higher vehicle system level, such as providing information on PFAS present in the vehicle interior, the power train, the body, et cetera, which would be less burdensome for the automotive industry and we believe would provide more useful information for consumers.

The second issue is product and component grouping for reporting. PCA has argued that reporting burden could be reduced to the grouping of products and components for reporting. However, the draft PFAS in products reporting and fees rule sets very high thresholds for this grouping. These groups seemingly must contain the exact same PFAS serving the exact same purpose in

the product within this same narrow concentration range. We think that that strict requirement likely will not enable a lot of useful grouping of products or components and so we recommend that PCA expand their criteria for grouping.

The third area to raise is replacement and service parts. Federal safety law requires that auto manufacturers have available replacement parts and service parts for 15 years after a vehicle is manufactured and so there are literally millions of replacement parts in commerce that are essential to maintaining and repairing in-service vehicles. Reporting PFAS content for legacy in-use replacement parts produced years ago, but used in vehicles would be a Herculean task. Also, separately reporting replacement parts for current production vehicles would exponentially increase the amount of reports when the PFAS content of those parts would be similar, if not identical, to the amounts reported already for the vehicle itself.

So Auto Innovators asks that PCA exempt the reporting of legacy service parts, considering them to be components of used products, vehicles in use, and that PCA permit current production service parts to be considered reported as part of vehicle

product reporting.

The fourth issue is the due diligence standard. The draft rule proposes that the due diligence standard for reporting is to request information from the supply chain until all required information is known. This is an incredibly burdensome standard, especially for the automotive industry. We have as many as ten tiers of suppliers feeding substances and products all the way up the supply chain and all those suppliers are located across the globe. Combining those facts with the complexity of our product means that it could take an incredible amount of time and effort to pursue information until all information is known, let alone considering that in light of the January 1 reporting deadline.

So Auto Innovators recommends that PCA consider a less burdensome standard such as that chosen by EPA for the PFAS reporting rule, as mentioned, which is to report information that is known to or reasonably ascertainable by the obligated reporter.

The final issue I want to discuss today is timelines. We are raising concerns about the timelines involved here. Reporting per the statute

must be submitted by January 1st of 2026. At this time, less than eight months before that reporting is due, there is not yet any final rule to guide reporting. There's not information available about how the data will be required to be submitted or what the electronic reporting system will look like, and so without that information, it's more difficult for obligated entities to prepare to report and to fully understand the resources that they will need for compliance in reporting.

So Auto Innovators recommends that PCA strongly consider a broad extension of the reporting deadline as they mentioned during the presentation they have authority to grant. And Auto Innovators additionally adds that the sooner the agency can provide confirmation of such an extension, the better to provide certainty for companies in their planning because, otherwise, if companies think that they will be unable to comply as expected by January 1st of 2026, those companies may need to begin preparing to stop sales within the state, which is a process that takes time.

So those five areas highlight serious issues that we think could undermine the effective implementation of the statute. Thank you, Your

Honor, for your time.

THE JUDGE: Thank you very much.

Who do we have next?

MR. CARR: Next we have Andrew Bemus.

MR. BEMUS: Hi. Everyone able to hear me okay?

THE JUDGE: Loud and clear.

MR. BEMUS: Excellent. Well, Administrative Law Judge Mortenson, members of the agency board, thank you very much for the opportunity to testify today. My name is Andrew Bemus, that's spelled B-e-m-u-s. I'm State Affairs Manager with the Sustainable PFAS Action Network; that's SPAN for short.

SPAN is a coalition of PFAS users and producers committed to sustainable risk-based PFAS management. Our members advocate for responsible policies grounded in science and provide assurance of long-term human health and environmental protection, while recognizing the critical need for certain PFAS materials for US economic growth and global competitiveness.

SPAN has worked closely with policymakers in Minnesota since 2023 on implementation of the PFAS in products law. We are

proud of the cordial and productive dialogue we have formed with several legislators, staffers and regulators to address this important issue. MPCA has done important work on addressing PFAS contamination in Minnesota and we look forward to working with the agency in the future to find a productive path forward. In order to ensure that MPCA's vital work continues, SPAN has a number of issues that we would like to emphasize that need to be addressed in the near future.

To begin, SPAN would strongly encourage MPCA to delay the January 1st, 2026 reporting deadline so as to provide sufficient time for all affected entities to fully understand and be able to fulfill their reporting obligations. If their reporting program goes forward in its current state, entities having reporting obligations in Minnesota will face massive economic and regulatory burdens, and MPCA will experience administrative obstacles and resource limitations that will be difficult to fix after the fact. Many of the entities that will be required to report on January 1st of next year use thousands of products that proceed along varied international supply chains. Manufacturers will need substantially more time to gather information

and make a good faith effort to comply with the law.

For these reasons, SPAN believes MPCA should delay the reporting deadline to at least one year after promulgation of the final rules.

Proceeding, we have seven specific issue areas which we would like to address briefly today.

The first is on definitions. There are several definitions in the rule that SPAN encourages MPCA to reconsider or redefine. The definitions of "component," "identifiable element," and "PFAS" are extraordinarily broad and place a significant burden on a product manufacturer in determining if PFAS is present in every single components. A component could be interpreted as literally any part of a product no matter how small or insignificant. SPAN encourages the refinement of these definitions.

Issue number two is reporting and the required information. SPAN appreciates that in an effort to ease compliance for manufacturers, MPCA has proposed allowing groups of manufacturers to join in a report and for reports to cover groups of similar products. However, the criteria that must be met for a manufacturer to avail themselves of these tools are very specific, thus limiting their usefulness. What may appear to be identical

products from different manufacturers can often vary in material composition.

SPAN suggests that MPCA provide greater flexibility in the joint reporting process. SPAN also suggests that, due to complexities that exist along international supply chains, MPCA add flexibility in the data that needs to be reported.

Issue number three is on waivers. In the proposed rule, MPCA again evidences a willingness to ease compliance by allowing the commissioner to waive all or part of the information required if substantially equivalent information is publicly available.

SPAN suggests that MPCA issue a general waiver for manufacturers that are also submitting data under EPA's TSCA Section 8(a)(7), PFAS Reporting Rule. This would help avoid duplicative work and reduce compliance costs.

Issue number four is protection of confidential business information. The confidential business information of SPAN members and all manufacturers can include vital intellectual property assets and even sensitive national security information.

SPAN requests that MPCA provide further

details concerning how they will indeed ensure that trade secret data will be protected and not made public, especially if MPCA intends on using the Interstate Chemicals Clearinghouse High Priority Chemicals Data System.

Issue number five is the standard for due diligence. The proposed rule currently states that manufacturers must keep asking suppliers for data until all required information is known. This standard is unrealistic, especially for makers of complex products with thousands of components and independent suppliers located all over the world.

SPAN suggests that MPCA use the US EPA standards, as has been mentioned previously. Companies must report what is known to or reasonably ascertainable by reporter. This standard balances the need for data with the realities of global manufacturing.

Issue number six is on fees. SPAN requests that MPCA clarify the fee structure. SPAN believes that any fee levied should be a onetime fee per manufacturer, not per report. If a fee was required for each report, the cost for manufacturers could be prohibitive.

SPAN requests that MPCA state in clear

and unambiguous terms that the fee to report is a onetime obligation of $1,000 for each manufacturer regardless of how many reports that manufacturer submits.

The seventh and final issue is on exemptions. SPAN requests that MPCA consider additional exemptions to the reporting provisions that will greatly aid MPCA's ability to successfully implement the PFAS in products program such as for semiconductors and semiconductor-related equipment. Such an exemption has precedent, most recently in New Mexico's PFAS products law.

Additionally, we recommend MPCA add fluoropolymers to the list of reporting exemptions. Fluoropolymers are unique in that they are not water soluble and have a high molecular weight. Fluoropolymers are critical for many applications and without viable alternatives, health, safety, and economical stability in Minnesota could be severely impacted.

Additionally, an exemption should apply to products that are required to meet standards for the requirements of the Food and Drug Administration, EPA's Significant New Alternatives Policy, otherwise known as SNAP, the United States

Department of Transportation, the Federal Aviation Administration, National Aeronautics and Space Administration, the US Department of Defense and the US Department of Homeland Security.

Thank you very much for the opportunity to testify. I look forward to any questions from the panel.

THE JUDGE: Thank you very much for your comment.

MR. BEMUS: Thank you.

MR. CARR: Next we should have Hayley Davis.

THE JUDGE: Ms. Davis?

MS. DAVIS: Good afternoon. Can everyone hear me?

THE JUDGE: You're coming through loud and clear.

MS. DAVIS: Thank you so much. Dear Judge Mortensen and Minnesota Pollution Control Agency staff members, My name is Hayley Davis and I am the manager of state government affairs for the Air Conditioning, Heating and Refrigeration Institute, or AHRI. My name is spelled H-a-y-l-e-y and last name is D-a-v-i-s. Thank you so much for the opportunity to provide comments on the PFAS in

Products Reporting and Fees Rule.

AHRI represents over 330 manufacturers of heating, ventilation, air conditioning, commercial refrigerants and water heating equipment, advocating for industry and certifying product performance. The HVACR sector generates over $200 billion annually in North America. AHRI is a proud environmental policy partner. It was an essential stakeholder in the ratification of the Kigali Amendment to the Montreal Protocol, which started the transition to low global warming potential of refrigerants.

Our performance standards and certification programs save energy and minimize emissions from HVACR and water heating equipment. AHRI supports efforts to prevent harm to people and the environment from harmful PFAS chemicals and acknowledges that the reporting deadline and the breadth of the program are set in statute.

Today we urge the Minnesota Pollution Control Agency to recognize that six months is not sufficient time to create and implement a reporting program with requirements that are more stringent than parallel federal standards. Merely identifying the use of chemicals in complex multinational supply

chains is an exceptionally challenging and often unsuccessful task for manufacturers of complex systems due to the general lack of transparency around component composition and the number of chemicals included in Minnesota's definition of PFAS. So AHRI has seven concerns with this rule.

AHRI has concerns about the agency's proposal to implement a flat fee structure for all filings by manufacturers. It is unclear that -- from the Minnesota statute whether the agency has the authority to assess fees for submissions that do not include all of the listed information in subdivision 2 of the statute. One of the reasons is that a manufacturer may be seeking an exemption or request because they do not have all of the information listed in subdivision 2; for example, the amount of each PFAS in the product.

For waivers, information is otherwise publicly available and should include an exemption for reporting for this information. AHRI requests the agency reconsider the fees associated with waivers and extension requests.

The Minnesota Administrative Procedures Act requires that each rule is supported by an adequate Statement of Need and Reasonableness that

demonstrates the rule is both needed and reasonable. The SONAR does not contain sufficient cost data to demonstrate how the MPCA made the determination regarding costs as it relates to the waiver requests and extension requests proposed by the rule. A mere assertion that the proposed fees are reasonable is not enough to meet the rule under Minnesota statute.

Manufacturers may face undue burdens in terms of allocation of resources needed to comply with the Minnesota PFAS reporting requirements, as they will need to expend resources to gather information from their supplies chains that they do not otherwise have access to or be required to test products. AHRI recommends for the agency to reconsider the reasonableness of the proposed fees and provide a supplement to the SONAR with additional cost justifications.

AHRI urges the MPCA to use a risk-based approach to identify and manage substances that harm people and the environment by identifying the persistent, bioaccumulative and toxic chemicals in high-exposure products. For example, the -- not all PFAS that are contained in this rule may present harm to people. For example, global warming refrigerants known as A2Ls used in the HVACR and

water and heating systems that are approved by the US Environmental Protection Agency Significant New Alternatives Policy have met safety criteria for evaluating alternatives for acceptable use conditions that include assessments for the potential exposure risks, toxicity and environmental impacts.

Another issue that AHRI has with this rule is the timeframe. AHRI reiterates that January 1, 2026, is not a feasible deadline for the intensity of the reporting rule program proposed by MPCA. MPCA proposes that manufacturers do due diligence consistent with manufacturers requesting detailed disclosure information from their supply chain until all information is known.

AHRI requests that MPCA change the proposed rule to allow manufacturers to submit information that is known or reasonably ascertainable. We also request that MPCA release a list of compounds that meet the interpretation of the PFAS definition to facilitate supply chain surveys that are going to be undertaken by manufacturers.

THE JUDGE: I'll give you an extra minute here, Ms. Davis, because I know the court

reporter gave you some instruction and if you have much more, if we have time today, you can -- because I have so many people who may want to comment, I want to make sure we get everyone on the record if I can.

MS. DAVIS: Yes, alright.

THE JUDGE: Go ahead for another minute.

MS. DAVIS: My apologies. AHRI requests that MPCA exempt articles that contain de minimis quantities of PFAS or 0.1 percent by weight or less, which will allow a practicable implementation of the regulation.

We request an exemption for products which federal law governs the presence of PFAS and for the clarification regarding the scope of the reporting exemptions.

We have -- raise a few questions on definitions. We would like further clarification on what constitutes "intentionally-added." We request clarity on the term "packaging" within the definition of "component"; and within the proposed rule "manufacturer" includes the entity that manufactures the product or whose brand name is affixed to the product. Under some circumstances it

is not clear who the manufacturer is and we would like further clarification.

I apologize for running over. Thank you so much, and we are available for any other questions.

THE JUDGE: Thank you very much, and you're doing fine. It looks like we've got a list of people in the queue, so if you have more, if we have time in the -- right now it's looking like we may have time, you can speak some more. In addition, our written comment period will stay open if there's anything you haven't already submitted in writing, because everything is important and I'll be considering everything for my report to the agencies. Thank you.

MS. DAVIS: Thank you.

MR. CARR: Next we have Ben Kallen.

MR. KALLEN: All right, just a second here. Can folks see me and hear me?

THE JUDGE: I can see you and hear you.

MR. KALLEN: All right, wonderful. Judge Mortensen and officials with the MPCA, thank you for the opportunity to testify today. My name is Ben Kallen, that's B-e-n K-a-l-l-e-n, and I'm a senior manager for public policy and advocacy with

SEMI.

SEMI is a global trade association representing the depth and breadth of the semiconductor manufacturing supply chain. We have over 3,000 member companies around the world, including 650 companies that are headquartered in the United States, as well as over 1,300 that are headquartered overseas, but still maintain a very large manufacturing footprint in the United States, including some in the state of Minnesota.

Our membership reflects the full range of the semiconductor manufacturing supply chain, including design, automation and semiconductor intellectual property suppliers, device manufacturers, equipment makers, materials producers and subcomponent suppliers. SEMI has been an active participant in the MPCA's rulemaking process since 2023 on this particular topic.

We have submitted several sets of comments outlining our recommendations, we have met directly with MPCA officials and officials within the Governor's office, and we are also a member of the MPCA's manufacturing and industry check-in group. We are deeply grateful for the productive dialogue that we have established with the MPCA and

other policymakers within the Minnesota state government and we sincerely appreciate the openness with which our positions have been received throughout the course of this important work.

So together with the Semiconductor Industry Association, or SIA as I will refer to them from here on out, which is another trade association, we jointly submitted comments yesterday on the MPCA's proposed rule for PFAS reporting and associated fees. Now, before I get into our recommendations, I would like to just briefly touch on the relevance of this rule to our organizations and why we are concerned about how, as written, it could impact Minnesota's semiconductor sector.

So just first and foremost, PFAS are essential to the semiconductor industry because of the unique chemical properties that enable them to fulfill the purity criteria required for semiconductor manufacturing. They are used by the industry to meet many needs within the manufacturing process and can be found in various equipment, materials and other critical components. Additional detail can be found in our written submission, but suffice it to say that the semiconductor manufacturing process is enormously deponent on

PFAS, the majority of which currently have no viable alternatives.

Now, Minnesota itself is home to one of the strongest semiconductor value chains in the United States. In 2023 Minnesota-based companies exported over a billion -- actually, $1.1 billion in semiconductor-related components and imported nearly $800 million in semiconductor-related components that are then incorporated into other products. The state's manufacturing -- semiconductor manufacturing sector includes dozens of firms supporting over 2,400 jobs with an average wage of $130,000 -- (inaudible) 17 million in total.

Now, without the changes that SEMI and SIA recommended in our written comments and which I will be speaking about today, compliance with the rule as it is currently written will be difficult and our concern is that this, in turn, could threaten the viability of the state's robust semiconductor sector and potentially jeopardize its ability to capitalize on the billions of dollars that the federal government is investing in the industry through the CHIPS program.

So with all that said, just on to some of our recommendations. SEMI sincerely appreciates

the hard work invested in the proposed rule and, again, I just want to reiterate that we are sincerely grateful for the dialogue that we have established with the MPCA. Our written comments offer numerous recommendations to help improve the rule, but since my time is brief, I will summarize a few of our key points here and let the written comments speak for themselves.

So first and foremost, we would like the MPCA to use its statutory authority to extend the reporting deadline. This is necessary and appropriate to help ensure that both the MPCA and the industry are prepared for the deadline. The proposed rule to implement the reporting requirement was not published until just last month and the agency has stated that it expects to finalize the rule and open the reporting portal in late 2025 even though the deadline for reporting is only going to start January 1st.

We believe this timeline is inconsistent with timely reporting since the magnitude and difficulty of the task of obtaining information from extremely complex supply chains requires significant time between the rules being finalized and the reporting deadline.

Next, as others have said, as well, we believe that MPCA should adopt the EPA's known to or reasonably ascertainable by standard. I'll just refer to that as the KRA standard from here on out. The proposed rule states that companies must request information from supply chain partners "until all required information is known." Requiring companies to continuously survey said suppliers until all data elements are known without regard for the level of effort we believe is unrealistic and infeasible, frankly.

The MPCA should instead harmonize its due diligence standard with other jurisdictions that have promulgated PFAS reporting requirements, namely the KRA standard used by the EPA. The State of Maine, I'll also point out, adopted the KRA standard as well. Canada, in its recent PFAS reporting obligation, also contains a functionally equivalent standard even though it goes by a different name. So just that harmonization in the interest of streamlining the compliance needs across various borders would be helpful.

Reporting should be done at the product level, not at the component level. Some semiconductor manufacturing products, as well as the

end products where semiconductor devices are used contain thousands or potentially hundreds of thousands of components, which are often contained under multiple levels of assemblies within the overall top level product. So reporting at the component level, as the proposed rule would require, is infeasible for manufacturers of products as complex as semiconductor manufacturing equipment or many of the end use devices and we would, therefore, recommend that the MPCA draft the rule so that companies are reporting at the product level.

Now, our written comments contain far more detail on the points I have just outlined here, as well as other recommendations on certain definitions, testing requirements, fees, recertifications, substance exemptions, waivers, de minimis reporting thresholds and concentration ranges, among other topics. We also provide several clarifying edits. As stated in the comments we jointly submitted with SIA, SEMI is committed to meeting the complex challenge of balancing the need for environmental protection and the sustainability of semiconductor manufacturing operations and the end products where semiconductor devices are used.

Once again, we are sincerely grateful

for the opportunity to engage in the MPCA's rulemaking process and we are available as you request for additional discussion on these matters. Thank you very much for your time and for your consideration.

THE JUDGE: Thank you for your comments, Mr. Kallen.

It looks like we've got a few more people in the queue. I do want to respect the eventuality that there may be more people who want to speak who are not yet in the queue so, again, as we go forward, if I need to cut people off, I'll give you an opportunity to come back after we make sure we've exhausted everyone who wants to speak. So I've got a little bit better list in front of me right now, but again, I don't know if there's people out there who haven't dialed in or turned on their chat function.

So with that, we'll move to the next person in the queue, Mr. Carr.

MR. CARR: Next person is Jason Malcore.

MR. MALCORE: Good afternoon. Can everybody hear me?

THE JUDGE: I can hear you.

MR. MALCORE: I don't know if I'm able to be seen, but that's probably not a problem, then.

So my name is Jason Malcore. I represent the Association of Equipment Manufacturers, AEM. This is the North American-based international trade association that represents nonroad equipment manufacturers and suppliers. We have over a thousand member companies with over 200 different product lines represented across the United States and the world in the construction, agriculture, mining, forestry and utility industries.

I'll try to keep my comments as brief as I can. Many of the major points have already been stated by some of the people that spoke before me. Before I sort of go into some of our bigger concerns, I would like to say that I did notice during the presentation from MPCA that they addressed the manufacturer flat fee rule and, in clarifying that, that it is a per manufacturer and not a per product fee. We do appreciate this statement. The only thing that we would request from AEM is that this is clarified in the final rule when that is promulgated. That would be very much appreciated, to get that certainty for our

manufacturers.

Generally speaking, I agree with many of the comments from many of the other different complex article manufacturers who were speaking before me. Generally, we at AEM support EPA definitions and EPA rulemaking, specifically around their 8(a)(7) PFAS recordkeeping and reporting rulemaking, especially regarding definitions used on PFAS, timelines for reporting, and then the reporting standard, which many people have stated is a known or reasonably ascertainable reporting standard.

Generally, one of the things that we want to highlight here at AEM is the reporting deadline and the infeasibility of our members to comply with the current January 1st reporting deadline. Our industry, like many others, is extremely complex articles made of hundreds of thousands of different components from tens of thousands of different suppliers around the world. Collecting this data from this supply chain is very difficult and time-intensive and it cannot be done in short periods of time. Specifically within the rule, in order to accelerate this and help this, aligning with other global standards such as the

EPA's reporting standard that's promulgated would help along this process.

One the things that we've noticed within the rule is the grouping of products. So I noticed that that was discussed before on similar products being grouped together. AEM would appreciate a little bit more clarity on that to make sure that we can group together similar end products and limit the number of internal componentry which is part of the larger product. When you have hundreds of thousands of products and they all need to be grouped together, that would end up resulting in hundreds of thousands of different reports, which wouldn't serve either our members or MPCA in terms of gathering quality data.

Additionally, having some clarity on the reporting requirements in there. I know that it was stated that you could group different manufacturers together for reporting purposes. Having a little bit more clarity on that within the rule as to what that can actually entail -- that language is a little ambiguous and I was uncertain on how to interpret that.

Specifically, though, we do want to highlight, like many others, the reporting standard.

So it is a very extreme reporting standard which will be very challenging to comply with, especially within the timelines we are looking at. Specifically, there is a very high concern related with needing to collect this data and, if we cannot collect this data, having to turn to laboratory testing.

Currently in the United States there is not the infrastructure available to accommodate all the manufacturers, not to mention just our manufacturers in my industry. All of them together looking to test all these products on a case-by-case basis would take a tremendous amount of time and certainly not allow people to comply with some of these reporting deadlines.

So taking that into consideration, this is -- this, we hope, would lead to an extension of the reporting timeline, at least to line up with the EPA's, but in the real world, in terms of meeting these reporting challenges to provide you quality data and assure that our members are meeting their compliance needs, more time would be appreciated.

And then the final question that we had on here was specifically with waiver requests. I know that in there it said that they would provide a

90-day extension to manufacturers or groups of manufacturers that might need extensions. We would just like to highlight the fact that within the realm that we are all operating in here in terms of collecting this information, that is not an adequate amount of time if you're trying to actually solve some of these problems, so extending that timeline by a bit more than that would be much appreciated.

Also, some clarity, because I know it said that you could ask for extensions, plural, and we were curious if we would be able to chain these extensions together. It's unclear whether or not, once you ask for one request for 90 days, that that is it for that reporting period. I say this because every manufacturer of my members, and many others probably on this call, are going to experience severe delays in terms of collecting this data.

So I will stop there. We will provide written comments on all of the other questions and clarifications and requests that we have in writing so you will have access to those, but these are some of the larger issues that I wanted to highlight with you all today. Thank you.

THE JUDGE: Thank you very much for those comments.

I'll point out, because this has been raised repeatedly about the deadline, the deadline is a statutory provision the legislature set, although the legislature also gave the agency authority to grant extensions. So comments specifically about the waiver and how that works, those are particularly helpful in this, from my perspective as a neutral and to be able to build a report for the agency on. So I appreciate that and appreciate folks considering that when you make your comments. In other words, the agency can't change what the legislature has dictated, but to the extent that there's room for them to promulgate rules under the statute, that's what's particularly helpful, I think.

With that, I think we still have a few more people in the queue. I lost track of my chart here, but, Mr. Carr, who do we have next?

MR. CARR: Next we have Matthew Bennett.

MR. BENNETT: Hi, my name is Matthew Bennett, M-a-t-t-h-e-w B-e-n-n-e-t-t. I'm a product compliance specialist with Perlick Corporation based in Milwaukee, Wisconsin. With over a century of experience producing refrigeration equipment and bar

and restaurant equipment, we are a company that values environmental responsibility and we've already taken many proactive steps to reduce our impact. For example, we use environmentally friendly insulation that contains no PFAS, has zero ozone depletion potential and no global warming potential. We utilize natural refrigerant in many of our products, which is a sustainable alternative with a global warming potential of just three and zero ozone depletion potential.

We make these choices based on our environmental values. None of these are legally required, we're just trying to be an environmentally conscious company and, as such, Perlick fully supports the goal of protecting human health and the environment from PFAS. We are actively identifying the presence of PFAS across our supply chain of products.

However, this process is time-consuming. It involves surveying hundreds of suppliers and we're learning that many of these suppliers must investigate their own supply chains to provide accurate data. Then once we receive that data, we have to match individual components to specific finished products. This is a task that we

have never had to encounter before, so it demands additional resources and development of new data processing.

Additionally, the law requires us to report the purpose and function of any PFAS, which is information many suppliers are not accustomed to providing. While we are making every effort to meet these obligations, a compliance date of January 1, 2026, is extremely aggressive and presents a significant challenge for a manufacturer of our size.

Aside from that, which I know has been brought up quite a bit so far, we also wanted to raise a concern about accountability. In many cases, many manufacturers sell products to distributors or third parties. These products would then be resold, possibly multiple times, before they ultimately reach Minnesota. For example, we might sell a product to a distributor in Illinois. That distributor might sell to a dealer in Ohio, who then resells to a contractor or customer in Minnesota.

With this kind of indirect tiered sales structure, the manufacturer has no role in placing the product on the Minnesota market and no visibility as to where it ultimately ends up.

Holding the manufacturer responsible for tracking and reporting products that reach Minnesota through such complex and indirect paths is going to be very problematic.

It raises some questions about extraterritorial regulation where a state imposes obligations on actions occurring entirely outside its borders. If extraterritorial regulation is recognized as a valid legal concern, assigning accountability to the first entity that knowingly places the product on a Minnesota market would directly address that issue. This approach would also have the added benefit of generating more accurate and representative data about PFAS-containing products that are actually present in the state.

And that's our main concern here at Perlick, is when our products travel across the country for these multiple channels, it's very difficult to have visibility into what's actually being placed on a Minnesota market. That's our main concern, and thank you for letting me speak, I appreciate it.

THE JUDGE: Thank you for your comments, it's very helpful.

MR. CARR: Okay. We have just one person left in the queue, Evan Rydkin.

MR. RYDKIN: Thank you for giving me the opportunity to speak. My name is Ivan Rydkin, I-v-a-n R-y-d-k-i-n. I'm speaking on behalf of Daikin Applied.

I think we had a lot of great testimony here, and Daikin Applied is a member of AHRI, so we are happy to support those comments, as well, but we wanted to speak from the perspective of a manufacturer in Minnesota. We are headquartered in Plymouth and we have three factories, two in Faribault, one in Owatonna, that we currently have -- we employ about 2,600 people in the state. Daikin Applied manufacturers HVAC equipment, rooftop air conditioners, chillers, terminal systems that support multifamily housing, data centers, universities, schools, et cetera. Our equipment, HVAC equipment, is used in every home and every business in North America.

I think a lot of great comments were already raised about the due diligence, as well as the reporting timeline, so I wanted to provide some testimony to support why we think we need -- we want the administrator to use the statutory authority to

extend the deadline and extend the deadline beyond a 90-day period and why we believe the scope of the required information is too severe.

So Daikin already has considerable experience in generating this type of data. We've been gathering data for RoHS reporting in Europe starting in 2020. We've been gathering data on PFAS starting in August of 2024 in order to comply with Canadian reporting requirements under ACCC and to get ready for the federal reporting requirements under TSCA.

To date we've been in monthly communication with our main 255 suppliers, that's out of a total of a thousand suppliers, focusing on our top 55,000 parts, most purchased parts. A typical air conditioner, rooftop air conditioner or a chiller might have up to 80,000 components. We wanted to take a look at at least the top parts that we have.

Since August of 2024 through May 1st of 2025, we've only seen a response rate of about 40 percent from our suppliers. That is, we send them a request for information, communicate with them on a monthly basis, encourage them to reply, and we have seen less than half of our suppliers so

far give us the information; and this is just our very top suppliers, not the smaller businesses and the smaller vendors that we use.

As such, we are extremely concerned that should the reporting be required by January 1st, 2026, that our suppliers, including the very small suppliers, will not be able to report. As such, if they're not able to report, they may not be able to sell into the state; and if we're not able to acquire the materials for our factories, we might have to shut down production. It's really concerning for us, so we would really appreciate an extension or some opportunity within the rule for us to report for our suppliers should they be small.

To that end, we've been collecting information on the presence of PFAS, sometimes the CAS number of PFAS, but we have not been gathering information on function and quantity, so it would take us a full revision of all of our supply chain inventory to be able to achieve that information again, and we believe it would take significantly more than three to six months.

I think sharing this -- hopefully, sharing this is helpful. We want to work very closely with MPCA. We are a Minnesota company, so

we are open to sharing more information, as well as we want -- are hoping that you guys review all of our written comments. Thank you so much.

THE JUDGE: Thank you. Thank you for your comments.

Has the comment list changed at this point, Mr. Carr?

MR. CARR: No, we're not seeing any more people requesting to comment, Your Honor.

THE JUDGE: Okay. I think there was one speaker, Ms. Davis, who I may have cut off.

Ms. Davis, if you're still on the line, if you have anything more you want to say to me and to the panel, I invite you back to finish any comments.

MR. CARR: Your Honor, it doesn't look like she's on the call anymore.

THE JUDGE: Okay. Well, I know I still have 130-plus attendees. If there's anyone else who has questions or comments, I invite you to use the chat function or, if you're on the phone, to press *3 to enter into the queue. The agency has agreed to stay, keep this hearing process open for the next hour to ensure we get as many comments and any questions folks have answered as possible, knowing

that -- how far-reaching this proposed regulatory matter will affect people. So we've got lots of different time zones to cover, so they want to make sure we keep this open as long as possible.

If you're on the line now, please sign the -- hit the -- put your name in the chat box or hit *3 and we'll hear your comments or answer your questions the best the panel can.

MR. CARR: Your Honor, Hayley Davis is back on the call.

THE JUDGE: Oh, okay. Ms. Davis, I know I cut you off earlier. Do you have -- did you want to finish anything that you weren't able to share with me earlier or something to add?

MS. DAVIS: Your Honor, we also submitted written comments which further detail AHRI's feedback on this rule, but thank you so much for your time today.

THE JUDGE: We'll be looking at that carefully, so thank you.

Anyone else who hasn't spoken yet or if you had spoken and you might have cut yourself short because I was monitoring the time, I welcome you back to finish up with anything you weren't able to share.

MR. CARR: It looks like Judah Prero might have a comment to make.

THE JUDGE: Okay, bring them forward.

MR. CARR: Judah, you should be a panelist, so you should be able to speak when you're ready.

Oh, he left.

THE JUDGE: He might have pressed the wrong button, but in any event, we'll stay on the line here for the duration of the scheduled hearing, so anyone who has a question or a comment can make it for the record.

MR. CARR: Your Honor, we've got another person wanting to make a comment, Riaz Zaman, R-i-a-z and then Z-a-m-a-n.

THE JUDGE: Okay.

MR. ZAMAN: Afternoon. Thank you for the opportunity to provide comment today. My name is Riaz Zaman, R-i-a-z Z-a-m-a-n. I'm with the American Coatings Association. We represent 90 percent of the US paint and coatings industry. Our members manufacture paint, coatings, sealants and adhesives and the raw materials that go into formulation. We've provided written comment into the docket today, providing several suggestions to

the agency that were echoed in other comments today.

One issue that has been commented on today that I would like to emphasize is the reporting deadline. We'd like to note that the reporting deadline of January 1st, 2026, is not viable. At this point we would just have a few months, at best, to gather reportable information, and we do request a one-year extension of that reporting deadline to January 1st, 2027.

This is critical for us to gather new data points that were introduced in the rule, including compliance with the hierarchy proposed for product identification, amounts and packaging sold with the product, details related to the function of PFAS, et cetera, and other data points, as well. Manufacturers also require additional time to organize into groups for the purpose of reporting.

For similar reasons, we also request extending the reporting time under an extension upon request to the agency. We are suggesting a standard extension period of 180 days from the proposed 90 days in order to capture all required information or conduct additional testing as needed.

We also raise issues related to fees. The proposed language is somewhat ambiguous as to

whether the fee is a onetime per manufacturer fee per reporting period or whether the fee is intended to be per report. So I do appreciate the clarification provided by MPCA at the beginning of this comment period and we request that the language is modified to make that more clear in the proposed language, as well.

We also provide comments related to PFAS measurements in products. We ultimately suggest that MPCA allow for reasonable estimates based on information provided by suppliers. The reason for this relates to limitations of measurement methods in the proposed rule. Also, as downstream users of chemicals, we often face significant challenges obtaining information from our suppliers, but we can make reasonable estimates based either on publicly available information or information from our raw materials suppliers, and we do request some flexibility in providing estimates.

Estimates are often a better way of identifying PFAS content than testing. Often test methods don't exist for products or they have a high degree of variance. It's also better than total fluorene measurements, which is not a measurement of intentionally-added PFAS, but a measurement of any

fluorene in the product.

A related issue is the standard of due diligence. MPCA simply states that downstream industry must request information from suppliers until all the information is known. That's not a viable standard, as has been commented on by other commenters today. There are situations for us as downstream users of chemicals when, despite our best efforts, we will not be able to obtain information from suppliers and we need to know the steps to take in order to meet our compliance obligations.

So we do suggest adopting EPA's due diligence standard, which is the known to or reasonably ascertainable by standard. This requires a thorough review of internal documentation and provides doing some external inquiries as needed, as well. It provides a more clear and consistent compliance framework than what's currently being proposed.

The last major issue I would like to raise today is the definition of "consumer." MPCA proposes a definition that basically defines a consumer as an industrial or commercial user also. This is confusing and it's a contradictory definition. It's not aligned with definitions used

by other agencies and we suggest not finalizing this definition.

We provide several other suggestions, as well. Briefly stated, the reporting deadline should apply to all products manufactured on or after that date since manufacturers do not control distribution after the point of manufacture. There are two reporting requirements for new products introduced after the first reporting date. These should be consolidated or clarified. We suggest adding a definition of chemical subclass as it relates to trade secrets, and we also suggest an exemption for fluoropolymers.

Thank you for the opportunity to comment today, and if there are any questions or additional information I can provide, feel free to reach out. Thank you.

THE JUDGE: Thank you for your comment.

It looks like we have another person coming back.

MR. CARR: Yeah, Jason Malcore. I'm just setting it up so he can speak quickly. I'm not sure if he's in the meeting anymore, actually. Sorry. Sorry, Your Honor, I'm not seeing him in the attendees anymore.

THE JUDGE: Okay. Do we have any other members of the public who would like to speak, whether you've spoken already or not? We've got plenty of time at this point to gather more comments or for you to ask questions.

Knowing PCA staff want to keep this record open until 5:00 p.m. in the event we've got folks from other time zones who want to speak, we're not going to discriminate against anybody based on the time zone they're in, but as a logistical matter, we will be monitoring this and folks should -- we'll keep the public question and comments slide up and I'll be watching for -- or listening for anyone who the rule coordinator alerts me wants to make a comment or ask a question and you'll see me again. Otherwise, I'll be in the background here waiting for that to happen. So we'll keep the record open and I will stay close at hand, waiting to hear from any other members of the public who wish to comment or ask questions.

MR. CARR: Judge Mortenson, we have a speaker, Jeff Sepesi.

MR. SEPESI: My name is Jeff Sepesi, S-e-p-e-s-i. I am a principal at Environmental Law and Science, P.L.L.C. I just want to highlight one

comment that we have submitted on behalf of a client regarding the rules.

I also do want to say that I am glad that other commenters have touched on the need for additional time, the need to address the complexity of the supply chain, and my highlighted comment really is to deal with that situation where sometimes you'll have a complex problem with simply parts and components that have the same functional purpose that are provided by multiple suppliers and, as a manufacturer who's using those parts, you may not have visibility into the PFAS composition of those parts. Those parts are, in essence, interchangeable, but the PFAS composition may vary from part to part in any given shipment and you may not know -- from any given supplier, you may not have visibility to that.

So there needs to be some sort of flexibility from the proposed grouping of components to allow a reporter to report this functionally identical component that may have one or more or none of the following PFAS chemicals and they may fall within this broad range, so more of a generic reporting. That flexibility is not allowed right now, but I do think that's very critical for many

potential reporters because of the supply chain complexities.

And that's the comment.

THE JUDGE: Thank you very much for sharing that.

MR. SEPESI: I actually do want to add one other comment, and it's not really in the SONAR and I think it will help the agency when they think about the comments and, Your Honor, when you do. I don't think there's a clear vision for what MPCA will do once they get all this data in. It's collecting a lot of information, which seems great to have more information, but how that will result in better public policy and then outweigh the burden and costs on industry, that's not clear.

THE JUDGE: Okay, thank you.

MR. SEPESI: With that, I'll end my comments. Thank you.

MR. CARR: I'm not seeing anyone else in the queue right now, Your Honor.

THE JUDGE: Okay. I know we still have attendees in the hearing room, the virtual hearing room here. So, again, we're at 4:20; we'll keep the record open here until 5:00 p.m. to make sure we hear from as many folks as we can.

MR. CARR: Judge, it looks like we have Matt Bennett again who would like to speak.

THE JUDGE: Very good.

MR. BENNETT: Thank you for taking me back. I took a quick break. As I was thinking about it some more, I have a question for the rule-makers. I brought up previously the considerations for extraterritorial regulations, and it also occurred to me that there are interstate commerce laws that prevent undue burdens placed on out-of-state manufacturers, and I was wondering if these laws were considered.

My guess is that when Minnesota was developing these laws, they were targeting manufacturers within state lines perhaps, but the difficulties of tracking our products entering Minnesota are definitely not equal to what an instate manufacturer would -- how they would have to report. So I was just wondering if these issues were considered during the law-making process.

Thank you.

THE JUDGE: Thank you for the question.

That's a big question, but, Ms. McMillan, can you provide a succinct answer to the part of his question that was pretty

straightforward?

MS. McMILLAN: Thank you, Your Honor. The MPCA will need more time to consider this question and will respond to it during the rebuttal period.

THE JUDGE: Thank you very much.

Mr. Bennett, it's a good, legitimate question. Thank you for asking it, but it is a -- it is a significant question, so that's hard to answer on the spot.

MR. BENNETT: I understand. Again, I appreciate the opportunity to speak.

THE JUDGE: Thank you.

Did that prompt or do we have anyone else immediately ready to question or comment?

MR. CARR: I don't have anyone else in the queue right now, Your Honor.

THE JUDGE: Okay. I'll stand by and study your SONAR as we wait to see who else has comments or questions.

We have less than 15 minutes in the allotted hearing time. If there is anyone who hasn't spoken yet or has questions, please sign in to the queue. I'm glad to take your comments. If you have a question, the panel may be able to answer

your question now, if not subsequently.

MR. CARR: And, Judge, there's no one else in the queue.

THE JUDGE: All right. We've got just a couple minutes left for our hearing allotted time. This is the last call for anyone still in our virtual room. It looks like we've got about 30 attendees. If anyone hasn't made a comment and has thought of something, if you've been listening and have -- that's prompted you to make a comment, now is the time. Otherwise, of course, our comment period will be open until June 23rd to give you the maximum amount of time to share any written comments with me and the agency.

All right. Well, I've got less than a minute left in our allotted time, so I want to thank everyone who has participated in this rulemaking hearing for your time and attention. All those who made comments, both written up to this point and verbal comments, it's greatly appreciated in terms of the overall work of the agency.

I'm not part of the agency. I will be preparing a report for the agency based on, in part, these comments with regard to the reasonableness of the rule and the legality of the rule, so I greatly

appreciate all the questions and insights folks have provided and, with that, this public hearing will adjourn and I look forward to receiving more written comments during our rule -- post rulemaking hearing comment period until June 23rd, 2025. Thank you for your time.

Thank you, Colleen, for your attention to making a clear record; and we'll be in touch.

(Proceedings concluded at 5:00 p.m.)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

REPORTER'S CERTIFICATE

I, Colleen M. Sichko, do hereby certify that the above and foregoing transcript, consisting of the preceding 94 pages is a correct transcript of my stenograph notes, and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated May 26, 2025.

/s/Colleen M. Sichko
COLLEEN M. SICHKO
Registered Professional Reporter

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