

VIA EFILING

June 10, 2025

The Honorable Judge James Mortenson
Administrative Law Judge
Office of Administrative Hearings

In the Matter of the Proposed Rules Relating to Amara's Law PFAS in Products: Reporting and Fees; Errata: PFAS in Products Reporting and Fees SONAR; Revisor's ID Number RD-4828; OAH Docket No. 5-9003-40410

Dear Judge James Mortenson:

While responding to comments for the Minnesota Pollution Control Agency's (MPCA's) PFAS in Products Reporting and Fees rule, the agency noted that some portions of the Statement of Need and Reasonableness (SONAR) do not align with the structure of the proposed rules as certified by the Revisor (subparts, items, subitems, units, and subunits) as entered into the record on May 22, 2025. No specific reasonableness language has been added or deleted, subparts and subitems have only been retitled. The SONAR was drafted before the certified rule draft was received, so this difference between versions was an oversight in updating the SONAR once that certified rule draft was received back from the Revisor. While the SONAR still includes the need for and reasonableness of all proposed rule language, these errata are respectfully being submitted by the MPCA and are intended to clarify the inadvertent differences between the two documents.

7026.0040 REPORTING UPDATES

Under subpart 1, the SONAR references items A to C in the proposed rule. Item C does not exist in the proposed rule, subitems do exist, and the correlation between the subparts and items listed in the SONAR do not match the proposed rule. The agency would like to offer the following corrections to the SONAR references:

- Subpart 1 in the SONAR is meant to reference item A under subpart 1 in the proposed rule.
- Item A in the SONAR is meant to reference subitem (1) under item A, subpart 1 in the proposed rule.
- Item B in the SONAR is meant to reference subitem (2) under item A, subpart 1 in the proposed rule.
- Item C in the SONAR is meant to reference subitem (3) under item A, subpart 1 in the proposed rule.
- Subpart 2 in the SONAR is meant to reference item B under subpart 1 in the proposed rule.

For the remainder of this part of rule, the subparts referenced in the SONAR are off by one number. The agency would like to offer the following corrections to the SONAR references:

- Subpart 3 in the SONAR is meant to reference subpart 2 in the proposed rule.
- Subpart 4 in the SONAR is meant to reference subpart 3 in the proposed rule.
- Subpart 5 in the SONAR is meant to reference subpart 4 in the proposed rule.

- Subpart 6 in the SONAR is meant to reference subpart 5 in the proposed rule.

7026.0040 WAIVERS

Under subpart 4, the SONAR references item A in the proposed rule, but includes no reference to item B. The need for and reasonableness of both items in the proposed rule are still provided for in the SONAR, but the correlation between the subpart and item listed in the SONAR do not match the proposed rule. The agency would like to offer the following corrections to the SONAR references:

- Subpart 4 in the SONAR is meant to reference item A under subpart 4 in the proposed rule.
- Item A in the SONAR is meant to reference item B under subpart 4 in the proposed rule.

7026.0060 EXTENSIONS

Under subpart 3, the SONAR states, “Items A and B allows a 90-day extension...” This is incorrect. The reasonableness provided in the SONAR for subpart 3 is meant to reference item A under subpart 3 in the proposed rule. The reference to item B under subpart 3 in the SONAR correctly correlates with item B in the proposed rule.

7026.0070 TRADE SECRET DATA REQUEST

Under this part, the SONAR references subparts 2 and 3 in the proposed rule, but includes no reference to items A and B under subpart 2, and subpart 3 does not exist in the proposed rule. The need for and reasonableness of both items in the proposed rule are still provided for, but the correlation between the subpart and item listed in the SONAR do not match the proposed rule. The agency would like to offer the following corrections to the SONAR references:

- Subpart 2 in the SONAR is meant to reference item A under subpart 2 in the proposed rule.
- Subpart 3 in the SONAR is meant to reference item B under subpart 2 in the proposed rule.

7026.0090 REPORTING EXEMPTIONS

Under this part, no subpart 1 exists. Subpart 1 in the SONAR is meant to reference the first sentence of this part. The references to items A to E in the SONAR correctly correlate with items A to E in the proposed rule.

7026.0100 FEES

Under subpart 4, the SONAR references item A in the proposed rule, but includes no reference to item B. The need for and reasonableness of both items in the proposed rule are still provided for in the SONAR, but the correlation between the subpart and item listed in the SONAR do not match the proposed rule. The agency would like to offer the following corrections to the SONAR references:

- Subpart 4 in the SONAR is meant to reference item A under subpart 4 in the proposed rule.
- Item A in the SONAR is meant to reference item B under subpart 4 in the proposed rule.

Thank you for reaching out on this matter and allowing for the MPCA to correct the record.

Sincerely,

A handwritten signature in black ink, appearing to read "Quinn Carr". The script is fluid and cursive, with the first name "Quinn" and last name "Carr" clearly distinguishable.

Quinn Carr
Rule Coordinator