BUSINESS + INSTITUTIONAL FURNITURE MANUFACTURERS ASSOCIATION
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BIFMA

Response to Request for Comments

To: Minnesota Pollution Control Agency

From: Steve Kooy

Date: March 23, 2026

Subject: PFAS in products: Currently unavoidable use (Revisor ID R-4837)

BIFMA appreciates the opportunity to provide input on MPCA's rulemaking to establish criteria and a process for "currently unavoidable use" (CUU) determinations for intentionally added PFAS in products sold, offered for sale, or distributed in Minnesota.

BIFMA represents commercial and institutional furniture manufacturers and their supply chains. Our members design, manufacture, import, and distribute products used in workplaces, healthcare, education, and public spaces. We support Minnesota's objective to reduce PFAS where safer, feasible alternatives exist, and we want the CUU rule to be practical, enforceable, and focused on outcomes—reducing PFAS use and environmental releases—rather than creating compliance bottlenecks that do not accelerate substitution.

For commercial furniture—particularly task chairs and upholstered furniture with electrical/electronic features—the highest-risk implementation challenge is PFAS in internal electrical, electronic, and mechanical components (e.g., wire/cable jacketing and insulation, connectors, printed wiring boards, gaskets/seals, lubricants, low-friction bearings, and related assemblies). These components are commonly sourced through global, multi-tier supply chains that are shared with larger sectors (automotive, appliances, industrial electronics). The furniture industry does not control those upstream material choices, and component redesigns typically require long qualification cycles.

Therefore, BIFMA recommends the creation of a clear, broad CUU pathway for these component categories/functions. The CUU rule should enable component- or function-level determinations that apply across product types where the same internal components are used.

BIFMA previously provided MPCA with member feedback describing the practical barriers to identifying PFAS presence and securing PFAS-free alternatives—especially for electronics used in upholstered furniture and powered/connected seating. That feedback reflects:

- Long response times to determine PFAS presence in purchased components and raw materials (reported ranges from ~4 weeks to 6 months domestically; international often longer).
- No viable pathway identified today for non-PFAS electrical goods in the relevant supply chains; suppliers often believe they are outside PFAS rules.
- Estimated timelines for meaningful availability of non-PFAS electronics are long even under optimistic assumptions (best case 3–5 years, worst case 10+ years).
- For mechanical components, certain performance-driven applications still lack viable substitutes (e.g., Teflon-lined bearings for quiet, reliable operation; timelines for lubricants and mechanical components vary widely and can be indeterminate.).
- Even when an alternative is identified, implementation commonly requires 6–24 months (testing, safety validation, supplier onboarding; longer if redesign/molds/mechanism re-engineering is needed).

These issues align with the intent of a CUU determination: the function is essential, and alternatives are not reasonably available—especially at scale and within realistic engineering/qualification timelines.

BIFMA recommends MPCA incorporate the following elements into the CUU rule:

1. Establish a streamlined CUU track (or CUU categories, subject to periodic review) for intentionally added PFAS used in internal electrical/electronic and mechanical components where the PFAS function is tied to safety/reliability (e.g., dielectric performance, thermal stability, chemical resistance, long-term durability, low friction/noise). This should explicitly cover the component types commonly embedded in task chairs and upholstered furniture with electronics.
2. Allow determinations for classes of components/functions that are broadly used across industries and supply chains. This will reduce administrative burden for MPCA and reduce duplicative submissions from hundreds of manufacturers using the same upstream parts.
3. The rule should clarify that "reasonably available" must consider, at minimum:
    a. Availability at commercial scale across multiple suppliers;
    b. Ability to meet safety/performance specifications without increasing failures, warranty risk, or product waste;
    c. Feasibility within engineering qualification cycles (including redesign, tooling, validation, and regulatory/customer requirements);
4. CUU determinations should include a reasonable review cycle (e.g., 3–5 years) to revisit availability of alternatives—without triggering annual resubmissions for unchanged component classes.
5. Align CUU with reporting systems and avoid duplicative obligations. MPCA finalized the PFAS reporting/fees rule in December 2025, and manufacturers are building compliance systems accordingly. CUU submissions should be structured to minimize duplicate data entry and maximize reuse of information where appropriate.

On behalf of our industry members, we welcome the opportunity to work together further on this important issue. Please contact me at skooy@bifma.org, with any questions or requests.

Thank you,

Steve Kooy
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BIFMA