

27th March, 2026

To: Minnesota Pollution Control Agency (MPCA)
(Submitted via email to: Addison.Otto@state.mn.us)

JRAIA's Request to Minnesota Pollution Control Agency (MPCA) regarding Minnesota's PFAS in Products: Currently Unavoidable Use (CUU) rule proposal

The Japan Refrigeration and Air Conditioning Industry Association (JRAIA) representing manufacturers of refrigeration and air conditioning equipment in Japan, and its member companies are committed to maintaining and improving living standards by providing environmentally sustainable refrigeration and air conditioning products/services for human comfort and industrial processes.

Currently, JRAIA understands that the Minnesota Pollution Control Agency is accepting comments from those seeking CUU (Currently Unavoidable Use) Rule determinations. As a significant downstream user of fluoropolymers and F-gases (HFCs/HFOs) in refrigeration, air conditioning, and heat pumps, JRAIA extends its gratitude for the opportunity to make such comments. We would like to inform you that we would like to submit its proposal with the associated comments to support our rationale.

We support MPCA's efforts to protect human health and the environment through effective PFAS management. At the same time, air conditioning, heat pump, and water heating equipment are essential to maintaining safe and comfortable indoor environments, supporting the continued operation of critical facilities such as hospitals and schools, and ensuring public safety during extreme weather events.

Because these societal functions are indispensable, CUU program design should ensure—without undermining the program's objectives—that product availability and the continuity of servicing can be maintained through a practical and implementable framework.

In summary, we respectfully submit the following **recommendations** to support the effectiveness of the CUU program while preserving reliable access to essential products and safe servicing. As program details continue to be developed, we also respectfully request opportunities for **dialogue and exchange of views**, not only with our association but together with relevant stakeholders, including industry associations, suppliers, and distribution and service organizations.

1. Consider a product-category-based CUU approach and convene stakeholder dialogue to support implementable program design (Recommendation)

Air conditioning, heat pump, and water heating products consist of numerous components supplied through multi-tier supply chains. Certain PFAS uses within these products are **not specific to individual manufacturers**, but rather stem from **industry-wide technical and safety requirements**.

Implementing CUU determinations and information requests at an overly granular, component-by-component level could result in duplicative submissions for shared technical challenges, significantly increasing administrative burden and potentially creating unintended impacts on product availability and service continuity.

In light of these considerations, we believe MPCA can enhance implementability without undermining program objectives by **using product categories—or consolidated submissions for similar products—as a core implementation approach**.

To ensure an appropriate balance between effectiveness and feasibility, we respectfully encourage MPCA to **convene opportunities for dialogue with a broad range of stakeholders**, including relevant industry associations, suppliers, distribution and service organizations, and other affected parties.

As noted above, with respect to PFAS uses that are necessary to maintain product quality in order to meet **technical and safety requirements that are common across air conditioning equipment**, we strongly request that CUU determinations be granted **on a product-category basis**.

If a product-category-based determination is not permitted, we respectfully request that the CUU framework be structured such that **a CUU approved through an application submitted by a specific company or industry association applies to all entities using the same use within that product category**.

2. Define “alternative” and “reasonably available” to reflect durability, safety compliance, and scalable feasibility over the intended service life (Recommendation)

Air conditioning, heat pump, and water heating equipment is typically long-lived, with expected service lives of approximately 15 to 25 years. Material and component selection is therefore constrained by durability, compatibility with refrigerants and lubricants, reliability under temperature, pressure, and corrosive conditions, electrical insulation requirements, and compliance with applicable safety standards and building codes.

Accordingly, determinations of “alternatives” should not be limited to short-term material substitution, but should explicitly consider **functional equivalence over the intended service life, compliance with applicable standards and codes, and feasibility of supply at commercial scale**.

In addition, we recommend that MPCA clarify evaluation principles that take into account redesign and recertification impacts. **Cost should not be considered in isolation**, and determinations should reflect a balanced assessment of safety, reliability, energy performance, and supply stability, as part of an overall feasibility evaluation.

3. Consider streamlining CUU procedures and aligning duration and renewal timelines with product development and certification cycles (Recommendation)

Product redesign, mandatory testing, and third-party certification require significant time. If CUU determinations involve fixed durations or renewals, MPCA should consider reasonable timelines aligned with product development and certification cycles, transparent processes, and mechanisms to reduce duplicative filings—such as category-based structuring or consolidated submissions.

4. Consider exempting service and replacement parts necessary to maintain installed equipment (Request)

Continued availability of service and replacement parts is essential for the safe operation of installed equipment and for consumer protection and public health. Many air conditioning, refrigeration, and water heating products are designed such that PFAS-containing components are **internal, enclosed, or otherwise not directly accessible during normal use**, resulting in limited potential for consumer or environmental exposure. Moreover, servicing and replacement activities are typically performed by **qualified professionals**, and handling and disposal are managed within existing regulatory frameworks.

Subjecting service and replacement parts to the same CUU procedures and reporting requirements as new products could impose burdens that are disproportionate to potential risk reduction benefits, delay servicing, increase the likelihood of premature equipment retirement, and contribute to waste and additional costs. In addition, service parts are often design-locked to installed equipment, making rapid substitution technically impractical.

For these reasons, we respectfully request that MPCA **exempt service and replacement parts required to maintain and repair installed equipment from CUU requirements**, or, at a minimum, establish a clear and workable treatment functionally equivalent to an exemption.

5. Consider coordinating refrigerant-related CUU considerations with existing federal frameworks (SNAP / AIM) (Recommendation)

Refrigerant transitions are already guided by federal frameworks, including EPA's Significant New Alternatives Policy (SNAP) program and the HFC phasedown under the American Innovation and Manufacturing (AIM) Act. These frameworks influence equipment design, safety compliance, and certification timelines. CUU implementation that duplicates or conflicts with these federal programs could increase administrative burden and affect the orderly transition and availability of compliant products.

We therefore encourage MPCA to consider CUU implementation approaches that are consistent with existing federal frameworks, avoid duplicative requirements, and adopt reasonable streamlining where appropriate.

In closing, we appreciate the opportunity to provide these comments and would welcome continued engagement. We respectfully encourage MPCA to pursue an approach that both reduces PFAS risks and ensures the continued availability and safe operation of essential air conditioning, heat pump, and water heating products. We remain available to provide additional information or participate in further dialogue as needed.

Contact Information

Koji Hatano

General Manager, International Affairs Department

The Japan Refrigeration and Air Conditioning Industry Association (JRAIA)

Email: jraia-global@jraia.or.jp

About JRAIA

The Japan Refrigeration and Air Conditioning Industry Association (JRAIA) was originally established in February 1949 as the Japan Refrigerating Machine Manufacturers Association which was thereafter reorganized in February 1969 to become an incorporated association and renamed as it is at present.

JRAIA is the industry association representing over 170 manufacturers of refrigeration and air conditioning equipment in Japan. We, the members of JRAIA, have so far been dedicated to offering quality products to the global markets including the U.S. JRAIA aims to promote and improve production, distribution and consumption of refrigeration and air conditioning equipment and their applied products, as well as auxiliary devices and components, automatic controls and accessories and thereby contribute to the steady development of Japanese industry and the improvement in people's standard of living.

For more information, please see JRAIA's website: www.jraia.or.jp

Email: jraia-global@jraia.or.jp