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March 27, 2026

Katrina Kessler
Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: Response to Request for Comments on Proposed Rulemaking Regarding Criteria for Currently Unavoidable Uses of PFAS in Products

Dear Commissioner Kessler,

BD appreciates the opportunity to submit comments on the Minnesota Pollution Control Agency's proposed rulemaking to establish criteria for determining currently unavoidable uses of intentionally added per- and polyfluoroalkyl substances (PFAS) in products sold, offered for sale, or distributed for sale in Minnesota, pursuant to Minn. Stat. § 116.943.

BD is a global medical technology company that develops and manufactures a broad range of medical devices and systems used across healthcare settings. BD devices and systems are relied upon by healthcare professionals in hospitals, pharmacies, laboratories, and long-term care facilities to support patient care and clinical operations.

BD appreciates the Agency's recognition that PFAS uses in certain medical devices and medical device and system components, including specialized electronics, are critical. In medical technology applications, PFAS-based materials are used to support performance characteristics such as thermal stability, chemical resistance, durability, and reliability under demanding clinical and operational conditions. BD is actively engaging with suppliers to understand the materials used in its products and to support compliance with applicable regulatory requirements.

BD understands that its products are exempt under Minnesota law with respect to the PFAS prohibitions and appreciates the Agency's approach to implementing the statutory framework. While certain BD products may not be regulated by the U.S. Food and Drug Administration and therefore may not fall within the FDA-specific exemption as described, some components of those products are internal components that are not intended to be touched during normal use.

By way of example, medication dispensing and pharmacy automation systems used across care settings, including hospitals, retail pharmacies, and long-term care facilities, support the storage, dispensing, and management of medications through automated technologies that rely on electronic internal components. Other examples relying on internal electronic components are Research Use Only (RUO) and Laboratory Use Only (LUO) products, that support scientific research and medical innovation. In limited instances, PFAS-containing materials are used within fully enclosed, non-user-accessible internal components to meet performance and reliability requirements.

BD remains committed to responsibly managing the materials used in its products while ensuring continued access to essential medical technologies relied upon by patients and healthcare providers. BD appreciates the Agency's consideration of these comments.

If you have any questions, please contact Adam Lotspike at adam.lotspike@bd.com.

Sincerely,

Adam Lotspike
Senior Director, U.S. Government Relations
Public Affairs