



March 29, 2026
Katrina Kessler
Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155

RE: Request for Comments: Draft Rule Concept for PFAS in products: Currently Unavoidable Use (CUU) Rule

Dear Commissioner Kessler,

MEMA, The Vehicle Suppliers Association, submits these comments to the Minnesota Pollution Control Agency (MPCA) in response to its request for comments on the draft rule concept for Per- and Polyfluoroalkyl Substances (PFAS) in Products: Currently Unavoidable Use (CUU) rule.¹ MEMA supports Minnesota's goal to reduce unnecessary exposure to PFAS in consumer products; however, the CUU process must be implemented in a practicable manner that avoids disruptions to Minnesota consumers. As set forth below, MEMA respectfully requests that MPCA adjust its alternatives assessment process to ensure that CUU determinations are accessible to manufacturers of complex goods, such as motor vehicle equipment.

Established in 1904, MEMA is the leading trade association in the United States representing vehicle suppliers, parts manufacturers, and remanufacturers, with over 900 members. MEMA's members design and manufacture the technology, components, and services that enable the production of new vehicles, as well as the essential maintenance and repair of the more than 295 million highway vehicles currently on U.S. roads.

The supplier industry is an essential part of the U.S. economy, directly employing more than 930,000 individuals. Since 2015, the industry has added approximately 61,000 jobs nationwide and indirectly supports 4.8 million jobs in related sectors. Suppliers operate facilities in all 50 states and in more than 350 Congressional districts, with significant concentrations in the Midwest and Southeast. The sector's broad array of businesses and professional backgrounds reflects the dynamic, innovative nature of the industry.

Overview of Motor Vehicle Supplier Industry and Uses of PFAS

Vehicle suppliers routinely manage complex chemical formulations subject to federal oversight, including compliance with the Toxic Substances Control Act (TSCA), Federal Motor

¹ Minn. Pollution Control Agency, *Draft Rule Concept Summary for PFAS in Products: Currently Unavoidable Use Rule* (Feb. 26, 2026).

Vehicle Safety Standards (FMVSS), and other chemical reporting, handling, and product compliance requirements. Substitutions in vehicle components frequently require multi-year engineering validation, supply chain requalification, durability testing, and in some cases federal regulatory certification.

As MPCA prepares its requirements for CUU determinations, it is critical that the agency adopt a scope that reflects the complexity of PFAS use in the motor vehicle industry. Motor vehicles are composed of approximately 30,000 parts. Suppliers provide 77% of the value of a vehicle,² ensuring the safe and efficient function of the vehicle, including new motor vehicles as well as the aftermarket components necessary for repair and maintenance. The number of parts involved illustrates the need for flexibility so that necessary research, development, and safety certifications can occur. For example, a 2023 U.S. Department of Defense report indicates that, in certain applications such as semiconductor fabrication and energy storage, identifying suitable PFAS alternatives may take more than 10 years.³ Semiconductors and batteries serve critical roles in advanced vehicle technologies.⁴

PFAS are critical to the production of certain motor vehicle parts and components. In particular applications, PFAS are extremely durable and can withstand extreme-use and high-temperature applications – qualities that are necessary for automotive uses.

MPCA Should Revise its Assessment of Alternatives to be Practicable for Manufacturers of Complex Goods

It is critical that MPCA adjust the alternatives assessment to make it practicable for motor vehicle suppliers, which operate within highly complex supply chains. These supply chains are multi-tiered and global in scope. Some manufacturers supply new original equipment, such as finished parts, components and systems, directly to vehicle manufacturers. Others produce niche specialty components and other inputs that are incorporated into finished parts, components, and systems. There are also members of the vehicle supply chain that provide critical raw or semi-finished materials, such as metals, both for specialty and finished parts, components, and systems. These supply chains vary based on the component being produced or sourced. Because all levels of the supply chain are highly interdependent, a single change can cause ripple effects across the industry. As a result, the complex, multi-tiered, global nature of the supply chain makes it difficult for manufacturers to identify alternatives.

MEMA recommends that MPCA refine the scope of the alternatives analysis, to ensure that the process is achievable for manufacturers of complex goods, including motor vehicle equipment. In particular, MPCA should consider adopting an approach similar to California's Safer Consumer Products program, which limits the number of components that are contained in complex durable products that can undergo an alternatives analysis to ten

² Automotive Aftermarket Industry Analysis–2023, AAPEX Show (2023).

³ See U.S. Dep't of Def., *Report on Critical Per- and Polyfluoroalkyl Substance Uses*. (Aug. 2023).

⁴ See *id.*

components.⁵ These programs also pair a specific chemical (such as a specific PFAS) with a single product containing that chemical.⁶ Adopting comparable parameters from the Safer Consumer Products program would make the alternatives assessment more practicable for manufacturers of products as complex as motor vehicle parts, which may include thousands of components incorporated into a single motor vehicle. MEMA appreciates MPCA's inclusion of an option for groups of manufacturers to apply for CUU determinations. MPCA should also consider some of the applicant options provided by the Safer Consumer Products program that allow groups of manufacturers to work together more efficiently to meet the regulatory requirements.⁷

Further, MEMA recommends that MPCA include cost considerations in its alternatives analysis. Excluding the costs of alternatives results in an incomplete analysis. Costs should be included in the definition of "reasonably available" and among the factors considered in assessing alternatives because effective solutions must be practical, scalable, and sustainable in the real world. Cost is a critical factor in evaluating implementation feasibility. Excluding cost would prevent decision-makers from transparently weighing the trade-offs among hazard, performance, availability, and feasibility. Additionally, ignoring costs could disproportionately burden small businesses conducting assessments. Including cost as a factor ensures that identified alternatives are not only less hazardous, but also realistically adoptable, which is essential to achieving meaningful public health and environmental benefits.

MPCA Should Align Its Timelines for CUU Determinations with Development Cycles for Complex Goods

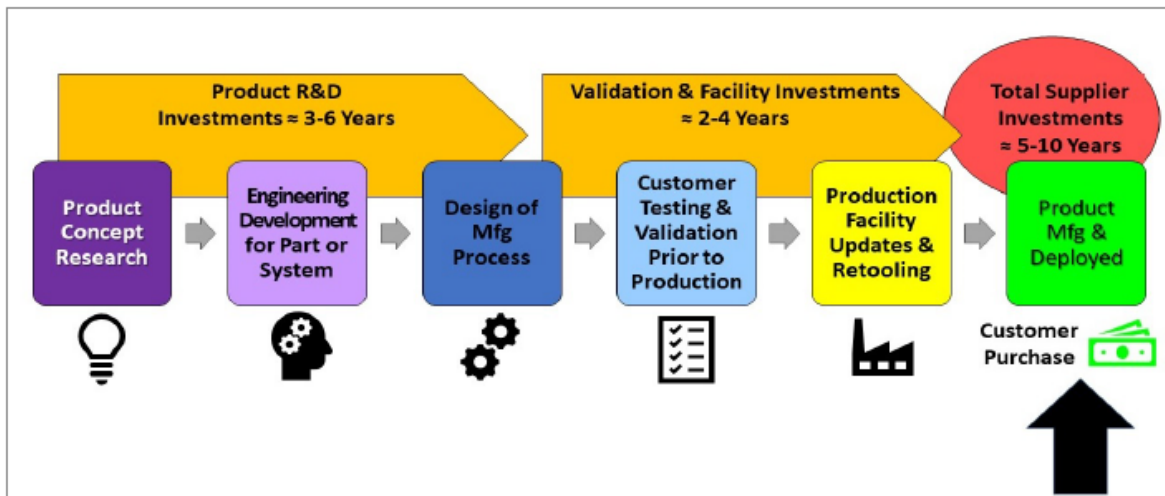
MEMA further urges MPCA to consider the lengthy product planning and investment timelines required by vehicle suppliers to ensure the safe deployment of new technologies. These timelines include extended periods for safe development and validation to confirm that performance requirements are met. Advanced vehicle supply chains also depend on access to a diverse range of materials, subcomponents, and technologies, which are essential to maintaining world-class safety expertise and global competitiveness. Clear and consistent regulatory requirements and guidance provide suppliers with the stability and visibility needed to plan effectively and comply with these requirements.

⁵ Cal. Code Regs. tit. 22, § 69503.5 (2024).

⁶ Cal. Dep't of Toxic Substances Control, *Safer Consumer Products Regulations: Overview* (explaining chemical-product pairing requirement).

⁷ Cal. Code Regs. tit. 22 §§ 69505-69506.

Graphic 1: Motor Vehicle Parts Suppliers Product Planning and Investments Timeframe



The above graphic illustrates the typical timeline for supplier product planning and investment. Suppliers typically invest 5-10 years in the development, manufacturing, and deployment of products, and devote substantial resources during that period to improving efficiency and safety. During this period, suppliers shoulder the majority of costs and investment risks and do not realize a return on investment until products are ultimately shipped to OEM customers.

Suppliers produce components that are subject to rigorous safety standards. Chemical and other material substitutions must be meticulously tested, evaluated, and validated to ensure that the safety of the product is not compromised. In considering PFAS alternatives, MPCA must prioritize the continued safety of motor vehicle components and should defer to applicable safety standards administered by the U.S. Department of Transportation and other standards-developing organizations.

The continued provision of motor vehicle components is essential to public safety, economic stability, and consumer access to repair and replacement parts. Supply chain disruptions will create a ripple effect of delays in requalification timelines, durability testing, and federal regulatory certification. Compliance with these processes is critical to ensuring product and component safety and integrity. Any supply chain disturbances can create bottlenecks to the product development process. MEMA urges MPCA to consider adjusting the scope of its alternatives assessment to ensure that the CUU determination process is navigable for vehicle suppliers. Further, MPCA should consider the development cycles of motor vehicle components, to ensure that the renewal process for CUU determinations does not become onerous for manufacturers with long product-planning cycles.



The Vehicle Suppliers Association

MEMA appreciates MPCA's consideration of these comments as it develops criteria for CUU determinations. For more information or any questions, please contact Jennifer Lewis, Vice President of Regulatory Affairs at jlewis@mema.org or Emily Sobel, Senior Manager of Government Affairs at esobel@mema.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Ana", is placed below the word "Sincerely,".

Ana Meuwissen, Senior Vice President of Government Affairs