

Michael Ackerman

Who is commenting? *(choose the best fit)*

Representative of another unit of government

If you are commenting as a representative, what is the name of the entity you are commenting on behalf of?

United States Air Force

If you represent a product manufacturer or industry group, what industry(ies) do you represent?

N/A.

If you represent a product manufacturer, what types of components, products, or product categories do you manufacture that you will be requesting a CUU determination for?

N/A.

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "essential for health, safety, or the functioning of society"? *(Please review the proposed definitions in the rule concept document prior to answering)*

No.

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "alternative"? *(Please review the proposed definitions in the rule concept document prior to answering)*

No.

Do you have any recommended changes or other considerations that you think the MPCA should take into account when defining the term "reasonably available"? *(Please review the proposed definitions in the rule concept document prior to answering)*

No.

When considering the proposed definition of "product category", how broadly should the agency group product categories? *(Examples: "vehicles" versus "sedans, SUV's, vans, trucks, RV's" or "printers" versus "receipt printers, thermal printers, label printers, residential printers, commercial printers, etc.")*

I would recommend not too narrowly in the case of Aerospace and Defense to avoid unwanted rulemaking complexity.

Should each request for a CUU determination be limited to a single product category, or should applicants be allowed to submit a request for a CUU determination for multiple product categories?

Recommendation is multiple.

What safety or other standards require the use of PFAS in a product? *(Please include the specific citation)*

Military technical specifications for material performance.

The agency is seeking feedback on the potential that the initial positive CUU determination duration for existing products will expire eight years from the date of issuance regardless of product category. This is intended to stagger renewal deadlines and ease the administrative burden of processing renewals.

- Do you have any concerns about unintended consequences with this proposal?
- Do you have any alternative recommendations to stagger renewal deadlines?

A process to stagger renewal dates and relook CUU designations again with more time for industry to respond in the future does make sense.

The MPCA has developed a preliminary list of potentially eligible data categories that may be considered for trade secret requests. *(Please review the rule concept document for the list of potentially eligible data)*

- Do you have any concerns about unintended consequences with this proposal?
- Do you have any alternative recommendations for data that should or should not be eligible for trade secret requests?

No.

What are the potential ongoing costs to society if the commissioner issues a positive currently unavoidable use determination for the continued use of PFAS within a product or product category? *(For example: environmental, human health, or remediation costs)*

Mitigations are in place to lessen impacts. Military services have policy and procedures requiring proper handling and disposal of PFAS containing materials.

For manufacturers: Administrative cost of requesting a CUU determination (Part 1 of 2). *Please provide your best estimates or rough orders of magnitude (for example "approx. 200 hours"). Precise accounting data is not necessary to answer this question.*

If your company currently possesses information regarding intentionally added PFAS (to the CAS number level) for all components in your product lines, please estimate the number of technical staff hours that were required to establish this baseline.

Not applicable

For manufacturers: Administrative cost of requesting a CUU determination (Part 2 of 2). *Please provide your best estimates or rough orders of magnitude (for example "approx. 200 hours"). Precise accounting data is not necessary to answer this question.*

If your company does not possess information regarding intentionally added PFAS (to the CAS number level) for all components in your product lines, please estimate the number of technical staff hours needed to obtain this data from your Tier 2 or 3 suppliers for a single product line.

Not applicable

For manufacturers: Expenditure considerations when seeking non-PFAS alternatives (Part 1 of 2). *Please provide your best estimates or rough orders of magnitude (for example "primary cost is CapEx"). Precise accounting data is not necessary to answer this question.*

If you have identified a technically viable non-PFAS alternative for one of your products that contains intentionally added PFAS, does implementing this alternative require Capital Expenditure (such as purchasing new molds, retooling machinery) or primarily Operational Expenditure (such as purchasing more expensive raw materials)?

- Please estimate the ratio of Capital Expenditure to Operational Expenditure (or indicate which category is the dominant cost driver).

N/A

For manufacturers: Expenditure considerations when seeking non-PFAS alternatives (Part 2 of 2).

If you have not identified a technically viable non-PFAS alternative for one of your products that contains intentionally added PFAS, have you conducted a Research & Development (R&D) feasibility study?

- If so, what was the cost of that study?

N/A

For manufacturers: Research and development safety validation cycles.

What is the typical duration of the R&D and safety validation cycle for a reformulated product in your sector (from concept to market entry)?

Does this cycle align with the 5-year renewal period typically associated with regulatory exemptions?

- If not, please explain the specific technical barriers that would require a longer validation period.

N/A

Please provide any additional information or documentation needed to support your answers to any of the questions posed.

Dear Minnesota Pollution Control Agency,

The Department of the Air Force takes seriously its dual responsibility of carrying out its military mission while protecting human health and the environment. I act as the Air Force Regional Environmental Coordinator for Federal Region 5, which consists of Minnesota and 5 other states in the Great Lakes Region. In my position, I coordinate legislative and regulatory concerns within these states for the Air Force.

The Air Force appreciates the opportunity to provide the following input to the committee. Many sectors of the US national economy, including information technology, manufacturing, renewable energy, aerospace, and general transportation, lack technically suitable alternatives to the use of PFAS materials in challenging, high-performance, and safety-related applications. The Air Force and other service branches either rely on products and services delivered by these sectors of the economy or use PFAS in applications that mirror those in civilian sector. In addition, the Air Force and military service branches have military specific uses of PFAS materials for which there are no alternatives. There are many Aerospace and Defense product lines that do not currently have PFAS-free alternatives that meet military specifications, including but not limited to sensors, gauges, heat transfer and environmental control systems, engine components, and propulsion systems.

Three of the Department's reports and briefings to the US Congress provide considerable additional detail on Aerospace and Defense uses of PFAS and are available at

<https://www.denix.osd.mil/cmrrmp/reports-and-briefings/> :

- Report on Critical Per- and Polyfluoroalkyl Substance Uses (2023)
- Update on Critical Per- and Polyfluoroalkyl Substance Uses (2025)
- Briefing on Fluorinated Fire Suppression Products (2025)

The Air Force would like to request consideration of exemptions for Aerospace and Defense product lines that have no PFAS-free alternatives. The Air Force looks forward to working with you to ensure that the Currently Unavoidable Use rulemaking

accounts for critical Aerospace and Defense uses.

Thank you for consideration of these comments.

Do you have any additional questions or comments regarding the PFAS in products:
Currently unavoidable use rule? *(Please note that we may be unable to respond to specific questions regarding rule content in this phase of the rulemaking process)*
No.