

Nora Strande

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

Member of the general public

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

Amara Strande's family, friends, and community members: Nora Strande, Dana Strande, Michael Strande, Jesse Flanagan, Issaih Allickson, Katie Flanagan, Jacob Flanagan, Natalie Watters, Christian Krohn, Joey Herder, Desi Boyer, Jeff Munter, Han Schoening, Quinn Waller, Neils Waller, Caprice Niccoli, Kelly Casey, Adrian Schottroff, Cathy Reichert, Michelle McManus, Sean McManus

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)*

We support the requirement that the unavailability of PFAS must result in a “significant” negative impact to human health, the environment, or services upon which society relies before the use can be considered “currently unavoidable.” Setting a high bar for this exemption is consistent with the goal of Amara’s Law to protect our families and communities from these toxic substances.

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)*

We are concerned about defining an “alternative” as something that if used in place of PFAS or a PFAS-containing product, “would result in a functionally equivalent product.” We worry that the “functional equivalence” requirement could open the door to the PFAS industry, arguing that PFAS has a unique functionality in certain products that cannot be replicated. We urge you to modify this language to allow alternatives that are not materially different in function or service (even if not “equivalent”).

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)*

We support MPCA's statement that "reasonably available" should not focus on cost and recommend that the definition itself include that clarification. Also, we are concerned that the proposed definition of the term "reasonably available" requires that an alternative is "currently available in sufficient quantity." This sets too low a bar, opening the door for industry to argue that there are no alternatives to a particular PFAS use even if alternatives could be obtained.

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?

We support MPCA's proposal to put a time limit on approvals for PFAS uses. This can ensure that innovation to find PFAS alternatives continues and that there is pressure on industry to switch to those alternatives.

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?

We are concerned about trade secret protections interfering with the public's ability to understand the risks associated with continued PFAS uses. We encourage MPCA to narrowly limit the data eligible for treatment as trade secrets.

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)*

As described in response to Question 20, we (Amara Strande's family, friends, and community) have experienced firsthand the devastating consequences of PFAS use.

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

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)*

The undersigned are writing in response to the call for comments on the “Planned New Rules Governing Currently Unavoidable Use Determinations about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor’s ID Number R-4837” for Amara’s Law.

Michael and Dana Strande raised their family in the east metro area of Minnesota. Their two children, Nora and Amara Strande, grew up playing in and drinking the water. Amara spent her summers playing softball at local schools and parks in the east-metro plume, often playing on artificial turf made with PFAS. During the winters, Amara played long and hard on basketball courts that were waxed, polished, and cleaned with products containing PFAS. When Amara was only 15, she was diagnosed with a rare form of liver cancer. Amara believed that her cancer was linked to growing up in the PFAS plume, which resulted in daily exposure to PFAS through cooking, playing in, and drinking the contaminated water.

At only 20 years old, Amara dedicated the last few months of her life in 2023 to fighting for the passage of what would be named “Amara’s Law” so that no other person or family had to suffer as she suffered. She testified in legislative committee hearings, telling her story to all who would listen, despite her body quickly deteriorating and the constant pain caused by the terminal cancer. Her courage was the driving force for the passage of Amara’s Law.

Since then, the Strandes have continued to share Amara’s story—and the broader story of PFAS in Minnesota—with communities, policymakers, and partners. Amara’s advocacy sparked change in Minnesota’s policy and continues to make waves in PFAS policies worldwide.

As Amara’s family, friends, and impacted community members, we are deeply grateful for the work of the Minnesota Pollution Control Agency (MPCA) as you take on the responsibility of implementing this critical law. We urge you to do so with the utmost care and urgency, always centering the protection of human health and the environment. We urge you to continue putting Minnesotans first by maximizing the availability of information on PFAS in products, empowering Minnesotans to take control of their exposure. It is especially important to us that MPCA meet all of the deadlines in the law so there is no delay in

obtaining information about the presence of PFAS in products or in the effective date of prohibitions on uses of PFAS that are not currently unavoidable.
We are also very interested in ensuring that any “currently unavoidable” determination is as narrow as possible and applies for only a short time window. Innovation and safer alternatives are possible—and often already underway. What may seem unavoidable today may not be tomorrow. The law should reflect that urgency and possibility.

Three years ago, during one of Amara’s testimonies, she addressed PFAS manufacturers directly. She stated, “It is your time to shine,” reaching out to the companies that created this contamination crisis and encouraging them to innovate and find the solution to the PFAS crisis. Our comments reflect that sincere desire for the manufacturers to do the right thing and take accountability for the poison they’ve added to our world. Thank you so much for your consideration of our comments and for all of your work to ensure that people in Minnesota are protected from PFAS.

Sincerely,
Nora Strande, Dana Strande, Michael Strande, Jesse Flanagan, Issaih Allickson, Katie Flanagan, Jacob Flanagan, Natalie Watters, Christian Krohn, Joey Herder, Desi Boyer, Jeff Munter, Han, Schoening, Quinn Waller, Neils Waller, Caprice Niccoli, Kelly, Casey, Adrian Schottroff, Cathy Reichert, Michelle McManus, Sean McManus
