Anonymous Anonymous

Who is commenting? *(choose the best fit)*
Representative of a product manufacturer(s)

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

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
Semi-Trailer, Truck Body, and Silo Manufacturer

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?
Commercial semi-trailers and truck bodies of various sizes and dimensions and components thereof.

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)*
Wabash supports the proposed definition and submits that highway transportation of vital goods and services using truck bodies and semi-trailers is essential for health, safety and the functioning of society.

Wabash also notes that other state PFAS in products laws (currently Maine and New Mexico) include explicit exemptions for motor vehicles and motor vehicle equipment, recognizing the critical nature these products to the functioning of society. While Amara's Law does not have such an exemption, Wabash believes MPCA's CUU process should be available for a similar purpose.

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)*
The semi-trailer and truck body industry heavily relies upon blown polyurethane foam using HFO 1234ze and 1233zd. HFOs are considered PFAS and are predominantly used as a replacement for HFCs that are being phased out in the United States and abroad because of their higher global warming potential. Wabash, along with others in the semi-trailer and truck body manufacturing industry and related industries that use these foams, just recently transitioned away from HFCs to HFOs due to the implementation of the federal AIM Act and EPA regulations and the California Air Resources Board's ban on HFC 134a.

There is no safe, functionally equivalent alternative to HFOs for this critical application. One potential alternative foam consists of cyclopentane, which is highly flammable, thereby presenting substantial safety concerns for its use in the manufacturing process for semi-trailers and similar industries. Wabash therefore believes that the definition of “alternative” must account for other factors beyond function, including safety in its usage. For example, the definition of “alternative” could be:

“a non-PFAS chemical, substance, material, manufacturing process change, non-chemical change, or other product that, if used in place of a PFAS or PFAS-containing product, would result in a functionally equivalent product that is intrinsically safe and not otherwise banned or subject to federal or state phaseout.”

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*)
Consistent with Wabash’s comment on the definition of “alternative,” we believe that “reasonably available” must consider factors beyond functionality/comparable performance. If Wabash’s comments to the definition of “alternative” are addressed, then the proposed definition of “reasonably available” would be acceptable because the definition of “reasonably available” uses the word “alternative” and would therefore be qualified by the definition of “alternative.” If Wabash’s comments on the definition of “alternative” are not addressed, then the same concepts should be applied to the definition of “reasonably available” to account for critical considerations beyond mere functionality of the potential alternative.

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.")*
For the efficiency of both MPCA and a CUU applicant, Wabash believes products within a similar product family or series should be broadly grouped together. This approach is consistent with MPCA’s March 2026 Supplemental reporting guide for PRISM. For example, answering the question “How Can I group similar products and/or product components?” MPCA provides the following example:

Example: A manufacturer makes a variety of household fans that come in a variety of colors, sizes, and shapes. The manufacturer may choose to group the different fans into what the manufacturer calls product families or series. Under each of those product families they can list out the components containing PFAS.

This degree of grouping strikes a reasonable balance between too much grouping which would be difficult for MPCA to evaluate or for the manufacturer to input into PRISM, and too little grouping which might lead to extensive extra time and costs for a CUU applicant and challenges for MPCA in evaluating data in PRISM. For example, if Wabash were to submit a CUU application, its categories may include dry van semi-trailers, refrigerated van semi-trailers, tanker semi-trailers, platform semi-trailers, and truck bodies.

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?
MPCA should allow applicants to submit a single request for a CUU determination for as many products as are needed. The amount of time and resources that will go into a CUU application will be very significant. Finding reasonable opportunities to ease this burden on applicants should be pursued. This efficiency will also be useful for MPCA in reviewing applications.

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?

Wabash supports an 8-year duration for a positive initial CUU determination. Given the complexities involved in researching and developing viable alternatives for many current PFAS usage, 8 years is a reasonable duration for an initial determination, subject to the ability to apply for another CUU determination if, despite best efforts, a suitable alternative is still not available after the initial 8-year period.

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.
Other (please specify)
Wabash continues to perform extensive diligence with its suppliers to determine all components and materials in our products that may contain intentionally added PFAS.

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 <u>does not</u> 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.
More than 500 hours

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).

Wabash has not identified a technically viable non-PFAS alternative at this time.

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.

In Wabash's experience, a typical R&D and safety validation cycle for an extensive reformulation, as would be needed in this case, would be at least 3-5 years. This period would likely be followed by 1-3 additional years for capital expenditure, manufacturing process modification, and possibly local, state and/or federal permitting to accommodate the change. MPCA is familiar with Wabash's transition from manufacturing Wabash's "EcoNex" structural composite preform foam panels from HFC-134a to HFC-152a, which involved at least five years of R&D, followed by MPCA air permitting and resulting capital expenditures and facility modifications. Wabash's best estimate at this time is that 4-8 years may be needed, and at the end of that period, it is unknown whether a feasible alternative will be available.

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)*
Wabash understands that the CUU final rule may be available sometime in 2027. We encourage MPCA to strive to finalize the rule as soon as practicable to allow potential CUU applications sufficient time to evaluate the rule, consider whether it may wish to apply for a CUU determination, and perform the extensive work that will be required to prepare an application by January 1, 2030, if that is chosen as the initial deadline to submit a CUU application as noted in the Draft Rule Concept Summary.