Russ LaMotte

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?
Please see attached PDF comment.

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
High Tech complex durable good 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?
Please see attached comment.

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)*
Please see attached comment.

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)*
Please see attached comment.

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*)
Please see attached comment.

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.")*
Please see attached comment.

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?
Please see attached comment.

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

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?

Please see attached comment.

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?

Please see attached comment.

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)*
Please see attached comment.

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)
Please see attached comment.

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.
Other (please specify)
Please see attached comment.

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).

Please see attached comment.

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?

Please see attached comment.

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.

Please see attached comment.

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

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)*
Please see attached comment.

K. Russell LaMotte
1900 N Street, NW, Suite 100
Washington, DC 20036
+1.202.789.6080
RLaMotte@bdlaw.com

March 27, 2026

Submitted via the Minnesota Pollution Control Agency Rulemaking Website

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

RE: Comments on MPCA's Draft Rule Concept for PFAS in Products: Currently Unavoidable Use Determinations

Dear Commissioner Kessler:

On behalf of a client, which is a U.S.-headquartered global company in the high-tech manufacturing sector, I am submitting the attached comment on the Minnesota Pollution Control Agency (MPCA) draft rule concept for currently unavoidable use (CUU) determinations under Minn. Stat. § 116.943.

Thank you for considering this input.

Sincerely,

K. Russell LaMotte

Comment on MPCA's Draft Rule Concept for PFAS in Products:

Currently Unavoidable Use Determinations

The proposed CUU decision process does not appear to consider that some uses of PFAS within a product that is itself essential for health, safety, or the functioning of society are not necessarily within the control and understanding of the company that makes the product.

Consider, for example, some large industrial products such as semiconductor manufacturing equipment (SME). Many parts of such equipment must be made with PFAS because of the unique aspects of various SME processes - from etching and chemical vapor deposition to cleaning with highly acidic chemicals. For some parts (e.g., those that were specifically designed by the SME manufacturer or its suppliers for the unique operations of the equipment), the SME manufacturer will have good knowledge of why PFAS materials were selected. For those components, the SME manufacturer will be best positioned to provide insights into the possibility of PFAS alternatives and timelines for those use cases.

However, there are also many uses of PFAS in such equipment that the SME manufacturer may be aware of, but for which they have no direct design involvement. For example, PFAS used in what could be described as commodity components – meaning components that are not particularly aligned solely with semiconductor manufacturing -- are certainly necessary for the proper functioning of the SME, but they are entirely under the design control of other manufacturers. Take, for example, two real-world examples – lithium batteries and tantalum capacitors.

- Lithium batteries are known to often contain PVDF binders for electrolytes and are likely to also have PFAS as part of the battery casing and perhaps in the inks used to print logos and other information on the batter exterior.

- Many tantalum capacitors have a very small PTFE 'washer' around one of the leads to prevent anode material from creeping up the lead during operation, and, like batteries, PFAS might be present in the inks used to mark the capacitors.

Both lithium batteries and tantalum capacitors are essential to the functioning of SME, but the SME manufacturer is unlikely to be able to obtain the information necessary from their various battery and capacitor suppliers to make the arguments necessary for a CUU finding under the proposed CUU rules.

It is not reasonable to expect an SME manufacturer (or indeed a great many other manufacturers of complex durable goods who use commodity parts) to also have to become expert in the science of batteries and capacitors to the extent that they could provide information about possible PFAS alternative timelines and the exact reason why PFAS is present in such components. Indeed, many aspects of this information are likely to

be considered confidential business information that the battery and capacitor manufacturers are unwilling to share with their customers.

The CUU decision-making process should take into account this indirect PFAS use scenario, such as by allowing a company seeking a CUU finding to differentiate between PFAS uses in their products that are within their design control and those that are not, and then calibrating the expectations and requirement to substantiate the alternatives analysis accordingly.

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