Rylee Hince

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?
Prairie Island Indian Community

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
Not applicable.

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?
Not applicable.

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 recommend the Commissioner's office and the MPCA dedicate staff to ensure there is adequate review of all relevant scientific literature to evaluate product lifecycle and pathways to environment. This information is necessary to determine overall risk (in addition to production volume, disposal mechanisms, etc.) compared to potential disruption to basic needs of human beings. Literature review should be clear to differentiate between PFAS compounds.

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)*
When considering the term "functionally equivalent," we recommend the Commissioner's office and the MPCA provide distinction between the desired product function and the necessary product function based on health and safety quality standards. For example, product longevity may be desired but not necessary when considering product alternatives.
Additionally, when assessing alternatives, applicants should use assessment services from a neutral, state sanctioned, third-party provider to assure quality standards. Applicants should also consider the cost difference between the alternatives available, and the clean-up and mitigation costs associated with continuation of existing product use.

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 recommend the Commissioner's office and the MPCA consider reasonable projections on potential near-term availability of alternatives and not be limited to current availability. Additionally, we recommend considering issuing CUUs with shorter timelines (e.g. 2-3 years) if near-term product alternatives are known.

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.")*
We recommend the Commissioner's office and the MPCA consider product categories more narrowly, based on their health and safety requirements. For example, rather than differentiating between sedans, vans, and trucks, the MPCA should differentiate between engines, brakes, seat belts, air bags, etc. PFAS may be necessary for the functioning of certain product components within the assembled product but should not be "rubber stamped" as a reason to use PFAS in the entire product category when alternatives may be available.

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?
We recommend that applicants be allowed to submit a request for multiple product categories if they can justify the health and safety requirements and essential needs are consistent across categories. An evaluation should still occur (considering current scientific literature) for each independent category, to demonstrate that no alternatives exist.

What safety or other standards require the use of PFAS in a product? *(Please include the specific citation)*
No 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?

We recommend that the Commissioner's office and MPCA consider a shorter timeline than eight years for a renewal of the initial positive CUU determination given the known dangers of PFAS and the lag time between this draft ruling and its implementation in 2030. A 5-year determination would be more appropriate and provide greater incentive for the research and development needed to identify safer 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 recommend that the Commissioner's office and the MPCA do not allow the withholding of chemical names and volumes on the basis of trade secrets, since the intent of this law is to phase out all PFAS use. It is unethical to obscure details of known harmful and persistent compounds and restricts meaningful discourse. The chemical name and formula should not be withheld from the public during the public comment period for CUU applications.

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)*
The ongoing cost to human health and the environment has already extended beyond the capacity of society to remediate (e.g. cost to update treatment plants, home filtration, bioaccumulation in the environment and associated human health impacts from all sources). As a persistent "forever" chemical, any additional production exacerbates the pervasiveness of this contaminant and jeopardizes the health of every human being on the planet.

As a tribal nation whose Oyate (people) have always harvested food and medicine from our lands and waters, we are now faced with difficult decisions to halt traditional practices, such as sugar-bushing, due to detections of PFAS in our water, maple sap, and soils which have known impacts to human health. Testing of our food and medicines is ongoing. Any continued production of PFAS will be a risk to our lifeways if there is a pathway for the compounds to enter the environment.

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).

Not applicable.

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?

Not applicable.

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.

Not applicable.

Please provide any additional information or documentation needed to support your answers to any of the questions posed.
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)*
How will the MPCA engage with the Minnesota Department of Agriculture (MDA) to review agricultural chemicals applied directly to the landscape and which are most likely to enter our waterbodies?
What data will MDA provide to MPCA and the public?
We recommend the issuance of a draft determination trigger a 60-day comment period (rather than 30 days) to provide meaningful review of complex applications.