

Michael Anderson

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?

Lockheed Martin Corporation

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

Aerospace and Defense

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?

Defense products that contain PFAS formulations and fabricated parts.

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*)

Consideration of the concept of national security which is part of the broader "essential for health, safety, or the functioning of society".

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?

Applicants should have the ability to be exempt from a CUU determination based on a overarching broad exemption determination or otherwise exempt via scope of the rule/statute.

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

MilSpec or equivalent standard (NASA, NOAA, FAA, etc.) - too numerous to list, but includes both material and performance based requirements.

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 believe that a broad defense exemption should be time unlimited.

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?

Concerns on whether trade secrets can be secured to meet overall national security interests and the requirements of the International Traffic in Arms Regulations (ITAR) implemented by the U.S. Department of State controlling the manufacture, sale, and export of defense-related technology, services, and articles.

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)

We currently do not have a cost/burden statement to request a CUU determination

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)

We currently do not have a cost/burden statement to request a CUU determination

Before MN/MPCA at <https://mpca.commentinput.com/?id=fGW4cdeEZ>

RE: PFAS in Products: Currently Unavoidable Use – Rulemaking

Comments: Lockheed Martin Corporation - Michael Anderson, Technical Fellow/ESHS Advocacy

Lockheed Martin Corporation (Lockheed Martin) is a leading global security and aerospace and defense company, ensuring those we serve always stay ahead of ready. We solve complex challenges, advance scientific discoveries, and deliver innovative solutions that help our customers keep people safe and nations secure against foreign threats. Our products include but are not limited to military fixed and rotary-wing aircraft, weapon systems, communications equipment, space hardware, maritime systems, and a sustainment and spare parts program to ensure the operability of our products for decades to come.

Lockheed Martin is reliant on formulations, materials, equipment, parts, and components that have proven successful through testing and qualification. Whether it be the displays, coatings, and fluids within a military aircraft, printed wire boards on naval vessels, wiring and cabling for a weapon or radar system, or the photovoltaic cells on a satellite, our customer, largely the Department of War (DoW) demands formulations, materials and products that are proven and maintain the highest level of performance and resiliency towards the harsh environments and conditions in which our products operate.

To meet these performance requirements and deliver state-of-the-art products, Lockheed Martin must be able to select and utilize formulations, materials, equipment, parts, and components based on performance and qualification criteria to ensure proper functionality, conformity with military specifications, and the avoidance of failure. Prohibitions on chemicals or groups of chemical substances, such as the impending restriction on Per- and Polyfluoroalkyl Substance (PFAS) or articles that contain these substances may be counter to these performance objectives and are dangerous to the defense sector, the DoW, and global customers (nations) who depend upon our products for national security and public safety.

Aside from performance-driven requirements and discovery challenges of PFAS in the complex supply chain, defense sector manufacturers must conform with the strictest qualification and safety protocols across all of industry. Certification is a key process to ensure that aircraft, military hardware, or any other equipment parts or essential formulations comply with the required strict levels of safety and performance. Requalification may take several years to decades to identify, investigate, test, and qualify a new piece of hardware or formulation manufactured with a different material or chemistry. Lastly, existing equipment including spare parts used in legacy finished products must be preserved to ensure the viability of those legacy programs. It is not feasible to recertify or requalify new equipment, materials or parts used in the sustainment of legacy equipment because of a state or regional restriction.

The materials, parts, and components that we procure must be able to perform not only the first time, but every time without failure, to avoid disastrous outcomes related to public safety and national security. Failure is simply not acceptable.

To meet these stringent requirements, Lockheed Martin must have access to the top performing products, materials and chemistries needed to achieve its targeted objective within the boundaries of strict

qualification, standardization, and performance. Furthermore, we need to have access to suppliers, many who serve the commercial and industrial sectors without disruption, including obsolescence of formulated and fabricated products.

Lockheed Martin appreciates the opportunity to provide insight into the critical usage of PFAS and recommends that MPCA issue a broad exemption for aerospace and defense products and applications that have no PFAS-free alternatives. This approach was supported by the Department of the Air Force in a letter to the Minnesota House of Representative, dated February 19, 2026 at <https://www.house.mn.gov/comm/docs/GrQIwpVrdEupcsDHLNeliQ.pdf>. If you have any questions, please do not hesitate to reach out to me at michael.g.anderson@lmco.com.