William Allmond

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?
The Adhesive and Sealant Council.

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
The Adhesive and Sealant Council is a trade association representing the North American adhesive and sealant value chain. ASC comprises 117 adhesive and sealant manufacturers, raw material and equipment suppliers and distributors, and industry consultants, representing more than 75 percent of the U.S. industry.

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?
The adhesives and sealants industry produces an enormous variety of products, ranging from construction adhesives to specialty sealants for electronics, each with unique functions and regulatory requirements. Many adhesives and sealants are supplied as components or subcomponents to larger assemblies (e.g., automotive, electronics, furniture, and so on).

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)*
See attached comments.

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)*
See attached comments.

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*)
See attached comments.

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.")*
See attached comments.

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?
See attached comments.

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)*
See attached comments.

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

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

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)*
See attached comments.

March 27, 2026

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

Submitted electronically to https://mpca.commentinput.com/?id=fGW4cdeEZ

Re: PFAS in Products: Currently Unavoidable Use; Revisor's ID Number R-4837

Dear Commissioner Kessler:

ASC appreciates the opportunity to comment on the Minnesota Pollution Control Agency's (MPCA) "Draft Rule Concept Summary" which outlines MPCA's proposed process for making decisions on what uses of intentionally added per-and polyfluoroalkyl substances (PFAS) will qualify as Currently Unavoidable Uses (CUU) in products sold, offered for sale, or distributed for sale in Minnesota. This is a significant upcoming rulemaking because products that are deemed by MPCA to be CUU under this process will be exempt from the 2032 ban on PFAS-containing products under Amara's Law. [1]

The Adhesive and Sealant Council (ASC) is a trade association representing the North American adhesive and sealant value chain. ASC comprises 117 adhesive and sealant manufacturers, raw material and equipment suppliers and distributors, and industry consultants, representing more than 75 percent of the U.S. industry. Offering education, legislative advocacy, professional networking, and business growth solutions to its members, the ASC is the center of knowledge and a catalyst for industry growth on a global basis for manufacturers, suppliers, and end-users. Our members who sell and distribute products in Minnesota are impacted by this proposal.

Minnesota's PFAS in products law, Amara's Law, remains the most stringent and expansive law regulating PFAS in products in the United States. Minnesota's law broadly applies to *any* product, including industrial and commercial products, or product component sold or distributed in the state which contains *any* amount of intentionally added PFAS, no matter how miniscule and regardless of the likelihood of exposure of PFAS to an individual. The law imposes reporting requirements on manufacturers, fee obligations, and product phase outs.

States with similar PFAS laws, namely Maine and New Mexico, have adopted CUU processes, and have added necessary exemptions to their proposed 2032 sales prohibitions to ensure that

[1] Minn. Stat. § 116.943.

critical uses of PFAS and uses of PFAS already regulated by federal law will not be impacted. MCPA now proposes its own framework for regulation on CUU of PFAS.

A patchwork of state regulations creates significant hurdles for industry by increasing compliance costs, restricting interstate commerce, and complicating operational logistics. Businesses often face conflicting rules on labeling, data privacy, and other requirements, forcing them to adopt the most restrictive state's standard nationwide, which raises costs and reduces efficiency. To mitigate those consequences, ASC urges MCPA to adopt a CUU process that is consistent with the CUU approaches taken in Maine and New Mexico. In addition, ASC offers the following considerations as MCPA works to further develop its CUU framework and processes:

- **Definition of a "product."** The adhesives and sealants industry produces an enormous variety of products, ranging from construction adhesives to specialty sealants for electronics, each with unique functions and regulatory requirements. We urge MPCA to provide a clear, workable definition of "product" that reflects this diversity and allows for grouping of products when applying for a CUU by use and function rather than by overly granular distinctions that would create unnecessary administrative burdens and uncertainty for manufacturers and MCPA alike.

- **Definition of a "component."** The definition of "component" must recognize the practical realities of modern supply chains, where a component may itself be a complex, multi-material assembly. For example, many adhesives and sealants are supplied as components or subcomponents to larger assemblies (e.g., automotive, electronics, furniture, and so on). The CUU process should clarify whether a CUU determination applies to the finished product or to each individual subcomponents within those products (e.g., do the component manufacturers need to submit separate CUU applications or can one be submitted for the entire finished product?).

- **What is essential for societal health and safety?** Under Amara's law, a CUU is defined as a "use of PFAS that the commissioner has determined…to be essential for health, safety, or the functioning of society and for which alternatives are not reasonably available." MPCA proposes the following definition of "essential for health, safety or the functioning of society":

  > "Essential for health, safety, or the functioning of society" means a use of a PFAS in a product or component when the function provided by the PFAS is, at the time of a determination by the commissioner, necessary for the product, component, or spare or replacement component to perform as intended, such that the unavailability of the PFAS for use in the product would cause the product's service to be unavailable, which would result in:
  >
  > A. A significant increase in negative health outcomes;
  >
  > B. An inability to mitigate significant risks to human health or the environment; or,

C. A significant disruption of commercial, public, or ecosystem services on which society relies, including:

(1) Provision of food, water, shelter, health, hygiene, or bare necessities for human survival;

(2) Provision of transportation and utilities such as gas, electricity, data, communications, and sewer;

(3) Provision of personal, occupational, or public safety particularly for extreme conditions of use; and,

(4) Other services not covered under subitems (1) through (3) that serve the basic needs of human beings.

We recommend that MPCA refine this concept to ensure it is based on clear, objective criteria, including consideration of whether the absence of PFAS use would result in significant risks to human health, safety, or critical infrastructure. Further, an "essential" assessment should be initiated only when there is a risk to human health or the environment from the use of an intentionally added PFAS in a product. Products that do not present an unacceptable risk to human health or the environment should be presumed to be "essential for health, safety and functioning of society."

- **What does it mean for an alternative to be "reasonably available"?** MPCA proposed the following definition for "reasonably available":

  Reasonably available" means that one or more alternatives to a PFAS can perform comparably to the PFAS being considered for replacement in a product or component and is currently available in sufficient quantity. PFAS alternatives that are in use in equivalent products or components are considered "reasonably available." Conditions of current reasonable availability may change over time as a result of new research or innovation.

  Currently, MCPA's concept of "reasonably available" focuses on the presence of comparably performing, sufficiently abundant alternatives. It does not include consideration of the cost of the alternative. Cost, supply chain reliability, and the time needed to qualify and scale alternatives are critical to determining what is "reasonably available" in practice. Further, some chemical alternatives to PFAS may be prohibited under other laws or not permitted based on current industry consensus/performance standards for the given product. Finally, the timing it takes to convert to an alternative and the business disruptions that could be experienced by such a transition are critical considerations. These factors must be considered in terms of whether an alternative is reasonably available. We urge MPCA to adopt a more holistic and comprehensive approach, grounded in real-world product engineering and supply chain realities, and consistent with established alternatives assessment frameworks that consider technical feasibility, performance, safety, regulatory status, and economic viability.

Thank you for the opportunity to provide comments on this important matter. Please contact me if you have any additional questions.

Sincerely,

William E. Allmond, IV
President
The Adhesive and Sealant Council
510 King Street, Suite 418
Alexandria, VA 22314