

Theresa DiMarco

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?

Marvin

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?

High performance coated windows and doors

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*)

Definition should consider durability, service life of products, the impacts to the environment and commerce of building products

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."*)

Agency should consider the practical use of the PFAS in the component or function level (i.e. gaskets, membranes, coatings) rather than a general product category. General product categories would result in multiple submittals and misapplication.

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?

CUU application and approvals should be for a single component or functional application that contains the PFAS chemical (i.e. gasket, membrane, coating) not the manufactured finished good or product category. When approved, the CUU should be applied across manufactured goods regardless of product category.

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

Most standards are performance based and not written to require the use of PFAS or any other specific chemical. Currently only PFAS containing materials can achieve some performance standards. For example, AAMA 2605 standard for painted aluminum for windows and doors requires 10-year exposure in South Florida with 50% color and gloss retention. These results have been verified through ASTM testing methods and only achieved with fluoropolymer-based coatings.

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)*
This question should be addressed in the CUU application. This is difficult to answer without knowledge of the PFAS chemical and the application.

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)
Since Amara's Law was adopted, we have spent more than 500 hours internally and have hired a third party to assist in PFAS data collection and management.

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 expect to spend more than 500 hours in data collection, reporting and CUU application.

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).

Once a PFAS alternative is developed by a third party, assuming coatings application continues through third party applicator, with minimal capital upgrades at the applicator facility we estimate 1:3 ratio (Capital to operational expenditure). We estimate operational expenditures to be the primary driver of expense due to the amount of time and replication to qualify for superior industry standard performance requirements.

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?

At current time, suppliers are investing in R&D to develop non-PFAS high performance coating alternatives.

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)*

If a supplier receives a positive CUU determination, will the determination apply to finished goods containing the supplier's product?