William Erny

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?
RV Industry Association (RVIA)

If you represent a product manufacturer or industry group, what industry(ies) do you represent?
The RV Industry Association (RVIA) is the national trade association representing over 470 manufacturers and component and aftermarket suppliers who together build more than 98 percent of all recreational vehicles (RVs) produced in the United States—including motorhomes, travel trailers, fifth-wheel travel trailers, folding camping trailers, park model RVs, and truck campers. The RV industry is an American-made industry that contributes more than $140 billion annually to the national economy and supports 680,000 jobs paying more than $48 billion in wages. In Minnesota the RV industry contributes more than $3 billion to the state economy and supports 15,120 jobs and $827 million in wages.

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?
RVs are complex products comprised of thousands of individual parts and components, ranging from flooring and upholstery to electronics, wiring, and mechanical systems. Many of these components are in internal systems and may contain a PFAS to meet industry and federal safety requirements. For example, within the engine compartment of a motorhome, fluoropolymers are commonly used for seals, gaskets, and hoses that are highly resistant to extreme temperatures and pressure and are chemical-impervious. These types of performance characteristics are critical to ensure the safe operation of the motor home.

Unlike simple consumer products, RV manufacturers typically do not manufacture these components themselves, but instead, source them from a broad and diverse global supply chain. These global supply chains pose significant challenges when determining safe alternatives to PFAS at the component level, particularly where upstream suppliers outside of the United States are not subject to PFAS disclosure or testing requirements. Any PFAS CUU framework must accommodate the realities of complex durable goods manufacturing and the limitations that downstream manufacturers face in accessing detailed chemical composition data and alternatives from upstream suppliers.

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)*
In the context of determining whether an RV is “essential for the health, safety or functioning of society” one must consider the importance of mental health and social well-being. RVs support the ability to explore the great outdoors and provide families and friends with the ability to share meaningful relationships and experiences. RVing is a great way of managing stress, and enhancing physical and mental health, which can lead to longer, healthier lives.

RVs are used not only for travel and recreation, but also in ways that directly support communities and public needs. They can provide temporary accommodation for traveling nurses and other healthcare providers, serve as mobile testing or support labs, and be deployed for short-term use during and after natural disasters and emergency response efforts.

RVs can provide temporary food, water, shelter, and other basic needs for consumers. The unavailability of PFAS in RVs would cause RVs to be unavailable, which would result in a significant loss of these facilities.

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)*
n/a

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*)
n/a

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.")*
RVs are unique, and span multiple product categories such as vehicles, appliances, textiles, etc. Further, RVs are complex products comprised of thousands of individual parts and components. In this context, the agency should define “product category” as broadly as possible. Specifically, RVs must be evaluated at the “total product level”, as a complete unit, and should not be scrutinized by each individual component, which could include potentially hundreds of items. As discussed, most components that may contain a PFAS are in internal systems and used for safety performance purposes that are designed to meet strict industry and federal standards to ensure the safe operation of the RV.

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?
Multiple Product Categories.

What safety or other standards require the use of PFAS in a product? *(Please include the specific citation)*
RVIA members agree to build its products in accordance with a comprehensive set of strict safety standards covering construction, fire safety, plumbing, and electrical systems. These standards are primarily established by the National Fire Protection Association (NFPA) 1192 and the American National Standards Institute (ANSI) A119.5 for Park Model RVs. The RV Industry Association (RVIA) conducts unannounced audits for manufacturer compliance of these standards annually.

Key RV Construction Standards:
• NFPA 1192: Covers fire/life safety, plumbing, fuel systems, and vehicular requirements for motorized and towable RVs.
• ANSI A119.5: Applies specifically to Park Model RVs, covering safety, health, and construction.
• National Electrical Code (NEC): Must comply with the National Electrical Code (NEC) for wiring and safety.
• ANSI/RVIA DC Standards: RVIA member products often meet specific ANSI/RVIA DC safety standards for low-voltage systems.
• Federal Motor Vehicle Safety Standards (FMVSS) 302: Motorhomes must adhere to Federal Motor Vehicle Safety Standards (FMVSS) 302, specifying flammability resistance for materials used in motor vehicles.

These standards prescribe certain baseline requirements to ensure safety without mandating specific design features or chemistries.

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?

n/a

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?

n/a

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)*
n/a

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.
Other (please specify)
As explained above, RVs are complex products comprised of thousands of individual parts and components, ranging from flooring and upholstery to electronics, wiring and mechanical systems. RV manufacturers typically do not manufacture these components themselves, but instead, source them from a broad global supply chain. These global supply chains pose significant challenges when attempting to trace or verify the presence of intentionally added PFAS at the component level, particularly where upstream suppliers outside of the United States are not subject to PFAS disclosure or testing requirements. Any PFAS regulatory framework must accommodate the realities of complex durable goods manufacturing and the limitations that downstream manufacturers face in accessing detailed chemical composition data from upstream suppliers. The typical small or medium-sized manufacturer does not have chemical engineers or technical experts on staff to handle this type of data collection effort. The number of technical staff hours needed to obtain this data from Tier 2 or 3 suppliers for a single product line will easily exceed 500 hours. For example, one of our member companies has been proactively collecting PFAS data since 2016 with the goal of eliminating these substances from their supply chain. In preparing to comply with broader state-level mandates like Minnesota's, they expanded their outreach efforts to collect data aligned with the state's definition of PFAS. After several years of

effort and repeated requests to their upstream suppliers, they are only able to collect complete PFAS data from approximately 60% of their suppliers. The remaining suppliers either lack the information, are unable to share proprietary data, or located in jurisdictions with no PFAS regulations. This example demonstrates that even well-resourced, proactive companies face major challenges in accessing the data needed for compliance under a proposed Minnesota rule addressing PFAS in products.

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).

n/a

For manufacturers: Expenditure considerations when seeking non-PFAS alternatives (Part 2 of 2).

If you <u>have not</u> 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?

RV manufacturers do not typically manufacturer the individual components, they source them from a broad supply chain. Therefore, they would not have R&D programs for those individual components.

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.

n/a

Please provide any additional information or documentation needed to support your answers to any of the questions posed.
n/a

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)*
n/a