



February 28, 2023

Senators Foug Hawj, Chair and Jennifer McEwen, Vice Chair,  
Environment, Climate, and Legacy Committee  
Minnesota Senate  
Submitted via email to [kara.josephson@senate.mn](mailto:kara.josephson@senate.mn)

RE: SF 834 - oppose as written

Dear Chair Hawj and Vice Chair McEwen,

The Arkema Group of companies is a worldwide producer of specialty materials including adhesives, emulsion systems, insulation additives, coatings, hydrogen peroxide, high performance polymers and others. Arkema Group affiliates operating in the U.S. include Arkema Inc.; Bostik, Inc.; ArrMaz Products, Inc. and Coatex Inc. Together, these affiliated U.S. entities operate 49 sites, including 40 manufacturing facilities, and employ 4,000 people in 22 states. Arkema is pleased to provide this testimony to the Committee on the bill HF1000 related to PFAS.

There is worldwide concern over the presence and persistence of per- and polyfluorinated chemicals (PFAS) in water supplies, consumer products, humans and animals. The PFAS being detected are largely the specific compounds of concern such as PFOA, PFOS, HFPO-DA and other perfluorinated molecules.

PFAS is a generic term without a universally agreed upon definition, some of which lump together widely disparate substances for the sole reason that they have a fluorine atom in their structures. Properly categorizing different materials that have been labelled as "PFAS" is critical to the success of any regulatory action aimed at efficiently managing these compounds because not all of those materials that have been labelled as PFAS present a safety or health concern. There is a debate whether these substances should be regulated as a single class or individually. Both approaches are ineffective in managing the issue and expediting appropriate regulatory activity.

- A chemical-by-chemical approach, while science-based, is inefficient and impractical. It is simply not possible to effectively regulate tens of thousands of compounds individually.
- A single class approach is both unscientific and ineffective. It conflates tens of thousands of substances that have nothing in common except fluorine atoms in their structures. Many such substances are not only benign and outside the scope of concern, but are essential for tomorrow's technologies – such as EV batteries and semiconductors.

There is a better way – categorize PFAS into several categories based on their chemistries and their properties. Because it is the PFAS' properties that separate PFAS of concern from PFAS of low concern.

**PFAS of Concern (POC)- (e.g., PFOA, PFOS, HFPO-DA, etc.):** These are the legacy PFAS compounds that have been the primary focus of public concern and current efforts by federal, state, and other agencies. Due to historic use, they have been detected in water supplies, humans and the environment. Their sources and properties are well known, and efforts have been long underway in developing substitutes.

**PFAS for Review (PFR)** - These should include PFAS that may have similar properties to those exhibited by PFAS of concern (POC). This PFR category should include persistent and bio-available substances that are water-soluble, mobile, and of a small enough molecular size to enter and persist in a living organism.

**PFAS of Low Concern (PLC)**- While also containing fluorine atoms, these molecules do not possess the combination of properties that would make them a PFAS of concern – i.e., persistency, water solubility, mobility, toxicity, and bio-availability. These include large, inert, immobile polymer molecules that don't dissolve in water. These compounds have not been found to present a risk to human health or to accumulate in the environment, many have been well studied, and many are regulated under other statutes. Their safety profile is clear, and their continued use is instrumental to innovation in sustainable products and human health.

It is impossible to overestimate the importance of properly defining the PFAS categories. Adopting a one class approach would force regulators to evaluate tens of thousands of requests for essential (or unavoidable) exemptions for benign products instead of effectively regulating the ones that may present immediate or moderate concern. Risking innovation, supply chains and defense technology – this approach would seriously impede our effort to combat climate change and to advance American technology critical to a sustainable future - lithium-ion batteries, EV, semiconductors, solar energy, building energy efficiency and many others.

It is, therefore, our position and recommendation that the bill exclude the PFAS of Low Concern (PLC) from its scope by excluding those compounds that are not persistent, bio-available, water soluble or toxic as they do not present the concerns that this bill is trying to address.

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Sincerely,



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