



March 2, 2023

Senator Foug Hawj
Chairman
Environment, Climate, and Legacy Committee
Minnesota Senate
Transmitted via email: kara.josephson@senate.mn

Re: SF 2222 Prohibiting PFAS in Juvenile Products

Dear Senator Hawj, Senator McEwen and Members of Environment, Climate, and Legacy Committee,

The Juvenile Products Manufacturers Association (JPMA) is writing to oppose SF 2222, unless the bill is significantly amended to address necessary consistency with California's Assembly Bill 652 – that also bans PFAS in juvenile products. SF 2222 would specifically prohibit the presence of PFAS chemicals in juvenile products, without appropriate thresholds and considerations of real-world production and use of a product.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Our comments on this bill are grounded in the juvenile products industry's commitment to the safety of children and caregivers. This commitment to safety goes down to the level of chemicals that are present in children's products.

Safety Remains the Juvenile Products Industry's Priority

In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental requirements under a variety of laws and regulations including:

- [The Consumer Product Safety Improvement Act \(CPSIA\)](#).
- [The Federal Hazardous Substances Act \(FHSA\)](#).
- [The Toxic Substances Control Act \(TSCA\)](#), and
- [The Lautenberg Chemical Safety Act \(LCSA\)](#) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children's products containing various substances known to be harmful to children and to which children might be exposed.

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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Necessary Amendments to SF 2222

As discussed above, it is critical if SF 2222 moves forward, that it be consistent with California [Assembly Bill 652](#). While we understand the goals of this legislation, the following three issues must be addressed, for companies to be able to effectively comply with this law and to ensure some consistency with other laws.

1. **Intentionally Added Thresholds:** The absence of a specific threshold within the definition of PFAS is especially concerning for JPMA and its members. The phrase “contains intentionally added PFAS” is vague and requires clarification to ensure proper compliance. **The definition of PFAS chemicals should include a threshold of at or above 100 parts per million, which would target products with intentionally added PFAS chemicals and align with existing laws in other states.** This approach is intended to avoid situations where the PFAS in the product is the result of trace contaminations that may occur in the manufacturing process, in the supply chain or during sample testing. Omitting thresholds greatly increases the probability that even products designed without any intentionally-added PFAS would be subject to the prohibition. Therefore, a specific threshold outlined in the definition of PFAS chemicals is necessary for our members to effectively comply with this law.
2. **Timeframe:** As currently written, the bill prohibits the sale of juvenile products that contain intentionally added PFAS beginning on January 1, 2025. However, manufacturers will need appropriate time, **at least until 2026**, to adjust their manufacturing processes, current supply chain, and testing procedures to comply with the new regulation. Additionally, it is not possible to control the length of time a product would remain in commerce. JPMA requests that the effective date be based on a manufacturing or import date as opposed to a date of sale. Otherwise, the date of manufacture would essentially subject all items currently in the market to a “recall” at the retail level.
3. **Inaccessible Components:** We urge the Committee to keep this legislation consistent with other chemicals laws and **exempt inaccessible components for juvenile products**. Any legislation addressing PFAS chemicals should include a clear exemption for inaccessible components of products. Internal components, such as inaccessible electronic components (which may contain thousands of subcomponents and elements) are specifically designed never to come into contact with a child. This is a high standard that considers the real-world use of the product. Other states including Washington, Maine, California and Vermont have exempted inaccessible components from similar laws.
4. **Date of Manufacture:** In addition to consistency with California AB 652, another issue that must be addressed, is the issue of products currently on the marketplace and in supply-chains. This challenge is being seen, right now, as California AB 652, bans the sale of juvenile products as of July of 2023, but products manufactured prior to that date, might be in supply-chains for a period of several months or even years, in some cases. **We urge the Committee to amend SF 2222 to only enact a ban on PFAS in juvenile products, as of a date of manufacture in 2026.**

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss SF 2222 and express our concerns with the bill as currently drafted and offer needed amendments. Thank you for your consideration in this important matter and we would be happy to answer any questions or our suggestions for amendments.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lisa R Trofe". The signature is written in a cursive style with a large, looped "L" and "T".

Lisa Trofe, CAE
Executive Director