

March 1, 2023

Senator Founj Hawj
Chair, Senate Environment, Climate, and Legacy Committee
Minnesota Senate Bldg., Room 1150
St. Paul, MN 55155

Re: Consumer Technology Association Testimony on SF 834/ HF 1000 – Oppose

Dear Chair Hawj and Members of the Senate Environment, Climate, and Legacy Committee:

On behalf of the Consumer Technology Association (CTA), I am writing to respectfully oppose SF 834/HF 1000 related to PFAS reporting requirements, restrictions, and product bans. We appreciate the opportunity to outline our concerns with this legislation which will impact the entire technology and electronics industry.

CTA is North America's largest technology trade association. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design and product stewardship.

The bill proposes banning all products which contain intentionally-added PFAS by 2030. This would effectively ban the sale of electronic products or products which contain electronic components. The bill's broad definition of PFAS captures a category of thousands of chemicals – many of which are used in countless applications across the electronics sector. Often these uses do not have feasible and readily available alternatives. We appreciate that the definition for juvenile product contains an exclusion for electronic products, but if this bill is to move forward we respectfully ask that electronics be also excluded from the 2030 product ban. We ask that if Minnesota is going to move forward with a PFAS restriction, it align instead with the law passed last year in Colorado HB 22-1345.¹

Maine is the only other jurisdiction in North America with a law similar to what is proposed in SF 834. That law went into effect a couple months ago, and the Department of Environmental Protection in Maine is already running into significant problems with implementation. The reporting requirements are so vague and broad as to render the implementation unworkable. The legislature in Maine is already looking at amending the law to fix the massive unintended consequences. We respectfully ask that Minnesota learn the lessons from Maine and not pass such overly broad and burdensome PFAS restrictions. At a

¹ https://leg.colorado.gov/sites/default/files/2022a_1345_signed.pdf

minimum, Minnesota should wait until the flaws in the Maine program are resolved to avoid creating a burdensome patchwork across the states' PFAS regulations.

SF 834 would require notification of the sale of any product containing intentionally-added PFAS by January 2025. This is not enough time for electronics manufacturers to gather the data that would be required by this bill. The Environmental Protection Agency is currently [considering rules](#) on reporting and recordkeeping regarding PFAS substances. As [we commented to EPA previously](#), manufacturers of articles estimate it can take six to 12 months to track a single chemical through the supply chain. It is a struggle for manufacturers to estimate a realistic timeframe on the tracking of thousands of PFAS chemicals. EPA's Master List of PFAS Substances lists over 12,000 chemicals. Last year on average, across the electronics sector, chemical data management programs were tracking anywhere from 500 to just over 3,000 chemicals or chemical substance groups in response to regulatory requirements, voluntary initiatives by manufacturers, or by special request from supply chain customers. Given this complex supply chain, any PFAS notification requirements for the electronics sector needs to have sufficient lead-in time of at least 48 months.

Given these concerns, we respectfully oppose SF 834. Thank you for the opportunity to provide our thoughts on this legislation, and if you have any questions please do not hesitate to contact me at dmoyer@cta.tech.

Sincerely,

Dan Moyer
Sr. Manager, Environmental Law & Policy
Consumer Technology Association

