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Senator Matt Klein
Chair, Senate Commerce Committee
95 University Avenue W. – Room 2105
St. Paul, MN 55155

Re: Amendment to SF826 – Removing Keys from Minnesota’s Lead/Cadmium Prohibition

Thank you for the opportunity to submit this letter in support of an amendment to SF826 removing keys from Minnesota’s lead/cadmium prohibition. I represent The Hillman Group, a nationwide distributor of keys and hardware supplies, and major key manufacturers, dormakaba USA, Inc., Kaba Ilco Corp., and JMA USA. We feel it’s important to convey the significant burden and expense that Minnesota businesses, homeowners, governmental authorities (including police and fire departments), and the agricultural community will bear without modifications to the lead/cadmium prohibition on keys passed in 2023.

Minnesota’s law as currently written, in effect, bans every blade style key and key fob in the state. Further, if enforced as written *Minn. Stat. §325E.3892* effectively prohibits the sale and/or use of keys for the following applications:

- Houses, offices, and businesses with keys to unlock or access the property;
- New or used cars, boats, motorcycles, ATVs, UTVs, golf carts, agricultural machinery, or other motorized vehicles utilizing a key or key fob;
- Office furniture with locking drawers;
- Locking toolboxes, truck toolboxes, or work trucks with keys
- Safes utilizing keys;
- Industrial equipment with safety equipment utilizing locks and keys;
- Refrigerators or freezers utilizing locks and keys;
- Padlocks; and
- Replacement blade style keys for key fobs any of the above.

Minn. Stat. §325E.3892 goes even farther than prohibiting the sale of keys and key fobs in the state, it prohibits “offer for use” of keys and key fobs, which would prohibit a business or governmental agency from offering keys to operate business or governmental vehicles. This would severely inhibit the operation of police vehicles, fire vehicles, emergency medical vehicles, construction equipment, heavy duty trucks that transport goods, critical infrastructure equipment and facilities, and would also prohibit the use of keys to open office buildings and doors and other governmental facilities.

With the exception of California, no other state limits the lead or cadmium content in keys or key fobs. The Minnesota ban is significantly more stringent than the settlement reached in

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California after a referendum attempting to enact a ban was passed in 2001 (California is at 1.5% lead compared to Minnesota's 0.009%). And unlike other chemical bans enacted in Minnesota in recent memory that have provided businesses time to identify and implement alternatives, the lead and cadmium prohibition went into effect also immediately, going into effect on July 1, 2023.

As background most metal keys are made of purchased and smelted brass, which contains lead at levels between .9% and 1.5%. Brass is a metal of choice for key manufacturing because of its balance between strength in-use and its ability to be machine cut; the lead in brass facilitates machinability. Brass is also not easily corroded. There are no reasonable alternatives available in sufficient volumes at reasonable cost. Potential alternatives, like titanium, are extremely expensive and will require all milling equipment to be reengineered since current machines cannot cut these harder keys. Alternatives will also wear lock pins and ignitions faster as they were not engineered to handle the harder materials. Alternative metals also increase the chance of keys suddenly breaking off in locks; brass has the tendency to deform/bend prior to sudden breakage preventing the total destruction of the locking mechanism.

We have reviewed the legislative history surrounding the enactment of *Minn. Stat. §325E.3892* noting that the lead and cadmium ban was not a stand-alone bill and legislators heard little testimony delineating the benefits of banning literally every blade style key and key fob in the state or the negative impacts to Minnesota businesses of doing so. The language first appeared in House and Senate omnibus budget bills as part of an effort to reduce lead and cadmium in children's toys and other products. We would note that when the MPCA testified on its initiative to reduce lead and cadmium in children's products as part of its budget overviews, no mention was made of why keys or key fobs were included in the list of prohibited products, and keys and key fobs are the only products on the list not intended to be used by young children, or as a personal self-care product.

We hope that over the coming weeks we can work with the MPCA and the Minnesota Legislature to improve the law so the state can continue to meet the goal of protecting children's health while lessening the burden on Minnesota businesses and consumers of banning all keys and key fobs in the state. Thank you for your consideration and we look forward to additional dialogue on how best to accomplish this.

Sincerely,



David H. Johnson

cc. Members of the Senate Commerce Committee