



AmericanCoatings

ASSOCIATIONSM

April 30, 2023

Environment, Natural Resources, Climate and Energy Committee
123 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd.
Saint Paul, MN 55155

Re: HF 2310 / SF 2438 - OPPOSE

Submitted via e-mail to: Peter.Strohmeier@house.mn.gov and Kara.Josephson@senate.mn

Submitted on April 30, 2023, prior to 12:00 pm Central Time, on or around 8:00 am.

Dear Chair Representative Hansen and Senate and House Conferees:

The American Coatings Association (“ACA”)¹ appreciates the opportunity to comment in opposition to HF 2310 / SF 2438. The Association’s membership represents 90% of the U.S. paint and coatings industry, including downstream users of chemicals who manufacture end-use formulated products such as paints, coatings, sealants and adhesives. ACA appreciates the committee’s willingness to interact with stakeholders during this process.

PFAS encompasses a variety of fluorinated chemistries with very distinct physical and chemical properties, used in a variety of products. PFAS or fluorinated chemistries are generally known to be persistent, due to carbon-fluorine bonds, but have varying properties for toxicity and bioaccumulation. Generally, persistence alone is not an indicator of risk or potential for harm. Scientists consider persistence as one factor with toxicity and potential to bioaccumulate. Because of these varying characteristics, Minnesota’s adoption of a broad PFAS definition inevitably captures a diverse range of reportable chemicals that are not harmful to human health or the environment. In addition, reporting through one standardized approach for a broad set of chemicals is challenging, due to complexities in the supply chain and difficulty in identifying reportable chemicals across thousands of products. ACA encourages the State of Minnesota to focus any legislative restrictions on those fluorinated chemistries that are associated with contamination in Minnesota, rather than enacting a broad reporting requirement.

¹ ACA is a voluntary, non-profit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services. ACA’s membership represents over 90 percent of the total domestic production of paints and coatings in the country.

Not only is a broad reporting requirement of little public or environmental benefit, it is costly and administratively difficult to implement. A similar reporting requirement has proven challenging to implement in Maine. The Maine legislature is now considering amendments to its reporting requirement, passed in June 2021, since the act is administratively unworkable, with unrealistic data expectations and reporting times and an overly broad definition of PFAS. ACA urges this committee to avoid following the same path as Maine.

Minnesota's HF 2310 / SF 2438 has several provisions that are difficult to administer and necessary. For example, the definition of PFAS would encompass any chemical with a carbon-fluorine bond, although many chemicals covered under this broad definition are not associated with contamination, especially the short-chained fluorinated chemistries. The bill also implements a sweeping ban of a broad range of products, many of which have some critical function for society and/or pose no human health or environmental risk, due to PFAS content. Further, the bill assumes that adequate testing methods are available when this simply is not the case. EPA test methods focus on environmental and drinking water contamination. Test methods for PFAS in products are still being developed. In addition, downstream users of chemicals face significant challenges in identifying reportable amounts, often contained at trace levels.

ACA is in opposition to HF 2310 / SF 2438 due to the lack of a clear public benefit coupled with significant administrative costs and administrative barriers. If the legislature would like to address fluorinated chemicals, ACA recommends that this committee develop targeted legislation to address those chemicals associated with contamination in the state, identified by CAS number.

Sincerely,

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