

7026.0030 REPORT; REQUIRED INFORMATION.

Subpart 1. **Report required.** A manufacturer or group of manufacturers of a product that is sold, offered for sale, or distributed in the state and that contains intentionally added PFAS must submit a report to the commissioner on or before January 1, 2026. A manufacturer or group of manufacturers of a new product with intentionally added PFAS after January 1, 2026, must submit a report by February 1 the following year. The report must include the following information in a format specified by the commissioner:

A. a product description that includes:

(1) a brief description of the product or a description of the category or type of product. Once established, the identical brief description of the product must be used during any reporting updates on the product.

(a) The manufacturer may group together similar products comprised of homogenous materials if the products meet the following criteria:

- i. the PFAS chemical composition in the products are the same;
- ii. the PFAS chemicals in the products fall into the same reporting concentration ranges;
- iii. the PFAS chemicals in the products provide the same function in each product; and
- iv. the products have the same basic form and function and only differ in size, color, or other superficial qualities that do not impact the composition of the intentionally added PFAS.

(b) If the product consists of multiple PFAS-containing components, the manufacturer must report each component under the product name provided in the brief description of the product. The manufacturer may group similar components listed within a product if the components meet the following criteria:

- i. the PFAS chemical composition in the components are the same;
- ii. the PFAS chemicals in the components fall into the same reporting concentration ranges;
- iii. the PFAS chemicals in the components provide the same function in each product component; and
- iv. the components have the same basic form and function in the final product and only differ in size, color, or other superficial qualities that do not impact the composition of the intentionally added PFAS; and

(2) the numeric product codes assigned to the product. The numeric product codes are listed in units (a) to (d) in a hierarchy of the most preferred to least preferred for reporting. The

most preferred numeric product code available must be reported. The multiple numeric product codes listed in unit (a) are equal in preference and any may be reported:

(a) a code with root digits harmonized under the Global Product Classification system for consumer products, including brick or universal product codes or the harmonized tariff schedule code;

(b) a nonharmonized code such as stock keeping units;

(c) a numeric code that will be used on labels, listings, invoices, or receipts; or

(d) if no numeric code has been assigned, report "none";

B. PFAS chemicals used in the product or its components as identified by:

(1) the chemical name; and

(2) the Chemical Abstracts Service Registry number (CASRN) or, if no CASRN exists, another chemical identifying number;

C. the concentration of PFAS chemicals in a product or components of a product made up of homogenous material. A manufacturer must report the concentration of PFAS chemicals as identified in subitem (1) or (2):

(1) within the following ranges:

(a) practical detection limit to <100 parts per million (ppm);

(b) 100 ppm to <1,000 ppm (0.1 percent);

(c) 1,000 ppm to <10,000 ppm (one percent);

(d) 10,000 ppm to <150,000 ppm (15 percent);

(e) 150,000 ppm to <300,000 ppm (30 percent);

(f) 300,000 ppm to <600,000 ppm (60 percent);

(g) 600,000 ppm to <900,000 ppm (90 percent);

(h) 90 to 100 percent; or

(i) present but the amount or concentration range is unknown; or

(2) the total organic fluorine, determined using commercially available analytical methods, if the amount of each PFAS is not known within applicable due diligence standards under part 7026.0080;

D. the function that each PFAS chemical provides to the product or its components;

E. manufacturer information, including:

(1) name;

- (2) address; and
- (3) the North American Industry Classification System (NAICS) code, or if a NAICS code does not exist, the Standard Industrial Classification (SIC) code;

F. information for the authorized representative of the manufacturer who has the authority to execute or direct others to execute reporting to the state, including the representative's:

- (1) name;
 - (2) address;
 - (3) email address; and
 - (4) phone number; and
- G. an alternative to the authorized representative under item F, including:
- (1) name;
 - (2) address;
 - (3) email address; and
 - (4) phone number.

Subp. 2. **Fee required.** For submission of the report required under subpart 1 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 2.

Subp. 3. **Failure to submit.** A manufacturer that fails to submit the initial report under this part or the applicable fee under part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.

Statutory Authority: *MS s 116.943*

History: *50 SR 537*

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