

October 31, 2025

VIA EMAIL ONLY

Addison Otto
520 Lafayette Rd
Saint Paul, MN 55101
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VIA EMAIL ONLY

Emily McMillan
MPCA Legal Services Unit
520 Lafayette Rd
Saint Paul, MN 55155
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Re: *In the Matter of the Proposed Rules Relating to Amara's Law, PFAS in Products: Reporting and Fees, Minnesota Rules 7026.0010 through .0100*
CAH 5-9003-40410; Revisor R-4828

Dear Addison Otto and Emily McMillan:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RESUBMITTED RULES UNDER MINN. STAT. § 14.16, SUBDS, 1, 2 AND MINN. R. 1400.2240** in the above-entitled matter. On October 27 and October 28, 2025, the Court of Administrative Hearings received for review the submissions of the Minnesota Pollution Control Agency as modified pursuant to the August 28, 2025, Report of Administrative Law Judge Jim Mortenson. The rules, Revisor's Draft R-4828, are approved as to legality. The Court of Administrative Hearings has closed this file and is returning the rule record so that the Agency can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. If the Minnesota Pollution Control Agency has not already done so, please ensure that a signed order adopting the rules is filed with the Court of Administrative Hearings. The Court of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Court of Administrative Hearings will file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Agency for its rulemaking record.

The Agency's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Nichole Sletten". The signature is fluid and cursive, with the first name "Nichole" and last name "Sletten" clearly distinguishable.

NICHOLE SLETTEN

Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman
Senator Tou Xiong
Representative Jim Nash
Representative Ginny Klevorn

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Relating to Amara's Law, PFAS in
Products: Reporting and Fees,
Minnesota Rules 7026.0010 through
.0100

**ORDER ON REVIEW OF
RESUBMITTED RULES UNDER
MINN. STAT. § 14.16, SUBDS. 1, 2
AND MINN. R. 1400.2240**

This matter came on for review by the Chief Administrative Law Judge pursuant to Minn. Stat. § 14.16, subds. 1, 2 (2024) and Minn. R. 1400.2240, subp. 4 (2025). This rulemaking concerns the proposed rules of the Pollution Control Agency (PCA) governing the PCA's collection of certain information from manufacturers of certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (collectively referred to as PFAS) before those products may be sold or distributed in Minnesota. The rules are found at Minn. R. 7026.0010 - .0100 and are the result of required rulemaking pursuant to Minn. Stat. § 116.943 (Amara's Law).

Following a public rulemaking hearing, Administrative Law Judge Jim Mortenson disapproved the proposed rules on a procedural ground and disapproved several of the proposed rules (7026.0010, subd. 14, .0040, .0050, .0090, and .0100) for substantive reasons. Those reasons are detailed in the Report dated August 28, 2025. The Chief Judge concurred with and adopted Judge Mortenson's Report on August 28, 2025.

On October 27, 2025, the PCA requested that the Chief Judge review and approve modifications to the proposed rules. The resubmitted rules included modifications incorporating changes recommended in the Report, including those changes to correct deficiencies and those changes recommended to aid in clarity of the rule.

One of the changes to improve clarity included a typographical error. Minn. R. 7026.0030, subp. 1(A)(1) was supposed to state: "(1) a brief description of the product or a description of the category or type of product."¹ The language sent to the Revisor, however, included the following incorrect strike-through: "(1) a brief description of the ~~product or~~"²

¹ Letter to Chief Judge O'Malley at 2 (Oct. 28, 2025).

² Revisor AR4828 at 5 (Sept. 22, 2025).

The PCA now states that it will ask the Revisor to correct the error and reinsert the words “product or” so that the rule language reads as intended. The PCA will also correct the Order Adopting the New Rules with the correct language.³

The Chief Judge finds that all defects have been corrected. In addition, the Chief Judge finds that the PCA's proposed modifications, including the pending correction to Minn. R. 7026.0030, subp. 1(A)(1), do not render the final proposed rules substantially different from those published in the *State Register* on April 21, 2025.⁴


Therefore, based upon a review of the modifications made by the PCA, as presented in its October 27 and 28, 2025 submissions, and the rulemaking record, the Chief Judge issues the following:

ORDER

1. The proposed rules, with the modifications indicated in the Revisor's draft dated September 22, 2025, are **APPROVED** as to legality, including the pending correction to Minn. R. 7026.0030, subp. 1(A)(1).

2. Because the proposed rules include a new fee, the Commissioner of the PCA must submit a report to the legislature as a supplement to the biennial budget, pursuant to Minn. Stat. § 14.18, subd. 2 (2024).

Dated: October 31, 2025



TIM O'MALLEY
Chief Administrative Law Judge

³ Letter to Chief Judge O'Malley at 2.

⁴ Minn. Stat. § 14.05, subd. 2(b)(2) (2024) (“A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.”).