

Minnesota Proposes Rules for Reporting PFAS-Containing Products by January 2026

Joseph J. Green

April 23, 2025

On April 21, 2025, the Minnesota Pollution Control Agency (“MPCA” or “the Agency”) released [proposed rules](#) that if finalized would help effectuate the Gopher State’s ban on per- and polyfluoroalkyl substances (“PFAS”) in numerous consumer products. Beyond banning various consumer goods from containing PFAS on a staggered timeline, and all products containing PFAS on January 1, 2032, [Amara’s Law](#) also requires product manufacturers to disclose to MPCA numerous pieces of information regarding the presence of PFAS in their product, and subjects manufacturers to fees to cover MPCA’s cost of implementing the bans.

Amara’s Law specifically requires manufacturers to report on the use of PFAS in their products and product components **by January 1, 2026**. With this deadline fast approaching, the Agency’s proposal outlines the details of reporting, including the parties responsible for reporting, waiver requests and extensions, exemptions, the protection of confidential information or trade secrets, and fees.

Under the proposed rule, a manufacturer or group of manufacturers must submit a report for “each product or component that contains intentionally added PFAS.” Importantly, manufacturers in the same supply chain may enter into an agreement to consolidate reporting responsibilities.

The following information must be reported under the proposed rule:

1. A brief description of the product, including a universal product code (“UPC”), stock keeping unit (“SKU”), or other numeric code assigned to the product;
2. The purpose for which PFAS are used in the product, including in any product components;
3. The amount of each PFAS, identified by its Chemical Abstracts Service Registry Number (“CASRN”), in the product, reported as an exact quantity “determined using commercially available analytical methods” or as falling within a range approved for reporting purposes. Notably, if the amount of each PFAS is not available, the rule would allow reporting based on testing for total organic fluorine (“TOF”) (a relatively cheaper option than testing for individual PFAS and an effective screening test, though an overbroad one in that it captures fluorine from sources other than PFAS);
4. Manufacturer identification information, including the name, address, and phone number of a manufacturer representative; and
5. Any additional information requested by the Agency.

MPCA addresses the extent of the “due diligence” required in collecting this information by asserting that manufacturers should make requests from their supply chain “until all required information is known.” This appears to be a stricter and more burdensome standard than the U.S. EPA’s “known to or reasonably ascertainable” standard which governs data collection under the federal PFAS reporting program under the Toxic Substances Control Act.

A series of new definitions for a variety of key terms are provided, including the following:

- “Component” means a “distinct and identifiable element or constituent of a product. Component includes packaging only when the packaging is inseparable or integral to the final product’s containment, dispensing, or preservation.”
- “Manufacturer” means “the person that creates or produces a product, that has a product created or produced, or whose brand name is legally affixed to the product.” For products imported into the United States when the person that created or produced the product is located outside of the country, manufacturer means “either the importer or the first domestic distributor of the product, whichever is first to sell, offer for sale, or distribute for sale the product in the state.”

Importantly, the rule would allow manufacturers to request that the chemical name; chemical identifying number; and specific supply chain information be maintained as trade secret data and not as public information.

Regarding fees, the Agency proposes to establish a \$1,000 fee for manufacturers to submit their initial report. If manufacturers are reporting as a group, all members would be required to pay \$1,000. Annual updates, which would be due by February 1 of each year if required because of a significant change to the product, new product information became available, or a new product is sold in the state, would incur a \$500 fee.

Comments are due to MPCA by May 21, 2025 and can be submitted via MPCA’s website [here](#). The Agency is also hosting a Public Hearing on the matter on May 22, 2025 at 2 pm. The Public Hearing will have a remote access option, and information on accessing the hearing is available in MPCA’s Notice of Hearing [here](#).