**MCGRANN SHEA CARNIVAL STRAUGHN & LAMB, CHARTERED**

**ATTORNEYS AT LAW**

|  |  |  |
| --- | --- | --- |
| WILLIAM R. MCGRANN  DOUGLAS M. CARNIVAL  KATHLEEN M. LAMB  JOHN R. SCHULZ  BRIAN L. SOBOL  SCOTT B. CROSSMAN  CARLA J. PEDERSEN | ROGER J. STELLJES  JEFFREY C. URBAN  KATHLEEN MICHAELA BRENNAN  CARL S. WOSMEK  AMY L. COURT  CHRISTY E. LAWRIE  ~~~~~~ | CURT N. TRISKO  Of Counsel  ROBERT O. STRAUGHN  PETER L. COOPER  ANDREW J. SHEA  (1938-2018) |

February 22, 2021

**VIA E-MAIL**

|  |
| --- |
|  |

|  |  |  |
| --- | --- | --- |
| Re: | HF79 | |
|  |  |

Dear: House Health Finance and Policy Committee Members

The Minnesota Chapter of the National Waste and Recycling Association (NWRA) respectfully provides these comments on HF 79, related to PFAS in food and food packaging.

NWRA represents landfills that are “receivers” of food, food packaging and a variety of other product types that may either intentionally or unintentionally contain PFAS. We are essential service providers that do not profit from PFAS chemicals, are not “producers” or generators of PFAS products, but rather manage products at the end of their useful life. As such, we support HF 79 as introduced because the bill focusses on setting PFAS limits upstream, at the point of generation, for PFAS concentrations in food products and packaging. However, our Association does not support the bill as amended because the Legislative Branch, is arbitrarily and unilaterally setting the standard rather than relying on Executive Branch state agency technical experts.

As amended, the bill is precedent setting because it establishes a HRL by statute instead of through the Administrative Rulemaking Process established in Minnesota Statutes Chapter 14. The Executive Branch and its administrative agencies, in this case the Minnesota Department of Health, are typically deferred to on science-based issues like establishing HRLs. They know the science, they are the experts, and they would allow for a public process that would fully vet whatever standard is proposed. The rulemaking process allows for broad public input through a process that was designed to provide multiple points of access, many opportunities for discussion and sharing of opinions, and resulting in a product that is needed and reasonable, not arbitrary and capricious. The process allows for all parties to be heard, the research to be done, and a vetted, well thought out rule to be promulgated.

We urge you to oppose the establishment of a PFAS HRL through this legislation and focus on limiting PFAS introduction at the point of generation. Thank you for your time and attention to this important matter. As an additional reference we have included the NWRA Minnesota Chapter Fact Sheet on PFAS for your review.

Douglas Carnival

McGrann Shea Carnival & Lamb Chartered

Document2