

1.1 moves to amend S.F. No. 1955, in conference committee, as follows:

1.2 On R5, House language, (UES1955-2)

1.3 Page 39, after line 12, insert:

1.4 "Sec. ... Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision
1.5 to read:

1.6 Subd. 4d. **Cleaning product.** "Cleaning product" means a pesticide used primarily for
1.7 domestic, commercial, or institutional cleaning purposes, including but not limited to an
1.8 air care product, an automotive maintenance product, a general cleaning product, or a polish
1.9 or floor maintenance product.

1.10 Sec. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to
1.11 read:

1.12 Subd. 6c. **Currently unavoidable use.** "Currently unavoidable use" means a use of
1.13 PFAS that is essential for health, safety, or the functioning of society and for which
1.14 alternatives are not reasonably available. Currently unavoidable use may include
1.15 consideration of the need to prevent or minimize potential pest resistance, and the potential
1.16 human health and environmental impacts of alternative products.

1.17 Sec. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 12a. **Intentionally added.** "Intentionally added" means PFAS deliberately added
1.20 during the manufacture of a product where the continued presence of PFAS is desired in
1.21 the final product or one of the product's components to perform a specific function.

2.1 Sec. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 15c. **Perfluoroalkyl and polyfluoroalkyl substances.** "Perfluoroalkyl and
2.4 polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals
2.5 containing at least one fully fluorinated carbon atom."

2.6 On R6, House language, (UES1955-2)

2.7 Page 40, after line 9, insert:

2.8 "Sec. Minnesota Statutes 2022, section 18B.03, subdivision 3, is amended to read:

2.9 Subd. 3. **Delegation and data sharing to approved agencies.** The commissioner may,
2.10 by written agreements, delegate specific inspection, enforcement, and other regulatory duties
2.11 of this chapter to officials of approved agencies. The commissioner may enter into data
2.12 sharing agreements with other state agencies to help assess the potential for unreasonable
2.13 adverse effects to human health and the environment from the use of a pesticide.

2.14 Sec. Minnesota Statutes 2022, section 18B.03, is amended by adding a subdivision to
2.15 read:

2.16 Subd. 5. **Perfluoroalkyl and polyfluoroalkyl substances.** The commissioner has the
2.17 sole regulatory authority over the terrestrial application of pesticides containing PFAS,
2.18 including, but not limited to, the application of pesticides to agricultural crops, structures,
2.19 and other nonaquatic environments. In order to reduce duplication, a registrant is not required
2.20 to provide technical data to another state agency if the registrant previously submitted the
2.21 data to the commissioner and the data is available to the other state agencies."

2.22 On R10, House language, (UES1955-2)

2.23 Page 44, after line 25, insert:

2.24 "Sec. Minnesota Statutes 2022, section 18B.065, subdivision 8, is amended to read:

2.25 Subd. 8. **Waste pesticide program surcharge.** (a) Except as provided in paragraph (b),
2.26 the commissioner shall annually collect a waste pesticide program surcharge of \$50 on each
2.27 agricultural waste pesticide product and \$125 on each nonagricultural waste pesticide product
2.28 registered in the state as part of a pesticide product registration application under section
2.29 18B.26, subdivision 3.

2.30 (b) Pesticide products classified as minimum risk by the United States Environmental
2.31 Protection Agency are exempt from the waste pesticide program surcharge."

3.1 Page 45, delete section 21 and insert:

3.2 "Sec. Minnesota Statutes 2022, section 18B.26, is amended by adding a subdivision
3.3 to read:

3.4 Subd. 7. **Notification required; waivers and extensions.** (a) Beginning January 1,
3.5 2026, a pesticide registrant must annually provide a statement that a product contains no
3.6 intentionally added PFAS or, for products that contain intentionally added PFAS, a pesticide
3.7 registrant must submit to the commissioner the following information:

3.8 (1) the name and purpose for which PFAS are used in the pesticide, including in any
3.9 product components;

3.10 (2) the amount of each PFAS in the product, identified by its name, chemical structure,
3.11 analytical methods, chemical abstracts service registry number, or other unique method
3.12 approved by the commissioner; and

3.13 (3) any additional information required by the commissioner.

3.14 (b) The commissioner may waive all or part of the notification requirement under
3.15 paragraph (a) if the commissioner determines that substantially equivalent information is
3.16 available. The commissioner may extend the deadline for submission of the information
3.17 required under paragraph (a) if the commissioner determines that more time is needed by
3.18 the registrant to comply with the submission requirement.

3.19 Sec. Minnesota Statutes 2022, section 18B.26, is amended by adding a subdivision to
3.20 read:

3.21 Subd. 8. **PFAS prohibitions.** (a) Beginning January 1, 2026, the commissioner may not
3.22 register a cleaning product if the product contains intentionally added PFAS unless the
3.23 commissioner determines the use of PFAS is a currently unavoidable use.

3.24 (b) Beginning January 1, 2032, the commissioner may not register a pesticide product
3.25 that contains intentionally added PFAS unless the commissioner determines the use of PFAS
3.26 is a currently unavoidable use.

3.27 Sec. Minnesota Statutes 2022, section 18B.28, subdivision 3, is amended to read:

3.28 Subd. 3. **Application.** A person must file an application for experimental use pesticide
3.29 product registration with the commissioner. An application to register an experimental use
3.30 pesticide product must include:

3.31 (1) the name and address of the applicant;

- 4.1 (2) a copy of the United States Environmental Protection Agency permit;
- 4.2 (3) a description of the purpose or objectives of the experimental use;
- 4.3 (4) a copy of the experimental use pesticide labeling accepted by the United States
- 4.4 Environmental Protection Agency;
- 4.5 (5) the name, address, and telephone number of cooperators or participants in this state;
- 4.6 (6) the amount of material to be shipped or used in this state; ~~and~~
- 4.7 (7) information about any intentionally added PFAS in the product, including PFAS
- 4.8 ingredients, amount, chemical structure, analytical methods, and purposes for which PFAS
- 4.9 are used in the product, including in any product components; and
- 4.10 ~~(7)~~ (8) other information requested by the commissioner.

4.11 Sec. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision

4.12 to read:

4.13 Subd. 6b. **Currently unavoidable use.** "Currently unavoidable use" means a use of

4.14 PFAS that is essential for health, safety, or the functioning of society and for which

4.15 alternatives are not reasonably available.

4.16 Sec. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision

4.17 to read:

4.18 Subd. 15a. **Intentionally added.** "Intentionally added" has the meaning given in section

4.19 18B.01, subdivision 12a.

4.20 Sec. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision

4.21 to read:

4.22 Subd. 19a. **Manufacturer.** "Manufacturer" means a guarantor, registrant, distributor,

4.23 producer, or other person that creates or produces a product or whose brand name is affixed

4.24 to the product. In the case of a product imported into the United States, manufacturer includes

4.25 the importer or first domestic distributor of the product if the person that manufactured or

4.26 assembled the product or whose brand name is affixed to the product does not have a presence

4.27 in the United States.

5.1 Sec. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision
5.2 to read:

5.3 Subd. 23a. **Perfluoroalkyl and polyfluoroalkyl substances.** "Perfluoroalkyl and
5.4 polyfluoroalkyl substances" or "PFAS" has the meaning given in section 18B.01, subdivision
5.5 15c.

5.6 Sec. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision
5.7 to read:

5.8 Subd. 26b. **Product.** "Product" means a fertilizer, specialty fertilizer, soil amendment,
5.9 plant amendment, agricultural liming material, or other material that is manufactured,
5.10 assembled, packaged, or otherwise prepared for sale to consumers, including its product
5.11 components, sold or distributed for agricultural, personal, residential, commercial, or
5.12 industrial use, including for use in making other products, and that is regulated under this
5.13 chapter.

5.14 Sec. Minnesota Statutes 2022, section 18C.111, subdivision 3, is amended to read:

5.15 Subd. 3. **Delegation and data sharing to approved agencies.** The commissioner may,
5.16 by written agreements, delegate specific inspection, enforcement, and other regulatory duties
5.17 of this chapter to officials of other agencies. The delegation may only be made to a state
5.18 agency, a political subdivision, or a political subdivision's agency that has signed a joint
5.19 powers agreement with the commissioner as provided in section 471.59. The commissioner
5.20 may also enter into data sharing agreements with other state agencies to help assess the
5.21 potential for unreasonable adverse effects to human health and the environment from the
5.22 use of a fertilizer.

5.23 Sec. Minnesota Statutes 2022, section 18C.111, is amended by adding a subdivision
5.24 to read:

5.25 Subd. 5. **Perfluoroalkyl and polyfluoroalkyl substances.** The Department of Agriculture
5.26 is the lead state agency for the regulation of fertilizer containing PFAS, including the storage,
5.27 handling, distribution, use, and disposal of fertilizer. In order to reduce duplication, a
5.28 distributor, registrant, or guarantor is not required to provide technical data to another state
5.29 agency if the distributor, registrant, or guarantor has previously submitted the data to the
5.30 commissioner and the data is available to the other state agencies.

6.1 Sec. **[18C.202] PERFLUOROALKYL AND POLYFLUOROALKYL**
6.2 **SUBSTANCES.**

6.3 **Subdivision 1. Notification required.** Beginning January 1, 2026, a product manufacturer
6.4 must annually provide a statement that a product contains no intentionally added PFAS or,
6.5 for products that contain intentionally added PFAS, must submit to the commissioner the
6.6 following information:

6.7 (1) the name and purpose for which PFAS are used in the product, including in any
6.8 product components;

6.9 (2) the amount of each PFAS, identified by its name, chemical structure, analytical
6.10 methods, chemical abstracts service registry number, or other method approved by the
6.11 commissioner, in the product; and

6.12 (3) any additional information required by the commissioner.

6.13 **Subd. 2. Notification requirement waivers; extensions.** The commissioner may waive
6.14 all or part of the notification requirement under subdivision 1 if the commissioner determines
6.15 that substantially equivalent information is available. The commissioner may extend the
6.16 deadline for submission of the information required under subdivision 1 if the commissioner
6.17 determines that more time is needed by the manufacturer to comply with the submission
6.18 requirement. With the approval of the commissioner, a manufacturer may supply the
6.19 information for a category or type of product rather than for each individual product. This
6.20 may include raw materials used to produce blended fertilizers.

6.21 **Subd. 3. Prohibition.** Beginning January 1, 2032, the commissioner must not register
6.22 or approve a product for use under this chapter if the product contains intentionally added
6.23 PFAS unless the commissioner determines the use of PFAS is a currently unavoidable use."

6.24 On R39, House language, (UES1955-2)

6.25 Page 72, after line 25, insert:

6.26 "Sec. **REPORTS REQUIRED; PFAS IN PESTICIDES.**

6.27 The commissioner of agriculture must conduct a review of existing published literature
6.28 and other available information on the presence of PFAS in pesticides used in Minnesota.
6.29 The review must consider the presence of intentionally added PFAS in pesticide active and
6.30 inert ingredients; the potential for PFAS which is not intentionally added in pesticides; an
6.31 assessment of the use and criticality of pesticides containing PFAS in Minnesota; potential
6.32 alternative products; and other considerations necessary to determine the risks of, and need

7.1 for, PFAS in pesticide products used in Minnesota. The commissioner must submit an
7.2 interim report to the chairs and ranking minority members of the legislative committees
7.3 with jurisdiction over agriculture no later than February 1, 2024, and a final report no later
7.4 than February 1, 2025."

7.5 Renumber the sections in sequence and correct the internal references

7.6 Amend the title accordingly