

Minnesota PFAS Reporting Update

by Brian Bell, Michael Drysdale, and Nathan Webster

Background

In December 2025, the Minnesota Pollution Control Agency (“MPCA”) issued an order adopting its final set of rules governing intentionally added Per- and Polyfluoroalkyl substances (“PFAS” a/k/a “forever chemicals”) in consumer products. These administrative rules stem from the MPCA’s rulemaking authority under Amara’s law, a wide-reaching statute governing PFAS that will take effect in stages between January 1, 2025, and January 1, 2032.

The first phase of Amara’s law involved an absolute prohibition on intentionally added PFAS in certain consumer products including: (1) carpets or rugs; (2) cleaning products; (3) cookware; (4) cosmetics; (5) dental floss; (6) fabric treatments; (7) juvenile products; (8) menstruation products; (9) textile furnishings; (10) ski wax; and (11) upholstered furniture. Minn. Stat. § 116.943, subd. 5. That prohibition took effect on January 1, 2025.

The next phase of Amara’s law requires that producers report certain information to the state of Minnesota regarding intentionally added PFAS in consumer products. *Id.*, subd. 2. The statute initially required producers to begin submitting their PFAS reports on January 1, 2026. The underlying statute, however, authorized the MPCA to delay the reporting period, and the final rule delayed the PFAS reporting deadline to July 1, 2026. The MPCA’s newly finalized rules principally concern this requirement to report intentionally added PFAS in consumer products.

The final rules represent the culmination of a monthslong rulemaking proceeding before the MPCA. After numerous requests for comments and a hearing, an Administrative Law Judge—James Mortenson—invalidated the rules on substantive and procedural grounds in an August 2025 order. In the most recent (and final) version of the rules, the MPCA sought to address Judge Mortenson’s concerns while finalizing a workable set of PFAS reporting rules.

Contents of the Final Rule

The final set of rules closely resembles earlier versions of the rules, with a few adjustments in response to public comments and the Administrative Law Judge’s August order. The final rule clarifies that the upcoming PFAS reports must contain the following: (1) a description of the product; (2) the specific PFAS substances used in the product; (3) the concentration of the PFAS substances; (4) the function of the PFAS substances; (5) information about the manufacturer and its authorized representatives and contact information.

Most controversially, the MPCA retained a comprehensive due-diligence requirement that compels reporters to examine supply chain (among other things) to ensure an accurate and complete PFAS report. MPCA retained this due-diligence requirement despite numerous public comments that it was onerous, impractical, and expensive.

Finally, the rule also: (1) clarifies the fees associated with the required reports; (2) identifies which parties are responsible for reporting; (3) requires periodic report updates;

Related People

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Related Capabilities

- Environmental
- Environmental, Social, Governance (ESG)
- Sustainability

- (4) identifies procedures for securing waivers or extensions of the reporting requirement;
- (5) contains procedures for protecting trade secrets; and (6) identifies exempt parties.

Other PFAS Requirements

The next prohibition in Amara's law takes effect on January 1, 2032. After that date, Minnesota law will prohibit the sale of *any* product containing intentionally added PFAS unless the MPCA determines that PFAS constitutes a "currently unavoidable use." Minn. Stat. § 116.943, subd. 5. The MPCA has yet to promulgate rules governing what comprises a "currently unavoidable use" under that statutory provision. In the interim, companies should assess whether their business requires that they seek a determination that their current PFAS use constitutes an "unavoidable use."

Moreover, Amara's law is not the only statute governing PFAS in Minnesota. For example, the Minnesota legislature has passed specific statutes governing PFAS in pesticides (Minn. Stat. § 18B.03), fertilizer products (Minn. Stat. § 18C.111), and food packaging. See Minn. Stat. § 325F.075. Regulated parties should assess their compliance with every applicable statute, not only Amara's law.

Moreover, on the federal level, companies should also be aware of the upcoming reporting period for PFAS under the Toxic Substances Control Act ("TSCA"). Under PFAS regulations promulgated by the Biden Administration, importers and manufacturers of products containing PFAS must submit reports to the EPA regarding PFAS in their products. In May of 2025, the Environmental Protection Agency extended the reporting deadlines under TSCA, and the reporting period now runs from April 13, 2026, through October 13, 2026. See *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period*, 90 Fed. Reg. 20236 (May 13, 2025) (linked [here](#)). In addition to TSCA, the EPA also recently announced that it would retain the Biden Administration's designation of PFAS as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA").

Litigation Implications

Minnesota courts have already seen numerous suits alleging PFAS contamination. Most notably in 2018, the State of Minnesota settled a suit with 3M for \$850 million, in which the state alleged that 3M contaminated drinking water and natural resources in the Twin Cities. Other smaller companies, however, have also reached settlements with the state. In 2023, for instance, the MPCA and DNR settled a \$1.37 million suit with Douglas Corporation for alleged PFAS pollution in lakes in St. Louis Park and Minneapolis. Local municipalities and tribes have also sued PFAS users for PFAS contamination in their water supplies. With the upcoming PFAS reporting period under Amara's law, the state will soon possess a comprehensive list of products containing intentionally added PFAS, and that information will be available to potential plaintiffs under the State's public records laws.

