

1 APL/QPL Background

MnDOT has established this APL/QPL category to help assure the quality of materials and construction in projects, in accordance with 23 CFR §637, and for MnDOT's own use for maintenance work.

MnDOT Need: MnDOT must perform an engineering and environmental evaluation in order to comply with the FHWA/MnDOT stewardship agreement, meet other regulatory requirements, and comply with MnDOT's own Approved/Qualified Products policy. In addition, MnDOT must develop specifications and standards for procuring new materials, products, or engineered systems.

MnDOT Review of Alternatives: MnDOT has analyzed other options, including allowing contractors and MnDOT staff to select any product available in the marketplace. MnDOT has determined that using an APL/QPL is the most beneficial alternative to ensure that the product will meet technical and environmental requirements and has further determined the need to limit its use to certain products that have enough usage to justify managing an APL/QPL.

2 Relevant MnDOT Standards/Requirements

For a product to be eligible for inclusion on MnDOT's APL/QPL for Asphalt Release Agent, the product must meet the following standards and requirements:

- AASHTO Product Evaluation and Audit Solutions (formerly NTPEP) test data
 - Asphalt Striping
 - Full Strength – less than or equal to 0.2% weight loss (if used un-diluted)
 - Diluted – less than or equal to 0.2% weight loss (provide dilution range)
 - Asphalt Performance – minimum 3 pulls

To submit products to AASHTO Product Evaluation and Audit Solutions please use the following link:

<https://transportation.org/product-evaluation-and-audit-solutions/technical-committees/asphalt-release-agents-ara/>

MnDOT will not evaluate products that do not meet the standards/requirements of the APL/QPL category. By submitting an application, the manufacturer certifies that they have reviewed the standards/requirements, and their product meets the standards/requirements. MnDOT may reject an APL/QPL submittal without further review if MnDOT determines that the product does not meet standards/requirements.

3 MnDOT Contact Information

For questions about the APL/QPL application and approval process for Asphalt Release Agent, please contact:

Name: Allen Gallistel
Title: Chemical Laboratory Director
Office: Materials and Road Research
Email: allen.gallistel@state.mn.us
Phone Number: 651-366-5545

4 Authorized Submitters

Only the product's manufacturer is authorized to submit the product to MnDOT. MnDOT will generally not accept submissions from independent authorized distributors, but MnDOT may, in its sole discretion, allow an authorized distributor, with the cooperation and authorization of the manufacturer, to be the submitter.

5 Evaluation Process

MnDOT will not evaluate products that do not meet the standards/requirements of the APL/QPL category. By submitting an application, a product manufacturer certifies that they have reviewed the standards/requirements, and their product meets the standards/requirements. MnDOT may reject an APL/QPL submittal without further review if MnDOT determines that the product does not meet standards/requirements

To apply for MnDOT's Asphalt Release Agent approved products list (APL/QPL), the manufacturer must complete the Evaluation Process. The Evaluation Process is 3 step process, each step must be successfully completed before the next step can begin:

1. [Application Submission](#)
2. [Hazzard Evaluation Process \(HEP\)](#)
3. [Product Sample](#)

5.1 Application Submission

To apply for MnDOT's Asphalt Release Agent approved products list (APL/QPL), the manufacturer must submit an application packet for MnDOT's review. The application packet shall include the following:

- A complete Application Form
- Product Data Sheet
- Safety Data Sheet
- Technical Assistance Contact. A single point of contact for the submitted product including name, email address, phone number, and mailing address. This single point of contact must be knowledgeable about the specifications, manufacturing, and performance of the product.
- AASHTO Product Evaluation and Audit Solutions ID number and test data.

5.2 Hazard Evaluation Process (HEP)

The MnDOT Office of Environmental Stewardship developed the [Hazard Evaluation Process](#) (HEP) as a tool to determine potential environmental impacts that could result from use of a product and consequently, if the product is acceptable for use on MnDOT infrastructure.

To complete the HEP, the application packet will be reviewed for completeness and then forwarded to the Chief Toxicologist with the MnDOT Office of Environmental Stewardship for initial review. Depending on the level of review needed, the Chief Toxicologist will contact the product manufacturer directly for any additional information needed. Upon completion of the HEP, the Chief Toxicologist will send the results to the MnDOT Contact in Section 3.

5.3 Product Sample

During this step of the evaluation process, the manufacturer must supply a product sample to the contact person listed in Section 3. The sample may be submitted at the time of sending the Application documents in Section 5.1.

5.3.1 Sample of Product:

- Quantity: approximately 1 quart
- Packaging: plastic bottle

MnDOT may request additional samples if needed and will not return excess samples.

6 MnDOT Will Make a Case-By-Case Determination

Following the [Evaluation Process](#), MnDOT will determine whether the product met, or failed to meet, the required criteria. MnDOT will promptly notify the product manufacturer of MnDOT's determination.

6.1 Effect of Favorable Determination

If MnDOT determines the product met the evaluation criteria, MnDOT will place the product on the APL/QPL, and the product will be authorized for use on MnDOT construction or maintenance projects. Merely being placed on the APL/QPL does not guarantee that MnDOT, or a MnDOT contractor, will purchase and use the product. Being placed on the APL/QPL also does not mean that the product meets other legal requirements for any particular use. Being placed on an APL/QPL does not constitute an "endorsement" of the product, and the submitter must not state or imply that MnDOT "endorses" the product.

6.2 Effect of Non-Favorable Determination

If MnDOT determines the submitted product did not meet the technical criteria, MnDOT will notify the product manufacturer accordingly. MnDOT will provide test results and other information specifying how the product failed to meet the criteria. The product manufacturer may discuss the test results with the MnDOT contact

identified above. If the product manufacturer disagrees with MnDOT's determination, the product manufacturer may submit additional documentation supporting its position. The MnDOT contact will review the submission and make a final determination.

The product manufacturer may not submit the product for re-evaluation until the product manufacturer has made material changes to the product or manufacturing methods that are likely to resolve the identified shortcomings. The product manufacturer must discuss the changes with the MnDOT Contact person prior to re-submitting. MnDOT will, in its sole discretion, determine whether the changes are material.

7 Ongoing Notice Requirements

A manufacturer of a product placed on this APL/QPL must immediately notify the MnDOT contact listed above if any of the following apply:

- The product manufacturer has made a material change to the product that may affect its performance or environmental impact. These changes include, but are not limited to, changes in materials, chemicals, or manufacturing processes.
- The product has become the subject of legal action under a "False Claims Act" of the United States or any state.
- It is determined that material information was not disclosed to MnDOT during the evaluation process.

MnDOT may, at its option, remove the product from the APL/QPL, or determine that the product must be re-evaluated. If MnDOT requires a re-evaluation, it will follow the same process as the initial evaluation.

8 Minnesota Government Data Practices Act Notice

All data and information submitted to MnDOT is "Government Data" under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (the "Act"). The Act generally classifies information as "public data" or "non-public data". Data is presumed "public" unless an exception applies, such as "trade secret data" (see Minnesota Statutes §13.37 subdivision 1). The submitter bears the burden of establishing the trade secret exception and properly marking trade secret data; simply marking data "confidential" or "proprietary" will not suffice to make it trade secret data under the Act. All MnDOT product evaluations and APL/QPLs are public data.