

Harmful Substance Compensation Program

Personal Injury Claims

This fact sheet is an overview of the Harmful Substance Compensation Program (HSCP). It explains how individuals can apply for financial aid for personal injury caused by harmful chemical substances. For a complete description of the rights and procedures that govern the Program, please see State Statutes [Minn. Stat. ch. 115B](#) and State Rules [Minn. R. ch. 7190](#).

What is the Harmful Substance Compensation Program?

The HSCP may compensate persons who suffer certain kinds of injury due to exposure to harmful substances. This exposure may come from water, soil, or air contaminated by improperly disposed of or discharged chemical substances. Decisions on compensation are made by the Commissioner of the Minnesota Pollution Control Agency (MPCA). The Commissioner receives advice as necessary from physicians knowledgeable in toxicology, from health professionals knowledgeable about injuries caused by harmful substances, and from the Minnesota Attorney General's staff.

What kinds of personal injury may be eligible for compensation?

Injuries eligible for compensation from the HSCP are those caused by exposure to an identifiable harmful substance and may include:

- A chronic or progressive disease, illness or disability, such as cancer, organic nervous system disorder, reproductive disorder, or physical deformity.
- Acute diseases or conditions that are obvious after limited exposure to a harmful substance released into the environment, provided the party responsible for the release is unknown or unable to compensate the claimant.

What types of injuries are ineligible for compensation?

Injuries that are not eligible for compensation include:

- Injuries that result from workplace exposures or for which an award could be made under worker's compensation.
- Injuries caused by use of consumer products.
- Injuries caused by harmful substances released by the claimant.

How are eligible injuries compensated?

- Reimbursement for medical expenses.
- Reimbursement for lost wages or income and for lost household labor.
- Payment of death benefits to dependents.
- Compensation for lost wages, lost household labor, and death benefits is limited to \$24,000 each per year. There is no limit on medical expenses, but the maximum award to any one person cannot exceed \$250,000.

How are claims decided by the MPCA Commissioner?

The MPCA Commissioner grants compensation when information provided by the claimant and the Commissioner's investigation show it to be likely that:

- The claimant has an eligible injury and eligible losses.
- The claimant has been exposed to an identifiable harmful substance.
- The claimant's exposure was due to the release of the harmful substance from a facility in Minnesota.
- The claimant's injury can be caused or significantly contributed to by exposure to the harmful substance in the amount and duration of the claimant's exposure.

What else should I know?

- A claim cannot be filed by a person who has received compensation for the injury from the party responsible for the release of the harmful substance.
- A person cannot bring an action in court and before the MPCA Commissioner for the same injury at the same time.
- Double recovery is prohibited. If a person accepts an award from the MPCA Commissioner, the person cannot bring an action in court for that same injury.
- If a person has received a favorable court judgment, the person cannot file a claim with the MPCA Commissioner unless the judgment was not paid.
- A person does not need an attorney to file a claim.
- A personal injury claim must be filed within two years after the injury and its connection to exposure to a harmful substance is discovered.

For more information

Please call 651-296-6300 or 800-657-3864 and ask for the Harmful Substance Compensation Program staff.

Applications for Compensation for Personal Injury are available on the MPCA's website at:

<https://www.pca.state.mn.us/air-water-land-climate/remediation-and-redevelopment>.