



Product Stewardship Policy Initiative

Subdivision 1: Policy

Consistent with Minnesota Statutes, section 115A.02, it is the goal of the state to promote resource conservation and protect the public health and the environment through product stewardship. Product stewardship is one method used by the state to conserve resources, prevent waste and reduce toxicity and hazardous constituents of products.

The principles of product stewardship are:

1. All parties who have a role in designing, producing, or selling a product or product components assume responsibility for achieving the following goals:
 - Reducing or eliminating the toxic and hazardous constituents of products and product components.
 - Reducing the toxicity and amount of waste that results from the manufacture, use and disposal of products.
 - Using materials, energy and water efficiently at every stage of a product's life cycle, including product manufacture, distribution, sale, use and recovery.
2. All purchasers and users are responsible for reducing the amount of toxicity and waste that result from their use and disposal of products, and for using products in a manner that conserves resources.
3. The greater the ability of a party to influence the life-cycle impacts of the product, the greater the degree of responsibility the party has for addressing those impacts.
4. Parties responsible for addressing environmental impacts of products have flexibility in determining how to best address those impacts.
5. The costs of recovering resources and managing products at the end of life are internalized into the costs of producing and selling products, so that those costs are not paid for by government.
6. Government provides leadership in product stewardship in all its activities, including but not limited to, promoting product stewardship in purchasing products, making capital investments in buildings and infrastructure, procuring services, and ensuring products are recycled or properly managed at the end of their useful lives.

Subdivision 2: Priority product selection

- (a) Based on criteria established in subd. 2(c), the following products are priority products upon enactment of this subdivision into law. The Director, in consultation with the parties specified in subd. 2(b), shall establish recovery and recycling goals as required under subd. 3 for the priority products listed below. Priority products are subject to the actions and requirements specified in subd. 3 and subd. 4.
 1. Electronic products containing cathode ray tubes.
 2. Paint, both latex and oil paint.
 3. Carpet.

- (b) beginning in 2001 and in each odd numbered year thereafter, the Director may recommend products to be established as priority products by the Legislature. The Director also may recommend products to be removed from the priority product list, as appropriate. The Director's recommendation shall be included in the solid waste policy report as required by section 115A.411. When developing the recommendation, the Director shall consult with representatives of appropriate interested parties, including but not limited to, the Commissioner, representatives of manufacturers, retailers, product users, environmental organizations, local government, and recycling and solid waste management service providers.
- (c) the Director, in consultation with the parties specified in subd. 2 (b), shall use the following criteria to select priority products for recommendation to the Legislature. The products the Director recommends as priority products must demonstrate one or more of the following characteristics:
 - 1. contain toxic or hazardous constituents;
 - 2. are banned by statute or rule from disposal within MSW;
 - 3. pose a threat to the safe or efficient operation of a solid waste facility or the solid waste system;
 - 4. place significant economic burdens on the state or political subdivisions for end-of-life management because there is a significant amount of the product in the waste stream or because the nature of the product makes it difficult to manage in the existing integrated solid waste system;
 - 5. possess significant potential for increased reuse and recycling.

Subdivision 3: Establishment of Recovery and Recycling Goals

- (a) Within one year of enactment of legislation establishing a product as a priority product, and in consultation with the parties specified in subd. 2(b), the Director shall establish recovery and recycling goals for each priority product.
 - 1. The goals shall identify levels of recovery and recycling appropriate for the priority products and the dates by which the goals shall be met.
 - 2. When developing recovery and recycling goals appropriate for each priority product, the Director shall consider such factors as the current and potential opportunities for reduction, reuse, remanufacturing and recycling of the product, the existing and needed infrastructure for managing the product, and the availability of alternative products.
- (b) Manufacturers responsible for meeting the requirements for priority products specified in subdivision 4 shall report biennially to the OEA on progress toward meeting the goals, including the total amount of products recovered and recycled. Industry associations or groups may submit a report on behalf of all parties to satisfy the reporting requirement.

Subdivision 4: Requirements for Priority Products

A manufacturer whose product is selected as a priority product shall:

- 1. ensure that the product is managed in a manner sufficient to meet the recovery and recycling goals as established in subdivision 3.
- 2. ensure that end-of-life management costs for priority products are not borne by government entities and are internalized into cost of the product. Government entities may agree to participate in operating collection programs for specific priority products.

3. provide clear information to final purchasers or users of a product about the options available for the reuse, recycling or recovery of priority products and how to access those options.

Subdivision 5. Monitoring Progress

The Director shall monitor progress towards meeting the goals established in subd. 3. If the Director determines that adequate progress toward the goals has not been made for a specific priority product, the Director shall recommend additional action for the Legislature to take in order to achieve the goals for that product.

Subdivision 6: State Assistance to Meet Recovery and Recycling Goals

To foster product stewardship, the Office shall provide assistance in meeting the goals established in subdivision 3. The Director may consider providing assistance such as the following:

- (a) in conjunction with manufacturers, provide statewide education for consumers which promotes product stewardship and information on end-of-life management of priority products;
- (b) promote innovative state assistance, such as regulatory reinvention efforts, to ease regulatory barriers to reuse and recycling of priority products, or the use of statewide contracts with manufacturers of priority products to provide the services to satisfy the requirements in subd. 4(a)(2).
- (c) in conjunction with manufacturers, create a market development plan for each priority product which assesses recycling and recovery capacity in Minnesota, including the economic viability of recycling the product, and describes actions to be undertaken by the state and manufacturers to increase market opportunities in Minnesota, if necessary;
- (d) direct a grant priority to promote environmentally preferable design of priority products;
- (e) Work with the Commissioner of the Department of Administration and other state agencies to promote product stewardship in purchasing products, making capital investments in buildings and infrastructure, procuring services, and managing products at the end of their useful lives.