Minnesota Pollution Control Agency
Community Input Panel: Capstone Document

TO: Community Input Panel Members

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RE: Community Benefits Agreement: Community Input Panel Capstone Document

DATE: October 7th, 2025

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The Community Input Panel

In the summer of 2025, the Minnesota Pollution Control Agency (MPCA) set out to create a Community Input Panel as one part of the agency's engagement around the community benefit agreement (CBA) portion of its cumulative impacts rulemaking process. The MPCA assembled a panel of members from different stakeholder groups who have the potential to be impacted by the rule, to review the draft rule concept for CBAs developed by the MPCA's technical staff.

This capstone document is meant to capture both a high-level overview of the feedback provided by the panel as well as individual ideas from panelists, which the MPCA will consider alongside other forms of feedback throughout the rulemaking process. This document does not represent the full or final viewpoint of any panelist or the stakeholder group they represent, nor is it meant to suggest that the viewpoints of any individual are representative of all members of that stakeholder group. It should also be noted that documentation of areas of general consensus should not be seen as full agreement amongst panelists with past or future rule concepts, as rule language is still under development and subject to change.

The panel was made up of environmental justice (EJ) area residents, industry representatives, labor representatives, local government representatives, and community advocates. Each of these participants brought unique and valuable perspectives to the table. EJ area residents strongly emphasized lived experience and community power in shaping outcomes. Industry voices stressed clarity, practicality, and feasibility. Community advocates and representatives for local government units highlighted the importance of public health and stewardship.

In coordinating this panel, the MPCA convened five meetings altogether: an in-person kickoff meeting at their St. Paul offices, three virtual feedback sessions, and a fifth and final virtual capstone meeting to discuss the document that emerged from these sessions.

Panel members were expected to:

- Attend all five scheduled meetings.

- Review background documents and materials.

- Review and provide feedback on the MPCA's draft CBA concept.

- Provide open, honest, and constructive feedback to the MPCA.

Over the course of these meetings, panelists offered insights to the MPCA, surfacing concerns and providing valuable feedback on the CBA process.

Overview of the CBA Process

A CBA, according to MPCA staff, "*is developed with active community input and participation and is a legal and enforceable contract between the MPCA and the permit applicant. A CBA will only be required if a facility's cumulative impacts analysis identifies substantial adverse impacts resulting from a proposed project.*"

Cumulative impacts include *"the combined effects of current and past pollution and how they impact residents' health, well-being, and quality of life in different communities*." Below is an outline of the working draft for the process of developing a CBA if a cumulative impacts analysis demonstrates substantial adverse impact, as it was presented to panelists at the beginning of this process. If the analysis does not show a substantial adverse impact, the process continues on to permitting.

- Draft CBA Process Overview:
  - Permit applicants must notify residents, post signage, maintain a public website, and hold at least 2 community meetings
    - Outreach may include mail, door knocking, or other engagement
  - Two 30-day comment periods must be held to collect community input
  - Permit applicants must respond to comments received during public comment periods and public meetings
  - MPCA then evaluates the CBA for alignment with community concerns
  - MPCA is not considering a community vote on a CBA; MPCA and the facility are the final signers of a CBA

- CBA Content Requirements:
  - Minimum CBA elements identified
  - Community benefits that address stressors (economic, health, environmental)
  - Flexibility emphasized due to diverse community contexts
  - Reporting and documentation required to ensure accountability

Post-cumulative impacts analysis and community benefit agreement process - working draft
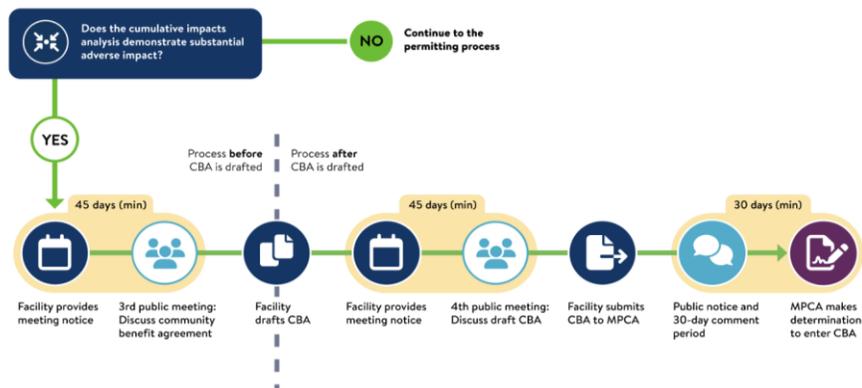
Panel Areas of Consensus

Many strong areas of consensus surfaced from this series of feedback sessions. While panelists represented a broad range of interests, it's important to note that alignment was found in several core areas across the meetings—even among participants whose interests could be perceived as being in conflict with one another. These conversations focused on feedback from panelists regarding the clarification of specific elements of the CBA process. This included providing feedback on the MPCA-prescribed approach to engagement and ensuring that all parties understand their roles.

Clarity of Roles

Panelists were largely aligned in their assertion that roles need to be more clearly defined in the CBA process. There was persistent concern from panelists about the MPCA's perceived role as a coordinator, and panelists from both the community advocacy and industry sides noted that it would be beneficial if the MPCA better integrated public health expertise into the process, with one panelist noting, *"It would be helpful to have the MPCA or a public health expert at the first CBA meeting to explain underlying cumulative impacts."*

Panelists also agreed that facilities should not be tasked with explaining substantial adverse impacts and coordinating engagement with the community as part of the CBA process. Both panelists representing industry and EJ area residents acknowledged that facilities may not be the best choice to perform this role, with some panelists recognizing that there may be instances where facilities do have the capacity and knowledge to do so effectively.

Engagement and Accessibility

Panelists were in agreement on their assessment that the current methods of outreach and engagement proposed by the MPCA seem insufficient. Ideas for additional methods of outreach included multi-channel outreach (e.g., social media, schools, places of worship, radio, mail, etc.), broader translation and accessibility accommodations, and the consideration of, as mentioned, third party facilitation. Industry representatives emphasized practicality and consistency as priorities for implementation, with some noting that requiring too many methods of outreach in the rule has the potential to be cumbersome.

Despite differences in emphasis, panelists highlighted their desire for higher-quality engagement, transparency, and accessibility. Moreover, many agreed that engagement early on in the process and more than two public meetings may be necessary.

CBA Assessment

Most panelists were in alignment on their desire for the inclusion of a public rubric or scoring matrix for the assessment of a CBA, with balance between technical criteria and the consideration of community desires. There was consensus that this approach would foster transparency and uniformity regarding how CBAs were assessed by the MPCA.

Panel Areas of Disagreement

While the panel agreed on many items across their sessions together, there were differences in opinion between panelists. These largely centered around: how "community" should be defined, what the role of community should be in between the two CBA meetings, and how flexible or specific the MPCA should be in this part of the rulemaking process.

How Community Should be Defined
Panelists representing environmental justice area residents and community advocates urged the MPCA to move beyond a definition of "community" focused on residency to include people who work, worship, study, or spend significant time in impacted areas, while prioritizing vulnerable populations. Industry representatives asked the MPCA to establish more clarity around what is meant by 'community' in a way that is legally defensible and tied to more measurable indicators. One of the most fundamental tensions ran through this issue—how to balance equity and inclusivity with clarity and enforceability.

The Role of the Community Between Meetings
Panelists representing EJ area residents and industry agreed that two meetings may not always be sufficient for engaging communities. Representatives for EJ area residents advocated for a multi-meeting model with education, negotiation, and feedback stages, as well as accommodations like childcare and translation. Industry representatives supported expanded engagement in some cases but cautioned that the process must remain structured and legally durable, with some urging that this expansion must not adversely impact project timelines. These panelists also strongly endorsed the notion of 'quality over quantity' regarding engagement. Panelists representing industry also felt that the engagement protocol didn't need to be prescribed in rule and could instead be adapted to the specificities of the project or community in question.

There was tension around the notion of 'authorship' and who gets to 'hold the pen' when designing the CBA process. Some representatives for EJ area residents and community advocates felt that community voices needed to be featured in the design process upstream for it to truly represent community interests, while panelists representing industry advocated for clearly defined parameters that acknowledged economic necessities and business realities.

Flexibility vs. Specificity
Disagreement arose around the tension between flexibility (to reflect diverse community realities) and specificity (to ensure legal defensibility). Representatives for community advocates pushed for broad definitions, neutral facilitation, and deeper co-creation, while panelists representing industry prioritized flexibility, feasibility and legal defensibility. One panelist representing EJ area residents felt that flexibility could allow for non-compliance with rules while clarity allows all parties to avoid uncertainty.

The Need for Third-Party Support
A recurrent theme across all feedback sessions was the perspective from panelists representing EJ area residents and community advocates that third-party facilitation was necessary during

the CBA development process. These panelists stressed that in order to avoid bias, build mutual trust, and navigate conflicting priorities, neutral third-party facilitation would be necessary. Panelists representing industry noted that this approach could ensure that engagement is being conducted in a responsible way that doesn't rely on each facility's capacity to do it accurately and equitably. For panelists representing EJ area residents, third-party support allows for a process that isn't compromised by the financial interests and biases of the facility.

However, some industry panelists did offer their belief that there may be times where third-party support would not be needed. They noted that when it was deemed necessary, the support should be identified and selected based on their knowledge of the process and the area. In addition, industry representatives questioned who would bear the cost of enlisting third-party support.

Cost
At the final meeting of the panel, the topic of 'cost' arose. One panelist representing industry noted that industry is concerned with "time, cost, and uncertainty" and questioned who would bear the cost of public meetings and other public engagement requirements. Conversely, a panelist representing EJ area residents emphasized the importance of considering other types of costs beyond the financial, including those experienced by communities in the EJ areas where industries operate.

Feedback Session Summaries

COMMUNITY INPUT PANEL FEEDBACK SESSION #1

On August 14, 2025, the MPCA convened its first feedback session to gather feedback on the draft Community Benefit Agreement (CBA) concept. The discussion revealed broad consensus among panelists that CBAs should be clear, enforceable, historically grounded, and shaped by the experiences of impacted communities. Panelists raised concerns about vague terminology, how benefits would be measured against harms, and emphasized the importance of accountability and transparency.

Clarity in Definitions and Framework of Benefits
A recurring theme was the need for more exact definitions to avoid ambiguity and loopholes. Terms such as 'community', 'benefit', and 'significant impact' were highlighted by panelists as being particularly unclear. A representative for EJ area residents suggested grounding the framework in established global standards, arguing that, *"adopting international definitions and standards provides consistency– a core necessity for achieving workable policy."* A representative for an advocacy organization added nuance by stressing the balance between science and lived experience, remarking that, *"the MPCA needs precision, but also useful ambiguity"* and suggested developing a *"community of practice"* where best practices could evolve.

When discussing CBA benefits, panelists pushed for measurable and proportional outcomes rather than symbolic gestures. A panelist representing a local government unit cautioned that a lack of hierarchy prioritizing high-impact benefits *"could potentially lead to not actually addressing the harm caused by these undertakings and facilities."* They pressed further, asking, *"If I'm a polluter and I say I'm going to plant x number of trees, how are we measuring the proportionality between the emissions at the site and the benefits provided?"* Similarly, a representative for EJ area residents noted that even these 'positive' actions like tree planting require scrutiny: *"It's not just any tree—it must be native to the environment and address specific local climate needs."*

Other members reinforced the importance of framing. A representative for community advocates reminded panelists that according to the statute, *"a CBA must include some noneconomic benefits,"* and suggested clearer separation of social, economic, and environmental categories. An industry representative agreed but cautioned that communities themselves must lead the process: *"Facilities shouldn't presume what a community would want—communities must have input into the prioritization of benefits."*

Enforcement and Accountability
The enforceability of CBAs was widely seen as a cornerstone issue. A panelist representing community advocates underscored this point directly: *"Without clear enforcement mechanisms, communities risk receiving unfulfilled promises."* A representative for EJ area residents agreed, urging that enforceability aligns with established legal norms: *"This isn't about reinventing the wheel—it's about ensuring agreements are binding and consistent with international practice."* Another panelist representing community advocates, however, cautioned against overly abstract solutions, emphasizing that enforcement must connect with lived realities: *"The enforceability of the CBA must be actionable and grounded in community history."* Some panelists also urged the inclusion of clear sanctions and mechanisms for community-led investigations when agreements are violated.

Centering Community History and Voice
Representatives for EJ area residents insisted that a community's history and lived experience must be central to any CBA framework. One representative for EJ area residents gave an example from the Northern Metals case in North Minneapolis, describing how residents were left with little recourse: *"If the community knows something is wrong, there should be a mechanism for starting an investigation. But often when a community member tries to advocate, they get labeled as aggressors."* A panelist representing community advocates on the panel echoed this, saying, *"The history of fighting for the community benefit has a lot of suffering and pollution behind it, and people have worked very hard to get to this point. The benefits therefore cannot be abstract."*

Storytelling was highlighted as a tool for building trust and policy relevance. A representative for community advocates cited the Ojibwe community's fight for water standards tied to wild rice protection, noting that, *"in this instance, the health of the wild rice equated to the health of*

the indigenous community," and that new standards made community culture visible in regulatory terms.

Cumulative Impacts and Transparency
Panelists repeatedly stressed that CBAs must consider cumulative impacts, especially in communities already burdened by pollution. An industry representative questioned whether socioeconomic stressors were adequately addressed, while a representative for labor unions urged clarity: *"Are we talking about everything as either a stressor or a mitigation of a stressor? Or are protective factors relevant, like having healthcare?"*

There was strong agreement amongst panelists who felt that transparency and accountability must be visible to the public in the creation of a CBA. A representative for EJ area residents insisted that, *"being heard is not enough—communities must be able to influence outcomes,"* while a representative for community advocates proposed public-facing dashboards to track violations and enforcement. Several panelists supported the idea of an ongoing 'community of practice' to ensure that engagement continues beyond this panel and that community voices remain central to shaping outcomes.

Overall Takeaway
Across all themes—definitions, benefits, enforcement, community voice, cumulative impacts, and transparency—the panel expressed a desire for CBAs that move beyond abstract principles to become enforceable, equitable, and grounded in the lived experiences of impacted communities. As one representative for community advocates put it, *"A CBA without accountability is just another promise on paper."*

COMMUNITY INPUT PANEL FEEDBACK SESSION #2

On August 27, 2025, the MPCA convened its second Community Input Panel feedback session to gather insights on the draft Community Benefit Agreement process. The discussion focused on three central issues: how "community" should be defined, how outreach and engagement can be improved, and what role communities should play between the two required CBA meetings included in the draft CBA concept.

Defining "Community"
A recurring theme was the need for balance between inclusivity and legal clarity. Many representatives for EJ area residents and community advocates called for an expanded definition that included more people than the residents living in a geographic area. One panelist representing EJ area residents stressed the importance of considering all who interact with an area: *"Anybody going in and out of an area is connected to the impact. Our church, for instance, serves as a big gathering spot since we rent out rooms to people from around the area."* Similarly, another representative for EJ area residents noted the importance of prioritizing vulnerable groups, saying, *"We know that young bodies and vulnerable folks are impacted to a higher degree by exposure."*

Others, however, voiced caution about definitions that are too broad. A panelist representing a local government unit observed, *"This could be a challenge when it comes to implementation if it's too broad—but we know a broader level of people will be impacted once a facility is up and running."* Representatives for industry emphasized the need for specificity. One representative for industry cautioned, *"You're going to need something that's fairly cut and dry—defining it as something much more than that geographic community is very hard to make a reality."* Another industry representative added that while geography could be the starting point, *"that doesn't necessarily omit people who commute in or spend time at a location."*

There was a shared desire from panelists for the MPCA to explicitly provide the proposed meaning of "community" in the context of the rule. Panel members noted that doing so would have reduced uncertainty among all parties.

Outreach and Engagement
Most panelists felt that the draft's current methods—email, signage, websites, and mailers—are too limited. A representative for EJ area residents argued, *"The norms could include other means of communication. It's important to make sure the community has access to the information on their own terms."* Suggestions included expanding outreach to schools, places of worship, local media, and social media, while also tailoring communication to the populations most likely to be impacted.

Concerns were raised about trust when facilities themselves lead engagement. A panelist representing a local government unit remarked, *"It's somewhat of a conflict of interest that it's the permit applicant who is conducting the engagement. This could compromise trust. Is there a way this can be designed and facilitated by a third party?"* A representative for community advocates echoed that a neutral facilitator would help: *"When you're talking about whether a facility is going to get their permit, there's often going to be a pretty strong bias from the company. A third party could alleviate these concerns."*

Representatives for industry acknowledged these concerns but also flagged feasibility as another concern. One panelist representing industry noted, *"At my facility, if we posted a notice on our fence, there's going to be like two people who see it. We have to ensure that whatever a company is asked to do is both legal and effective."*

Role Between Meetings
Both panelists representing community and industry felt that two meetings may be insufficient for developing a CBA. Representatives for community advocates and EJ area residents liked the idea of a multi-meeting model with clear phases: education, alignment, drafting, feedback, and negotiation. One representative for EJ area residents argued, *"The community needs a lot more than two meetings to fully grasp the implications of a process like this, and to align internally on what the best path forward is."* Another panelist representing EJ area residents underscored the importance of including groups that raised issues in the first place: *"Whoever was involved in this has to be a key person involved throughout the process. They are the ones who have been tracking it and have the most information."*

Accessibility was also a key theme, with suggestions for childcare, food, translation, and in-person comment options. Another representative for EJ area residents asked, *"How do we ensure we're also holding space to make sure these comments can be submitted at an in-person space, or even have separate meetings besides the ones solely dedicated to CBAs?"*

Some panelists, including those representing industry, agreed additional engagement could be helpful but urged restraint to preserve structure, emphasizing quality over quantity. A representative for advocacy organizations said, *"I would rather it take longer but be done well, statutory requirements aside. We have an opportunity to pioneer something new and do it well."* An industry representative emphasized balance: *"Too much comment is too much comment. It's not about the number of meetings—it's about evaluating the response to comments and ensuring input is properly filtered and responded to."*

COMMUNITY INPUT PANEL FEEDBACK SESSION #3

On September 8, 2025, the MPCA convened its third virtual feedback session to gather insights on the draft Community Benefit Agreement concept, with the aid of a case study developed to assess opportunities and gaps in this draft process. The session highlighted both the potential of CBAs to advance environmental equity and community health, and the potential risks of a CBA without accountability. Participants emphasized their perspectives on the need to clarify MPCA's role, ensure equitable access for under-resourced communities, incorporate flexibility around negotiations, and establish transparent evaluation criteria.

Role and Responsibilities of the MPCA
A central theme of the discussion was the ambiguity surrounding the MPCA's role in the CBA process. Panelists debated whether the agency should remain a neutral facilitator or take a more active role in providing technical analysis or advocating for public health. Several participants underscored that neutrality alone would be insufficient in assisting communities who are disadvantaged in technical and fast-moving processes.

A panelist representing community advocates asked, *"It's not clear to me who is playing the role of the advocate from a scientific perspective in terms of public health. Do they have to hire their own? Is the role of the MPCA here just as a coordinator? Is it the facility that is doing all of the work?"* They emphasized that MPCA should ensure public health experts are present to guide discussions. A representative for industry echoed this need, noting, "*I align with others that it's not the facility's role to explain the existing state of cumulative impacts in a community."*

Panelists felt that the MPCA should clarify its role, integrate public health experts into meetings, and establish mechanisms for independent third-party support to assist communities in navigating complex data and processes.

Community Capacity, Equity, and Support
Participants repeatedly highlighted disparities in communities' capacities to engage meaningfully. They emphasized that communities without technical knowledge, institutional

experience, or financial resources may struggle to interpret facility proposals or advocate for benefits based on identified impacts. A representative for EJ area residents emphasized access to resources, stating, *"During that in-between period it will be really important for the community to have access to a folder or set of resources to be able to inform themselves about the CBA process."* A panelist representing a local government unit reinforced a shared belief among panelists in the value of neutral third-party support: *"Ideally, we would have a trusted third party that was hired to help community members work through this process and draft comments. Along with the MPCA being there to provide the expertise on public health, and not relying on the facility to supply this."*

Structure and Process of Engagement
Panelists discussed how structured activities between meetings could foster meaningful engagement while avoiding overly prescriptive or 'checkbox' approaches. One panelist representing community advocates emphasized, *"What is being laid out lacks the notion of negotiation which is really important to a CBA… There needs to be more room for that discussion and negotiation between the 1st and 2nd meetings."* An EJ area resident highlighted her experiences with resource inequities organizing her community in the city of Minneapolis, explaining, *"When we changed the zoning, we had to hire experts and spend money we didn't have… 30 days is not enough, and you're going to move too fast, and things will be missed."* A representative for industry emphasized the importance of balancing flexibility with accountability: *"We need to have space for some back and forth, but it needs to keep moving forward—a guidance document provides a bit more leeway later on for letting folks have a productive back and forth early on."*

While structure was acknowledged as providing consistency, panelists emphasized flexibility and room for negotiation between communities and facilities. Panelists found consensus around strategies such as early engagement combined with extended comment periods, iterative feedback, and guidance documents rather than rigid rules which they believe could stifle meaningful engagement.

Transparency, Documentation, and Accountability
Panelists stressed their belief that trust hinges on clear systems for documenting and responding to community input. A panelist representing a local government unit posed, *"Are the comments being addressed and is there documentation of them being addressed? [We need] a change matrix that shows changes made to the CBA during the drafting process, per public comments, and also translated and plain language versions of CBA published when meeting notices go out."* Another panelist representing a local government unit questioned oversight: *"There was mention that the facility would be posting the comments—does the MPCA oversee that?"*

Suggestions from panelists to increase transparency and accountability included the public posting of unaltered comments under MPCA oversight; a comment-response tracking system; and plain-language, translated summaries of revisions.

Criteria for Assessing CBAs

Panelists called for transparent, enforceable, and equitable evaluation standards. A representative for EJ area residents emphasized caution: *"When we don't have enough knowledge of the activity and how it impacts the climate, we cannot give them the permit. Scientifically speaking, we should not give the permit if we don't know what the impact will be."* A representative for community advocates emphasized responsiveness: *"It is important that a lot of the decision is based on the community feedback, and that the goal is to be responsive to the impacted community."* A panelist representing a local government unit suggested a rubric to clarify evaluation: *"I think it would be good to have something like a rubric or some kind of scoring matrix that MPCA publishes and everyone could see, with different criteria so that everyone involved can see how things were ranked."* Another representative for EJ area residents added that feedback should be weighted according to proximity and exposure to cumulative impacts.

Panelists suggested ideas such as adopting a public rubric or scoring matrix, applying precautionary principles when risks are uncertain, and giving greater weight to input from those most directly affected by resultant pollution.

Conclusion

From July to October 2025, the MPCA's Community Input Panel served an important role in offering feedback on the draft CBA concept as part of the cumulative impacts rulemaking. These contributions came from panelists with lived experience, local and technical expertise, and community history. Each panelist brought with them critically important perspectives that helped illuminate key elements of the CBA process—identifying which components are robust and may have backing from representatives for key stakeholder groups and which components may need further strengthening, based on the input shared by the panelists. These discussions surfaced concerns and suggestions about the CBA process while also underscoring the potential CBAs have in advancing environmental justice and ensuring legal clarity for permit applicants.

Looking forward, technical staff and leadership at the MPCA will continue to review the panel's collective input as well as feedback from the broader community and stakeholder groups, as part of the cumulative impacts rulemaking process.