



## Draft preliminary assessment Packaging Waste and Cost Reduction Act

### Agency responses to public comments received on the draft preliminary assessment and a summary of feedback and questions at the informational sessions

This document includes a summary of feedback from attendees at the informational sessions hosted by the Minnesota Pollution Control Agency (MPCA) via Teams on the draft Preliminary Assessment. Virtual meetings were hosted on Tuesday, December 16, 2025, from 11:00 a.m. to 12:00 p.m., Tuesday, December 16, 2025, from 6:00 p.m. to 7:00 p.m., and Thursday, December 18, 2025, from 2:00 p.m. to 3:00 p.m.

The draft preliminary assessment was posted for public comment from November 19, 2025 to December 21, 2025. This document includes a response to public comments received and a copy of all responses received.

## Summary of information sessions

### Participation

The MPCA hosted three informational sessions on the draft Preliminary Assessment. Approximately 53 different individuals attended these virtual events to request information about the report from MPCA staff, Eunomia staff, and Foth staff. Many people attended one or more meeting. These attendees included producers, industry associations, and county and city government.

The MPCA received no public comments during these three sessions.

### Tuesday, December 16 from 11:00 a.m. to 12:00 p.m.

Approximately 24 people attended this event to request information about the report from MPCA staff, Eunomia staff, and Foth staff. Questions asked were related to clarification on whether materials used at a construction site would be covered, and if packaging used by contractors would be covered since contractors are not a covered entity. Clarification around organics and specifying that the law applies to the packaging that may end up at a yard waste/organics site but not the food itself. Requested additional detail regarding which transfer stations are permitted for which material types and diving deeper into material specifics.

### Tuesday, December 16 from 6:00 p.m. to 7:00 p.m.

Approximately 4 people attended this event to request information about the report from MPCA staff, Eunomia staff, and Foth staff. There were no questions or comments made.

### Thursday, December 18 from 2:00 p.m. to 3:00 p.m.

Approximately 27 people attended this event to request information about the report from MPCA staff, Eunomia staff, and Foth staff. Questions asked were related to the knowledge of the research team if organics recycling programs in Greater Minnesota consistently accept compostable packaging or is it specific to food scrap only? A request to know if there are recommendations made around organics recycling for the needs assessment. A request to know if there will be more research around end markets for compost completed. Clarification if the needs assessment will include more about sorting and the recycling stream. A request to know if permitting is being considered for recycling facilities. Clarification on how a material like Styrofoam fits into this program.

# MPCA responses

## Comments – topics covered in Needs Assessment

Thank you for your comments. Many comments request information that is to be collected during the upcoming Needs Assessment, as described in Minn. Stat. § 115A.1450, subd. 4.

- **Postconsumer recycled content**, including a review of market and technical barriers to incorporating postconsumer materials into covered materials.
- **Review of environmental impacts**, including identification of the covered materials with the most significant environmental impact, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts.
- **Recyclability and compostability of covered materials**, including an analysis of the recyclability, compostability of covered materials introduced in the state.
- **Reusable packaging**, including a review of the potential for a covered material to transition to a system of reuse.
- **System improvements**, including identifying opportunities for expanding collection services.
- **Proposed methodology for reimbursement rates**, including how to consider compostable materials. The law requires that reimbursement rates consider a “proportional share of composting” as outlined in law: Minn. Stat. § 115A.1455, subd. 4(b)(1)(vi) “the proportion of covered compostable materials within all source-separated compostable materials collected or managed through composting”.
- **Statewide requirements**, for waste reduction, reuse rates and return rates, recycling rates, and post-consumer recycle content use in covered materials.
- **Toxic substances intentionally introduced in covered materials**, the impacts of those toxic substances on their recycling and composting system, and “best practices producers can implement to reduce intentionally added toxic substances in covered materials that could be verified through suppliers certificates of compliance, testing, or other analytical and scientifically demonstrated methodology” as described in Minn. Stat. § 115A.1450, subd. 4.

## Comments – improvements to Preliminary Assessment

This report, the Preliminary Assessment, captures the current state of knowledge of understanding to be built upon. The Preliminary Assessment does not set the baseline and is a preliminary review of the recycling and composting system. The Needs Assessment will set the official baseline as described in Minn. Stat. § 115A.1450, subd. 5, and include recommendations on investments in composting facilities and best practices.

### Data confidentiality

The MPCA received multiple comments on the need for data confidentiality and a clear process for protecting private data. Collection of data from service providers will be included in the Needs Assessment and include an explanation of how data can be provided confidentially and protected as such as outlined in Minn. Stat. § 115A.1450, subd. 6. A clear plan for how to protect non-public data that will be collected to inform the Needs Assessment to capture detailed, site-specific data will be communicated.

### Data citations, transparency, and methodology

The MPCA has received similar comments from multiple parties on transparency, citation of data sources, explanation of methodology and documentation, including justification for why a calculation was performed. These concerns have been communicated to the consulting team, and the report has been revised to cite data and include a technical appendix where appropriate, as well as significant revisions within the report to better explain the data represented in tables and figures. Where calculations are informed from data or information from other states and how that calculation has been adjusted to Minnesota-conditions will be more clearly explained throughout the report.

This report contains a representation of the information we have today and will outline the clear gaps remaining, methods to fill those data gaps for the Needs Assessment and outline the limitations of the data used.

### **Specific notes on materials**

The data included in this report was driven by existing reporting structures from permitted solid waste facilities, waste haulers, and counties. Due to the granularity of the data, materials were grouped to higher levels than desired by many commenters. More material specific information will be included in the Needs Assessment.

### **Markets and gaps in report**

The MPCA received multiple concerns with the end markets section and worked with the consulting team to identify opportunities to improve that section. In addition, concerns with the cost analysis, introduced materials, analysis of infrastructure available and its capacity, and concerns with the covered materials collected are all identified as opportunities to improve data sources, transparency, and methodology. Data is cited throughout the report, including the addition of a technical appendix, and a summary at each section to provide an overview of the sources of data used to inform the section, the data gaps that remain, and how the section will be built upon for the Needs Assessment.

### **Terms, tables, and maps**

The MPCA received multiple comments on terminology used in the report. Not all terms requested to be defined may apply to the Preliminary Assessment but will be defined for the Needs Assessment.

Multiple comments were received on the need to better represent the data in tables. Revisions have been applied to cite data sources and better connect the data to the requirements of the Preliminary Assessment.

The use of the figures – particularly the maps – was noted and revisions were applied. We will bring considerations of where metro-zoomed maps would add value into the Needs Assessment. Revisions were applied to resolve the low resolution and poor readability of many of the maps. The MPCA and the consulting team moved many figures to an appendix for reference.

## **Comments by the Packaging Extended Producer Responsibility Advisory Board**

The MPCA thanks the Packaging Extended Producer Responsibility Advisory Board (Board) for their detailed analysis and recommendations to the MPCA on the Preliminary Assessment. The MPCA acknowledges the Board's concerns on the quality, accuracy and completeness of the draft Preliminary Assessment. This report relied upon data collected through existing reporting structures and both the citation of the data used, the methodologies and assumptions applied, and clarifications on the validation of this data were inconsistently cited or missing throughout the draft report.

Collection of data from service providers will be included in the Needs Assessment. A clear plan for how data, including detailed and site specific data, can be provided confidentially and protected, will be communicated to the Board, and other stakeholders.

### **Legislative Requirement #2: tons of collected covered materials**

The final report was revised to clearly cite data, explain calculations and include a technical appendix where appropriate. The report clarifies where assumptions were drawn in from other studies and how those assumptions were validated or calibrated to Minnesota.

### **Legislative Requirement #3: characteristics of recycling and composting programs**

The MPCA remedied the missing data from the SCORE details survey completed by counties for the 2024 reporting year. The consulting team used the SCORE details survey and Solid Waste Management Plans to report-out on collection opportunities available across the state. The gaps left from this methodology will be filled using surveys to inform the Needs Assessment. The report will clearly outline the limitations of the data conclusions are drawn from.

A full review of accepted materials by compost sites and material recovery facilities will be completed for the Needs Assessment, and preliminary information is included in the Preliminary Assessment to begin to document what the data needs are for that work.

The information collected and represented in the Preliminary Assessment is based on existing resources and data submitted by service providers, including counties and haulers.

### **Legislative Requirement #4: processing capacity at recycling facility**

The report includes reported tons handled by facilities, but clarifies that this is not representative of processing capacity at each facility or on a whole for the facilities within the state. Better understanding the current and potential processing capacities at facilities in the state and managing covered materials generated in the state will be further investigated in the Needs Assessment.

### **Legislative Requirement #8: average length and term of residential recycling and composting collection contracts issued by political subdivision**

The consulting team evaluated a sample of contracts to ensure this section is representative of Minnesota, and a more complete analysis will be completed as part of the Needs Assessment to inform costs and service provision.

### **Legislative Requirement #9: estimate of total annual collection and processing service costs based on registered service provider costs**

This section has been removed due to the concerns expressed by the Board and the challenges in collecting this data due to confidentiality concerns, limited time, and concerns over misrepresenting this foundational information.

### **Legislative Requirement #10: available markets in the state for covered materials and the capacity of those markets**

Markets will be identified as part of the survey and data collection process for the Needs Assessment; this section has been revised to include more markets and identify key known markets across the region and county.

### **Legislative Requirement #11: covered material sales by volume, weight and covered material types introduced by producers**

Information on material introductions have been refined based on revisiting the methodologies for the report. Gaps in this data are documented and a revised methodology will be used for the Needs Assessment.

#### **Further recommendations**

##### **Language and definitions**

Definitions in the report were aligned with statute and practices in Minnesota to ensure the report is reflective of the needs of the future program. This includes adding and clarifying definitions, improving definitions included in the draft, clarifying general programmatic information like what SCORE reporting is and a Solid Waste Management Plan.

The report has been restructured including moving some content to appendices and reordering sections to improve the flow of the content.

##### **Improve clarity, consistency, and usefulness of data in charts and maps**

Many charts and tables were revised to ensure they effectively display the data and information, including revisions to most of the maps included in the draft report and the addition of maps to help show the locations of facilities across the six regions established in the report. All maps will be evaluated for readability and to ensure the data is accurately displayed.

## **Comments by Circular Action Alliance**

The MPCA thanks Circular Action Alliance for its comments. MPCA acknowledges the need to ensure that the assessment is aligned with the requirements in legislation, data is clearly cited, methodologies are described in the report, and a request to add context throughout the report.

### **Ensure that the preliminary assessment is aligned with the requirements specified in the legislation**

The MPCA and its consulting team aligned definitions with statute and practices in Minnesota to ensure the report is reflective of the needs of the future program. This includes using “covered materials” instead of “packaging and paper products” where appropriate and using the term “recycling” consistently and as defined in the law.

Due to data limitations, much of the evaluation of covered materials and the exemptions will be completed during the Needs Assessment. The report identifies where data may misrepresent materials covered within the scope of the law.

### **Ensure it is clear where data originates from, how it is being analyzed and how conclusions are being drawn**

The final report clearly cites all data, explains all calculations and includes a technical appendix where appropriate, clarify where assumptions were drawn in from other studies and how those assumptions were validated or calibrated to Minnesota.

Due to data gaps and limitations of this report, it will not be possible to ensure all tables are accurately scoped to covered materials until further analysis is completed. It was done to the maximum extent possible based on existing data used to inform the report.

The MPCA with its consulting team better incorporated context on the law and pre-existing laws and programs, like SCORE reporting. The methodology section has been re-written to address this request.

This report captures the current state of knowledge of understanding to be built upon. Including an understanding of the demographics and socioeconomic information of the state to be built upon for the Needs Assessment.

### **There are underdeveloped sections lacking contextual evidence to support how the info being presented applies to the EPR program**

The MPCA has received similar comments from other parties on transparency, citation of data sources, explanation of methodology and documentation, including justification for why a calculation was performed. These concerns have been communicated to the consulting team. The final report was revised to clearly cite data, explain calculations and include a technical appendix where appropriate. The report clarifies where assumptions were drawn in from other studies and how those assumptions were validated or calibrated to Minnesota.

## Comments received through SmartComment webpage

### Comment I-1-1: Gary Borges

EPR is a good first step to reduce waste. Moving to more PCR resin may have issues long term. First the more you recycle a resin the more short chains will be produced leading to likely more microplastics in the environment. Secondly every time you recycle a PCR resin there will likely be more added primary and secondary antioxidants (hindered phenols) such as Irganox 1010 and phosphites such as Irgafos 168.

### Comment I-2-1: Kevin Zahler

Thanks, interesting information. There is such a huge need for a program that does all of the things necessary to prevent us from being buried in waste. The idea of reducing source of packaging materials is excellent, I am sure I do not know all of what is possible. However, to get rid of meat and seafood packaging would be a big step forward. We recycle everything we can but these packaging materials are typically not recyclable unless you buy from a butcher and it is paper wrapped. Some stores do better at this than others but still not enough. Single use plastics should be a no brainer, I have asked Chanhassen and Carver county about this repeatedly and there is no interest. Beginning January 1 we lose our organics recycling, really disappointing. We do have centralized drop places but we would only be a few to do so. This needs to be mandatory. I am sure there are many other aspects that I have not mentioned but I support all that help reduce waste materials. I am also a firm believer in the need for incineration. I know it can be done cleanly as they do in Sweden and way better than any landfill that releases even more powerful green house gasses into the atmosphere. Thanks again for allowing me to provide my thoughts.

### Comment I-3-1: Tessa Dee

I appreciate the opportunity to comment on the Preliminary Assessment for the Packaging Waste and Cost Reduction Act. I strongly support the Act's requirement that all packaging be refillable, reusable, recyclable, or compostable by 2032. This will make a large impact in reducing waste. I especially appreciate the emphasis on producer responsibility.

I would like to encourage MPCA to prioritize making recycling and composting more accessible. This could be done by providing more curbside recycling and composting options to rural communities, where people typically rely on drop-off sites. I also think there is a need to educate the public on the importance of sustainability, as well as steps that can be taken to live more mindfully of the environment. I would even recommend making a sustainability course a graduation requirement so that young adults are equipped to make responsible choices. Prioritizing accessibility and education will make sustainability more normalized, especially in rural communities.

Thank you for taking my comments into consideration.

Tessa Dee

### Comment I-4-1: Zack Bradford

Public Comment on Minnesota's Draft Preliminary Needs Assessment for the Packaging Waste and Cost Reduction Act

World Centric is grateful for the opportunity to provide feedback on the DRAFT Preliminary Assessment for the Packaging Waste and Cost Reduction Act (Draft Assessment). As a leading manufacturer of compostable products, we are deeply committed to advancing sustainable waste management practices and share the Minnesota Composting Council's (MNCC) vision for a robust and inclusive composting system in Minnesota. Our comments build on MNCC's thoughtful insights, while offering additional perspectives specific to our expertise as a compostable products brand. By addressing the gaps identified in the draft report and fostering a comprehensive and inclusive approach, this Act has the potential to drive meaningful waste reduction, strengthen composting infrastructure, and promote a thriving circular economy across the state.

#### Inclusion of Compostable Products as a Covered Material

World Centric strongly supports the inclusion of compostable products as covered materials under the Packaging Waste and Cost Reduction Act. The MNCC highlights the rapid growth of the compostable packaging industry, projected to increase by 16% annually through 2032. This underscores the importance of ensuring

compostable food service packaging and paper products are explicitly included within the scope of covered materials. We provide the following specific recommendations regarding covered materials:

On page 17 of the Draft Assessment, Table 5, we recommend including "Fiber" alongside "Compostable Paper" under the Compostable Material Type to better reflect the material category.

On page 20, the Draft Assessment notes that "Food and compostable paper and packaging accounted for 27% of the total MMSW stream, with compostable paper and packaging making up 7% of total MMSW". To avoid double counting and ensure accurate program costs, we recommend reflecting the precise percentage of materials in the stream (7%) when calculating reimbursements to service providers and costs to program participants. Producers should only be charged for the 7% total of MMSW, not the full 27% that includes all materials diverted for compost processing.

On pages 52 and 53, Table 22 and 23 list "Compostable" as a single category. We recommend breaking this down into the subcategories of food scraps, packaging, and leaf and yard debris to provide greater clarity and support accurate program costs and implementation.

#### Need for Clear Definitions

World Centric agrees with the MNCC's call for clear and consistent definitions in the Assessment, particularly for the terms "recycling", "compostable materials", and "organics recycling". These definitions should align with Minnesota state statutes and, where possible, with peer states that have passed Extended Producer Responsibility (EPR) legislation for packaging. Consistency across jurisdictions will help streamline compliance and foster broader adoption of sustainable practices.

#### Infrastructure and Processing Capacity

The Draft Assessment highlights significant gaps in composting infrastructure and processing capacity which must be addressed to support the effective management of compostable materials. We provide the following specific recommendations:

Tables 22, 25, 26, and 27 do not include baseline data on the amount of organic materials collected. Establishing this baseline is critical for predicting necessary infrastructure expansion and ensuring adequate processing capacity.

We also advocate for investments in Source-Separated Organics (SSO) composting facilities and adherence to Best Management Practices (BMPs) to ensure compostable products are effectively processed. Compensation for service providers must be commensurate with the volume of compostable materials they manage. The recent report by Closed Loop Partners, *Designing an EPR Framework to Include Compostable Packaging Recovery*, provides a tangible framework for achieving this goal.

#### End Markets for Finished Compost

The Draft Assessment lacks discussion on end markets for finished compost, which are critical for the success of composting programs. While end markets for recycling are well addressed, similar attention should be given to compost. Identifying and supporting end markets for finished compost will ensure the long-term viability of composting systems and create economic opportunities for Minnesota.

By addressing these recommendations, the Packaging Waste and Cost Reduction Act can serve as a model for sustainable waste management and the integration of compostable products into a circular economy. World Centric is grateful for the opportunity to contribute to this important discussion and looks forward to supporting Minnesota's efforts to advance sustainability."

#### **Comment I-5-1: Phillip Shaffer**

On behalf of the National Waste and Recycling Association Minnesota Chapter (NWRA MN), please see the attached Preliminary Assessment comments for the Packaging Waste and Cost Reduction Act.

See letter from Phillip Shafer, National Waste and Recycling Association Minnesota Chapter

#### **Comment I-6-1: Miriam Holsinger**

Attached are the official comments by the MN Packaging EPR Advisory Board

See letter from Miriam Holsinger, Vice Chair MN Packaging EPR Advisory Board

**Comment I-7-1: Lucy Mullany**

See letter from Lucy Mullany, Eureka Recycling

**Comment I-8-1: Andrew Morley**

See letter from Andrew Morley, MN Chamber of Commerce

**Comment I-9-1: Shoshana Micon**

See letter from Shoshana Micon, American Forest and Paper Association

**Comment I-10-1: Andrea Albersheim**

See letter from Andrea Albersheim, American Chemistry Council

**Comment I-11-1: Jane Dow**

It's important that the act have concrete goals and reduction timelines. Ideally, every two years there should be a reduction of 10%. After two years reduction should be 10% by weight; after 4 years 20%, 6 years 30%, 8 years 40% and 10 years 50%. Having goals of reduction 10% every two years keeps the producers on track and accountable. If they don't have specific timelines and goals, brand companies are more likely to not keep on track.

Also, the focus should be on reduction of plastic, not recycling plastic better so fee funds should go towards replacing plastic with reuse/refill systems and setting up infrastructure to allow that. If the focus is on recycling plastic better, we will just keep putting more toxic chemicals and microplastics into the environment. We have to develop alternative reuse systems with glass bottles that we can wash and reuse and bottle return/refund system to make sure they are collected and reused. Also the toxic chemicals phthalates, bisphenols, PFAS, anti-inflammatories and heavy metals in plastics should be banned and chemical recycling should be banned. We need to replace plastic with other sustainable materials as well. So funding fees should go towards supporting alternative materials to plastic like seaweed, algae, silkworm, mushroom root etc."

**Comment I-12-1: Partnership on Waste & Energy**

See letter from Partnership on Waste and Energy

**Comment I-13-1: Gabrielle Batzko-Conley**

Included are corrections and suggestions relevant to the North Central Region of the EPR for the Packaging Preliminary Needs Assessment.

Counties with Recent SWMP (p.14) - Stearns, Sherburne, and Benton Counties worked together on the last SWMP. All three counties submitted different reports, but collaborated on language, initiatives, and goals. All three reports were submitted in 2021.

Transfer Stations (p.44) – Is West Central Station supposed to be West Central Sanitation? If so, West Central Sanitation no longer has a transfer facility in Sauk Centre, MN.

Vonco II should be added to the list of SSO facilities for the North Central Region.

Data Gaps: MPCA Score Reporting (p.13&14) - It should be noted that the methods for obtaining information that are included in the SCORE Reporting process vary from county to county. While data may seem "complete" due to the number of counties that submit, some counties have barriers in place to ensure accurate information, while others rely on assumptions. This may create the illusion of complete data, but may not actually fully represent waste management systems and processes within an area.

Data Gaps: Cost and Organics Methods (p.14) - Later in the report (roughly p. 57), statewide cost assumptions are derived from metro-area cost data. The Data Gaps section should, therefore, not only note that the report's assumptions primarily rely on metro-area information but also clearly describe the steps taken and the additional assumptions made by the contractor to justify extending these data to a statewide context and to support confidence in their findings.

**Comment I-14-1: Minnesota Composting Council**

See letter from Minnesota Composting Council

**Comment I-15-1: Jordan Fengel**

See letter from Carton Council

**Comment I-16-1: Walter Reiter**

See letter from EPS Industry Alliance

**Comment I-17-1: Rachel Ricchio**

We at Green Group Consulting agree with the review and recommendations provided by the advisory council. We think it would be worthwhile to review how different implementations of The Opportunity to Recycle law and its funding structures affect recycling participation and perception.

Needs assessment will look into education and outreach. And how services should be provided for convenience to maximize collection.

**Comment I-18-1: Kris Coperine**

See letter from Circular Action Alliance

**Comment I-19-1: Will Grassle**

See letter from Consumer Brands Association

**Comment I-20-1: Kimberly Davis**

See letter from BPI



December 17, 2025

Minnesota Pollution Control Agency  
Attn: Mallory Anderson  
520 Lafayette Road N  
St. Paul, MN 55155-4194

RE: NWRA Comments on the Preliminary Needs Assessment

Dear Ms. Anderson and Agency Staff,

We appreciate the opportunity to provide comments on the preliminary needs assessment (PNA) for the Packaging Waste and Cost Reduction Act. While the National Waste and Recycling Association Minnesota Chapter (NWRA MN) has formal representation on the Packaging Extended Producer Responsibility (EPR) Advisory Board through Sara Bixby, the poor quality of the PNA compels us to weigh in and provide comments separately.

We concur with the Advisory Board's assessment that the draft PNA is not acceptable in its current form, and the timeline for drafting it should be extended to ensure an accurate and complete picture of the state of the system is presented.

We acknowledge this is only a preliminary document and that a subsequent, fuller needs assessment will be forthcoming in December 2026; however, this PNA establishes the foundation for the subsequent work, so it is critical that the initial analysis is accurate, well-supported, and reflective of Minnesota's unique system so that the program does not collapse upon itself as it is built out.

Specifically, we are concerned with the following:

- **Insufficient and unrepresentative data:** Projections for the entire state were made on one or two municipal data points and/or on information drawn from other states or provinces that are not comparable to Minnesota. This inaccurate, incomplete, and in some instances, unsourced data, is the basis for a number of conclusions that cannot be verified.

- **Understated system cost estimates:** The PNA plays a critical role in establishing the costs of Minnesota's recycling system, which will be the basis for reimbursing service providers and infrastructure development. The per-household per-month rate alone is particularly concerning because the estimate is much too low and sets unrealistic expectations for consumers about their share of the costs.
- **Lack of adequate protections for confidential information:** The MPCA and its consultants do not have an adequate plan to protect confidential business information (i.e., non-disclosure agreements) so the surveys to be conducted with companies may not lead to the collection of better facts. In the absence of reliable, *protected* data, the Needs Assessment cannot be allowed to default to the PNA as valid.

We understand that the MPCA is beholden to an arbitrary legislative deadline for production of both the PNA and Needs Assessment, but putting forth such a deeply flawed product and data-quality flaws, jeopardizes the ultimate success of Minnesota's Packaging EPR program.

Delaying the PNA work several months or more to effectively build a better foundation may delay the program's implementation, but only for the purpose of a better, more defensible, more successful result that Minnesota can be proud of.

Thank you for consideration of our comments. We hope you take them to heart, and continue to take advantage of our Association's knowledge and expertise in the field to get this done correctly.

Sincerely,



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December 19, 2025

Commissioner Kessler  
Minnesota Pollution Control Agency

**Re: Preliminary Assessment – MN EPR for Packaging & Paper**

Dear Commissioner Kessler:

The Packaging Extended Producer Responsibility Advisory Board is deeply concerned by the quality, accuracy, and completeness of the Preliminary Needs Assessment. While we recognize the limited timeframe for completing this assessment, the publicly issued draft contains substantial inaccuracies and unclear methodology that could mislead Minnesotans and other stakeholders working towards implementing EPR.

Developing an assessment of this importance requires adequate time to design appropriate questions, conduct interviews, and complete the necessary research to accurately capture the complexities, true costs, and capacities of the systems currently managing covered materials in Minnesota. To meet the level of quality this report requires, stakeholders participating in interviews and surveys must have confidence that any business-confidential information they provide will remain confidential. It is critical that sufficient time and effort be dedicated to verifying that the information included in the Preliminary Assessment is accurate, complete, is managed correctly, and that the resulting document clearly communicates that information to its intended diverse audience.

The Preliminary Assessment is a critical step in the process of implementing the Packaging Waste and Cost Reduction Act. In reviewing this report, we identified data gaps and misinformation in every single one of the eleven requirements set by the state legislature. These issues led to confusion, unanswered questions, and skepticism about the Preliminary Assessment as a whole. We strongly recommend that the project timeline be adjusted, at least until February 2, to provide more time to complete this report with accurate data, to develop well-documented, Minnesota specific, projections in areas where reliable data does not exist, and to leave out the data completely if it cannot be verified and represent the whole state in all its diversity.

As there is likely not time to fully complete the Preliminary Assessment, the Advisory Board identified seven of the legislative requirements with partial or unverified data that, if not corrected, would be too misleading to leave in the report. If the representative and comprehensive data cannot be obtained, we recommend leaving the information out and

instead addressing what will be done to obtain the information needed to fully and accurately address the requirement in the Needs Assessment expected to be completed in 2026.

### **Legislative Requirement #2: Tons of collected covered materials**

For Requirement #2, any data included in the Preliminary Needs Assessment must be fully sourced, transparent, and grounded in Minnesota conditions. The report should clearly cite all data sources and explain how calculations were performed so that stakeholders can understand and trust the methodology. Assumptions drawn from other states must be validated or calibrated using Minnesota-specific information—for example, per-capita municipal solid waste and recycling comparisons and findings from the recent Minneapolis capture rate study. If these steps cannot be completed, the Advisory Board recommends omitting data from this section to avoid presenting figures that could be inaccurate or misleading. Withdrawn data should be accurately completed and addressed in the Full Needs Assessment.

### **Legislative Requirement # 3: Characteristics of recycling and composting programs**

For Requirement #3, the Preliminary Needs Assessment must present a complete and accurate picture of recycling and composting programs across the state. This requires filling data gaps—beginning with obtaining information from the three counties missing from the detailed SCORE survey—so the full state is represented.

The report must clearly describe the prevalence of single-stream and dual-stream recycling programs and provide a statewide map that includes source citations. It should also clarify whether Tables 8 and 9 exclude residents who live outside city boundaries and, if so, explain how those households are counted. In areas that rely primarily on drop-off rather than curbside service, the assessment should characterize convenience and accessibility, including travel distance, operating hours, and materials accepted.

The report should more specifically identify how many composting facilities do not accept compostable packaging due to contamination or other concerns. Otherwise, as currently written, it risks giving the potentially mistaken impression that compostable packaging is widely accepted in the current system.

The report must also present accurate information on the average frequency of recycling and composting collection, including percentages of cities that have monthly, weekly, bi-weekly, subscription-based, or drop-off only recycling, as well as weighting each frequency

by population served. A similar, but separate analysis should be completed for organics collection.

Finally, the assessment should describe the types of collection containers used across the state and associated costs by covered material type. This includes documenting the prevalence of each system by population served, participation levels and typical volumes collected by container size, and the impacts different collection methods have on contamination and cost. If these elements cannot be fully and accurately completed, the Advisory Board recommends omitting this section to prevent the distribution of inaccurate or misleading conclusions. Address the gaps in the Full Needs Assessment.

#### **Legislative Requirement #4: Processing capacity at recycling facility**

For Requirement #4, any data included on recycling facility processing capacity must be thoroughly verified before it is released. Information on total tons and the composition of recyclables processed and sold should only be included if the underlying composition data is fully cited and confirmed by Agency staff as accurate and complete. In addition, Recycling Managers and/or other regional stakeholders should be contacted to verify that the data accurately reflects conditions within their counties. While not essential, it would also be helpful for the report to identify the quantity of recyclables processed outside Minnesota and to note when in-state facilities are processing tons originating from neighboring states. Data on facility processing fees should be informed by a full review of all contracts in the state, with specific notation of contracts that are not indexed to the Consumer Price Index (CPI). All processors should be interviewed, and any information or data they provide must be kept confidential and anonymized. The report must also clearly explain how cities are charged in circumstances where no processing fee exists and how those gaps are accounted for in total cost estimates.

#### **Legislative Requirement #8: Average length and term of residential recycling and composting collection contracts issued by a political subdivision**

For Requirement #8, the Preliminary Needs Assessment should only include information on the average length, terms and cost structures of residential recycling and composting collection contracts after all contracts across the state have been thoroughly reviewed. This review must identify which contracts are tied to CPI and which are not, and these distinctions should be clearly documented in the report.

**Legislative Requirement #9: Estimate of total annual collection and processing service costs based on registered service provider costs**

For Requirement #9, any estimates of total annual collection and processing service costs must be grounded in a representative and confidential dataset. Before including data in this section, interviews should be completed with a representative sample of service providers. These interviews must ensure confidentiality and anonymization of provider information and should include providers across key categories: geographic region; community density, including urban, suburban, and rural areas; and collection type, such as weekly versus every-other-week service and rear-load versus side-load equipment. Without this comprehensive and representative input, cost estimates risk being inaccurate or misleading, and therefore must be deferred to the Full Needs Assessment.

**Legislative Requirement #10: Available markets in the state for covered materials and the capacity of those markets**

For Requirement #10, information on available in-state markets and their capacity to accept covered materials should only be included once all end markets have been directly contacted and verified. Interviews with each market must confirm that the facility is currently operating or accepting materials from within Minnesota, that it accepts covered materials as part of its feedstock, and their capacity to manage those materials. Without completing this verification, any description of available markets or market capacity may be inaccurate or outdated and therefore should be omitted until the Preliminary Assessment.

Additionally, more thorough explanation of the US EPA recycling infrastructure and markets opportunity map is needed. This is especially important to distinguish the large discrepancy between the number of sites on the map and the number of end markets MPCA identified.

**Legislative Requirement #11: Covered material sales by volume, weight and covered material types introduced by producers**

For Requirement #11, any data on the volume, weight, or types of covered materials introduced by producers must be fully transparent, clearly sourced, and grounded in Minnesota-specific conditions. The report should cite all data sources and explicitly describe the assumptions used and how calculations were performed so stakeholders can understand and evaluate the methodology. When relying on data or methodologies from

other states or Canada, the assessment must validate or calibrate those assumptions using Minnesota-specific information—such as per-capita MSW and recycling comparisons or findings from the recent Minneapolis capture rate study. If these steps cannot be completed, the Advisory Board recommends withholding all data from this section until it can be accurately and thoroughly developed in the Full Needs Assessment.

## **Further Recommendations**

While the inaccurate data and misinformation was of utmost concern to the Advisory Board, we also recommend the following improvements around the definitions and language of the report as well as more clarity and consistency regarding the data used in charts and maps.

### **Recommendations regarding language and definitions**

The report should be easy to understand for all stakeholders. All assumptions, language and words need to be clearly defined. This includes, but is not limited to:

- Clarifying the difference between a *City vs Municipality*.
- Providing distinct definitions for composting processes, which should include:
  - Static Windrow
  - Aerated Windrow
  - Aerated Static Pile
- Distinguishing between a county submitting a Solid Waste Management Plan and annual SCORE data.
- Defining and including data for all non-residential covered entities, including public buildings and spaces.
- Using consistent terminology when referring to different groups of entities – e.g., *all covered entities, residential households only, or non-residential covered entities only, or all entities including covered and non-covered entities*.
- Clarifying whether “prevalence of use” refers to services offered in the area or just the proportion of households actually using those services.

Sections should be clearly labeled so readers understand whether the subject is recycling, composting, or both. For example, the “Contractual Arrangements” section appears after the composting section but only addresses recycling contracts, which is confusing. It takes a minute for the reader to realize the report is ONLY about recycling contracts and not

composting contracts. There is no comparable information on organics collection contracts, nor any indication of whether that data appears elsewhere.

The list of recycling sorting technology should make clear the impact of the different technologies on recycling capacity and covered entity access. This context is necessary to identify where capacity improvements may be needed. Each technology listed should be accompanied by sufficient context. For example, instead of stating Robotics Employing AI with “arm intended to pick” replace the phrase in quotation with “implement or other means used to positively or negatively sort specific material from passing material stream.”

Additionally, descriptions of organized collection services should always clearly state if they apply to MSW, recyclables, and/or compostable materials, as these distinctions have significant operational and cost implications. Finally, the report should reduce repetition. For example, if MRF equipment is thoroughly defined in the glossary of terms, reference the glossary rather than repeating the definitions in the MRF Technology section.

### **Improve clarity, consistency and usefulness of data in charts and maps**

The clarity, consistency, and usefulness of the charts and maps in the report need significant improvement so readers can easily understand the data and how it supports the assessment conclusions. All maps should be presented at a higher resolution, with clear labeling, and should include zoomed-in views of the metro area where appropriate, for example, when showing composting drop-off sites. Maps should also appear in the sections most relevant to their subject matter or, if more appropriate, be placed in an appendix for easy reference.

Charts require similar improvements. Each chart must include a citation to its data source, as several charts in the draft make it unclear whether the data comes from SCORE reporting or external estimates. The report should also clearly explain all assumptions, particularly when incorporating non-Minnesota data, scaling up limited datasets to represent statewide conditions, or combining rural and urban data to create consistent statewide estimates.

Where charts summarize city-level infrastructure (i.e. tables 8 and 9), the report should indicate whether data excludes residents living outside of city boundaries, and if so, document what percentage of the households and non-residential covered entities are not included in the chart. In addition to sorting by region, all data should also be sorted and presented by density (i.e. urban and rural) to provide a more complete picture of varying needs and costs.

The draft report also includes several charts that contain similar but conflicting data. Any inconsistencies across charts, or between charts and the written text, should be

reconciled or explained through notes or an appendix. For example, tables 5, 6, 10, 24, 26, and 27 were all very similar but also slightly different. This led to confusion as to why they were different – was there an error or is the difference due to differing data sources.

Some charts reproduced from external entities include information unrelated to covered materials and would be more appropriate in an appendix. For example, instead of reprinting the full table from the REC Guidelines that include items such as mirrors, bakeware, scrap metal, and batteries, the report should reference the original chart and include only the portions relevant to covered materials.

Finally, combine related charts so stakeholders can easily understand the full needs assessment, for example, the following charts should be displayed together:

- Current collection of covered materials
- Projected generation of covered materials, and
- statewide processing capacity of covered materials

This gives readers a full picture of where Minnesota is doing well in terms of recovery, has capacity for expected increase in recovery, and needs to improve. This will also help check data accuracy. For example, if estimated current collection of covered materials is 90% of estimated generation of covered materials, based on capture rates studies, we know at least one of those data points is incorrect.

## **Summary Recommendation**

We strongly recommend extending the project timeline to ensure that:

- Data and information included in the report is:
  - Accurate and relevant to Minnesota
  - Used only when they represent a comprehensive or truly representative sample
  - Excluded from the report if it cannot meet the above criteria with details stating how more complete and accurate data will be obtained for the full needs assessment.
- Definitions and terminology are consistent and clearly described so that all stakeholders can understand the report.
- All maps, charts and data are cross-referenced, well labeled, easy to read and accompanied by clear documentation when discrepancies occur between data sources.

The Advisory Board is united in its commitment to helping Minnesota launch a strong and effective EPR program. A thorough Preliminary Needs Assessment is essential for the work ahead. We appreciate your attention to these concerns and your continued partnership in this work. We remain ready to support the Agency in developing the robust, transparent, and equitable system Minnesotans deserve.

Thank you for your time and consideration.

Sincerely,

Minnesota's Packaging Extended Producer Responsibility Advisory Board

Victoria Reinhardt, Ramsey County, Board Chair

Miriam Holsinger, Eureka Recycling, Board Vice Chair

Gabrielle Batzko-Conley, Stearns County / Tri-County Solid Waste Commission

Sara Bixby, National Waste & Recycling Association (NWRA)

Megan Daum, American Beverage

Kate Davenport, Recycling Partnership

Mike Griffin, MN Zero Waste Coalition

Sydney Harris, Upstream

Bill Keegan, DEM-CON

Gregory Melkonian, AMERIPEN (Serlin Haley)

Shoshana Micon, American Forest & Paper Association

Maggie Schuppert, CURE

Mac Sellars, r.World

Jon Steiner, Polk County ESA

Steve Vrchota, Pope/Douglas Solid Waste Management

December 19, 2025



Commissioner Kessler  
Minnesota Pollution Control Agency  
520 Lafayette Rd,  
St Paul, MN 55155

Re: Preliminary Needs Assessment – MN EPR for Packaging & Paper

Dear Commissioner Kessler,

We appreciate the work of MPCA staff and Eunomia to draft the Preliminary Needs Assessment—a foundational step in implementing Extended Producer Responsibility (EPR) for Packaging and Paper. Developing a statewide needs assessment of this scope and complexity is a substantial undertaking, and we recognize the effort that has gone into assembling and synthesizing information from across Minnesota’s recycling system. At the same time, we are concerned that the Preliminary Needs Assessment, as drafted, contains significant inaccuracies, unsupported assumptions, and data gaps that—if left unaddressed—risk undermining effective implementation of the law.

Eureka Recycling has served the Twin Cities for more than 20 years. As a mission-driven recycler operating a collections fleet and a materials recovery facility—and working daily with cities, counties, and residents across Minnesota—we know firsthand that recycling system costs, capacity, and performance are variable and deeply local. The current draft relies too heavily on incomplete datasets, extrapolations from other states, and assumptions that are not sufficiently grounded in Minnesota conditions. Presenting this information as statewide estimates—without full sourcing, verification, or transparency—could lead to policy and program decisions based on data that do not reflect how Minnesota’s recycling system actually operates or the state’s unique needs.

As intended by the Legislature, a strong EPR program should be a tool for reducing waste, supporting high-quality recycling systems—including maintaining bale quality, safe working conditions, and effective operations—and expanding equitable access to upstream programs such as reuse, repair, and community recycling systems. Building such a program requires needs assessments that are thoughtful, thorough, and grounded in Minnesota’s existing infrastructure and local expertise. Without this foundation, policy risks prioritizing generic solutions that fail to deliver real environmental, social, and economic benefits for Minnesota communities.

Where representative, Minnesota-specific data do not exist or cannot be verified within the current timeline, we strongly urge the Agency to omit those figures from the Preliminary

Assessment and clearly identify them as data gaps to be addressed in the Full Needs Assessment. Inaccurate data is more harmful than incomplete data—especially at this stage.

We also urge MPCA to ensure that:

- All data included are fully sourced, transparent, and clearly explained;
- Assumptions from other states are validated against Minnesota conditions or not used;
- Information provided by recyclers and service providers is kept confidential and anonymized to encourage honest participation; and
- The report does not imply capacity, access, or market readiness that does not currently exist.

Finally, the timeline for completing the Preliminary Needs Assessment was extremely compressed. The pace of this process limited opportunities for meaningful public input and careful data validation. Repeating a similar approach for the Full Needs Assessment would, by its nature, leave out many crucial voices. Packaging waste affects every Minnesotan, and its impacts are not experienced equally—particularly in low-income communities, communities of color, Tribal communities, and rural areas. As the Agency begins work on the Full Needs Assessment, it is critical to establish a more deliberate, transparent, and inclusive process that allows sufficient time for engagement, incorporates expertise from affected communities and system operators, and produces analysis that is both credible and durable.

Eureka Recycling supports a strong, effective EPR program that prioritizes waste reduction, reuse, and real recycling—and that requires a needs assessment Minnesotans can trust. We urge the Agency to ensure the needs assessments include thorough data validation, meaningful engagement, and clear, reliable conclusions.

Thank you for your consideration and for your continued partnership in implementing a strong EPR for Packaging & Paper program in Minnesota.

Sincerely,



Lucy Mullany  
Vice President of Policy & Advocacy  
Eureka Recycling  
[lucym@eurekarecycling.org](mailto:lucym@eurekarecycling.org)



December 19, 2025

Minnesota Pollution Control Agency  
c/o Mallory Anderson  
520 Lafayette Road  
St. Paul, MN 55155

Ms. Anderson,

I write today on behalf of the Minnesota Chamber of Commerce (Chamber), a statewide organization representing more than 6,300 businesses and more than 500,000 employees throughout Minnesota, providing comment on the Preliminary Needs Assessment (PA) required by the Packaging Waste and Cost Reduction Act (Act).

Minnesota became the fifth state to pass into law an extended producer responsibility (EPR) program for paper and packaging. The legislature created aggressive deadlines under the Act, including completing the PA by December 31, 2025, which informs the final needs assessment, due on December 31, 2026. These assessments must provide accurate, reliable data to inform the program's fees on producers, reimbursement of waste haulers, and overall programmatic success.

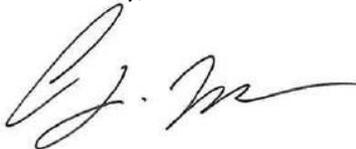
Unfortunately, the PA is riddled with significant data gaps and blind assumptions. The PA utilizes information from just a few EPR programs, many of which have vastly different infrastructure and solid waste policies that do not allow any substantive conclusions to be drawn.

Information needed to enable an EPR program in Minnesota is inaccurate and incomplete. For example, there are significantly more Materials Recovery Facilities (MRFs) than the PA indicates. In turn, the PA indicates there are broad, geographic regions that lack recycling infrastructure, despite functional and operational resource availability in those areas; this incorrectly portrays broad disparities in recycling access across the state. In the absence of data reflecting the realities of Minnesota, the PA consistently substitutes data from other states, which gives no guarantee the data presented is representative of the jurisdiction the program will cover. Additionally, while the PA shares a total list of end markets, it fails to illustrate total end market capacity; without this certainty, it's impossible to project what the fate of collected recyclable material will be, and whether there is available end market capacity. With a lack of end market certainty, warehouse resources must be detailed and decisions made on whether or not to warehouse. The above examples only detail a few of the unknowns created by faulty or incomplete data. Instead of driving decisionmaking, it instead creates a lack of confidence in Minnesota administering a successful EPR program.

Because the PA is intended to be the foundation on which Minnesota's EPR program rests, it is imperative to close data gaps and discrepancies prior to enacting aggressive program implementation deadlines, not only to ensure a successful EPR program in Minnesota, but because PA data will also be used to inform other EPR programs throughout the country. The enumerated, aggressive deadlines in theory stand up an EPR program faster. However, a program set up on an aggressive timeline does not guarantee overall program success.

Other states are monitoring Minnesota's rollout of the Act to gauge whether or not to engage in EPR laws for paper and packaging. Should the MPCA, the Producer Responsibility Organization (PRO), and its contractors seek programmatic success for the fifth EPR program in the country, the Chamber first recommends a complete overhaul of the PA as well as reevaluation of the compressed timelines for data collection.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Morley", written in a cursive style.

Andrew Morley  
Director, Environmental Policy  
Minnesota Chamber of Commerce  
[amorley@mnchamber.com](mailto:amorley@mnchamber.com)  
763-221-7523



Submitted via [comment form](#) to the Minnesota Pollution Control Agency.

December 19, 2025

**RE: Comments on the Draft Preliminary Needs Assessment for HF 3911 Minnesota’s Packaging Waste and Cost Reduction Act**

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to provide comments on the draft preliminary needs assessment for HF 3911, Minnesota’s Packaging Waste and Cost Reduction Act. We look forward to continued engagement with the Minnesota Pollution Control Agency (MPCA) as we refine the approach toward improving recycling. These comments are submitted independently from Shoshana Micon’s participation as an Advisory Board member for implementation of HF 3911.

The American Forest & Paper Association (AF&PA) serves to advance public policies that foster economic growth, job creation and global competitiveness for a vital sector that makes the essential paper and packaging products Americans use every day. The U.S. forest products industry employs more than 925,000 people, largely in rural America, and is among the top 10 manufacturing sector employers in 44 states. Our industry accounts for approximately 4.7% of the total U.S. manufacturing GDP, manufacturing more than \$435 billion in products annually. AF&PA member companies are committed to making sustainable products for a sustainable future through the industry’s decades-long initiative — [Better Practices, Better Planet 2030](#).

**Paper Recycling Works**

Paper recycling is essential to our industry’s efforts to achieve important sustainability goals and build a more circular value chain. Paper is one of the most widely recycled materials in America, turning used paper into new, essential products Americans rely on. In fact, more than 2/3 of all paper recycled in the U.S. is turned into new products at mills nationwide. In 2024, we recycled around 46 million tons, translating to an overall paper recycling rate of 60%-64%.

Paper recycling is also vital to our national supply chain. AF&PA members own and operate more than 100 materials recovery facilities across the country. About 80% of U.S. paper mills use some recycled paper to make new, sustainable products. Our industry is scaling up the use of recycled paper. U.S. mills used 1.29 million more tons of recycled paper to make new products in 2024 – that’s 32.7 million tons compared to 31.3 million tons in 2023.

Our industry has prioritized recycling for over 30 years, and we are committed to continued progress. AF&PA members are not just participants in the recycling system, we are helping build and improve it through voluntary industry investments that use more recycled paper, create jobs, and innovate in our U.S. manufacturing processes. During 2019-2025, our industry invested in projects at paper mills that will use over 4.5 million additional tons of recycled paper. Companies built new mills, upgraded old ones, and modernized equipment.

The findings from the Preliminary Needs Assessment set the baseline for successful program implementation. It is essential that the Preliminary Assessment reflects the true cost of doing business and complexity of Minnesota's waste recovery network. Please find below our feedback on the Preliminary Needs Assessment for implementation of HF 3911.

### **Data Concerns**

Throughout the report, there are a concerning amount of data gaps and inaccuracies that are not appropriately highlighted. The report should use the "Red, Yellow, Green" rating system presented to the Advisory Board at the October 29 meeting to help communicate the level of confidence in the data for each section. If there are significant enough data gaps, that information should be removed from this report and be addressed instead in the Needs Assessment. The report also needs citations throughout to show where data is coming from. Without defensible data, there isn't a defensible program.

Additionally, the data needs to be based exclusively on MN data. The report uses proxy data from Washington State to estimate the ratio of recycling that is collected from multi-family versus single-family units. This information must be based on the realities of MN recycling access.

The report highlights the limitations of the data currently collected through SCORE reporting. It is essential that the data is collected in a uniform manner during the Needs Assessment to alleviate these concerns.

### **Covered Entities**

In the Covered Entities section on page 11, the report excludes "executive offices and legislative offices, combined, correctional institutions, parole offices and probation offices" from the Public Administration NAICS codes that were evaluated. In statute a covered entity is defined as "a state agency, political subdivision, public area, public entity as defined in section [115A.151](#)." Public entity is defined in 115A.151 as "the state, an office, agency, or institution of the state, the Metropolitan Council, a metropolitan agency, the Metropolitan Mosquito Control Commission, the legislature, the courts, a county, a statutory or home rule charter city, a town, a school district, a special taxing district, or any entity that receives an appropriation from the state for a capital improvement project after August 1, 2002." Based on these definitions, the currently excluded NAICS codes should be included in the scope of this evaluation.

## **Commonly Accepted Materials for Recycling and Exemptions**

Some of the materials mentioned in Table 10, on page 26 are exempt from MN's EPR Program. It should be clear that even though the materials are on the Minnesota Recycling Education Committee Recycling Outreach Guide, they are not under the jurisdiction of this program. For example, bound books and products that recycling or composting facilities will not accept because of the unsafe or unsanitary nature of the paper products are exempt are both listed in the Guide while being exempt from the program, but that status is unclear.

Paper napkins and towels are under the "Not Accepted" column and the hardcover books are under the "Maybe Accepted" column. It also needs to be clear that the tissues in a tissue box are not accepted or covered by this program. All of these could have an asterisk denoting "Exempt" added instead if removing them from the list creates confusion.

Additionally, this chart lacks clarity on the acceptance of non-wax coated corrugated cardboard.

## **Processing Capacity**

We recommend excluding the information on total tons processed by Material Recovery Facilities (MRFs) on page 37. It is important for us to have information on processing capacity, as that provides the current upper limit and indicates what additional investment is needed. Showing what has been processed without showing the maximum of what can be processed results in the current data presented being misleading, out of context, and potentially inaccurate.

## **Covered Materials Introduced by Producers and Collected for Recycling**

The information in Table 22, on page 52, presents an incredibly large range of the tons introduced by producers by material category. The ranges for flexible plastic and compostables are significantly larger than the other material categories. More information is needed on why these categories have such large estimated ranges.

## **End Markets for Covered Materials**

The End Markets section leads to more confusion than clarity for stakeholders in this process. It remains unclear which facilities are truly end markets that meet the statutory requirements for MN. This is not helped by the fact that the EPR statute uses the phrase "Responsible markets" while the Assessment references "End Markets" and the distinction of whether material has reached the "end" is important to determine which facilities fall under which requirements. The MPCA Recycling Market Directory lists nine recycling markets for paper/fiber. However, the majority of markets in that directory are MRFs, not mills. MRFs receive material and sort it into bales but do not recycle material into new products and should not be considered the end markets for any material that is covered by this EPR program. For recovered fiber, paper mills are the End Market because that is where recovered material is processed and made into new products. There are two mills in MN that currently accept recovered fiber and several more mills in the surrounding states that potentially accept recovered fiber bales from MN.

The U.S. EPA Map includes MRFs, anaerobic digesters, composting facilities, MSW landfills, transfer stations, wood recycling facilities, paper recycling facilities, and wood secondary processors. Not all these facilities qualify as end markets. Additionally, this data is from 2018-2021 and is not updated in real time and therefore does not reflect the reality of end markets in MN. We recommend removing the current data in this section and providing more information in the Needs Assessment.

### **Inconsistent Paper Characterization**

Table 5, on page 17, breaks out the paper material type into five categories: corrugated cardboard and boxboard; newspaper and magazines; mixed paper; other paper; and gable-top and aseptic cartons. However, in Table 6, on page 19, the SCORE report has nested mixed paper under the other paper category. Mixed paper is by far the largest paper category in Table 19, on page 38. The inconsistency between Table's 5 and 6 may lead to data discrepancies or inaccurate data. Additionally, in Table 19, there seems to be either an extra digit or erroneous comma for tons per year of corrugated cardboard and boxboard for the TCMA region.

We recommend that more categories are created from the "Other Paper" category. The list is currently made up of several very distinct types of packaging with variable recycling rates. Lumping these all together would distort the realities of paper recycling rates and make it harder to identify which packaging types have high recycling rates and which need improvement. There should be distinct "Paperboard," "Polycoated Paperboard," "Shredded Paper," "Kraft Paper," "Molded Fiber," and "Paper for General Use" categories for examination. More clarity is needed on whether coated corrugated cardboard is included under "Corrugated Cardboard and Boxboard."

### **New Statewide Waste Characterization Study**

Although not yet finalized, the results from the new statewide waste characterization study are key to successful program implementation. A mechanism should be put in place to ensure that the information from that study is integrated into the Needs Assessment and is integrated for the benefit of the EPR program. If possible, the Eunomia team should partner with the Waste Characterization Study team to prevent duplicative efforts.

### **Confidentiality**

During the outreach efforts for the Needs Assessment, stakeholders require assurance that the data they provide will remain confidential.

### **Maps**

Many of the maps throughout the report are not accessible. They are hard to read and understand, are blurry, and have incredibly small text.

**Closing**

Thank you for your consideration of our comments. We appreciate the ongoing collaboration between AF&PA and MPCA to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon, Manager, Recycling and Packaging Sustainability, at [Shoshana\\_Micon@afandpa.org](mailto:Shoshana_Micon@afandpa.org) or Frazier Willman, Manager, Government Affairs, at [Frazier\\_Willman@afandpa.org](mailto:Frazier_Willman@afandpa.org) if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Pitts", written over a horizontal line.

Mark Pitts  
Interim Vice President, Industry Affairs  
American Forest & Paper Association

December 19, 2025

Minnesota Pollution Control Agency  
520 Lafayette Road N  
Saint Paul, MN 55155-4194

**Re: Comments on the Preliminary Assessment for the Packaging Waste and Cost Reduction Act**

Dear Mallory Anderson:

The American Chemistry Council (ACC) appreciates the opportunity to provide comments on the draft Preliminary Assessment prepared under Minnesota's Packaging Waste and Cost Reduction Act. Central to ACC's mission is advancing policies that improve environmental outcomes, strengthen recycling systems, and support a more circular economy for plastics and other packaging materials.

As outlined in ACC's public principles on extended producer responsibility (EPR) for packaging, successful and durable EPR programs are grounded in high-quality data, transparent methodologies, fair and equitable cost allocation, and thoughtful infrastructure planning that supports material recovery and circularity.<sup>1</sup>

ACC recognizes that the Preliminary Assessment represents an early step in Minnesota's implementation process. At the same time, because the Needs Assessment will establish the baseline for the program and will only be updated every five years, it is critical that the analytical foundation set at this stage is sufficiently robust, transparent, and reflective of Minnesota's unique system. With that context, ACC offers the following high-level observations and recommendations intended to support the development of a durable and effective EPR framework for the state.

## Observations and Recommendations on the Preliminary Assessment

### 1. Data limitations and reliance on proxy values

The Preliminary Assessment acknowledges that gaps in available Minnesota-specific data required reliance on national estimates, proxy values, and secondary literature. While this approach may be necessary at an early stage, it constrains the precision of findings related to system costs, infrastructure needs, and material flows.

To strengthen the Needs Assessment, MPCA should prioritize the use of Minnesota-specific data wherever possible and clearly document where proxies are used, why they were selected, and how uncertainty will be addressed as additional producer and system data become available.

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<sup>1</sup> Revolutionizing Recycling: The Future of EPR in the U.S. <https://plasticmakers.org/wp-content/uploads/2024/04/Revolutionizing-Recycling-The-Future-of-EPR-in-the-U.S.-FINAL.pdf>



## 2. Transparency and validation of modeling assumptions

Several projections in the Preliminary Assessment, including those related to collection system upgrades, MRF modernization, and material-specific capture rates, are based on assumptions that are not fully explained or validated within the document.

As the process moves forward, greater transparency around modeling inputs, scenario selection, and sensitivity analysis would improve confidence in the results and help ensure that the Needs Assessment reflects real-world system conditions.

## 3. Connection between findings and program implementation

While the Preliminary Assessment identifies high-level system gaps and cost drivers, it does not clearly explain how these findings will inform program design decisions, such as infrastructure investment priorities, cost allocation mechanisms, or performance expectations under the statute.

ACC encourages MPCA to clarify how assessment outputs will be used in rulemaking, implementation planning, and future program adjustments, particularly given that the Needs Assessment will serve as a baseline for several years.

## 4. Material categorization and system characterization

Some material groupings and system characterizations in the Preliminary Assessment differ from approaches used in other state EPR assessments. These differences may complicate cross-state comparisons and influence modeling outcomes.

Providing clearer justification for categorization choices, and aligning where appropriate with commonly recognized frameworks, would improve consistency and enhance the usefulness of the Needs Assessment for producers and other stakeholders operating across multiple states.

## 5. Consideration of recycling pathways and system flexibility

The Preliminary Assessment references recycling options but provides limited discussion of the full range of pathways being incorporated into modern EPR programs nationwide. A more complete understanding of available pathways is important for accurately assessing infrastructure needs and circularity potential.

As the Needs Assessment is developed, MPCA should ensure that system evaluations reflect the full range of viable recycling technologies and pathways, consistent with a technology-neutral approach that supports innovation and improved material recovery.

## Stakeholder engagement and validation

Given the acknowledged data limitations and modeling assumptions in the Preliminary Assessment, continued engagement with producers, recyclers, local governments, and other system stakeholders will



be essential to validating assumptions and improving data quality as the Needs Assessment is developed. Early and ongoing stakeholder input can help ensure that real-world system conditions are accurately reflected and that the Needs Assessment produces actionable, durable outcomes that support effective program implementation.

## Conclusion

The Preliminary Assessment is an important step toward establishing a comprehensive Needs Assessment that will shape Minnesota's EPR program for years to come. Strengthening the data foundation, improving transparency around assumptions, clarifying how findings will be used in implementation, and engaging stakeholders throughout the process will help ensure that Minnesota's program is effective, equitable, and grounded in real-world conditions.

ACC welcomes the opportunity to meet with MPCA to discuss our comments in greater detail and as the Needs Assessment and implementation phases progress. Please contact Andrea Albersheim at [Andrea\\_Albersheim@americanchemistry.com](mailto:Andrea_Albersheim@americanchemistry.com) or at (202) 249-6173 if you would like to schedule a meeting.

Sincerely,

**Andrea Albersheim**

Director, Plastics Sustainability Policy

American Chemistry Council

[Andrea\\_Albersheim@americanchemistry.com](mailto:Andrea_Albersheim@americanchemistry.com)

(202) 249-6173



December 22, 2025

Minnesota Pollution Control Agency  
c/o Mallory Anderson  
520 Lafayette Road N  
St. Paul, MN 55155-4194

**Re: Partnership on Waste and Energy Comment on the Draft Preliminary Assessment Required Under the Packaging Waste and Cost Reduction Act**

Dear Ms. Anderson,

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board consisting of Hennepin, Ramsey and Washington counties, formed to address waste management and energy issues. The Partnership seeks to end waste, promote renewable energy and enhance the health and resiliency of the communities we serve while advancing equity and responding to the challenges of a changing climate.

The Partnership played a key role in laying the groundwork for and securing passage of the Packaging Waste and Cost Reduction Act (Act). This included coordinating extensive stakeholder engagement to build support for what became the most significant waste reduction and recycling legislation passed in decades. The Partnership has a significant interest in seeing the Act is implemented effectively to achieve the important outcomes established in the Act. It is in that spirit that the Partnership submits the following comments on the draft Preliminary Assessment.

The Partnership recognizes the short timeframe within which the Minnesota Pollution Control Agency (Agency) and its project consultants were given to complete the work called for in the Preliminary Assessment provisions of the Act. The task at hand is significant. The commencement of work, unfortunately, was too late to allow the production of the kind of report needed at this stage of implementation of the Act. The intention of the Preliminary Assessment is to compile information critical to the completion of the Needs Assessment by the statutory deadline of December 31, 2026, and subsequently the assembly of the stewardship plan. We are very concerned that the draft report does not adequately meet that charge.

The draft report acknowledges gaps in certain categories of data required to be included in the Preliminary Assessment. Similarly, some of the information presented appears to be incorrect or based on sources, methodologies, estimates or assumptions that are not clearly identified. This makes it difficult to independently validate the accuracy or robustness of some of the information, reducing the confidence in some of the data and findings and how they will be used. For example, incomplete identification of facilities in the solid waste and recycling system, including non-licensed operations, or overlooking the existing network of organics drop-off sites in Hennepin, Ramsey and Washington counties conveys an inadequate picture of the current reuse, recycling and composting system.

The report contains many maps that are hard to comprehend, with suboptimal resolution or high numbers of overlapping dots making it impossible to interpret locations and counts of represented features. It would be helpful if some of these maps were accompanied by complete documentation,

PARTNERSHIP ON WASTE AND ENERGY  
HENNEPIN | RAMSEY | WASHINGTON

100 Red Rock Road | Newport, MN 55055  
info@recyclingandenergy.org | 651-768-6670

such as the underlying lists of solid waste system features to allow identification of potentially outdated, incorrect or missing features. An example would be including a list of organics drop-off sites depicted in the map in Figure 5 in an appendix and breaking out at least the metro region for a more readable map, or distinguishing between yard waste compost sites and MSW transfer stations now combined in the regional Transfer Stations maps.

The draft report uses some key terms and concepts inconsistently and lacks definitions for some of them. Greater specificity and clarity of intent and meaning are needed to guide program planning and implementation and ensure compliance with the scope and intent of the Act. For example, public spaces, public entities and public buildings seem to be used interchangeably without definitions or apparent consistency with statutory language, recycling markets is undefined, composting is sometimes included under recycling and MSW is not consistently distinguished from recyclable materials when referencing organized collection.

The Partnership strongly supports extending the completion deadline to allow for a Preliminary Assessment report that:

- Provides a comprehensive list of what data is needed.
- Presents fully vetted data.
- Clearly identifies data that does not fully meet that threshold or is missing and how those weaknesses and gaps will be addressed in the Needs Assessment in 2026.
- Uses terminology consistently and clearly defines key concepts and terms for a common understanding and interpretation of data and findings.
- Presents maps and graphics in ways that are easy to understand.
- Elaborates on how the Agency will involve counties and other interested parties in the next stage of research.
- Shares key milestones and timelines for the work planned in 2026, including addressing known gaps or inadequacies in the completed Preliminary Assessment.

The counties in the Partnership stand ready to serve as resources to the Agency and its consultants in future efforts to gather, confirm or clarify missing or problematic information to improve confidence in what is presented in the completed Preliminary Assessment. We encourage the Agency to work proactively with counties to refine the data and gather high-quality information.

Looking forward to the Needs Assessment, we support the creation of regular opportunities for input as that work proceeds, rather than relying on a single public comment process. Continuous collaboration will improve assumptions, prevent data inaccuracies and build better framework for implementation.

The Partnership strongly encourages the Agency to take the time necessary to complete the Preliminary Assessment in a way that creates a more solid foundation for the Needs Assessment and provides significant value to the implementation of the Act, with the aim to maximize benefits to all Minnesotans and achieve the important environmental goals presented in the Act.

Sincerely,



Commissioner Fran Miron, Washington County  
Chair, Partnership on Waste and Energy

Minnesota Pollution Control Agency  
c/o Mallory Anderson  
520 Lafayette Road N  
St. Paul, MN 55155



December 22, 2025

Dear MPCA,

The Minnesota Composting Council (MNCC) appreciates the opportunity to provide comments on the draft Preliminary Needs Assessment for the Packaging Waste and Cost Reduction Act. The MNCC, a state chapter of the United States Composting Council, is a non-profit organization dedicated to the development, expansion, and promotion of the composting industry in Minnesota based on sound science, principles of sustainability, and economic viability.

The MNCC has the following comments on the draft needs assessment:

We are happy that Minnesota's Packaging Waste and Cost Reduction Act includes compostable products as covered materials. The Composting Consortium/Ameripen estimate that compostable packaging industry is expected to increase 16% annually through 2032, 4 times faster than traditional plastic packaging. (Jan 2024 CC doc). We will continue to assert the importance of Minnesota's law including compostables and all components of the organics system being covered as appropriate by the law.

We feel the Draft Preliminary Needs Assessment is missing a great amount of detail as it pertains to the composting industry.

## Glossary of Terms (p. i-iv)

Wherever possible, definitions and/or programs in the Preliminary Needs Assessment should match and refer to State Statute.

Additionally, there are terms which refer to 'recycling' (e.g. Retail drop-off sites). It's unclear if this usage of 'recycling (n)' or throughout the report is referring to the State Statute definition for recyclable materials, which includes source-separated compostable materials. A definition for recycling (n) should be added to clarify whether or not it is used to refer to recyclable and compostable materials or just traditional recyclable materials in this report.

***Aerated Static Pile:*** *A composting method in which organic materials are piled and aerated using a system of perforated pipes or blowers, without the need for turning. Covered or uncovered.*

- Suggested addition: 'Covered or uncovered.' This is listed on page 49 in the description of the main types of composting.

**Mixed Waste Processing (MWP):** *A facility or system that receives unsorted municipal solid waste and separates it into recyclable, compostable, and/or residual waste streams using mechanical and/or manual methods.*

- Suggested addition: '/or'; not all MWP systems separate compostable materials.

**Organics Recycling:** *Programs that accept food scraps and/or compostable packaging and paper (source separated organics) to be delivered to a compost site or anaerobic digester to be recycled.*

- Suggested addition: '/or'; it's possible that not all Organics Recycling programs in Minnesota accept compostable packaging and paper.

**Static Pile Composting:** *A composting method where organic materials are piled and aerated without turning, often using perforated pipes or blowers.*

- Suggested: A composting method where organic materials are piled and not aerated. They may be turned periodically.

**Source-Separated Organics (SSO), Compostable Materials, or Organics:**

- Definition should be the same as state statute definition for Source-Separated Compostable Materials ([115A.03 Subd. 32a](#))
- Suggested addition: 'Compostable Materials'; is also used / referenced in the draft Preliminary Needs Assessment.

The following terms should be defined in the draft Preliminary Needs Assessment:

- Anaerobic Digestion
- In-vessel Composting
- Circular Action Alliance (CAA)
- Composting / Organics Recycling
- Covered Entity(ies)
- Exempt Materials
- Food Packaging
- Household (or update definition for Single Family Residence)
- Needs Assessment
- Paper Product
- Political Subdivisions
- Public Entities

- Public Spaces / Areas
- Recyclables / Recyclable Materials (verify usage throughout draft report if its usage does or does not include Source-Separated Organic Materials [SSOM])
- Responsible Markets
- Service Cost
- Solid Waste Management Plan (SWMP)
- Yard Waste

The following terms do not reference the potential usage for SSO or at composting or Anaerobic Digestion facilities and should be updated to reflect that they may also be used for these programs/facilities.

- Conveyors
- Drum Separator
- Magnets / Eddy Currents
- Manual Presort / Load Inspection
- Recycling Shredders
- Screens

## Overall comments

The draft Preliminary Needs Assessment does not clearly identify data sources, what is excluded, and refers to estimates used in other state calculations that should not be readily applied to Minnesota. Further, the draft Preliminary Needs Assessment only provides information and estimates for residential programs. It does not include information on tons of materials collected, characteristics of reuse, recycling or composting programs (number of, container types, current tons collected, potential tonnage available for collection/diversion), or service cost for the following service providers:

- Schools and childcare data
- Non-profits
- Public buildings
- Public spaces (how defined)

Information included in the Preliminary Needs Assessment needs to be clear on what it does include, what it doesn't and why. If there isn't a clear answer to why certain information is not included, it may be best to state that additional research is needed to fully understand the current reuse, recycling and composting systems in Minnesota, Covered Materials entering the state and where additional infrastructure is most needed to help meet the goals of the Packaging Waste and Cost Reduction Act.

## Executive Summary (p. 1-3)

The Executive Summary provides a snapshot of the report for *recyclable materials*, but the same snapshot is not provided for compostable materials (container types/sizes, materials accepted, tons of materials collected).

The State Statute definition of Recyclable Materials ([115A.03 Subd. 25a](#)) includes Source-Separated Organic Materials (SSOM). In some cases it seems the usage of recyclable materials throughout the draft report explicitly excludes SSOM and sometimes it seems to include it.

For example, it appears that the following sentence from page 2 of the draft report includes compostables in the usage of ‘recyclables’, however most other places in the draft report it seems to specifically exclude compostables.

The acceptance of recyclables including cardboard, mixed paper, glass bottles and jars, and aluminum and steel cans is almost universal throughout MN; however, the acceptance of PET and HDPE is less consistent, and materials such as PS, film, flexibles, and **compostable packaging** are not widely accepted.

The report should include a definition of ‘recyclables / recyclable materials’ and its usage throughout verified to be accurately depicting how it’s intended to be used.

## Introduction / Background (p. 5)

Page 5 identifies ‘*collection lists*’ in two different spots. Should this be changed to ‘list of recyclable and compostable materials’ or ‘covered materials lists’? The law requires the development of ‘*RECYCLABLE OR COMPOSTABLE COVERED MATERIALS LISTS; EXEMPT MATERIALS LIST* ([115A.1453](#))’ it does not call for collection lists.

Page 6 states that the Needs Assessment will include ‘*Recommendations on where investments should be made in collection, sorting and responsible markets*’. It should also include *processing* to more appropriately address compostable materials/systems; and should reference needs for reusable products and systems.

## Minnesota covered entities (p. 11-12)

A clearer description of the data and specific details of covered entities should be included. For example:

- Does ‘K-12 schools’ include both public and private?
- Public buildings: A list of what is not included as a ‘public building’ is provided, but not what *is* included. Does public building include every governmental building? If so, this number seems low. Why are the following items not considered public buildings?: legislative offices, correctional institutions, parole offices and probation offices. Any building owned or leased by a public agency in Minnesota should be included. The law

(115A.144 subd.9. (5), defines a public entity as: ‘a state agency, political subdivision, public area, public entity as defined in section [115A.151](#), or other governmental unit.’ The public entity definition in 115A.151 is as follows: “the state, an office, agency, or institution of the state, the Metropolitan Council, a metropolitan agency, the Metropolitan Mosquito Control Commission, the legislature, the courts, a county, a statutory or home rule charter city, a town, a school district, a special taxing district, or any entity that receives an appropriation from the state for a capital improvement project after August 1, 2002”

- Public Spaces should be separated from Public Buildings and both should be defined. A clear description of how Public Buildings and Public Spaces are quantified and the data sources should also be included.

## Covered materials and covered material types (p.17)

Compostable products covered as one broad category. To more appropriately address products introduced in the state, we feel this category should be broken out into the following:

- Compostable paper
- Compostable fiber
- Compostable plastic (rigid vs. film)
- Compostable plastic-lined paper

Page 19-20: *Table 6: SCORE data availability and mapping to covered material types and categories* does not include Compostable Materials. Organics are reported by Counties in their SCORE reporting. That data should be included in this draft report.

Page 20 states, ‘*Food and compostable paper and packaging accounted for 27% of the total MMSW stream, with compostable paper and packaging making up 7% of total MMSW.*’ Is this information representative of just covered entities, or all MSW in the state? Please clearly describe where these data points came from, is it by weight or volume. If by weight, it is important to also identify if the 7% that is compostable paper and packaging is a wet-weight or a dry-weight.

Additionally, in collecting the data above, how were products with more than one material type (recyclable, compostable, and trash) separated for sorting? For example, a coffee cup. The cup itself and the lid could be recyclable(?), compostable or trash and the sleeve could be recyclable or compostable. The Needs Assessment and PRO Stewardship Plan (ecomodulated fees) need to very clearly state how these multi-material category products/packaging will be quantified and addressed when they are not separated by the user for proper disposal of the individual components.

## Characteristics of composting programs (p. 27-34)

Page 27 states '*Organics management systems (composting or other methods of organic waste treatment) are required to recycle compostable packaging and paper.*' This is not a true statement. Each facility has the ability to choose what materials they will or will not accept.

Page 28 states '*...there is a robust collection system for yard waste throughout the state. Understanding this collection network may help identify opportunities for small-site composting to help manage compostable packaging and paper.*' Page 33 additionally discusses coverage of organics drop-off (and yard waste) collection sites.

In one of these sections the report should include:

- Additional details on access of yard waste programs: some have it included in their collection program fees, some need to sign up and pay for yard waste collection services, and some choose to bring yard waste to a drop-off site.
- An explanation and discussion that yard waste composting facilities are Permit By Rule (PBR) facilities where active composting may not be occurring on-site.

Knowing which PBR yard waste sites are actively composting is imperative to evaluating where 'small sites' could be sited next to the yard waste facility. Additionally, the report should not just be encouraging adding 'small sites' to existing PRB yard waste sites, but should instead be focusing on the need for the development of new SSO composting facilities.

Best management practices (BMPs) for collection of food scraps and compostable products is to meet the Process to Further Reduce Pathogens (PRFP), the minimum time and temperature needed to effectively break down bacteria and pathogens. This time and temperature also ensures compostable products fully break down in the system. Understanding which facilities are 1. Actively composting and 2. Following BMPs and meeting PRFP is necessary to understanding current capacity and future capacity needs to properly manage compostable packaging. PBR yard waste sites and small composting sites are not required to meet PRFP. Increasing small site composting without following proper BMPs may result in unintended outcomes giving the composting industry and use of the finished product, compost, a bad reputation.

Page 29 discusses collection and drop-off programs in the TCMA and Greater Minnesota. The information in this section is incomplete and not entirely accurate. Organics drop-off sites exist in all metro counties, not just Carver and Scott. The Ramsey / Washington Counties section states that the bags are provided 'free of charge'. This isn't entirely accurate as bags are included in the overall program costs, which residents are paying for, just not on utility bill. It only includes a list of Greater MN *curbside* organics programs by county. This section is severely

lacking information and provides an incomplete picture of organics programs and processing capacity in Greater Minnesota and also the TCMA. The following information should be collected and included in the draft and full Needs Assessment.

- Details on past organics collection programs (e.g. City of Mankato – now a drop-off program)
- Non-public organics collection programs (e.g. Duluth Compost)
- Other TCMA or GM organics drop-off programs organized by municipalities, counties or composters themselves.

Page 30 discusses WLSSD's (now called Resource Renew) commercial organics diversion requirement for 'pre-consumer' waste, but does not discuss similar requirements in Hennepin or Dakota counties or that the Metro SWMP will require all counties to develop requirements for all large generators to have diversion programs in place for large generators by 2033 (p.43 of Metro SWMP). These laws do not require the collection of organics from the front-of-house where most Covered Materials would be located.

The report should include:

- Which and how many of these large generators are covered Services Providers
- How many collect post-consumer organics in addition to pre-consumer (minimal Covered Materials in pre-consumer)
- Estimated current diversion of compostable packaging (and other Covered Materials)
- Estimated diversion potential
- Estimated processing capacity needs to properly manage all compostable packaging based on these requirements.

There are also 6 cities in the TCMA who have 'Green to Go' / 'Zero Waste Packaging' ordinances that only allow food establishments to use to-go packaging that is reusable, recyclable, or compostable. No information on these programs is included in the report. These laws support the goals of the Packaging Waste and Cost Reduction Act to have all Covered Materials be reusable, recyclable or compostable and [State Statute 115A.551](#) to recycle and compost 75% of waste in the TCMA and 35% in Greater Minnesota.

Page 30 states '*Other containers referenced by MPCA SW Planners include totes and clear bags.*' The section provides a description of a clear bag program, but there is no description of a 'tote' program included. This type of a bag program, in which organics are collected in a non-compostable bag where the bag is emptied and disposed of as trash, will need to be addressed to ensure the compostable materials and the bag (both Covered Materials) are properly managed.

Page 30 refers to the Organics Recycling (Outreach) Guide that was developed by the MNCC. The guide was originally created by a sub-group of the Association of Recycling Managers that was then passed on to the MNCC for regular updates. The draft report should note that all active SSO composters in the state are given the opportunity to review and comment on the Organics Recycling Outreach Guide before updates are finalized.

Page 33 notes that only two County websites were reviewed for how the Organics Recycling Outreach Guide has been used. Both of the County webpages reviewed are metro counties. Why was there not a review of a County or a solid waste district, or even a composter's acceptability list from Greater Minnesota? The report should refer to acceptability lists from composters as they have the authority to decide what they will accept and therefore what materials should be included on the Compostable Covered Material list.

Page 34: A column should be added to *Table 17: Number of Minnesota residential organics drop-off sites* to include the number of drop-off sites by region - not just the color dot on the map (Figure 5). The final Needs Assessment should include additional information including but not limited to: type and size of containers at each location, collection frequency, number of entities using the drop-off site, and the distance users are traveling to the site. This information will be crucial to understanding current capacity and accessibility for users and future infrastructure needs to meet the requirements of the law.

## Overview of Infrastructure (p.35-38)

Page 35: The row for Transfer Station Solid Waste & Recycling category in *Table 18: Recycling, transfer stations, and organics composting facility infrastructure by region* should be broken out into separate lines that identify which transfer stations accept MSW only, which accept MSW and recyclables and which accept MSW and organics – or any combination thereof. This breakdown (possibly color coded) should also be used to identify materials collected on the Transfer Station maps on pages 41 – 46 and *Table 20: Transfer station permitted capacity by region* (p.47) should include facility data for transfer stations accepting SSO as well.

The draft report does not include any information on mixed waste processing facilities (e.g. Ramsey/Washing Recycling & Energy and 5-county Polk County region) or other facilities that pre-process garbage to capture additional recyclables or organics. These need to be identified and information clearly detailed on what part they play and the recovered materials from these systems play for the overall program goals in the Needs Assessment and the Stewardship Plan.

Page 49: *Table 21: Composition of SSO tons processed by region* should be updated with additional rows added to more clearly state the permitted capacity and available capacity. Is the tonnage included total facility permitted tons (SSO + YW), or if it is SSO only tons? Additionally, the draft report, or Table 21, should identify which SSO permitted facilities are not

currently processing SSO. It's important to identify capacity available for increased SSO at sites currently accepting SSO and those who are not currently processing SSO at all.

Page 49 states that there are *'three main types of composting'*. The draft report, full Needs Assessment and Stewardship Plan should include and address In-Vessel Composting and Anaerobic Digestion and how they relate to the EPR program. Additionally, the definitions used here for Aerated Static Pile and Static Pile Composting are not accurate and/or do not match the definition section of the draft report. They should match or the definitions after the types in this section should be removed.

### Contractual agreements (p. 49-50)

This section does not discuss facility processing fees charged to collectors delivering covered materials for composting for any covered service provider - not for residential, public entities, schools, non-profits, public spaces.

This draft report also does not discuss contamination in organics by any covered entity. Understanding contamination rates, how much material is managed as contamination at composting facilities and the cost of managing contamination is imperative to ensuring Product fees are set to appropriately cover collection and processing from all Service Providers.

### Covered materials introduced by producers and collected for recycling (p. 52-53)

The Packaging Waste and Cost Reduction act lists *'paper products that recycling or composting facilities will not accept because of the unsafe or unsanitary nature of the paper product'* as exempt materials. Unsanitary paper products need to be clearly defined and agreed upon by composters in this draft report, the full Needs Assessment and the Stewardship Plan.

Table 22 and 23 list 'compostable' materials as one category. This category should be broken down further into the following:

- Compostable paper
- Compostable fiber
- Compostable plastics
- Compostable plastic-lined paper

Additionally, authors should discuss whether or not there should be a category or column added for % of each material category that is not reusable, recyclable or compostable through existing reuse, collection or drop-off infrastructure in the state. The percent, weight or volume of covered materials that is not able to be managed by the current system will help identify material categories that benefit most from product redesign or alternate collection systems.

Tables 24 – 27 (pages 54 – 56) detail estimates of covered materials collected for recycling in 2024. They do not include tons of SSO or compostable packaging. This information is missing and should be included. Table 28 (page 56) includes organics as part of the ‘collected for recycling’ category. Organics should be split from this calculation.

### Indicative service costs (p. 57)

Organics costs on page 57-58, a unit of time is not included for the cost per household. It is assumed the unit of time is per month, but it should be clearly stated in the report.

The report should also include costs for other covered entities – not just ‘households’, cost for operating drop-off sites should also be included.

### End markets for covered materials (p. 59-60)

There is no discussion of end markets for finished compost in the report.

Thank you for the opportunity to provide comments on the draft Preliminary Needs Assessment. The MNCC is available to answer any questions you have regarding these comments and looks forward to the opportunity to help ensure Minnesota’s EPR program for packaging is appropriately developed to include compostables covered materials at the same level as recyclable covered materials.

Sincerely,



Kellie Kish  
MNCC  
Legislative Committee Chair

To: MPCA, Attention of Mallory Anderson via portal at:  
<https://mpca.commentinput.com/?id=m3bVDJdWA>

From: The Carton Council

Re: Comments on Preliminary Needs Assessment

Date: December 22, 2025

The Carton Council of North America is composed of four leading carton manufacturers - Elopak, Novolex, SIG, and Tetra Pak. Formed in 2009, the Carton Council works to deliver long-term collaborative solutions to divert valuable cartons from the landfill and ensure the desired fiber material from recovered cartons is used beneficially in manufacturing new products.

The Carton Council appreciates the opportunity to provide feedback on Minnesota's Preliminary Needs Assessment (PNA).

We suggest the project team consider making the following changes/corrections to the tables indicated:

- As is being suggested by the Advisory Group/MPCA, we suggest that all data sources be indicated in the PNA, as well as appropriate limitations of the data – e.g., when a material type may not be fully accounted for due to the manner in which data are collected, such as cartons which comprise Grade 52 but are also present in substantial quantities in Grade 54.
- Table 6 in the PNA indicates that 10 counties (of 87) reported cartons data as a separate category in SCORE reporting. Note. The table indicates that cartons include “aseptic containers and drink boxes.” This description is inaccurate as drink boxes are aseptic containers. We suggest this be revised to “food and beverage aseptic and gable-top cartons.” Where additional clarity is needed, we suggest “fiber-based food and beverage aseptic and gable-top cartons.”
- Table 10 appears to be derived from information developed by the Minnesota REC, however we find the information as presented to be confusing. We suggest it be revised. In this table, the first column indicates what is accepted, the second what is not accepted, and the third what “may be accepted” (to account for variability among different programs in the state. This first column, for food and beverage

cartons, appears to conflate food and beverage cartons with egg cartons. We suggest the phrase “Clear plastic egg cartons” in the first column under the cartons section be deleted as this appears to be an error. We suggest this be replaced with “Fiber-based food and beverage aseptic and gable-top cartons.” This clarifies that plastic packaging, such as plastic egg cartons, is not included in the category. Additionally, we suggest excluding the second column altogether. It is supposed to indicate what is NOT accepted in the category. Such explanations can add confusion because they can’t possibly list all excluded items, and what might be erroneously included in that category is highly subjective. We suggest changing the third column to “Examples of material type.” In the cartons section, we also suggest deleting the information in the third column pertaining to paper egg cartons, as it is not relevant to fiber-based food and beverage cartons, and again conflates different material types. Further, the third column is not where materials not included are described. The image below indicates what we suggest deleting.

Cartons (aseptic and gable-top cartons)		
<ul style="list-style-type: none"> <li>Clear plastic egg cartons</li> </ul>	<ul style="list-style-type: none"> <li>Ice cream cartons</li> <li>Plastic coated paper takeout cartons</li> <li>Foam egg cartons</li> <li>Foil drink pouches</li> </ul>	<p>Accepted for recycling at the majority of MRFs, but one or more MRFs do not accept them:]</p> <ul style="list-style-type: none"> <li>Milk and juice cartons</li> <li>Juice boxes</li> <li>Soup, broth and wine cartons</li> </ul> <p>NOT accepted for recycling at the majority of MRFs, but one or more MRFs do accept them:</p> <ul style="list-style-type: none"> <li>Paper egg cartons</li> </ul>

- Also in Table 10, the “paper” category does not include cartons. We suggest fiber-based food and beverage cartons be added to this category, as they are paper-based packaging like the other items listed under the paper material type, and are often included in mixed paper.
- It is our understanding that SCORE data pertains to material that is collected, sorted, and marketed for recycling, not simply material that is “collected for recycling” as is indicated in several tables throughout the report. This needs to be clearly indicated in the PNA (Examples include Tables 24 and Table 27) and the Needs Assessment. Further, any limitations to SCORE data should be indicated, as appropriate.

- Table 24 shows tons recycled by residential households of 4 units or less by region for 2024. It shows the following tonnages for the regions indicated:
  - TCMA (Twin Cities Metro Area) – 216
  - NE (Northeast) – 0
  - NW (Northwest) – 5
  - NC (North Central) – 8
  - SE (Southeast) – 234
  - SW (Southwest) – 10

We suggest that if the data for the NE region is greater than zero, this zero be changed to < 1 ton to reflect that cartons are being recycled in the region.

- Table 27 shows the average pounds per household of 4 units or less of cartons collected for recycling in 2024 by region. For cartons, it indicates zero in several regions.
  - TCMA – 0
  - NE – 0
  - NW – 0
  - NC – 0
  - SE – 2
  - SW – 0

We suggest that these numbers be changed to indicate the portion of pounds per household (e.g., 0.25), or indicate <1 pound per household where appropriate so that it does not appear that cartons are not collected for recycling (per Table 24, some quantity of cartons is collected for recycling in all regions except potentially one). As presented, the data are misleading.

- Further, the recycling data pertaining to cartons appears to only include cartons sorted into Grade 52 (cartons only) bales. This needs to be indicated in the PNA, and we suggest that in the Needs Assessment the total number of cartons recycled be estimated to include cartons marketed in Grade 54 (mixed paper) by the residential sector. The Carton Council's recycling estimates suggest that the majority of cartons being recycled in Minnesota are in Grade 54 bales.

Additionally, we find the market information to be extremely broad and would like to add the following pertinent information regarding end markets for cartons, which can be

included in mixed paper (Grade 54) or sold in carton-specific bales (Grade 52). North American markets known to accept cartons in Grade 54 (mixed paper) include:

- North Pacific Paper Company (NORPAC) - Longview, Washington
- Hamilton Manufacturing – Twin Falls, Idaho
- Sonoco
  - City of Industry, California
  - Holyoke, Massachusetts
  - Brantford, Ontario, Canada
  - Hartsville, South Carolina
  - Chattanooga, Tennessee
  - Newport, Tennessee
  - Richmond, Virginia
  - Menasha, Wisconsin
  - Wisconsin Rapids, Wisconsin

North American Markets known to accept cartons as Grade 52 include:

- Essity, Barton, Alabama
- Sustana Fiber, Breakeyville, Quebec, Canada
- Sustana Fiber, De Pere, Wisconsin
- Upfactory Materials, Des Moines, Iowa
- Upfactory Materials, Lodi, California (soon to open)
- Kimberly-Clark de México, Ecatepec de Morelos, Mexico, Mexico

Further, Carton Council would like to express interest in being interviewed by Eunomia for the Needs Assessment. We ask that the project team contact me at [jordan.fengel@cartoncouncil.org](mailto:jordan.fengel@cartoncouncil.org) to schedule an interview.

Again, we appreciate your consideration.

Sincerely,



Jordan Fengel,  
Executive Director, Carton Council



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●●● Innovative solutions for a sustainable future

December 22, 2025

Minnesota Pollution Control Agency  
c/o Mallory Anderson  
520 Lafayette Road N  
St. Paul, MN 55155-4194

Via electronic submission only

Re: Draft Minnesota Preliminary Assessment for the Packaging Waste and Cost Reduction Act  
(November 2025)

Minnesota Pollution Control Agency:

Thank you for the opportunity to comment on the Draft Minnesota Preliminary Assessment for the Packaging Waste and Cost Reduction Act ("Draft Assessment"). These comments are offered to support data integrity, statutory alignment, and long-term program effectiveness as Minnesota implements its extended producer responsibility (EPR) framework.

#### **Covered Material Categories and Statutory Alignment**

The Draft Assessment acknowledges that material categories are mapped "as closely as possible" to statutory covered material definitions due to data limitations (Draft Assessment, pp. 17–19). However, several categories materially diverge from statutory scope. Notably, Table 6 aggregates expanded polystyrene (EPS) and other polystyrene packaging with a broad "Mixed Rigid Plastics #3–#7" category that also includes PET clamshells, LDPE tubs and lids, and foodservice articles (p. 19). All foam packaging is not expanded or extruded polystyrene, but there are not descriptors for polyurethane, expanded polyethylene, expanded polypropylene or other foam material. This approach could result in conflation of all foam packaging as EPS and obscure material-specific characteristics, recovery pathways, and statutory treatment.

Because the Packaging Waste and Cost Reduction Act (PWCRA) regulates defined covered materials rather than aggregated waste streams, continued reliance on mixed plastics categories risks misattributing tonnage and management challenges to producers outside statutory scope. At minimum, such aggregated categories should be clearly caveated and excluded from any material-specific conclusions, and future Needs Assessment work should prioritize disaggregation consistent with material categories necessary for full implementation of the PWCRA.

### **SCORE Data Limitations and Treatment of Assumptions**

The Draft Assessment relies heavily on county-reported SCORE data and acknowledges that such data are not designed to support material-specific EPR accounting, noting inconsistent reporting practices and frequent aggregation of plastics into broad categories (pp. 18–19). To address these limitations, the Draft applies a series of assumptions and corrective factors, including disaggregation of PET and HDPE from mixed rigid plastics and subtraction of ferrous “scrap” based on MRF composition estimates, while leaving other materials, including polystyrene and foam plastics, fully aggregated (pp. 19–20).

The Draft Assessment presents the composition of tons processed by the 17 MRF’s as an aggregated tonnage estimate for rigid plastics #3-#7 but also presents a disaggregated value for #5 and a category for #6 with a value of zero tons. The 2013 Waste Characterization reported a value for PS#6, presumably an aggregate of expanded, extruded, general purpose and high impact polystyrene. The values reported by this waste characterization assessment going forward will be used for setting producer responsibility obligations and fee modeling. Accurate material-specific characterization aligned with statutory covered material categories will be essential in establishing an equitable program aligned with statutory requirements and objectives.

These issues highlight the importance of distinguishing between descriptive waste stream analysis and statutorily relevant covered-material characterization as Minnesota’s EPR program advances toward the Needs Assessment phase.

### **Use-Based Statutory Exemption**

The Draft Assessment also highlights a broader challenge associated with use-based statutory exemptions, which cannot be reliably identified through waste characterization or SCORE reporting alone. Certain materials are exempt from coverage based not on material type, but on product use or regulatory context. A clear example is expanded polystyrene (EPS) cold-chain packaging, which may be used either as pharmaceutical shippers that are statutorily exempt or as food delivery coolers that are covered materials. Once these items enter the waste stream, however, they are visually and physically indistinguishable, and neither waste sorts nor administrative reporting can determine whether a given EPS container originated from an exempt medical use or a covered food application.

While the Draft Assessment appropriately acknowledges that some reported materials include both covered and exempt items (e.g., newspaper and print materials; agricultural film and boat wrap exclusions in Table 6), it does not describe a systematic methodology for identifying and excluding use-based exemptions across categories. As a result, any aggregation of EPS or similar materials necessarily risks including exempt materials within covered-material tonnage estimates. To preserve statutory fidelity and avoid misattribution of responsibility, MPCA should clearly treat such estimates as provisional and should develop an explicit exemption-screening framework—separate from waste characterization—to be applied in the Needs Assessment and subsequent program implementation.

**Residential Bias and Non-Residential Packaging**

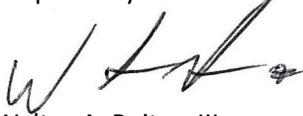
The Draft Assessment relies heavily on residential single-family recycling data while estimating multi-family and school waste streams using out-of-state assumptions (pp. 12, 53–55). This approach risks mischaracterizing non-residential covered packaging, including transport and distribution packaging that is central to durable goods, appliances, pharmaceuticals, and cold-chain logistics.

**Conclusion**

Correcting these issues before the Needs Assessment phase will strengthen program credibility, protect statutory fidelity, and reduce the risk of inequitable producer obligations as Minnesota's EPR program is implemented.

The EPS Industry Alliance appreciates the opportunity to answer any questions or provide additional information.

Respectfully submitted,



Walter A. Reiter, III

Director, Advocacy and Regulatory Development  
EPS Industry Alliance



December 22, 2025

Mallory Anderson  
Minnesota Pollution Control Agency  
520 Lafayette Road North, Saint Paul, MN 55155-4194

Re: Comments on Minnesota's Preliminary Assessment pursuant to the Packaging Waste Cost Reduction Act section 115A.1450 Subdivision 3

Dear Mallory:

Circular Action Alliance (CAA) is pleased to provide comments on the draft preliminary assessment, which is required by statute 115A.1450 Subdivision 3, *Content of preliminary assessment*. This is part of the *Packaging Waste Cost Reduction Act (PWCRA)*, which passed as part of the larger HF 3911 Environmental and Natural Resources Appropriations budget bill during Minnesota's 2024 Legislative Session.

CAA is a U.S. Producer Responsibility Organization (PRO) dedicated to implementing effective Extended Producer Responsibility (EPR) laws for paper and packaging. CAA is the PRO appointed by the Minnesota Pollution Control Agency (MPCA) for the law's first five-year stewardship plan. As a nonprofit, producer-led organization, CAA is committed to helping producers comply with EPR laws, delivering harmonized best-in-class compliance services and working with governments, businesses, and communities to reduce waste and recycle more. CAA was founded in 2022 and has 24 founding members representing the food, beverage, consumer goods, and retail industries.

We have provided detailed comments in the attached submission, organized around the following key issues:

**Ensure that the preliminary assessment is aligned with the requirements specified in the legislation:** Subdivision 3 of 115A.1450 clearly specifies what is required to be included in the preliminary assessment while referencing other statutes within the *Act*. The document uses several terms interchangeably that have different meanings from legislation, and it is unclear whether the measurements cited align with the terms used.

For example,



- The terms “covered materials” and “packaging and paper” may not have the same meaning or be measured in the same way. “Covered material” excludes exempted or excluded material, whereas packaging and paper does not.
  - “covered materials” refers to the PWCRA statutory scope of packaging and paper products introduced into Minnesota by designated producers and excludes exempted materials and those not used by covered entities.
  - “packaging and paper” means all packaging and paper products and is not limited to the statutory scope in the PWCRA.
- It is not clear whether the term “recycling” as used in the report is equivalent to what is defined in PWCRA (e.g., does it refer to collected, marketed or processed). Furthermore, composting is often referred to as recycling in the report, but composting is specifically excluded in the definition of recycling in the legislation.

Clarification in these areas is important as this information is used to inform key aspects of the stewardship plan.

It would also be helpful to ensure tables included in the preliminary assessment are edited to pertain to the legislative scope. For example, Table 10 that refers to the Recycling Education Committee’s Guide should be scoped to covered materials only. It would also be helpful to ensure the categories align with the provisional covered material list.

Additional attention should also be paid to the table labels to ensure that they reflect values displayed. In general, we recommend refining the terminology, measurements, and data visualization of items within the preliminary assessment to accurately align with the legislation.

**Ensure it is clear where data originates from, how it is being analyzed and how conclusions are being drawn:** The report currently lacks clarity about the data being used, how it is being assessed based on the parameters of the legislation and how certain conclusions are being drawn. For example, if SCORE data is being used to assess the materials currently recycled, the report should more clearly outline how this assessment was done. The following questions should be addressed:

- Did the methodology exclude any non-covered materials (e.g., books, paper towels, napkins, pots and other scrap metal) or materials that were generated by non-covered entities?
- Do certain material categories include more non-covered materials than others and what was the process to remove them?



- Do the tons collected for recycling by region take into account different consumption rates, recycling rates or seasonal populations, or are they based on a per capita formula?
- How are current compost rates for covered materials calculated (as Table 28 appears to include)?

It would also be helpful for the report to include more basic information, such as how the SCORE data is reported, the guidance provided (e.g., where and how measurements are calculated for recyclables, compostables and reusables), and whether it is audited. This description would support the use of the data to build the preliminary findings and helps to validate its use and where potential weaknesses may exist. The reader should be able to understand and be able to replicate the results. For example,

- it is not clear why certain NAICS codes were used and others were not; or
- whether the report is modelling school recycling data based on all schools in Minnesota having active programs and whether it is reasonable to assume all schools currently have recycling programs.

The report does not clearly lay out how data provided throughout the report is used to generate the amount of covered materials currently recycled. It is understood that the data may not be robust or fully comparable at this point to the requirements provided for in the legislation, but the report should clarify what validation may have been undertaken to better validate the results.

Finally, consideration should also be provided about what information included in the report is necessary. Certain information, like socioeconomic data, is presented, but no analysis is provided applying it to the assessment. It may be more appropriate to hold this type of information for the full needs assessment where proper analysis can be provided, otherwise it appears that the preliminary assessment is actually using this information within its methodology.

**There are underdeveloped sections lacking contextual evidence to support how the info being presented applies to the EPR program:** Throughout the document, relevant analysis and context were missing that would allow the reader to understand how the information and conclusions presented were formulated. General demographic information did not inform strategy, and overviews of MRF technologies lacked adequate analysis or Minnesota-specific relevancy. Contractual arrangements and end markets contained minimal supporting information or out-of-date information that was previously



called out during advisory board meetings.

Additional information would be helpful to understand:

- how Minnesota municipalities and service providers currently define responsible end markets or what requirements they might have in place as where materials might be sent;
- how curbside or depot costs might compare to other jurisdictions as the current cost range appears substantially lower than cost data from other states;
- how the current MRF and compost infrastructure may impact the quantity of covered materials currently recycled or processed through compost facilities.

It is clear that a lack of adequate time has limited this preliminary assessment. Given the fundamental role that the needs assessment plays to shape the EPR program statewide, it is critical that data gaps are addressed. In addition, the report should outline clearly where these inadequacies exist and how they will be addressed as part of the full needs assessment.

We would like to thank MPCA for the ongoing collaboration with our team and the opportunity to provide our comments on the draft preliminary assessment. We would welcome the opportunity to meet with your team to discuss our comments in further detail.

Sincerely,

Kris Coperine

CAA Minnesota Program Manager



December 22, 2025

VIA [Public Comment Form](#)

Minnesota Pollution Control Agency  
520 Lafayette Road N  
St. Paul, MN 55155-4194

## **Re: Minnesota's Preliminary Assessment for the Packaging Waste and Cost Reduction Act**

As the association for the consumer-packaged goods (CPG) industry, including makers of food, beverage, personal care, and household products, the Consumer Brands Association (Consumer Brands) advocates for uniform, workable, and durable regulatory frameworks that are informed by risk-based science, promote consumer choice, and build consumer trust across the sectors we represent. State-by-state patchwork regulations cause uncertainty to the industry and confusion to consumers. Consumer Brands supports state and federal frameworks that ensure clarity for consumers and efficient interstate commerce.

CBA champions the industry whose products Americans depend on every day, representing more than 2,000 iconic brands. From household and personal care products to food and beverage products, the consumer-packaged goods ("CPG") industry plays a vital role in powering the U.S. economy, contributing \$2 trillion to the U.S. GDP and supporting more than 20 million American jobs. The CPG industry also plays a crucial role in creating a more sustainable future through its products and has prioritized packaging and recycling innovation. All of the 25 largest CPG companies in the United States have made commitments to increasing recyclable content, source reduction, or reuse of material. Eighty percent of those companies are working toward introducing fully recyclable packaging for all of their products by 2030 at the latest.

Consumer Brands appreciates the opportunity to provide comments on the Minnesota Pollution Control Agency's (MPCA) preliminary assessment for the Packaging Waste and Cost Reduction Act, published on November 19, 2025. Consumer Brands commends the MPCA's thoughtful process for establishing a workable and data-driven program for Minnesota, informed by this preliminary assessment and the comprehensive needs assessment slated to be published in late 2026. While Consumer Brands is grateful for the Agency's thorough process in establishing a program that works for all Minnesotans, we have some concerns pertaining to assessment's misalignment with statutory requirements, substantial data gaps and unclear data organization and a lack of clarity on how the assessment's findings are pertinent to and will inform the development and implementation of Minnesota's program. We believe the following are opportunities to further improve the preliminary assessment and aid in the development of future assessments:

### **Preliminary Assessment Lacks Alignment with Legislative Requirements**

Consumer Brands has serious concerns regarding the significant misalignment of the data and findings presented in the preliminary assessment, and what statute dictated that the assessment include. Section 115A.1450, subdivision 3, clearly states what must be included in the preliminary assessment to effectively inform the development and rollout of Minnesota's

program, yet there are multiple instances in which the submitted assessment fails to include the required data and findings.

Section 115A.1450, subdivision 3, paragraph (2), requires the preliminary assessment to include “tons of collected covered materials;” yet the assessment’s reported recycling tonnages are largely based on counties SCORE data, which is not specifically tailored to track covered materials, and, therefore, the data utilized in the assessment includes materials outside of the program’s scope, leading Eunomia to make significant assumptions to remove non-covered materials.

Section 115A.1450, subdivision 3, paragraph (9), requires the assessment to present “an estimate of total annual collection and processing service costs based on registered service provider costs,” grounding the cost estimates in real service provider data. The assessment acknowledges that cost data was difficult to obtain, as service provider registration data was very limited, yet, despite these serious data limitations, it still presents an estimated statewide total cost projection without clearly tying the estimate to actual registered service provider cost submissions.

These two examples of misalignment are not comprehensive of all the ways the assessment failed to align with Minnesota’s statutory requirements. The statutory requirements for the preliminary assessment were well thought out and purposeful, aimed at informing an effective packaging EPR program. By failing to align with these requirements, the preliminary assessment poses a serious risk to the ultimate success of designing an effective program in Minnesota.

### **Preliminary Assessment Utilizes Incomplete, Insufficient and Often Outdated Data**

Although Consumer Brands appreciates the preliminary assessment’s acknowledgement of the substantial gaps in data relied upon in developing this assessment, we must reiterate and highlight these concerns, as their impact on the rollout of Minnesota’s program is tantamount. The preliminary assessment relies heavily on Minnesota counties’ Solid Waste Management Plans (SWMPs), which provide details on counties’ recycling and composting programs. The assessment’s reliance on these plans is of particular concern as only 32 counties’ SWMPs, representing only 75% of Minnesota’s population, were utilized in the assessment, leaving a substantial gap in the data relied upon. As well, as noted in the assessment, not all of the 32 counties’ SWMPs included all relevant recycling and organics program details needed for the assessment, and counties report material types at different levels of details, for example some counties’ SWMPs lump all rigid plastics together, leading the Eunomia to make consequential assumptions to disaggregate material types, specifically plastic material types.

### **Need for Greater Clarity on How the Preliminary Assessment will Inform Minnesota’s Program**

While the assessment provides a substantial amount of “descriptive” data, Consumer Brands is concerned about the serious lack of information detailing how the assessment findings connect to specific program implementation decisions. For example, there is practically no analysis on how the findings will inform the development of collection lists, how the data will inform recyclability and compostability determinations, how infrastructure findings will guide

investments, and more. Without this clarity, stakeholders lack a clear understanding of how the preliminary assessment will shape the beginning phase of Minnesota's packaging EPR program.

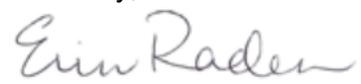
**In addition to Consumer Brands concerns with the preliminary assessment, Consumer Brands would like to highlight areas within the assessment that we ardently support and applaud MPCA's efforts.**

### **Compostability Framework Aligns with BPI Certification**

Consumer Brands appreciates the preliminary assessments recognition of the Biodegradable Products Institute (BPI) certification as an accepted standard for determining compostability. BPI certification is the industry-recognized standard in North America for compostability validation. Acceptance of BPI certification will streamline compliance, provide clear guidance for producers, and ensure that materials designated as compostable meet stringent, credible criteria. This alignment will also reduce consumer confusion and ensure that compostable packaging in the program is verifiably compatible with existing organics processing infrastructure.

Thank you for your consideration of these comments. Consumer Brands and its members are committed to supporting the successful implementation of Minnesota's Packaging Waste and Cost Reduction Act. Please feel free to contact me if you have any questions or would like to discuss further. I can be reached at [ERaden@consumerbrandsassociation.org](mailto:ERaden@consumerbrandsassociation.org).

Sincerely,

A handwritten signature in cursive script that reads "Erin Raden". The signature is enclosed in a thin black rectangular border.

Erin Raden  
Senior Director of State Affairs  
Consumer Brands Association



December 22, 2025

Minnesota Pollution Control Agency  
c/o Mallory Anderson  
520 Lafayette Road N  
St. Paul, MN 55155-4194

Dear MPCA,

The Biodegradable Products Institute (BPI) is North America's leading authority on compostable products and packaging, certifying over 50,000 products from collection bags to food containers. For more than two decades, BPI has given consumers confidence in compostability claims with the backing of science-based standards, while enabling authentically sustainable choices for brands and packagers. BPI champions a systems-wide transition to the circular bioeconomy through rigorous testing, policy advocacy, and industry collaboration, building the infrastructure for "A World Without Organic Waste"—where food scraps and certified compostable packaging become resources. BPI is a non-profit 501(c)(6). To learn more, visit [www.bpiworld.org](http://www.bpiworld.org) and follow us on LinkedIn.

BPI appreciates the opportunity to comment on the *DRAFT Preliminary Assessment for the Packaging Waste and Cost Reduction Act*. BPI is pleased that the preliminary assessment is well underway; however, we also have concerns with some gaps in detail at this point.

**On the glossary of definitions.** While we are pleased that the report includes definitions of terms such as “organics recycling,” “source separated organics,” and several of the composting methods, we seek clarity on the use of the term “organics recycling,” which is not defined in statute, instead of “composting,” which is. BPI encourages aligning definitions with those in statute and adding the following definitions as well to help ensure alignment with terms used and understood across the program: “composting,” “compostable material,” “compostable paper and packaging,” “food packaging,” “exempt material,” and “paper product.”

**On the covered materials categories.** We appreciate that the covered materials and covered material types include compostable paper and plastic, however we recommend that that this category be broken out into more detail – to better understand statewide sales, collection, and processing – and include:

- Compostable paper/fiber
- Compostable rigid plastic
- Compostable film plastic
- Compostable lined paper/fiber

We also recommend separating the “compostable” category in Table 22 and Table 23 to reflect the covered material categories suggested above.



**On labeling regulations:** Clear labeling on ASTM-certified compostable products, such as those that are BPI certified, is necessary to combat contamination in composting streams. BPI appreciates that the Draft Preliminary Assessment mentions the BPI logo but encourages MPCA to require ASTM-certified composting labels generally, which will ensure inclusivity of other certifying organizations.

**On gaps in the data.** To support improved data collection and assessment of composting programs, BPI encourages future assessments to include information required to be reported by statute. Some examples of information gaps include:

- SCORE data (or equivalent) for compostable paper and plastic
- Tonnage of compostable materials collected across the state
- Data on compostable programs in the other covered entities mentioned in the report
- Table 19: Composition of Tons Processed by Region does not include compostables
- In addition to the breakdown of compost facilities in the state, please clarify if the acceptable compostable materials in Table 15 is an accurate representation of what is being accepted at all 9 facilities including maximum capacity, average operating capacity, and if they don't accept specific compostables, what are those and why. Language on page 49 "...and are selective about inputs to combat contamination issues" suggests that some allowable compostable (BPI labeled) products may be removed from the organic waste stream due to selective input requirements. We recommend the assessment further detail and review what is being removed and why.
- Data on average contract length and cost for composting programs
- Available and potential end markets for composting programs
- Information on educational resources about existing organics recycling programs available to covered entities

BPI would be happy to connect and discuss these topics in more detail. Please reach out with any questions or to schedule a meeting.

Sincerely,  
Kimberly Davis  
Policy Associate  
[Kimberly.Davis@bpiworld.org](mailto:Kimberly.Davis@bpiworld.org)