

Frequently Asked Questions

1. Who is a producer?

According to Minn. Stat. § 115A.1416, subd. 1 (f), "Producer" means, with respect to boat wrap that is sold, offered for sale, imported, or distributed in the state by any means, a person that:

- (1) manufactured the boat wrap under a brand that the person owns or controls;
- (2) owns or controls or is licensed to use a brand for boat wrap;
- (3) imported or imports the boat wrap into the United States; or
- (4) distributed or distributes boat wrap in or into the state.

All persons that meet one of the clauses in the definition are producers.

2. Can there be multiple producers for a single product?

There may be multiple producers for each product line sold, offered for sale, imported, or distributed in or into the state, since the definition of producer includes businesses across the distribution chain.

3. What are the producers' responsibilities?

After September 1, 2025, no person may use boat wrap, sell boat wrap, or offer boat wrap for sale in or into this state unless the producer participates in an approved stewardship plan through a stewardship organization.

Pursuant to Minn. Stat. § 115A.1416, subd. 3, each producer must enter into an agreement with a stewardship organization to operate, on the producer's behalf, a product stewardship program approved by the commissioner.

According to subdivision 2, through their membership with the stewardship organization, producers must implement and finance the statewide program under an approved stewardship plan. Where there are multiple producers in the distribution chain for a product line, the producers in that distribution chain and the stewardship organization may structure financing that best meet the needs of the producers associated with that product line. If a producer associated with product line in a distribution chain fails to meet the requirements in statute, the producer may be subject to the sales prohibition described in subdivision 3. In that circumstance, the product may only be sold, offered, imported, and distributed through compliant producers.

According to subdivision 18, producers are responsible for providing information as requested by the agency. The Minnesota Pollution Control Agency (MPCA) is required to maintain a website that lists compliant producers and brands, and therefore, may request that all producers in the distribution chain for each product line sold or offered for sale in or into Minnesota identify themselves, their stewardship organization membership status, and known producers in their distribution chain for the purpose of determining compliance.

4. What is a brand?

Minn. Stat. § 115A.1416, subd. 1 (d) broadly defines "brand" to mean a name, symbol, word, or mark that identifies boat wrap and attributes it to the boat wrap producer. Due to this broad definition, all products have a brand, and it may be attributed to a producer by a wide variety of labels, packaging, or other markings associated with a product. In some circumstances, a brand may be attributed to the last producer in a distribution chain when other producers do not own, control, or license a brand associated with the product.

5. What is a distributor?

Minn. Stat. § 115A.1416, subd. 1 (f) states that, with respect to boat wrap that is sold, offered for sale, imported, or distributed in the state by any means, a producer includes a person that **distributed or distributes** boat wrap in or into the state.

Distribute or distributor is not defined within the statute. In the absence of a definition in statute, courts may look to dictionary definitions to determine the plain and ordinary meaning of a word. In the context of a distribution chain, common definitions of distribute refer to supplying goods to businesses that sell them.

6. What are distributors' responsibilities?

The statute identifies a person that distributed or distributes boat wrap in or into the state as a producer. Distributors have producer responsibilities and may also have retailer/wholesaler responsibilities as detailed below.

7. What is a retailer?

The definition of "retailer" in statute is: (h) "Retailer" means a person that sells or offers boat wrap for sale in or into this state by any means. This definition broadly applies to marinas, boat dealers, storage facilities, and any other entity selling boat wrap in or into Minnesota and includes all forms of sales (e.g., direct sales of the product via online or physical retail, sales as a part of a service).

8. What are the retailers' responsibilities?

Retailers are responsible for reviewing the posted list of producers to confirm compliance before purchasing or selling boat wrap.

Retailers may voluntarily elect to participate as a designated boat wrap collection point.

In some cases, a retailer may also meet the definition of a producer in which case, they would have both the responsibilities as a retailer and a producer.

9. What is a wholesaler?

Wholesaler is not defined within the statute. In the absence of a definition in statute, courts may look to dictionary definitions to determine the plain and ordinary meaning of a word. In the context of the statute, common definitions of a wholesaler refer to a person selling primarily to retailers or businesses for resale.

10. What are the wholesalers' responsibilities?

A wholesaler is identified in the statute as having the same responsibilities as a retailer, which is to review the list of compliant producers and only purchase product from those participating producers.

Wholesalers may also have producer responsibilities if they fall under any of the producer definitions.

11. How will the Agency provide information to retailers and wholesalers on participating producers?

Minn. Stat. § 115A.1416, subd. 12 states *"Agency responsibilities. (a) The commissioner must maintain on the agency website a list of all compliant producers and brands participating in a stewardship plan that the commissioner has approved and a list of all producers and brands the commissioner has identified as noncompliant with this section."*

12. When does the boat wrap product stewardship program begin collection?

CIFFRO is currently implementing the approved stewardship plan. Boat wrap collection is anticipated to begin in a phased approach and will start on a limited basis in the spring of 2026.

13. What will enforcement look like for the boat wrap stewardship program?

The MPCA is authorized to enforce the boat wrap product stewardship program under Minn. Stat. §§ 115.071 and 116.072. If you are aware of producers or retailers that you believe are not complying with the law, you may submit a complaint [here](#) under "Report a violation of environmental regulations". In accordance with the Minnesota Government Data Practices Act, the identities of individuals who submit complaints concerning potential violations are classified and protected as confidential data. Additional information regarding MPCA's compliance and enforcement program can be found [here](#).