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