American Forest & Paper Association

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 <u>end</u> 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 or Frazier Willman, Manager, Government Affairs, at Frazier_Willman@afandpa.org if you have any further questions.

Sincerely,

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