

Minnesota Pollution Control Agency
c/o Mallory Anderson
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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,

A handwritten signature in purple ink that reads "Kellie Kish".

Kellie Kish
MNCC
Legislative Committee Chair