



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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