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Attached are the official comments by the MN Packaging EPR Advisory Board

December 19, 2025

Commissioner Kessler
Minnesota Pollution Control Agency

Re: Preliminary Assessment – MN EPR for Packaging & Paper

Dear Commissioner Kessler:

The Packaging Extended Producer Responsibility Advisory Board is deeply concerned by the quality, accuracy, and completeness of the Preliminary Needs Assessment. While we recognize the limited timeframe for completing this assessment, the publicly issued draft contains substantial inaccuracies and unclear methodology that could mislead Minnesotans and other stakeholders working towards implementing EPR.

Developing an assessment of this importance requires adequate time to design appropriate questions, conduct interviews, and complete the necessary research to accurately capture the complexities, true costs, and capacities of the systems currently managing covered materials in Minnesota. To meet the level of quality this report requires, stakeholders participating in interviews and surveys must have confidence that any business-confidential information they provide will remain confidential. It is critical that sufficient time and effort be dedicated to verifying that the information included in the Preliminary Assessment is accurate, complete, is managed correctly, and that the resulting document clearly communicates that information to its intended diverse audience.

The Preliminary Assessment is a critical step in the process of implementing the Packaging Waste and Cost Reduction Act. In reviewing this report, we identified data gaps and misinformation in every single one of the eleven requirements set by the state legislature. These issues led to confusion, unanswered questions, and skepticism about the Preliminary Assessment as a whole. We strongly recommend that the project timeline be adjusted, at least until February 2, to provide more time to complete this report with accurate data, to develop well-documented, Minnesota specific, projections in areas where reliable data does not exist, and to leave out the data completely if it cannot be verified and represent the whole state in all its diversity.

As there is likely not time to fully complete the Preliminary Assessment, the Advisory Board identified seven of the legislative requirements with partial or unverified data that, if not corrected, would be too misleading to leave in the report. If the representative and comprehensive data cannot be obtained, we recommend leaving the information out and

instead addressing what will be done to obtain the information needed to fully and accurately address the requirement in the Needs Assessment expected to be completed in 2026.

Legislative Requirement #2: Tons of collected covered materials

For Requirement #2, any data included in the Preliminary Needs Assessment must be fully sourced, transparent, and grounded in Minnesota conditions. The report should clearly cite all data sources and explain how calculations were performed so that stakeholders can understand and trust the methodology. Assumptions drawn from other states must be validated or calibrated using Minnesota-specific information—for example, per-capita municipal solid waste and recycling comparisons and findings from the recent Minneapolis capture rate study. If these steps cannot be completed, the Advisory Board recommends omitting data from this section to avoid presenting figures that could be inaccurate or misleading. Withdrawn data should be accurately completed and addressed in the Full Needs Assessment.

Legislative Requirement # 3: Characteristics of recycling and composting programs

For Requirement #3, the Preliminary Needs Assessment must present a complete and accurate picture of recycling and composting programs across the state. This requires filling data gaps—beginning with obtaining information from the three counties missing from the detailed SCORE survey—so the full state is represented.

The report must clearly describe the prevalence of single-stream and dual-stream recycling programs and provide a statewide map that includes source citations. It should also clarify whether Tables 8 and 9 exclude residents who live outside city boundaries and, if so, explain how those households are counted. In areas that rely primarily on drop-off rather than curbside service, the assessment should characterize convenience and accessibility, including travel distance, operating hours, and materials accepted.

The report should more specifically identify how many composting facilities do not accept compostable packaging due to contamination or other concerns. Otherwise, as currently written, it risks giving the potentially mistaken impression that compostable packaging is widely accepted in the current system.

The report must also present accurate information on the average frequency of recycling and composting collection, including percentages of cities that have monthly, weekly, bi-weekly, subscription-based, or drop-off only recycling, as well as weighting each frequency

by population served. A similar, but separate analysis should be completed for organics collection.

Finally, the assessment should describe the types of collection containers used across the state and associated costs by covered material type. This includes documenting the prevalence of each system by population served, participation levels and typical volumes collected by container size, and the impacts different collection methods have on contamination and cost. If these elements cannot be fully and accurately completed, the Advisory Board recommends omitting this section to prevent the distribution of inaccurate or misleading conclusions. Address the gaps in the Full Needs Assessment.

Legislative Requirement #4: Processing capacity at recycling facility

For Requirement #4, any data included on recycling facility processing capacity must be thoroughly verified before it is released. Information on total tons and the composition of recyclables processed and sold should only be included if the underlying composition data is fully cited and confirmed by Agency staff as accurate and complete. In addition, Recycling Managers and/or other regional stakeholders should be contacted to verify that the data accurately reflects conditions within their counties. While not essential, it would also be helpful for the report to identify the quantity of recyclables processed outside Minnesota and to note when in-state facilities are processing tons originating from neighboring states. Data on facility processing fees should be informed by a full review of all contracts in the state, with specific notation of contracts that are not indexed to the Consumer Price Index (CPI). All processors should be interviewed, and any information or data they provide must be kept confidential and anonymized. The report must also clearly explain how cities are charged in circumstances where no processing fee exists and how those gaps are accounted for in total cost estimates.

Legislative Requirement #8: Average length and term of residential recycling and composting collection contracts issued by a political subdivision

For Requirement #8, the Preliminary Needs Assessment should only include information on the average length, terms and cost structures of residential recycling and composting collection contracts after all contracts across the state have been thoroughly reviewed. This review must identify which contracts are tied to CPI and which are not, and these distinctions should be clearly documented in the report.

Legislative Requirement #9: Estimate of total annual collection and processing service costs based on registered service provider costs

For Requirement #9, any estimates of total annual collection and processing service costs must be grounded in a representative and confidential dataset. Before including data in this section, interviews should be completed with a representative sample of service providers. These interviews must ensure confidentiality and anonymization of provider information and should include providers across key categories: geographic region; community density, including urban, suburban, and rural areas; and collection type, such as weekly versus every-other-week service and rear-load versus side-load equipment. Without this comprehensive and representative input, cost estimates risk being inaccurate or misleading, and therefore must be deferred to the Full Needs Assessment.

Legislative Requirement #10: Available markets in the state for covered materials and the capacity of those markets

For Requirement #10, information on available in-state markets and their capacity to accept covered materials should only be included once all end markets have been directly contacted and verified. Interviews with each market must confirm that the facility is currently operating or accepting materials from within Minnesota, that it accepts covered materials as part of its feedstock, and their capacity to manage those materials. Without completing this verification, any description of available markets or market capacity may be inaccurate or outdated and therefore should be omitted until the Preliminary Assessment.

Additionally, more thorough explanation of the US EPA recycling infrastructure and markets opportunity map is needed. This is especially important to distinguish the large discrepancy between the number of sites on the map and the number of end markets MPCA identified.

Legislative Requirement #11: Covered material sales by volume, weight and covered material types introduced by producers

For Requirement #11, any data on the volume, weight, or types of covered materials introduced by producers must be fully transparent, clearly sourced, and grounded in Minnesota-specific conditions. The report should cite all data sources and explicitly describe the assumptions used and how calculations were performed so stakeholders can understand and evaluate the methodology. When relying on data or methodologies from

other states or Canada, the assessment must validate or calibrate those assumptions using Minnesota-specific information—such as per-capita MSW and recycling comparisons or findings from the recent Minneapolis capture rate study. If these steps cannot be completed, the Advisory Board recommends withholding all data from this section until it can be accurately and thoroughly developed in the Full Needs Assessment.

Further Recommendations

While the inaccurate data and misinformation was of utmost concern to the Advisory Board, we also recommend the following improvements around the definitions and language of the report as well as more clarity and consistency regarding the data used in charts and maps.

Recommendations regarding language and definitions

The report should be easy to understand for all stakeholders. All assumptions, language and words need to be clearly defined. This includes, but is not limited to:

- Clarifying the difference between a *City* vs *Municipality*.
- Providing distinct definitions for composting processes, which should include:
 - Static Windrow
 - Aerated Windrow
 - Aerated Static Pile
- Distinguishing between a county submitting a Solid Waste Management Plan and annual SCORE data.
- Defining and including data for all non-residential covered entities, including public buildings and spaces.
- Using consistent terminology when referring to different groups of entities – e.g., *all covered entities*, *residential households only*, *or non-residential covered entities only*, *or all entities including covered and non-covered entities*.
- Clarifying whether “prevalence of use” refers to services offered in the area or just the proportion of households actually using those services.

Sections should be clearly labeled so readers understand whether the subject is recycling, composting, or both. For example, the “Contractual Arrangements” section appears after the composting section but only addresses recycling contracts, which is confusing. It takes a minute for the reader to realize the report is **ONLY** about recycling contracts and not

composting contracts. There is no comparable information on organics collection contracts, nor any indication of whether that data appears elsewhere.

The list of recycling sorting technology should make clear the impact of the different technologies on recycling capacity and covered entity access. This context is necessary to identify where capacity improvements may be needed. Each technology listed should be accompanied by sufficient context. For example, instead of stating Robotics Employing AI with “arm intended to pick” replace the phrase in quotation with “implement or other means used to positively or negatively sort specific material from passing material stream.”

Additionally, descriptions of organized collection services should always clearly state if they apply to MSW, recyclables, and/or compostable materials, as these distinctions have significant operational and cost implications. Finally, the report should reduce repetition. For example, if MRF equipment is thoroughly defined in the glossary of terms, reference the glossary rather than repeating the definitions in the MRF Technology section.

Improve clarity, consistency and usefulness of data in charts and maps

The clarity, consistency, and usefulness of the charts and maps in the report need significant improvement so readers can easily understand the data and how it supports the assessment conclusions. All maps should be presented at a higher resolution, with clear labeling, and should include zoomed-in views of the metro area where appropriate, for example, when showing composting drop-off sites. Maps should also appear in the sections most relevant to their subject matter or, if more appropriate, be placed in an appendix for easy reference.

Charts require similar improvements. Each chart must include a citation to its data source, as several charts in the draft make it unclear whether the data comes from SCORE reporting or external estimates. The report should also clearly explain all assumptions, particularly when incorporating non-Minnesota data, scaling up limited datasets to represent statewide conditions, or combining rural and urban data to create consistent statewide estimates.

Where charts summarize city-level infrastructure (i.e. tables 8 and 9), the report should indicate whether data excludes residents living outside of city boundaries, and if so, document what percentage of the households and non-residential covered entities are not included in the chart. In addition to sorting by region, all data should also be sorted and presented by density (i.e. urban and rural) to provide a more complete picture of varying needs and costs.

The draft report also includes several charts that contain similar but conflicting data. Any inconsistencies across charts, or between charts and the written text, should be

reconciled or explained through notes or an appendix. For example, tables 5, 6, 10, 24, 26, and 27 were all very similar but also slightly different. This led to confusion as to why they were different – was there an error or is the difference due to differing data sources.

Some charts reproduced from external entities include information unrelated to covered materials and would be more appropriate in an appendix. For example, instead of reprinting the full table from the REC Guidelines that include items such as mirrors, bakeware, scrap metal, and batteries, the report should reference the original chart and include only the portions relevant to covered materials.

Finally, combine related charts so stakeholders can easily understand the full needs assessment, for example, the following charts should be displayed together:

- Current collection of covered materials
- Projected generation of covered materials, and
- statewide processing capacity of covered materials

This gives readers a full picture of where Minnesota is doing well in terms of recovery, has capacity for expected increase in recovery, and needs to improve. This will also help check data accuracy. For example, if estimated current collection of covered materials is 90% of estimated generation of covered materials, based on capture rates studies, we know at least one of those data points is incorrect.

Summary Recommendation

We strongly recommend extending the project timeline to ensure that:

- Data and information included in the report is:
 - Accurate and relevant to Minnesota
 - Used only when they represent a comprehensive or truly representative sample
 - Excluded from the report if it cannot meet the above criteria with details stating how more complete and accurate data will be obtained for the full needs assessment.
- Definitions and terminology are consistent and clearly described so that all stakeholders can understand the report.
- All maps, charts and data are cross-referenced, well labeled, easy to read and accompanied by clear documentation when discrepancies occur between data sources.

The Advisory Board is united in its commitment to helping Minnesota launch a strong and effective EPR program. A thorough Preliminary Needs Assessment is essential for the work ahead. We appreciate your attention to these concerns and your continued partnership in this work. We remain ready to support the Agency in developing the robust, transparent, and equitable system Minnesotans deserve.

Thank you for your time and consideration.

Sincerely,

Minnesota's Packaging Extended Producer Responsibility Advisory Board

Victoria Reinhardt, Ramsey County, Board Chair

Miriam Holsinger, Eureka Recycling, Board Vice Chair

Gabrielle Batzko-Conley, Stearns County / Tri-County Solid Waste Commission

Sara Bixby, National Waste & Recycling Association (NWRA)

Megan Daum, American Beverage

Kate Davenport, Recycling Partnership

Mike Griffin, MN Zero Waste Coalition

Sydney Harris, Upstream

Bill Keegan, DEM-CON

Gregory Melkonian, AMERIPEN (Serlin Haley)

Shoshana Micon, American Forest & Paper Association

Maggie Schuppert, CURE

Mac Sellars, r.World

Jon Steiner, Polk County ESA

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