

December 19, 2025

Minnesota Pollution Control Agency
520 Lafayette Road N
Saint Paul, MN 55155-4194

Re: Comments on the Preliminary Assessment for the Packaging Waste and Cost Reduction Act

Dear Mallory Anderson:

The American Chemistry Council (ACC) appreciates the opportunity to provide comments on the draft Preliminary Assessment prepared under Minnesota's Packaging Waste and Cost Reduction Act. Central to ACC's mission is advancing policies that improve environmental outcomes, strengthen recycling systems, and support a more circular economy for plastics and other packaging materials.

As outlined in ACC's public principles on extended producer responsibility (EPR) for packaging, successful and durable EPR programs are grounded in high-quality data, transparent methodologies, fair and equitable cost allocation, and thoughtful infrastructure planning that supports material recovery and circularity.¹

ACC recognizes that the Preliminary Assessment represents an early step in Minnesota's implementation process. At the same time, because the Needs Assessment will establish the baseline for the program and will only be updated every five years, it is critical that the analytical foundation set at this stage is sufficiently robust, transparent, and reflective of Minnesota's unique system. With that context, ACC offers the following high-level observations and recommendations intended to support the development of a durable and effective EPR framework for the state.

Observations and Recommendations on the Preliminary Assessment

1. Data limitations and reliance on proxy values

The Preliminary Assessment acknowledges that gaps in available Minnesota-specific data required reliance on national estimates, proxy values, and secondary literature. While this approach may be necessary at an early stage, it constrains the precision of findings related to system costs, infrastructure needs, and material flows.

To strengthen the Needs Assessment, MPCA should prioritize the use of Minnesota-specific data wherever possible and clearly document where proxies are used, why they were selected, and how uncertainty will be addressed as additional producer and system data become available.

¹ Revolutionizing Recycling: The Future of EPR in the U.S. <https://plasticmakers.org/wp-content/uploads/2024/04/Revolutionizing-Recycling-The-Future-of-EPR-in-the-U.S.-FINAL.pdf>



2. Transparency and validation of modeling assumptions

Several projections in the Preliminary Assessment, including those related to collection system upgrades, MRF modernization, and material-specific capture rates, are based on assumptions that are not fully explained or validated within the document.

As the process moves forward, greater transparency around modeling inputs, scenario selection, and sensitivity analysis would improve confidence in the results and help ensure that the Needs Assessment reflects real-world system conditions.

3. Connection between findings and program implementation

While the Preliminary Assessment identifies high-level system gaps and cost drivers, it does not clearly explain how these findings will inform program design decisions, such as infrastructure investment priorities, cost allocation mechanisms, or performance expectations under the statute.

ACC encourages MPCA to clarify how assessment outputs will be used in rulemaking, implementation planning, and future program adjustments, particularly given that the Needs Assessment will serve as a baseline for several years.

4. Material categorization and system characterization

Some material groupings and system characterizations in the Preliminary Assessment differ from approaches used in other state EPR assessments. These differences may complicate cross-state comparisons and influence modeling outcomes.

Providing clearer justification for categorization choices, and aligning where appropriate with commonly recognized frameworks, would improve consistency and enhance the usefulness of the Needs Assessment for producers and other stakeholders operating across multiple states.

5. Consideration of recycling pathways and system flexibility

The Preliminary Assessment references recycling options but provides limited discussion of the full range of pathways being incorporated into modern EPR programs nationwide. A more complete understanding of available pathways is important for accurately assessing infrastructure needs and circularity potential.

As the Needs Assessment is developed, MPCA should ensure that system evaluations reflect the full range of viable recycling technologies and pathways, consistent with a technology-neutral approach that supports innovation and improved material recovery.

Stakeholder engagement and validation

Given the acknowledged data limitations and modeling assumptions in the Preliminary Assessment, continued engagement with producers, recyclers, local governments, and other system stakeholders will

be essential to validating assumptions and improving data quality as the Needs Assessment is developed. Early and ongoing stakeholder input can help ensure that real-world system conditions are accurately reflected and that the Needs Assessment produces actionable, durable outcomes that support effective program implementation.

Conclusion

The Preliminary Assessment is an important step toward establishing a comprehensive Needs Assessment that will shape Minnesota's EPR program for years to come. Strengthening the data foundation, improving transparency around assumptions, clarifying how findings will be used in implementation, and engaging stakeholders throughout the process will help ensure that Minnesota's program is effective, equitable, and grounded in real-world conditions.

ACC welcomes the opportunity to meet with MPCA to discuss our comments in greater detail and as the Needs Assessment and implementation phases progress. Please contact Andrea Albersheim at Andrea_Albersheim@americanchemistry.com or at (202) 249-6173 if you would like to schedule a meeting.

Sincerely,

Andrea Albersheim

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American Chemistry Council

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