December 19, 2025

Minnesota Pollution Control Agency
c/o Mallory Anderson
520 Lafayette Road
St. Paul, MN 55155

Ms. Anderson,

I write today on behalf of the Minnesota Chamber of Commerce (Chamber), a statewide organization representing more than 6,300 businesses and more than 500,000 employees throughout Minnesota, providing comment on the Preliminary Needs Assessment (PA) required by the Packaging Waste and Cost Reduction Act (Act).

Minnesota became the fifth state to pass into law an extended producer responsibility (EPR) program for paper and packaging. The legislature created aggressive deadlines under the Act, including completing the PA by December 31, 2025, which informs the final needs assessment, due on December 31, 2026. These assessments must provide accurate, reliable data to inform the program's fees on producers, reimbursement of waste haulers, and overall programmatic success.

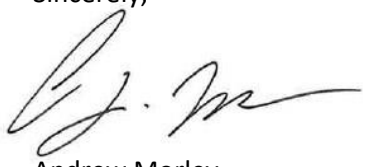
Unfortunately, the PA is riddled with significant data gaps and blind assumptions. The PA utilizes information from just a few EPR programs, many of which have vastly different infrastructure and solid waste policies that do not allow any substantive conclusions to be drawn.

Information needed to enable an EPR program in Minnesota is inaccurate and incomplete. For example, there are significantly more Materials Recovery Facilities (MRFs) than the PA indicates. In turn, the PA indicates there are broad, geographic regions that lack recycling infrastructure, despite functional and operational resource availability in those areas; this incorrectly portrays broad disparities in recycling access across the state. In the absence of data reflecting the realities of Minnesota, the PA consistently substitutes data from other states, which gives no guarantee the data presented is representative of the jurisdiction the program will cover. Additionally, while the PA shares a total list of end markets, it fails to illustrate total end market capacity; without this certainty, it's impossible to project what the fate of collected recyclable material will be, and whether there is available end market capacity. With a lack of end market certainty, warehouse resources must be detailed and decisions made on whether or not to warehouse. The above examples only detail a few of the unknowns created by faulty or incomplete data. Instead of driving decisionmaking, it instead creates a lack of confidence in Minnesota administering a successful EPR program.

Because the PA is intended to be the foundation on which Minnesota's EPR program rests, it is imperative to close data gaps and discrepancies prior to enacting aggressive program implementation deadlines, not only to ensure a successful EPR program in Minnesota, but because PA data will also be used to inform other EPR programs throughout the country. The enumerated, aggressive deadlines in theory stand up an EPR program faster. However, a program set up on an aggressive timeline does not guarantee overall program success.

Other states are monitoring Minnesota's rollout of the Act to gauge whether or not to engage in EPR laws for paper and packaging. Should the MPCA, the Producer Responsibility Organization (PRO), and its contractors seek programmatic success for the fifth EPR program in the country, the Chamber first recommends a complete overhaul of the PA as well as reevaluation of the compressed timelines for data collection.

Sincerely,



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