Will Grassle

December 22, 2025

VIA Public Comment Form

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

Re: Minnesota's Preliminary Assessment for the Packaging Waste and Cost Reduction Act

As the association for the consumer-packaged goods (CPG) industry, including makers of food, beverage, personal care, and household products, the Consumer Brands Association (Consumer Brands) advocates for uniform, workable, and durable regulatory frameworks that are informed by risk-based science, promote consumer choice, and build consumer trust across the sectors we represent. State-by state patchwork regulations cause uncertainty to the industry and confusion to consumers. Consumer Brands supports state and federal frameworks that ensure clarity for consumers and efficient interstate commerce.

CBA champions the industry whose products Americans depend on every day, representing more than 2,000 iconic brands. From household and personal care products to food and beverage products, the consumer-packaged goods ("CPG") industry plays a vital role in powering the U.S. economy, contributing $2 trillion to the U.S. GDP and supporting more than 20 million American jobs. The CPG industry also plays a crucial role in creating a more sustainable future through its products and has prioritized packaging and recycling innovation. All of the 25 largest CPG companies in the United States have made commitments to increasing recyclable content, source reduction, or reuse of material. Eighty percent of those companies are working toward introducing fully recyclable packaging for all of their products by 2030 at the latest.

Consumer Brands appreciates the opportunity to provide comments on the Minnesota Pollution Control Agency's (MCPA) preliminary assessment for the Packaging Waste and Cost Reduction Act, published on November 19, 2025. Consumer Brands commends the MPCA's thoughtful process for establishing a workable and data-driven program for Minnesota, informed by this preliminary assessment and the comprehensive needs assessment slated to be published in late 2026. While Consumer Brands is grateful for the Agency's thorough process in establishing a program that works for all Minnesotans, we have some concerns pertaining to assessment's misalignment with statutory requirements, substantial data gaps and unclear data organization and a lack of clarity on how the assessment's findings are pertinent to and will inform the development and implementation of Minnesota's program. We believe the following are opportunities to further improve the preliminary assessment and aid in the development of future assessments:

Preliminary Assessment Lacks Alignment with Legislative Requirements:

Consumer Brands has serious concerns regarding the significant misalignment of the data and findings presented in the preliminary assessment, and what statute dictated that the assessment include. Section 115A.1450, subdivision 3, clearly states what must be included in the preliminary assessment to effectively inform the development and rollout of Minnesota's program, yet there are multiple instances in which the submitted assessment fails to include the required data and findings.

Section 115A.1450, subdivision 3, paragraph (2), requires the preliminary assessment to include "tons of collected covered materials;" yet the assessment's reported recycling tonnages are largely based on counties SCORE data, which is not specifically tailored to track covered materials, and, therefore, the data utilized in the assessment includes materials outside of the program's scope, leading Eunomia to make significant assumptions to remove non-covered materials.

Section 115A.1450, subdivision 3, paragraph (9), requires the assessment to present "an estimate of total annual collection and processing service costs based on registered service provider costs," grounding the cost estimates in real service provider data. The assessment acknowledges that cost data was difficult to obtain, as service provider registration data was very limited, yet, despite these serious data limitations, it still presents an estimated statewide total cost projection without clearly tying the estimate to actual registered service provider cost submissions.

These two examples of misalignment are not comprehensive of all the ways the assessment failed to align with Minnesota's statutory requirements. The statutory requirements for the preliminary assessment were well thought out and purposeful, aimed at informing an effective packaging EPR program. By failing to align with these requirements, the preliminary assessment poses a serious risk to the ultimate success of designing an effective program in Minnesota.

Preliminary Assessment Utilizes Incomplete, Insufficient and Often Outdated Data:

Although Consumer Brands appreciates the preliminary assessment's acknowledgement of the substantial gaps in data relied upon in developing this assessment, we must reiterate and highlight these concerns, as their impact on the rollout of Minnesota's program is tantamount. The preliminary assessment relies heavily on Minnesota counties' Solid Waste Management Plans (SWMPs), which provide details on counties' recycling and composting programs. The assessment's reliance on these plans is of particular concern as only 32 counties' SWMPs, representing only 75% of Minnesota's population, were utilized in the assessment, leaving a substantial gap in the data relied upon. As well, as noted in the assessment, not all of the 32 counties' SWMPs included all relevant recycling and organics program details needed for the assessment, and counties report material types at different levels of details, for example some counties' SWMPs lump all rigid plastics together, leading the Eunomia to make consequential assumptions to disaggregate material types, specifically plastic material types.

Need for Greater Clarity on How the Preliminary Assessment will Inform Minnesota's Program:

While the assessment provides a substantial amount of "descriptive" data, Consumer Brands is concerned about the serious lack of information detailing how the assessment findings connect to specific program implementation decisions. For example, there is practically no analysis on how the findings will inform the development of collection lists, how the data will inform recyclability and compostability determinations, how infrastructure findings will guide investments, and more. Without this clarity, stakeholders lack a clear understanding of how the preliminary assessment will shape the beginning phase of Minnesota's packaging EPR program.

In addition to Consumer Brands concerns with the preliminary assessment, Consumer Brands would like to highlight areas within the assessment that we ardently support and applaud MPCA's efforts.

Compostability Framework Aligns with BPI Certification:

Consumer Brands appreciates the preliminary assessments recognition of the Biodegradable Products Institute (BPI) certification as an accepted standard for determining compostability. BPI certification is the industry-recognized standard in North America for compostability validation. Acceptance of BPI certification will streamline compliance, provide clear guidance for producers, and ensure that materials designated as compostable meet stringent, credible criteria. This alignment will also reduce consumer confusion and ensure that compostable packaging in the program is verifiably compatible with existing organics processing infrastructure.

Thank you for your consideration of these comments. Consumer Brands and its members are committed to supporting the successful implementation of Minnesota's Packaging Waste and Cost Reduction Act. Please feel free to contact me if you have any questions or would like to discuss further. I can be reached at ERaden@consumerbrandsassociation.org.

Sincerely,

Erin Raden
Senior Director of State Affairs
Consumer Brands Association

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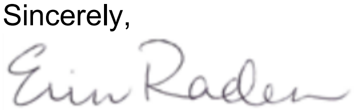

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Senior Director of State Affairs
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