



Minnesota's Packaging Waste & Cost Reduction Act
Extended producer responsibility (EPR) for packaging and paper products

John Gilkeson

SWAA Winter Training – March 11, 2025



In early 2024, Minnesota became the fifth state to establish an extended producer responsibility (EPR) law for packaging and paper products.

EPR policies incentivize more sustainable design and hold producers responsible for reducing the environmental impacts of the items they produce and managing them throughout the entire life cycle.

What materials are covered?

Covered materials include:



Packaging – *materials to transport, market, protect, or handle a product*



Food packaging – *materials to market, protect, handle, deliver, serve, contain, or store food and beverages*

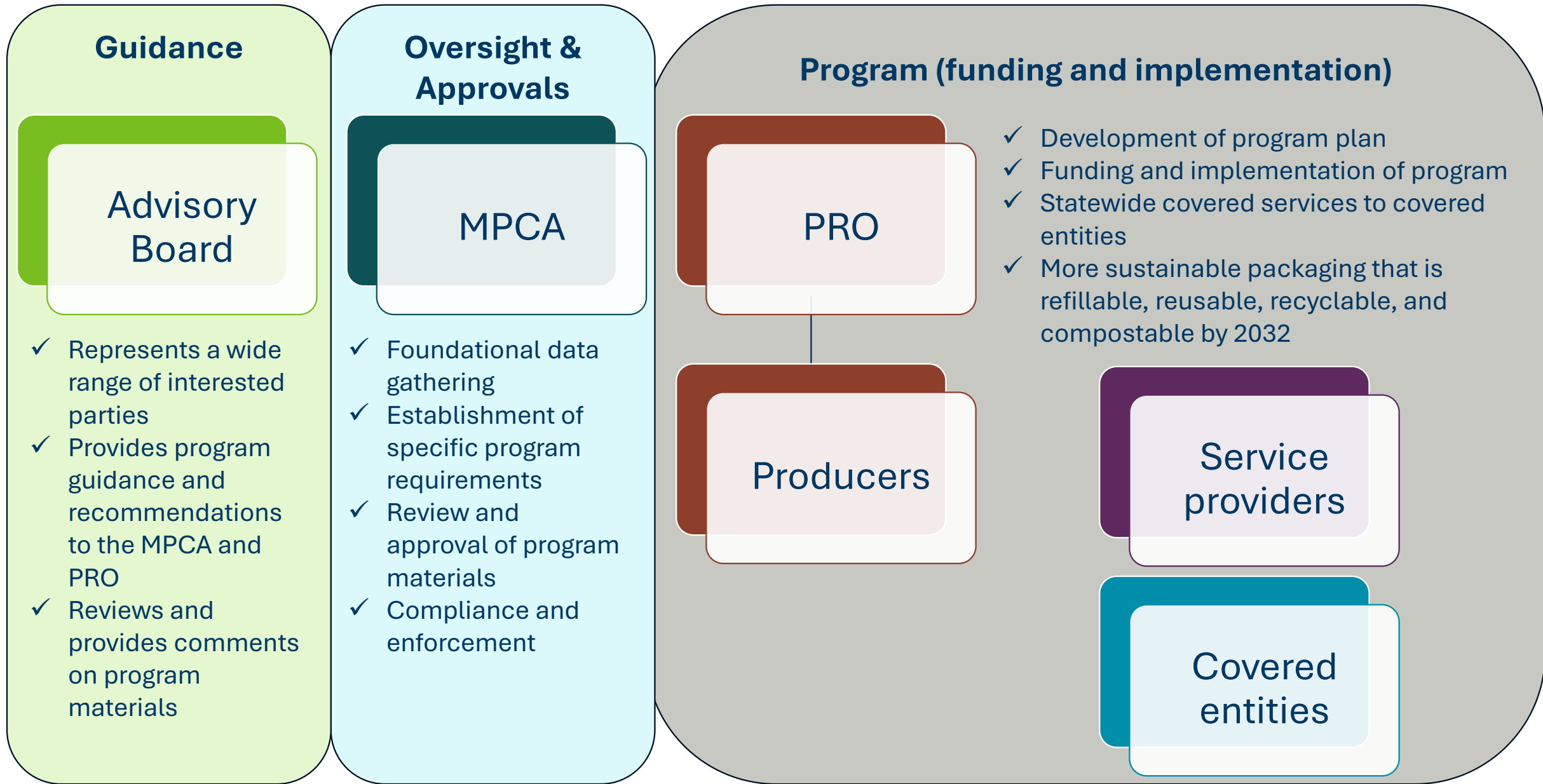


Paper products – *excluding bound books or products deemed unsafe or unsanitary to handle by recycling and composting facilities*

Exempt materials

- Includes a list of specific exemptions primarily focused on packaging related to drug or medical devices, certain hazardous products, and materials managed through another program (e.g., PaintCare). It also includes news and magazine publications of a certain circulation limit.
- Defines a process where the MPCA can approve additional exemptions **if** a specific federal or state health and safety requirement prevents the material from being reduced or made reusable, recyclable, or compostable.

Who is involved with or impacted by the program?



What are the program outcomes?



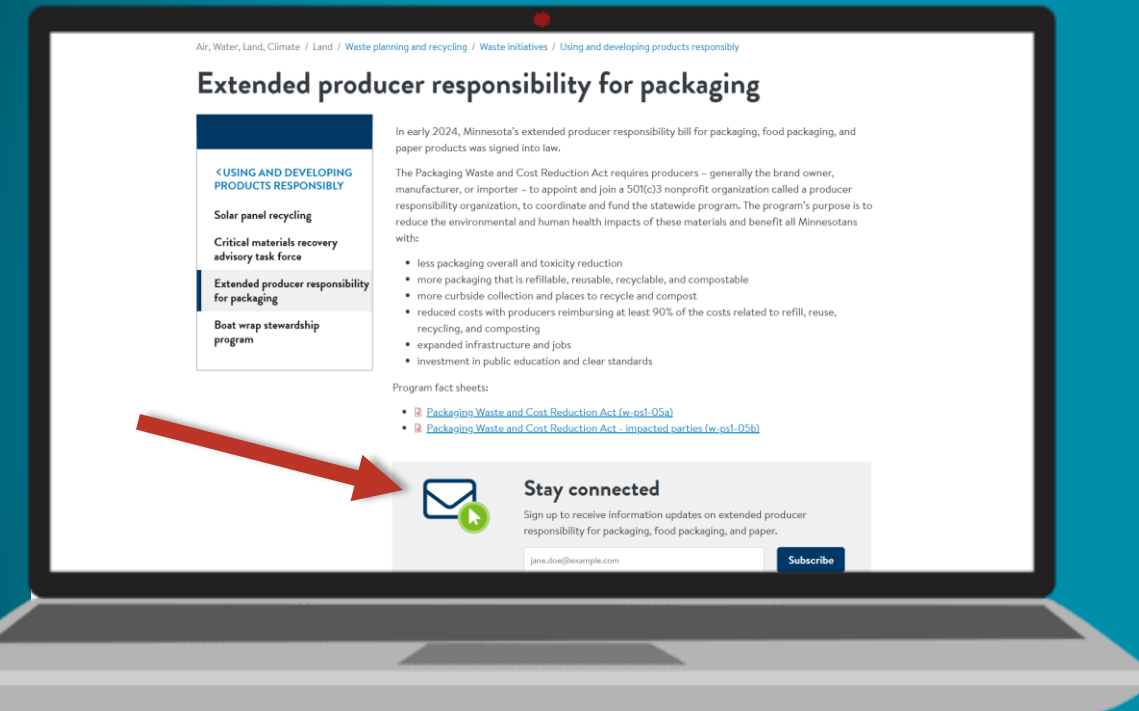
- **Developed by the MPCA**, in consultation with the PRO and Advisory Board and based on the needs assessment
 - Establish deadlines and requirements for:
 - Recycling rate, Composting rate, Reuse rate, Return rate
 - % of covered materials to be reduced overall
 - % of postconsumer recycled content to be used, as applicable by materials
 - Reviewed every 5 years to determine if updates are warranted
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- **Proposed by the PRO** and submitted for review and approval in the stewardship plan (every 5 years)
 - Establish targets to be met by the end of the plan term for:
 - Recycling rate, Composting rate, Reuse rate, Return rate
 - % of covered materials to be reduced overall
 - % of postconsumer recycled content to be used, as applicable by materials
 - Must demonstrate continuous improvement in reducing impacts on the environment and human health

After January 1, 2032, all covered materials must be reusable, refillable, recyclable, or compostable, and covered under an approved stewardship plan to be sold in Minnesota.

How does the program work?



Program updates



- ✓ 18-member advisory board appointed; first meeting complete
- ✓ Initial service provider registration is live
- ✓ Producers appointed Circular Action Alliance (CAA) as the packaging producer responsibility organization (PRO) and MPCA confirmed registration
- ✓ MPCA Program lead hired!

In process: Preparing to hire additional MPCA team members

In process: Preparing the RFP for a preliminary assessment (due **December 31, 2025**) and initial needs assessment (due **December 31, 2026**) to gather data

For more information and to sign up for email updates, visit:

www.pca.state.mn.us/air-water-land-climate/extended-producer-responsibility-for-packaging

Advisory Board appointed

First meeting was held February 21, 2025

Recording available on Advisory Board website (hosted by MPCA)

Board responsibilities:

- Advise on any aspect of program implementation regarding their respective field(s) and expertise to help the MPCA or PRO navigate critical matters.
- Offer feedback on important program materials and initiatives, helping the MPCA and PRO understand how these may affect implementation and communities statewide.
- Identify and communicate risks associated with specific decisions or actions, advising on ways to mitigate them.

<https://www.pca.state.mn.us/events-and-meetings/packaging-extended-producer-responsibility-advisory-board-meeting-2025-02-21>

MPCA commissioner designee:

Kirk Koudelka, MPCA

Manufacturers of covered materials or a trade association:

Megan Daum, American Beverage

Gregory Melkonian, AMERIPEN (Serlin Haley)

Recycling facilities that manage covered materials:

Matthew Herman, Republic Services

Miriam Holsinger, Eureka Recycling

Waste haulers or an association:

Sara Bixby, National Waste & Recycling Association (NWRA)

Retailers of covered materials or a trade association:

Townsend Brown, Multistate Associates

Statewide nonprofit environmental organization:

Maggie Schuppert, CURE

Community-based nonprofit environmental justice organization:

Mike Griffin, MN Zero Waste Coalition

Waste facility that receives, sorts, and transfers covered materials:

Steve Vrchota, Pope/Douglas Solid Waste Management

Waste facility that receives compostable materials or a trade association:

Kris Coperine, Minnesota Composting Council (MNCC)

Entity that develops or offers for sale reuse or refill covered materials or a trade association:

Sydney Harris, Upstream

Mac Sellars, r.World

Political subdivisions, with at least one outside the metropolitan area:

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

Victoria Reinhardt, Ramsey
County

Jon Steiner, Polk County
ESA

Other interested parties:

Kate Davenport, Recycling Partnership

Shoshana Micon, American Forest & Paper Association

Initial service provider registration live

Requirement

January 1, 2025, and **annually** thereafter, service providers seeking reimbursement for services must register with the MPCA with:

- (1) contact info for representative of the service provider
- (2) service provider address
- (3) total amount billed for services during the preceding calendar year (separated by service when possible)

Additional context

- Reimbursements begin early 2029 after the methodology for establishing rates is approved in a product stewardship plan and after rates are confirmed between the PRO and service providers.
 - The MPCA is responsible for sharing the annual registration information to the PRO.
- These first years of registration allow for refining of the form/process and initial service provider data collection.
 - Service providers will likely be contacted by the MPCA or contractor for additional information on their registration as a part of the needs assessment.

Timeline

Annual submission

Service provider registration is due annually going forward with a Q1 deadline.

Reimbursement

The first stewardship plan draft is due to the MPCA in October 2028. Specific reimbursement rates will then be defined and updated annually. The rates will phase in according to the following:

- No less than 50% of net costs by February 1, 2029.
- No less than 75% of net costs by February 1, 2030.
- No less than 90% of net costs by February 1, 2031.

Initial service provider registration live

In situations where an entity is contracting for covered services, **the form must be submitted by whoever will ultimately seek reimbursement for the costs of providing the covered services.**

** This may evolve over time as the reporting form and guidance change with program refinement.*

What you submit for this 2025 form will not negatively impact you in the future for reimbursements. We acknowledge it is ambiguous for this first round without the broader process confirmed.

****Please share feedback and ask questions as that will help improve things going forward for the 2026+ forms.****

<https://www.pca.state.mn.us/air-water-land-climate/service-provider-registration-for-packaging-waste-cost-reduction-act>

Example

- If a **city/county contracts for services for their residents**, if the city/county plans to be the one to submit for reimbursement, then they will fill out this form. If they plan to have their contractor submit for reimbursement, then the contractor will fill out this form.
- If a **city/county contracts for services for their public buildings**, the contractor providing the services would submit the form unless the city/county anticipates having an agreement where they will be seeking reimbursement for those services to then pay the contractor.
- If a **property management firm contracts for services for the tenants of their properties**, if the property management firm plans to be the one to submit for reimbursement, then they will fill out this form. If they plan to have their contractor submit for reimbursement, then the contractor will fill out this form.

RFP for preliminary and initial needs assessment coming



Preliminary assessment → due December 31, 2025

- Types of materials introduced and tons collected
- Processing capacity and technology at recycling and compost facilities
- Average term length of residential recycling and composting collection contracts
- Estimated total annual collection and processing service costs
- Available markets in MN and capacity
- Material sales by volume, weight, and type

Combined request for proposals (RFP) live for these assessments. Available through the online SWIFT portal.

**** Share the RFP and if you haven't already, sign up for the Packaging EPR Gov Delivery updates ("Stay Connected" box on the MPCA website) as requests for input and data on these areas will be distributed through that communication channel. There will also be an opportunity for public comment. ****



Initial needs assessment → due December 31, 2026

- Existing waste reduction, reuse, recycling, and composting (inc. rates); current use of PCR
- Proposals for performance targets and statewide requirements
- Recommended collection methods to maximize efficiency, quality, and optimize service/convenience
- Proposed plans and metrics for measuring progress
- Evaluation of available third-party certifications
- Inventory of current infrastructure, capacity, performance, funding, etc.
- Evaluation of investments needed at all levels of hierarchy
- Recommended methodology for establishing reimbursement rates for service providers
- Assessment of viability and robustness of markets for recyclables
- Assessment of level and cause of contamination
- Assessment of toxic substances intentionally added to materials
- Best practices to increase public awareness and educate/outreach
- Identification of materials with the most significant impact on human health and the environment

Key milestones **not a comprehensive timeline*

★ Phase 1: Building the foundation

- 2025 - 2026
- MPCA staff hiring and preparation → *in process*
- January 1, 2025**
- Formation of the PRO, appointed by producers → *complete; Circular Action Alliance (CAA) confirmed in Minnesota*
 - Appointment of the Advisory Board by the MPCA with meetings beginning in March → *complete*
 - Registration of service providers with the MPCA → *in process; initial form is live*
- December 31, 2025**
- Completion of preliminary assessment by the MPCA to gather critical data to inform the first stewardship plan
- December 31, 2026**
- Completion of needs assessment by the MPCA to gather additional data to inform the program, targets and requirements, and stewardship plans → *in process; combined request for proposals (RFP) live*

Phase 2: Establishing the structure

- 2027 - 2028
- Establishment of the materials lists by the MPCA
 - Establishment of the statewide requirements by the MPCA
- October 1, 2028**
- First PRO stewardship plan due to MPCA, including opportunity for public comments

Phase 3: Implementing change and tracking progress

- 2029 - 2032
- Implementation of stewardship plan by PRO with producers and service providers
- February 1, 2029**
- Program cost reimbursement begins by PRO with 50% (75% by 2030, 90% by 2031)
- April 1, 2029**
- First annual report submitted by the PRO
- October 15, 2031**
- First biennial report to the Legislature by the MPCA
- January 1, 2032**
- Completion of studies on workplace conditions and equity, covered materials pollution and clean-up, conducted by the MPCA

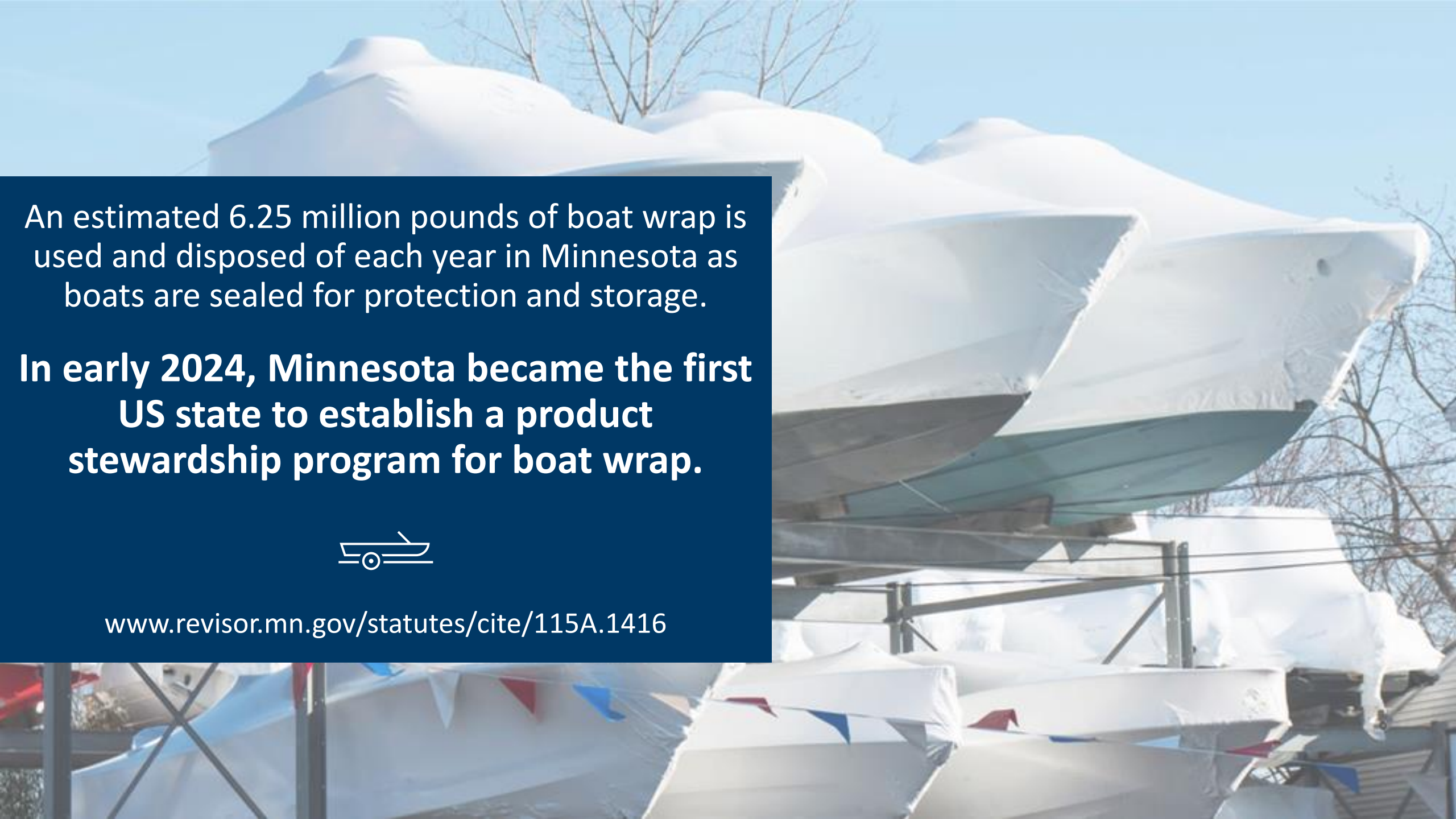


New 2024 product stewardship law

Minnesota's boat wrap product stewardship program

John Gilkeson

SWAA Winter Training – March 11, 2025



An estimated 6.25 million pounds of boat wrap is used and disposed of each year in Minnesota as boats are sealed for protection and storage.

In early 2024, Minnesota became the first US state to establish a product stewardship program for boat wrap.



www.revisor.mn.gov/statutes/cite/115A.1416

Who is involved in the stewardship program?

Minnesota Pollution Control Agency (MPCA)

- Establish annual performance goals that must be incorporated into the stewardship plan and met by program
- Review and approve stewardship plans (every 5 years) and annual reporting that tracks program progress and outcomes
- Maintain a list of all compliant producers and brands participating in an approved plan
- Support program compliance and enforcement

Stewardship organization

- Implement the program on behalf of producers
- Develop stewardship plans (every 5 years) and annual reports that tracks program progress and outcomes
- Collect producer fees and pay annual administrative fee to MPCA
- Provide educational materials to boat wrap purchasers, including information on the available collection, transportation, reuse, and recycling options

Producers

- Become a member of a single stewardship organization and operate under an approved plan
- Pay producer membership fees

Collectors

- Collect according to SO and recycler specifications: Remove contaminants and accessories, keep material clean and dry

Retailers

- Review the list of compliant producers to determine compliance and before purchasing boat wrap
- **May** elect to participate as a designated boat wrap collection point

Local and Tribal Governments

- **May** elect to participate as a designated boat wrap collection point
- **May** conduct outreach and education

How does the program work?



Annual performance goals

Established by the agency to drive program progress based on:

- (1) the most recent collection data available for the state;
- (2) the estimated weight of boat wrap sold and discarded annually;
- (3) actual collection data from boat wrap recycling or stewardship programs operating in other states; and
- (4) continuous progress necessary to meet statutory requirements.



Stewardship plans

Updated every five years; details methods to collect and manage boat wrap statewide, partner with existing establishment, measure progress, provide education and outreach, ensure strong opportunities for reincorporating recycled boat wrap into new production.



Statewide services for collection, reuse and recycling



Reduced environmental impacts resulting from the disposal of boat wrap

Annual reporting

Submitted every year to document progress on program outcomes and performance goals.

By June 1, 2035, no less than **80%** of the total weight of boat wrap sold in Minnesota must be collected and recycled.

What is the general timeline?

MPCA staff hiring and preparation → in process

March 1, 2025 | Stewardship organization submits **stewardship plan** to the MPCA for review and approval or rejection.

June 1, 2025 (annually thereafter) | MPCA identifies agency costs to administer and enforce the program.

July 1, 2025 (annually thereafter) | Stewardship organization pays the required administrative fee.

***Program requirement* September 1, 2025** | No person may use boat wrap, sell boat wrap, or offer boat wrap for sale in or into Minnesota unless the producer participates in an approved stewardship plan through a stewardship organization.

March 1, 2026 (annually thereafter) | Stewardship organization must submit **annual report** to the MPCA.

***Program requirement* June 1, 2030** | No less than **50%** of the total weight of boat wrap sold in Minnesota must be collected and recycled.

***Program requirement* June 1, 2035** | No less than **80%** of the total weight of boat wrap sold in Minnesota must be collected and recycled.

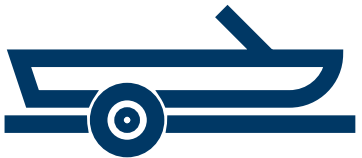
After June 1, 2035 | The MPCA may establish additional requirements for the % of boat wrap sold in the state that must be collected and recycled (no less than the amounts stated in statute).

Current status of MPCA and Producer activities



MPCA is in the process of:

- ☒ Sending program letters to producers, manufacturers, and retailers for outreach on upcoming milestones
- ☒ Creating high-level program resources, raising awareness on the law and requirements
 - Preparing to hire a program lead



Producers must:

- ☒ Identify and designate a boat wrap stewardship organization; initial stewardship plan submitted on **March 3, 2025 by CIFFRO**

Current Status of program and how you can track

- Stewardship organization has been formed by Poly America and Dr. Shrink.
The Commercial and Industrial Flexible Film Recycling Organization {CIFFRO}
- CIFFRO Survey is live for stakeholders/interested parties
- Plan submission starts clock for 120 day agency review period ending July 1;
- 45 day public comment period during the 120 day agency review period;
- Sales prohibition starts Sept. 1 2025 for producers not in the Stewardship Organization.
- No statutory start date, assumed to start date Fall 2025
- Sign up for govdelivery regarding boat wrap, see last slide for MPCA boat wrap page url.
- March 2026 annual reporting of sales, initial collection data, and initial collection network will form the basis of performance goals for first plan, with 50% recovery by 2030
- County options: Promotion of program in areas with significant boat presence;
Participation in collection program.

Questions?

John Gilkeson, john.gilkeson@state.mn.us



For more information and to sign up for GovDelivery email updates, visit:
www.pca.state.mn.us/air-water-land-climate/boat-wrap-stewardship-program

Thank you!

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