

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3561

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DATE	D-PG	OFFICIAL STATUS
02/12/2024	11559	Introduction and first reading Referred to Environment, Climate, and Legacy
02/15/2024	11620	Author added Kupec
02/26/2024	11762a	Comm report: To pass as amended and re-refer to Commerce and Consumer Protection
03/13/2024	12199	Withdrawn and re-referred to State and Local Government and Veterans
03/18/2024	12331a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/21/2024	12500	Comm report: To pass and re-referred to Commerce and Consumer Protection
03/25/2024	12672a	Comm report: To pass as amended and re-refer to Environment, Climate, and Legacy
04/15/2024	13693a	Comm report: To pass as amended and re-refer to Finance Joint rule 2.03, referred to Rules and Administration
04/18/2024		Comm report: Adopt previous comm report Jt rule 2.03 suspended

1.1 A bill for an act

1.2 relating to solid waste; establishing Packaging Waste and Cost Reduction Act;

1.3 authorizing rulemaking; proposing coding for new law in Minnesota Statutes,

1.4 chapter 115A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [115A.144] SHORT TITLE.

1.7 Sections 115A.144 to 115A.1462 may be cited as the "Packaging Waste and Cost

1.8 Reduction Act."

1.9 Sec. 2. [115A.1441] DEFINITIONS.

1.10 Subdivision 1. **Scope.** For the purposes of sections 115A.144 to 115A.1462, the terms

1.11 in this section have the meanings given.

1.12 Subd. 2. **Advisory board.** "Advisory board" or "board" means the Producer

1.13 Responsibility Advisory Board established under section 115A.1444.

1.14 Subd. 3. **Brand.** "Brand" means a name, symbol, word, or mark that identifies a product

1.15 and attributes the product and its components, including packaging, to the brand owner.

1.16 Subd. 4. **Brand owner.** "Brand owner" means a person that owns or licenses a brand or

1.17 that otherwise has rights to market a product under the brand, whether or not the brand's

1.18 trademark is registered.

1.19 Subd. 5. **Collection rate.** "Collection rate" means the amount of a covered material by

1.20 covered materials type collected by service providers and transported for recycling or

1.21 composting divided by the total amount of the type of a covered material by covered materials

2.1 type sold or distributed into the state by the relevant unit of measurement established in
2.2 section 115A.1451.

2.3 Subd. 6. **Compostable material.** "Compostable material" means a covered material
2.4 that:

2.5 (1) meets, and is labeled to reflect that it meets, the American Society for Testing and
2.6 Materials Standard Specification for Labeling of Plastics Designed to be Aerobically
2.7 Composted in Municipal or Industrial Facilities (D6400) or its successor;

2.8 (2) meets, and is labeled to reflect that it meets, the American Society for Testing and
2.9 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and
2.10 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
2.11 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

2.12 (3) is comprised of only wood without any coatings or additives; or

2.13 (4) is comprised of only paper without any coatings or additives.

2.14 Subd. 7. **Composting.** "Composting" means the controlled microbial degradation of
2.15 source-separated compostable materials to yield a humus-like product.

2.16 Subd. 8. **Composting rate.** "Composting rate" means the amount of compostable covered
2.17 material that is managed through composting, divided by the total amount of compostable
2.18 covered material sold or distributed into the state by the relevant unit of measurement
2.19 established in section 115A.1451.

2.20 Subd. 9. **Covered material.** "Covered material" means packaging and paper products
2.21 introduced into the state. Covered material does not include exempt materials.

2.22 Subd. 10. **Covered materials type.** "Covered materials type" means a singular and
2.23 specific type of covered material, such as paper, plastic, metal, or glass, that can be
2.24 categorized based on distinguishing chemical or physical properties, including properties
2.25 that allow for a covered materials type to be aggregated into a commonly defined discrete
2.26 commodity category for purposes of reuse, recycling, or composting, and based on similar
2.27 uses in the form of a product or package.

2.28 Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the
2.29 most recent fiscal year:

2.30 (1) introduced less than one ton of covered material into this state; or

2.31 (2) earned global gross revenues of less than \$2,000,000.

3.1 Subd. 12. **Drop-off collection site.** "Drop-off collection site" means a physical location
3.2 where covered materials are accepted from the public and that is open a minimum of 12
3.3 hours weekly throughout the year.

3.4 Subd. 13. **Environmental impact.** "Environmental impact" means the environmental
3.5 impact of a covered material from extraction and processing of the raw materials composing
3.6 the material through manufacturing; distribution; use; recovery for reuse, recycling, or
3.7 composting; and final disposal.

3.8 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of
3.9 materials, that:

3.10 (1) are packaging for infant formula, as defined in United States Code, title 21, section
3.11 321(z);

3.12 (2) are packaging for medical food, as defined in United States Code, title 21, section
3.13 360ee(b)(3);

3.14 (3) are packaging for a fortified oral nutritional supplement used by persons who require
3.15 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs
3.16 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,
3.17 as those terms are defined by the International Classification of Diseases, Tenth Revision;

3.18 (4) are a product, including its peripheral accessories, and the packaging or packaging
3.19 components for any investigational or approved product regulated as a drug or medical
3.20 device by the United States Food and Drug Administration;

3.21 (5) are medical equipment or products or their components, including consumable
3.22 medical equipment or products and their components, and the packaging or packaging
3.23 components for any products used in health care settings, including hospitals and clinics
3.24 that are regulated by the United States Food and Drug Administration or used for infection
3.25 prevention and dispensing of medication;

3.26 (6) are medical equipment or products and the packaging or packaging components for
3.27 any product intended for Research Use Only as defined in the Federal Food, Drug, and
3.28 Cosmetic Act, United States Code, title 21, section 360 et seq.;

3.29 (7) are drugs, biological products, parasiticides, medical devices, or in vitro diagnostics
3.30 used to treat, or administered to, animals and regulated by the United States Food and Drug
3.31 Administration under the Federal Food, Drug, and Cosmetic Act, United States Code, title
3.32 21, section 301 et seq., by the United States Department of Agriculture under the federal
3.33 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq., or by the United

4.1 States Environmental Protection Agency under the Federal Insecticide, Fungicide, and
4.2 Rodenticide Act, United States Code, title 7, section 136 et seq.; or

4.3 (8) are paper products used for a print publication that primarily includes content derived
4.4 from primary sources related to news and current events.

4.5 Subd. 15. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

4.6 Subd. 16. **Independent auditor.** "Independent auditor" means an independent and
4.7 actively licensed certified public accountant that is:

4.8 (1) retained by a producer responsibility organization;

4.9 (2) not otherwise employed by or affiliated with a producer responsibility organization;
4.10 and

4.11 (3) qualified to conduct an audit under state law.

4.12 Subd. 17. **Infrastructure investment.** "Infrastructure investment" means an investment
4.13 by a producer responsibility organization that funds or reimburses service providers for:

4.14 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,
4.15 or composting;

4.16 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of
4.17 covered materials; or

4.18 (3) the expansion or strengthening of demand for and use of covered materials by
4.19 responsible markets in the state or region.

4.20 Subd. 18. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship
4.21 a product within or into this state.

4.22 Subd. 19. **Living wage.** "Living wage" means the minimum hourly wage necessary to
4.23 allow a person working 40 hours per week to afford basic needs.

4.24 Subd. 20. **Needs assessment.** "Needs assessment" means an assessment conducted
4.25 according to section 115A.1450. Except where the context requires otherwise, needs
4.26 assessment means the most recently completed needs assessment.

4.27 Subd. 21. **Nondisclosure agreement.** "Nondisclosure agreement" means an agreement
4.28 that requires the parties to the agreement to treat private and nonpublic data submitted to
4.29 facilitate completion of a needs assessment according to the definitions and requirements
4.30 established in section 115A.06, subdivision 13.

5.1 Subd. 22. **Packaging.** "Packaging" has the meaning given in section 115A.03 and
5.2 includes food packaging and only includes those materials that are supplied to a residential
5.3 consumer. Packaging does not include exempt materials.

5.4 Subd. 23. **Paper product.** "Paper product" means a product made primarily from wood
5.5 pulp or other cellulosic fibers, except that paper product does not include bound books or
5.6 products that recycling or composting facilities will not accept because of the unsafe or
5.7 unsanitary nature of the paper product.

5.8 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means
5.9 the portion of a product composed of postconsumer material, expressed as a percentage of
5.10 the total weight of the product.

5.11 Subd. 25. **Producer.** (a) "Producer" means the following person responsible for
5.12 compliance with requirements under this act for a covered material sold, offered for sale,
5.13 or distributed in or into this state:

5.14 (1) for items sold in or with packaging at a physical retail location in this state:

5.15 (i) if the item is sold in or with packaging under the brand of the item manufacturer or
5.16 is sold in packaging that lacks identification of a brand, the producer is the person that
5.17 manufactures the item;

5.18 (ii) if there is no person to which item (i) applies, the producer is the person that is
5.19 licensed to manufacture and sell or offer for sale to consumers in this state an item with
5.20 packaging under the brand or trademark of another manufacturer or person;

5.21 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
5.22 of the item;

5.23 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
5.24 producer is the person who is the importer of record for the item into the United States for
5.25 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;
5.26 or

5.27 (v) if there is no person described in items (i) to (iv), the producer is the person that first
5.28 distributes the item in or into this state;

5.29 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote
5.30 sale, or distribution:

5.31 (i) for packaging used to directly protect or contain the item, the producer of the packaging
5.32 is the same as the producer identified under clause (1); and

6.1 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is
6.2 the person that packages the item to be shipped to the consumer;

6.3 (3) for packaging that is a covered material and is not included in clauses (1) and (2),
6.4 the producer of the packaging is the person that first distributes the item in or into this state;

6.5 (4) for paper products that are magazines, catalogs, telephone directories, or similar
6.6 publications, the producer is the publisher;

6.7 (5) for paper products not described in clause (4):

6.8 (i) if the paper product is sold under the manufacturer's own brand, the producer is the
6.9 person that manufactures the paper product;

6.10 (ii) if there is no person to which item (i) applies, the producer is the person that is the
6.11 owner or licensee of a brand or trademark under which the paper product is used in a
6.12 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or
6.13 not the trademark is registered in this state;

6.14 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner
6.15 of the paper product;

6.16 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the
6.17 producer is the person that imports the paper product into the United States for use in a
6.18 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;

6.19 or

6.20 (v) if there is no person described in items (i) to (iv), the producer is the person that first
6.21 distributes the paper product in or into this state; and

6.22 (6) a person is the producer of a covered material sold, offered for sale, or distributed
6.23 in or into this state, as defined in clauses (1) to (5), except:

6.24 (i) where another person has mutually signed an agreement with a producer as defined
6.25 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,
6.26 and the person has joined a registered producer responsibility organization as the responsible
6.27 producer for that covered material under this act. In the event that another person is assigned
6.28 responsibility as the producer under this subdivision, the producer under clauses (1) to (5)
6.29 must provide written certification of that contractual agreement to the producer responsibility
6.30 organization; and

7.1 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part
7.2 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a
7.3 commercial presence within the state.

7.4 (b) "Producer" does not include:

7.5 (1) government agencies, municipalities, or other political subdivisions of the state;

7.6 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare
7.7 organizations; or

7.8 (3) de minimis producers.

7.9 Subd. 26. **Producer responsibility organization.** "Producer responsibility organization"
7.10 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal
7.11 Internal Revenue Code and that is created by a group of producers to implement activities
7.12 under this act.

7.13 Subd. 27. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that
7.14 recycling does not include reuse or composting, as defined in this act.

7.15 Subd. 28. **Recycling rate.** "Recycling rate" means the amount of covered material, in
7.16 aggregate or by individual covered materials type, managed through recycling in a calendar
7.17 year divided by the total amount of covered materials sold or distributed into the state by
7.18 the relevant unit of measurement established in section 115A.1451.

7.19 Subd. 29. **Refill.** "Refill" means the continued use of a covered material by a consumer
7.20 through a system that is:

7.21 (1) intentionally designed and marketed for repeated filling of a covered material to
7.22 reduce demand for new production of the covered material;

7.23 (2) supported by adequate logistics and infrastructure to provide convenient access for
7.24 consumers; and

7.25 (3) compliant with all applicable state and local statute, rule, ordinance, or other law
7.26 governing health and safety.

7.27 Subd. 30. **Responsible market.** "Responsible market" means a materials market that:

7.28 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of
7.29 contaminants in a manner that protects the environment and minimizes risks to public health
7.30 and worker health and safety;

8.1 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, or
 8.2 other laws governing environmental, health, safety, and financial responsibility;

8.3 (3) possesses all requisite licenses and permits required by government agencies;

8.4 (4) if the market operates in the state, manages waste according to the waste management
 8.5 goal and priority order of waste management practices stated in section 115A.02; and

8.6 (5) minimizes adverse impacts to environmental justice areas.

8.7 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material in
 8.8 aggregate or by individual covered materials type, collected for reuse by the producer or
 8.9 service provider in a calendar year, divided by the total amount of reusable covered materials
 8.10 sold or distributed into the state by the relevant unit of measurement established in section
 8.11 115A.1451.

8.12 Subd. 32. **Reusable.** "Reusable" means capable of reuse.

8.13 Subd. 33. **Reuse.** "Reuse" means the return of a covered material to the marketplace and
 8.14 the continued use of the covered material by a producer or service provider when the covered
 8.15 material is:

8.16 (1) intentionally designed and marketed to be used multiple times for its original intended
 8.17 purpose without a change in form;

8.18 (2) designed for durability and maintenance to extend its useful life and reduce demand
 8.19 for new production of the covered material;

8.20 (3) supported by adequate logistics and infrastructure at a retail location, by a service
 8.21 provider, or on behalf of or by a producer, that provides convenient access for consumers;
 8.22 and

8.23 (4) compliant with all applicable state and local statutes, rules, ordinances, or other laws
 8.24 governing health and safety.

8.25 Subd. 34. **Reuse rate.** "Reuse rate" means the share of units of a covered material sold
 8.26 or distributed into the state in a calendar year that are deemed reusable by the commissioner
 8.27 according to section 115A.1451.

8.28 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,
 8.29 sorts, processes, or otherwise prepares covered materials for reuse, recycling, or composting.
 8.30 A political subdivision that provides or that contracts or otherwise arranges with another
 8.31 party to provide reuse, collection, recycling, or composting services for covered materials
 8.32 within its jurisdiction may be a service provider regardless of whether it provided, contracted

9.1 for, or otherwise arranged for similar services before the approval of the applicable
 9.2 stewardship plan.

9.3 Subd. 36. **Third-party certification.** "Third-party certification" means certification by
 9.4 an accredited independent organization that a standard or process required by this act, or a
 9.5 stewardship plan approved under this act, has been achieved.

9.6 Subd. 37. **This act.** "This act" means sections 115A.144 to 115A.1462.

9.7 Subd. 38. **Toxic substance.** "Toxic substance" means hazardous waste, a problem
 9.8 material, a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,
 9.9 or 325F.172 to 325F.179, or a chemical of high concern identified under section 116.9402.

9.10 Subd. 39. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"
 9.11 has the meaning given in section 115A.03, except that waste reduction or source reduction
 9.12 does not include reuse, but does include refill, as defined in this act.

9.13 **Sec. 3. [115A.1442] ESTABLISHMENT OF PROGRAM.**

9.14 Producers must implement and finance a statewide program for packaging and paper
 9.15 products in accordance with this act that encourages packaging redesign to reduce the
 9.16 environmental impacts and human health impacts and that reduces generation of covered
 9.17 materials waste through waste reduction, reuse, recycling, and composting and by providing
 9.18 for negotiation and execution of agreements to collect, transport, and process used covered
 9.19 materials for reuse, recycling, and composting.

9.20 **Sec. 4. [115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY**
 9.21 **ORGANIZATIONS.**

9.22 Subdivision 1. **Annual registration.** (a) By January 1, 2025, and annually thereafter,
 9.23 producers must appoint a producer responsibility organization and the organization must
 9.24 register with the commissioner by submitting the following:

9.25 (1) contact information for a person responsible for implementing an approved
 9.26 stewardship plan;

9.27 (2) a list of all member producers that will operate under the stewardship plan
 9.28 administered by the producer responsibility organization and, for each producer, a list of
 9.29 all brands of the producer's covered materials introduced;

10.1 (3) copies of written agreements with each producer stating that each producer agrees
10.2 to operate under an approved stewardship plan administered by the producer responsibility
10.3 organization;

10.4 (4) a list of current board members and the executive director if different than the person
10.5 responsible for implementing approved stewardship plans; and

10.6 (5) payment of the annual fee required under subdivision 2.

10.7 (b) Following the approval of the initial producer responsibility organization and the
10.8 initial stewardship plan, if more than a single producer responsibility organization is
10.9 established, the producers and producer responsibility organizations must establish a
10.10 coordinating body and process to prevent redundancy of service contracts among service
10.11 providers and to ensure the efficient delivery of waste management services. The stewardship
10.12 plans of all producer responsibility organizations must be integrated into a single stewardship
10.13 plan that covers all requirements of this act and encompasses all producers when submitted
10.14 to the commissioner for approval. The annual reports of all producer responsibility
10.15 organizations must be integrated into a single annual report that covers all requirements of
10.16 this act and encompasses all producers when submitted to the commissioner.

10.17 Subd. 2. **Registration fee.** (a) As part of its annual registration with the commissioner,
10.18 a producer responsibility organization must submit to the commissioner an annual fee for
10.19 the following year, as determined by the commissioner. Beginning October 1, 2028, and
10.20 annually thereafter, the commissioner must notify registered producer responsibility
10.21 organizations in writing of the amount of the fee for the following year. If there is more
10.22 than one registered producer responsibility organization, the coordinating body described
10.23 in subdivision 1, paragraph (b), must equitably apportion payment of the annual fee between
10.24 all registered producer responsibility organizations. The annual fee must be set at an amount
10.25 anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs
10.26 required to perform the commissioner's duties as described in section 115A.1445 and to
10.27 otherwise administer, implement, and enforce this act.

10.28 (b) The commissioner must reconcile the fees paid by a producer responsibility
10.29 organization under this subdivision with the actual costs incurred by the agency on an annual
10.30 basis, by means of credits or refunds to or additional payments required of a producer
10.31 responsibility organization, as applicable.

10.32 Subd. 3. **Initial producer responsibility organization registration; implementation**
10.33 fee. (a) Notwithstanding the other provisions of this section, the commissioner may not
10.34 allow registration of more than one producer responsibility organization under this section

11.1 before the first stewardship plan approved by the commissioner expires. If more than one
 11.2 producer responsibility organization applies to register under this section before the first
 11.3 stewardship plan is approved by the commissioner, the commissioner must select the producer
 11.4 responsibility organization that will represent producers until the first stewardship plan
 11.5 expires and must return the registration fee paid by applicants who are not selected. When
 11.6 selecting a producer responsibility organization, the commissioner must consider whether
 11.7 the producer responsibility organization:

11.8 (1) has a governing board consisting of producers that represent a diversity of covered
 11.9 materials introduced; and

11.10 (2) demonstrates adequate financial responsibility and financial controls to ensure proper
 11.11 management of funds.

11.12 (b) By October 1, 2025, and annually until the first stewardship plan is approved, the
 11.13 commissioner must provide written notice to the initial producer responsibility organization
 11.14 registered under this section of the commissioner's estimate of the cost of conducting the
 11.15 initial needs assessment and the commissioner's costs to administer this act during the period
 11.16 prior to plan approval. The producer responsibility organization must remit payment in full
 11.17 for these costs to the commissioner within 45 days of receipt of this notice. The producer
 11.18 responsibility organization may charge each member producer to cover the cost of its
 11.19 implementation fee according to each producer's unit-, weight-, volume-, or sales-based
 11.20 market share or by another method it determines to be an equitable determination of each
 11.21 producer's payment obligation.

11.22 Subd. 4. **Requirement for additional producer responsibility organizations.** The
 11.23 commissioner may allow registration of more than one producer responsibility organization
 11.24 if:

11.25 (1) producers of a covered materials type or a specific covered material appoint a producer
 11.26 responsibility organization; or

11.27 (2) producers organize under additional producer responsibility organizations that meet
 11.28 the criteria established in subdivision 3, paragraph (a).

11.29 Sec. 5. **[115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY**
 11.30 **ADVISORY BOARD.**

11.31 Subdivision 1. **Establishment.** The Producer Responsibility Advisory Board is established
 11.32 to review all programs conducted by producer responsibility organizations under this act

12.1 and to advise the commissioner and producer responsibility organizations regarding the
 12.2 implementation of this act.

12.3 Subd. 2. **Membership.** (a) The membership of the advisory board consists of persons
 12.4 appointed by the commissioner by January 1, 2025, as follows:

12.5 (1) two members representing manufacturers of covered materials or a statewide or
 12.6 national trade association representing those manufacturers;

12.7 (2) two members representing recycling facilities that manage covered materials;

12.8 (3) one member representing a waste hauler or a statewide association representing waste
 12.9 haulers;

12.10 (4) one member representing retailers of covered materials or a statewide trade association
 12.11 representing those retailers;

12.12 (5) one member representing a statewide nonprofit environmental organization;

12.13 (6) one member representing a community-based nonprofit environmental justice
 12.14 organization;

12.15 (7) one member representing a waste facility that receives and sorts covered materials
 12.16 and transfers them to another facility for reuse, recycling, or composting;

12.17 (8) one member representing a waste facility that receives compostable materials for
 12.18 composting or a statewide trade association that represents such facilities;

12.19 (9) two members representing an entity that develops or offers for sale covered materials
 12.20 that are designed for reuse and maintained through a reuse system or infrastructure or a
 12.21 statewide or national trade association that represents such entities;

12.22 (10) three members representing organizations of political subdivisions;

12.23 (11) two members representing other stakeholders or additional members of interests
 12.24 represented under clauses (1) to (10) as determined by the commissioner; and

12.25 (12) one member representing the commissioner.

12.26 (b) In making appointments under paragraph (a), the commissioner:

12.27 (1) may not appoint members who are state legislators or registered lobbyists;

12.28 (2) may not appoint members who are employees of a producer required to be members
 12.29 of a producer responsibility organization in this state under this act; and

12.30 (3) must endeavor to appoint members from all regions of the state.

13.1 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision
13.2 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members
13.3 serve for a term of four years, except that the initial term for nine of the initial appointees
13.4 must be two years so that membership terms are staggered. Members may be reappointed
13.5 but may not serve more than eight consecutive years. Removing members and filling of
13.6 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,
13.7 chapter 15 does not apply to the board.

13.8 Subd. 4. **Compensation.** Members of the board must be compensated according to
13.9 section 15.059, subdivision 3.

13.10 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If
13.11 there is a vacancy in the membership of the board, a majority of the remaining voting
13.12 members of the board constitutes a quorum.

13.13 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those
13.14 present and voting. All members of the advisory board, except the member appointed under
13.15 subdivision 2, paragraph (a), clause (12), are voting members of the board.

13.16 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may
13.17 meet more frequently upon ten days' written notice at the request of the chair or a majority
13.18 of its members.

13.19 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

13.20 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board
13.21 must elect a chair and vice-chair from among its members.

13.22 Subd. 10. **Administrative and operating support.** The commissioner must provide
13.23 administrative and operating support to the advisory board and may contract with a third-party
13.24 facilitator to assist in administering the activities of the advisory board, including establishing
13.25 a website or landing page on the agency website.

13.26 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board
13.27 in developing policies and procedures governing the disclosure of actual or perceived
13.28 conflicts of interest that advisory board members may have as a result of their employment
13.29 or financial holdings of themselves or of family members. Each advisory board member is
13.30 responsible for reviewing the conflict of interest policies and procedures. An advisory board
13.31 member must disclose any instance of actual or perceived conflicts of interest at each meeting
13.32 of the advisory board at which recommendations regarding stewardship plans, programs,
13.33 operations, or activities are made by the advisory board.

14.1 Sec. 6. [115A.1445] COMMISSIONER RESPONSIBILITIES.

14.2 The commissioner must:

14.3 (1) appoint the initial membership of the advisory board by January 1, 2025, according
14.4 to section 115A.1444;

14.5 (2) provide administrative and operating support to the advisory board, as required by
14.6 section 115A.1444, subdivision 10;

14.7 (3) complete an initial needs assessment by December 31, 2026, and update the needs
14.8 assessment every five years thereafter, according to section 115A.1450;

14.9 (4) approve stewardship plans and amendments to stewardship plans according to section
14.10 115A.1451;

14.11 (5) provide a list of covered materials determined to be recyclable or compostable to all
14.12 producer responsibility organizations by March 1, 2027, and at least every three years
14.13 thereafter, according to the requirements of section 115A.1453;

14.14 (6) post on the agency's website:

14.15 (i) the most recent registration materials submitted by producer responsibility
14.16 organizations, including all information submitted under section 115A.1443, subdivision
14.17 1;

14.18 (ii) the most recent needs assessment;

14.19 (iii) any stewardship plan or amendment submitted by a producer responsibility
14.20 organization under section 115A.1451 that is in draft form during the public comment
14.21 period;

14.22 (iv) the most recent list of recyclable or compostable covered materials developed by
14.23 the commissioner under section 115A.1453;

14.24 (v) links to producer responsibility organization websites;

14.25 (vi) comments of the public, advisory board, and producer responsibility organizations
14.26 on the documents listed in items (ii), (iii), (iv), and (vii), and the responses of the
14.27 commissioner to those comments; and

14.28 (vii) links to adopted rules implementing this act;

14.29 (7) provide producer responsibility organizations with information regarding Minnesota
14.30 and federal laws that prohibit toxic substances in covered materials;

15.1 (8) require and approve independent auditors to perform an annual financial audit of
 15.2 program operations of each producer responsibility organization; and

15.3 (9) consider and respond in writing to all written comments received from the advisory
 15.4 board.

15.5 **Sec. 7. [115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**
 15.6 **RESPONSIBILITIES.**

15.7 The Producer Responsibility Advisory Board must:

15.8 (1) convene its initial meeting by March 1, 2025;

15.9 (2) consult with the commissioner regarding the scope of the needs assessment and to
 15.10 provide written comments on needs assessments, according to section 115A.1450, subdivision
 15.11 2;

15.12 (3) advise on the development of stewardship plans and amendments to stewardship
 15.13 plans under section 115A.1451;

15.14 (4) submit comments to producer responsibility organizations and to the commissioner
 15.15 on any matter relevant to the administration of this act; and

15.16 (5) provide written comments to the commissioner during any rulemaking process
 15.17 undertaken by the commissioner under section 115A.1459.

15.18 **Sec. 8. [115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**
 15.19 **RESPONSIBILITIES.**

15.20 A producer responsibility organization must:

15.21 (1) annually register with the commissioner, according to section 115A.1443;

15.22 (2) submit a stewardship plan to the commissioner by March 1, 2028, and every five
 15.23 years thereafter, according to section 115A.1451;

15.24 (3) implement stewardship plans approved by the commissioner under section 115A.1451
 15.25 and to comply with the requirements of this act;

15.26 (4) forward upon receipt from the commissioner the list of covered materials that are
 15.27 deemed recyclable or compostable to all service providers that participate in a stewardship
 15.28 plan administered by the producer responsibility organization;

15.29 (5) collect producer fees according to section 115A.1454;

15.30 (6) submit the reports required by section 115A.1456;

16.1 (7) ensure that producers operating under a stewardship plan administered by the producer
 16.2 responsibility organization comply with the requirements of the stewardship plan and with
 16.3 this act;

16.4 (8) expel a producer from the producer responsibility organization if efforts to return
 16.5 the producer to compliance with the plan or with the requirements of this act are unsuccessful.
 16.6 The producer responsibility organization must notify the commissioner when a producer
 16.7 has been expelled under this clause;

16.8 (9) consider and respond in writing to comments received from the advisory board,
 16.9 including justifications for not incorporating any recommendations;

16.10 (10) provide producers with information regarding state and federal laws that prohibit
 16.11 substances in covered materials, including sections 115A.965, 116.943, 325F.075, 325F.172
 16.12 to 325F.179, and all laws prohibiting toxic substances in covered materials;

16.13 (11) maintain a website according to section 115A.1457;

16.14 (12) notify the commissioner within 30 days if a change is made to the contact information
 16.15 for a person responsible for implementing the stewardship plan, a change to the board
 16.16 members, or a change to the executive director; and

16.17 (13) assist service providers in identifying and using responsible markets.

16.18 Sec. 9. **[115A.1448] PRODUCER RESPONSIBILITIES.**

16.19 Subdivision 1. **Registration required; prohibition of sale.** (a) After January 1, 2025,
 16.20 a producer must be a member of a producer responsibility organization registered in this
 16.21 state.

16.22 (b) After January 1, 2029, no producer may introduce covered materials, either separately
 16.23 or when used to package another product, unless the producer operates under a written
 16.24 agreement with a producer responsibility organization to operate under an approved
 16.25 stewardship plan.

16.26 (c) After January 1, 2032, no producer may introduce covered materials unless the
 16.27 covered materials are:

16.28 (1) reusable and included in an established reuse system that meets the reuse rate and
 16.29 return rate required under this act;

16.30 (2) included on the recyclables or compostables list established under section 115A.1453;
 16.31 or

17.1 (3) included in an alternative collection system approved as part of a stewardship plan
17.2 under section 115A.1451.

17.3 (d) A producer responsibility organization may petition the commissioner for a two-year
17.4 extension on the requirements of paragraph (c) if market or technical issues prevent a covered
17.5 material from being considered recyclable, reusable, or compostable as included in the lists
17.6 established under section 115A.1453. This extension may be renewed in annual increments
17.7 until January 1, 2040, if market or technical issues persist.

17.8 Subd. 2. **Duties.** A producer must:

17.9 (1) implement the requirements of the stewardship plan under which the producer operates
17.10 and to comply with the requirements of this act; and

17.11 (2) pay producer fees according to section 115A.1454.

17.12 Sec. 10. **[115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

17.13 A service provider receiving reimbursement or funding under an approved stewardship
17.14 plan must:

17.15 (1) ensure the collection, transportation, and management of covered materials generated
17.16 in the state pursuant to the lists established under section 115A.1453 and covered materials
17.17 that are capable of refill or reuse;

17.18 (2) provide that covered materials are sent to responsible markets; and

17.19 (3) provide documentation to the producer responsibility organization on the amounts,
17.20 covered materials types, and volumes of covered materials collected, transported, and
17.21 managed for recycling, composting, or reuse.

17.22 Sec. 11. **[115A.1450] NEEDS ASSESSMENT.**

17.23 Subdivision 1. **Needs assessment required.** By December 31, 2026, and every five
17.24 years thereafter, the commissioner must complete a statewide needs assessment according
17.25 to this section. Upon request from the producer responsibility organization, the commissioner
17.26 may adjust what is required to be included in a specific needs assessment to reduce the
17.27 scope to best inform the next stewardship plan.

17.28 Subd. 2. **Input from interested parties.** In conducting a needs assessment, the
17.29 commissioner must:

17.30 (1) initiate a consultation process to obtain recommendations from the advisory board,
17.31 political subdivisions, service providers, producer responsibility organizations, and other

18.1 interested parties regarding the type and scope of information that should be collected and
18.2 analyzed in the statewide needs assessment required by this section;

18.3 (2) contract with a third party who is not a producer or a producer responsibility
18.4 organization to conduct the needs assessment; and

18.5 (3) prior to finalizing the needs assessment, make the draft needs assessment available
18.6 for comment by the advisory board, producer responsibility organizations, and the public.

18.7 The commissioner must respond in writing to the comments and recommendations of the
18.8 advisory board and producer responsibility organizations.

18.9 Subd. 3. Content of needs assessment. A needs assessment must include at least the
18.10 following:

18.11 (1) an evaluation of the performance of:

18.12 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered
18.13 materials type, as applicable, including collection rates, recycling rates, composting rates,
18.14 reuse rates, and return rates for each covered materials type;

18.15 (ii) overall recycling rate, composting rate, reuse rate, and return rate for all covered
18.16 materials; and

18.17 (iii) the extent to which postconsumer recycled content, by the best estimate, is or could
18.18 be incorporated into each covered materials type, as applicable;

18.19 (2) an evaluation of a representative sample of management of covered materials with
18.20 mixed municipal solid waste, as source-separated recyclable materials, and as
18.21 source-separated compostable materials as received by waste management, recycling, and
18.22 composting facilities in the state, and relevant findings from any publicly available waste
18.23 stream evaluations conducted within the previous year, to evaluate the amount and portion
18.24 of covered materials being disposed of that would otherwise be recyclable or compostable;

18.25 (3) proposals for a range of outcomes for each covered materials type to be accomplished
18.26 within a five-year time frame in multiple units of measurement, including but not limited
18.27 to unit-based, weight-based, and volume-based, for each of the following:

18.28 (i) waste reduction;

18.29 (ii) reuse rate and return rates;

18.30 (iii) recycling rates;

18.31 (iv) composting rates; and

- 19.1 (v) postconsumer recycled content, if applicable;
- 19.2 (4) proposals for a range of outcomes for the categories established in section 115A.1451,
- 19.3 subdivision 7, that consider:
- 19.4 (i) information contained in or used to prepare a needs assessment according to this
- 19.5 subdivision;
- 19.6 (ii) goals and requirements of the Waste Management Act under this chapter;
- 19.7 (iii) statewide goals for greenhouse gas emission reductions under section 216H.02;
- 19.8 (iv) need for continuous progress toward generating less waste from covered materials
- 19.9 and the complete reuse, recycling, or composting of the covered materials that are generated,
- 19.10 in doing so reducing impacts to human health and the environment;
- 19.11 (v) a preference for statewide requirements that accomplish and further the goals and
- 19.12 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
- 19.13 achievable; and
- 19.14 (vi) information from packaging and paper producer responsibility programs operating
- 19.15 in other jurisdictions;
- 19.16 (5) an evaluation of the following factors for each covered material collected for recycling
- 19.17 or composting:
- 19.18 (i) availability of recycling and composting collection services;
- 19.19 (ii) recycling and composting processing infrastructure;
- 19.20 (iii) capacity and technology for sorting covered materials;
- 19.21 (iv) availability of responsible end markets;
- 19.22 (v) presence and amount of processing residuals, contamination, and toxic substances;
- 19.23 (vi) quantity of material estimated to be available and recoverable;
- 19.24 (vii) projected future conditions for items (i) to (vi); and
- 19.25 (viii) other criteria or factors determined by the commissioner;
- 19.26 (6) recommended collection methods by covered materials type to maximize collection
- 19.27 efficiency and feedstock quality;
- 19.28 (7) proposed plans and metrics for how to measure progress in achieving performance
- 19.29 targets and statewide requirements;

20.1 (8) an evaluation of options for third-party certification of activities to meet obligations
20.2 of this act;

20.3 (9) an inventory of the current system including:

20.4 (i) infrastructure, capacity, performance, funding level, and method and sources of
20.5 financing for the existing waste reduction, reuse, collection, transportation, processing,
20.6 recycling, and composting systems for covered materials operating in the state; and

20.7 (ii) availability and cost of waste reduction, reuse, recycling, and composting services
20.8 for covered materials at single-family residences, at multifamily residences, and in public
20.9 places where political subdivisions arrange for collection of recyclable or compostable
20.10 materials, including identification of disparities in the availability of these services in
20.11 environmental justice areas compared with other areas and proposals for reducing or
20.12 eliminating those disparities;

20.13 (10) an evaluation of investments needed to increase waste reduction, reuse, recycling,
20.14 and composting rates of covered materials according to the range of proposed performance
20.15 targets and statewide requirements including investments that would:

20.16 (i) maintain or improve operations of existing infrastructure and accounts for reuse,
20.17 recycling, and composting of covered materials;

20.18 (ii) expand the availability and accessibility of recycling collection services for recyclable
20.19 covered materials to all residents of the state at the same or comparable level of convenience
20.20 as collection services for mixed municipal solid waste; and

20.21 (iii) establish and expand the availability and accessibility of reuse services for reusable
20.22 covered materials;

20.23 (11) an assessment of the viability and robustness of markets for recyclable covered
20.24 materials and the degree to which these markets can be considered responsible markets;

20.25 (12) an assessment of the level and causes of contamination of source-separated recyclable
20.26 materials, source-separated compostable materials and collected reusables, and the impacts
20.27 of contamination on service providers, including the cost to manage this contamination;

20.28 (13) an assessment of what toxic substances might be intentionally added to covered
20.29 materials and best practices to eliminate or mitigate their use or presence in covered materials;

20.30 (14) an assessment of current best practices to increase public awareness, educate, and
20.31 complete outreach activities accounting for culturally responsive materials and methods

21.1 and an evaluation of the efficacy of these efforts including assessments and evaluations of
21.2 current best practices and efforts on:

21.3 (i) using product labels as a means of informing consumers about environmentally sound
21.4 use and management of covered materials;

21.5 (ii) increasing public awareness of how to use and manage covered materials in an
21.6 environmentally sound manner and how to access waste reduction, reuse, recycling, and
21.7 composting services; and

21.8 (iii) encouraging behavior change to increase participation in waste reduction, reuse,
21.9 recycling, and composting programs;

21.10 (15) identification of the covered materials with the most significant environmental
21.11 impact; and

21.12 (16) other items identified by the commissioner that would aid the creation of the
21.13 stewardship plan, its administration, and the enforcement of this act.

21.14 Subd. 4. **Needs assessment as baseline.** When determining the extent to which any
21.15 statewide requirement or performance target under this act has been achieved, information
21.16 contained in a needs assessment must serve as the baseline for that determination, when
21.17 applicable.

21.18 Subd. 5. **Participation required.** A service provider or other person with data or
21.19 information necessary to complete a needs assessment must provide the data or information
21.20 to the commissioner upon request. A service provider or other person who does not want
21.21 to be identified with information submitted to the commissioner under this subdivision may
21.22 request to proceed under a nondisclosure agreement. A nondisclosure agreement is limited
21.23 to the items under section 115A.06, subdivision 13. Once a request is made, the requestor,
21.24 the commissioner, and all third parties participating in the completion of the needs assessment
21.25 in whatever capacity must enter into a nondisclosure agreement. Once these parties have
21.26 entered into a nondisclosure agreement, the requestor must submit the necessary data or
21.27 information to the contractor selected by the commissioner according to subdivision 2, who
21.28 must aggregate and anonymize the data or information, excluding location data necessary
21.29 to assess needs, received from all parties proceeding under a nondisclosure agreement under
21.30 this subdivision and must then submit the aggregated anonymized information to the
21.31 commissioner or to the party or parties contracted to complete the needs assessment.

22.1 Sec. 12. [115A.1451] STEWARDSHIP PLAN.

22.2 Subdivision 1. Stewardship plan required. By March 1, 2028, and every five years
22.3 thereafter, a producer responsibility organization must submit a stewardship plan to the
22.4 commissioner that describes the proposed operation by the organization of programs to
22.5 fulfill the requirements of this act and that incorporates the findings and results of needs
22.6 assessments. Once approved, a stewardship plan remains in effect for five years, as amended,
22.7 or until a subsequent stewardship plan is approved.

22.8 Subd. 2. Advisory board review of draft plan and amendments. A producer
22.9 responsibility organization must submit a draft stewardship plan or draft amendment to the
22.10 advisory board at least 60 days prior to submitting the draft plan or draft amendment to the
22.11 commissioner to allow the advisory board to submit comments and must address advisory
22.12 board comments and recommendations prior to submission of the draft plan or draft
22.13 amendment to the commissioner.

22.14 Subd. 3. Content of stewardship plans. A proposed stewardship plan must include at
22.15 least the following:

22.16 (1) performance targets as applicable to each covered materials type to be accomplished
22.17 within a five-year period, established in subdivision 5, paragraph (a);

22.18 (2) a description of the anticipated method of collection and management to be used for
22.19 each covered materials type for covered materials capable of refill, reusable covered materials
22.20 and materials included on lists established in section 115A.1453;

22.21 (3) proposals for exemptions from performance targets and statewide requirements for
22.22 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable
22.23 due to federal or state health and safety requirements. The producer responsibility
22.24 organization must identify the specific requirements and the impact on the covered materials;

22.25 (4) a plan for how the producer responsibility organization will measure recycling, waste
22.26 reduction, and reuse according to subdivision 6, and a description of how the organization
22.27 will measure composting and inclusion of postconsumer recycled content;

22.28 (5) third-party certifications as required by the commissioner or voluntarily undertaken;

22.29 (6) a budget and identification of funding needs for each of the five calendar years
22.30 covered by the plan, including:

22.31 (i) producer fees and a description of the process used to calculate the fees, including
22.32 an explanation of how the fees meet the requirements of section 115A.1454; and

23.1 (ii) set goals for infrastructure investments, including a description of how the process
23.2 to offer and select opportunities will be conducted in an open, competitive, and fair manner;
23.3 how it will address gaps in the system not met by service providers; and potential financial
23.4 and legal instruments to be used;

23.5 (7) an explanation of how the program will be paid for by producers, without any
23.6 consumer-facing fee, charge, or surcharge to members of the public, businesses, service
23.7 providers, the state or any political subdivision, or any other person who is not a producer.
23.8 For purposes of this requirement, a deposit made in connection with a product's refill, reuse,
23.9 or recycling that can be redeemed by a consumer is not a fee, charge, or surcharge;

23.10 (8) a description of activities to be undertaken during the next five calendar years, which
23.11 must at a minimum describe how the producer responsibility organization, acting on behalf
23.12 of producers, will:

23.13 (i) minimize the environmental impacts and human health impacts of covered materials;

23.14 (ii) incorporate as program objectives the improved design of covered materials according
23.15 to section 115A.1454, subdivision 1, clause (2);

23.16 (iii) expand and increase the convenience of waste reduction, reuse, collection, recycling,
23.17 and composting services according to the order of the waste management hierarchy under
23.18 section 115A.02;

23.19 (iv) provide for reasonable reimbursement rates for statewide coverage of recycling
23.20 services for covered materials on the lists established in section 115A.1453 to single-family
23.21 residences, multifamily residences, and political subdivisions arranging for collection,
23.22 transportation, and processing of recyclable materials at a comparable level of convenience
23.23 as services for mixed municipal solid waste; and

23.24 (v) ensure that postconsumer recycled materials are delivered to responsible markets;

23.25 (9) a description of how the program shall reimburse service providers via differentiated
23.26 rates developed to address factors under section 115A.1455, subdivision 4, for managing
23.27 covered materials, exclusive of exempt materials, as follows:

23.28 (i) a fixed amount for each ton of covered material collected and recycled by a service
23.29 provider in the prior calendar year based upon the average costs associated with the
23.30 collection, transportation, and processing, from a central location within a political
23.31 subdivision, of collected covered material from the political subdivision to a recycling or
23.32 composting facility; the processing of and removal of contamination from covered material
23.33 by a recycling or composting facility; and the recycling or composting of covered materials

24.1 in the state or in another jurisdiction less the average fair market value in the state for that
24.2 covered material. In determining costs under this item, a producer responsibility organization
24.3 may not include costs associated with the disposal of covered material, except for costs
24.4 associated with the disposal of contaminated materials removed from collected covered
24.5 material;

24.6 (ii) an additional fixed amount, in excess of the rate provided under item (i), for each
24.7 ton for covered material that is not included on the lists established according to section
24.8 115A.1453, subdivision 1, that are recycled, composted, or otherwise diverted from disposal
24.9 by a service provider in the prior calendar year less the average fair market value for that
24.10 covered material; and

24.11 (iii) if mixed tons are managed through a process that includes percentages of covered
24.12 materials included on the lists established according to section 115A.1453 and additional
24.13 covered materials, the per ton fixed amount shall be prorated for the values in items (i) and
24.14 (ii), based upon the most recent waste characterization for mixed recycling ton averages;

24.15 (10) reimbursement formulas and schedules of reimbursement rates for service providers
24.16 that elect to participate in the program and a description of how the formulas and schedules
24.17 were developed according to section 115A.1455;

24.18 (11) terms and conditions for the program and service provider participating in the
24.19 program shall include the following:

24.20 (i) that the producer responsibility organization will treat nonpublic data submitted by
24.21 service providers electing to participate in the program as nonpublic data;

24.22 (ii) that service providers must accept all covered materials on the lists established by
24.23 the commissioner under section 115A.1453, subdivision 1; and

24.24 (iii) performance standards for service providers, developed by the producer responsibility
24.25 organization and approved by the commissioner in the program plan, that include a
24.26 requirement that service providers sorting commingled recyclable materials meet minimum
24.27 material standards and bale quality standards, minimum capture rates, maximum processing
24.28 residual rates, and demonstrate materials have been sent to a responsible market;

24.29 (12) a description of how the producer responsibility organization will provide technical
24.30 assistance to:

24.31 (i) service providers in order to deliver covered materials to responsible markets;

25.1 (ii) producers regarding toxic substances in covered materials and actions producers can
 25.2 take to reduce intentionally added toxic substances in covered materials through certificates
 25.3 of compliance, upon request; and

25.4 (iii) producers to make changes in product design that reduce the environmental impact
 25.5 of covered materials or that increase the recoverability or marketability of covered materials
 25.6 for reuse, recycling, or composting;

25.7 (13) a description of how the producer responsibility organization will increase public
 25.8 awareness, educate, and complete outreach activities accounting for culturally responsive
 25.9 materials and methods and evaluate the efficacy of these efforts including how the producer
 25.10 responsibility organization will:

25.11 (i) assist producers in improving product labels as a means of informing consumers
 25.12 about refilling, reusing, recycling, composting, and other environmentally sound methods
 25.13 of managing covered materials;

25.14 (ii) increase public awareness of how to use and manage covered materials in an
 25.15 environmentally sound manner and how to access waste reduction, reuse, recycling, and
 25.16 composting services; and

25.17 (iii) encourage behavior change to increase participation in waste reduction, reuse,
 25.18 recycling, and composting programs;

25.19 (14) a summary of consultations held with the advisory board and other stakeholders to
 25.20 provide input to the stewardship plan, a list of recommendations that were incorporated into
 25.21 the stewardship plan as a result, and a list of rejected recommendations and the reasons for
 25.22 rejection; and

25.23 (15) strategies to incorporate findings from any relevant studies required by the
 25.24 legislature.

25.25 **Subd. 4. Plan and amendment review and approval procedure.** (a) The commissioner
 25.26 must review and approve, deny, or request additional information for a draft stewardship
 25.27 plan or a draft plan amendment no later than 120 days after the date the commissioner
 25.28 receives it from a producer responsibility organization. The commissioner must post the
 25.29 draft plan or draft amendment on the agency's website and allow public comment for no
 25.30 less than 45 days before approving, denying, or requesting additional information on the
 25.31 draft plan or draft amendment.

25.32 (b) If the commissioner denies, or requests additional information for, a draft plan or
 25.33 draft amendment, the commissioner must provide the producer responsibility organization

26.1 with the reasons, in writing, that the plan or plan amendment does not meet the plan
26.2 requirements of subdivision 3. The producer responsibility organization shall have 60 days
26.3 from the date that the rejection or request for additional information is received to submit
26.4 to the commissioner any additional information necessary for the approval of the draft plan
26.5 or draft amendment. The commissioner shall review and approve or disapprove the revised
26.6 draft plan or draft amendment no later than 60 days after the date the commissioner receives
26.7 it.

26.8 (c) A producer responsibility organization may resubmit a draft plan or draft amendment
26.9 to the commissioner on not more than two occasions. If after the second resubmission, the
26.10 commissioner determines that the draft plan or draft amendment does not meet the plan
26.11 requirements of this act, the commissioner must modify the draft plan or draft amendment
26.12 as necessary for it to meet the requirements of this act and approve it.

26.13 (d) Upon recommendation by the advisory board, or upon the commissioner's own
26.14 initiative, the commissioner may require an amendment to a stewardship plan if the
26.15 commissioner determines that an amendment is necessary to ensure that the producer
26.16 responsibility organization maintains compliance with the requirements of this act.

26.17 Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose
26.18 performance targets based on the needs assessment that meet the statewide requirements in
26.19 subdivision 7 that must be included in a stewardship plan approved under this section.
26.20 Performance targets must include reuse rates, return rates, recycling rates, composting rates,
26.21 and targets for waste reduction, and postconsumer recycled content by covered materials
26.22 type that are to be achieved by the end of the stewardship plan's term. The producer
26.23 responsibility organization must select the unit that is most appropriate to measure each
26.24 performance target as informed by the needs assessment.

26.25 (b) The commissioner may require that a producer responsibility organization obtain
26.26 third-party certification of any activity or achievement of any standard required by this act.
26.27 The commissioner must provide a producer responsibility organization with notice of at
26.28 least one year prior to requiring use of third-party certification under this paragraph if such
26.29 certifications are readily available, applicable, and of equitable cost.

26.30 (c) Proposed performance targets must demonstrate continuous improvement in reducing
26.31 environmental impacts and human health impacts of covered materials over time.

26.32 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of
26.33 determining whether recycling performance targets are being met, except as modified by
26.34 the commissioner, a stewardship plan must provide for the measurement of the amount of

27.1 recycled material to be at the point at which material leaves a recycling facility and must
27.2 account for:

27.3 (1) levels of estimated contamination documented by the facility;

27.4 (2) any exclusions for fuel or energy capture; and

27.5 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179,
27.6 and all other laws pertaining to toxic substances in covered materials.

27.7 (b) For purposes of determining whether waste reduction performance targets are being
27.8 met, a stewardship plan must provide for the measurement of the amount of waste reduction
27.9 of covered materials in a manner that can determine the extent to which the amount of
27.10 material used for a covered material is eliminated beyond what is necessary to efficiently
27.11 deliver a product without damage or spoilage, or other means of covered material redesign
27.12 to reduce overall use and environmental impacts.

27.13 (c) For purposes of determining whether reuse targets are being met, a stewardship plan
27.14 must provide for the measurement of the amount of reusable covered materials to be at the
27.15 point at which reusable covered materials meet the following criteria as demonstrated by
27.16 the producer and approved by the commissioner:

27.17 (1) whether the average minimum number of cycles of reuses within a recognized reuse
27.18 system has been met based on the number of times an item must be reused for it to have
27.19 lower environmental impacts than the single-use versions of those items; and

27.20 (2) whether the demonstrated or research-based anticipated return rate of the covered
27.21 material to the reuse system has been met.

27.22 (d) For other targets, the producer responsibility organization must propose a calculation
27.23 point for review and approval as part of the stewardship plan based on findings from the
27.24 needs assessment.

27.25 Subd. 7. **Statewide requirements.** (a) The commissioner must establish or approve
27.26 statewide requirements and the date the statewide requirements must be met for the following
27.27 categories:

27.28 (1) recycling rate;

27.29 (2) composting rate;

27.30 (3) reuse rate;

27.31 (4) return rate;

28.1 (5) the percentage of weight of covered materials introduced that must be waste reduced;
28.2 and

28.3 (6) the percentage of postconsumer recycled content that covered materials introduced
28.4 must contain, including an overall percentage for all covered materials, as applicable,
28.5 excluding compostable materials that cannot include postconsumer recycled content because
28.6 unique chemical or physical properties or health and safety requirements prohibit introduction
28.7 of postconsumer recycled content.

28.8 (b) The commissioner may use the following information and criteria when establishing
28.9 statewide requirements under paragraph (a):

28.10 (1) needs assessment under section 115A.1450;

28.11 (2) goals and requirements of the Waste Management Act under this chapter;

28.12 (3) statewide goals for greenhouse gas emission reductions under section 216H.02;

28.13 (4) need for continuous progress toward generating less waste from covered materials
28.14 and the complete reuse, recycling, or composting of the covered materials that are generated,
28.15 in doing so reducing impacts to human health and the environment;

28.16 (5) a preference for statewide requirements that accomplish and further the goals and
28.17 requirements in clauses (2) to (4) as soon as practicable and to the maximum extent
28.18 achievable; and

28.19 (6) information from packaging and paper producer responsibility programs operating
28.20 in other jurisdictions.

28.21 (c) The commissioner must consult with the product stewardship organization on the
28.22 proposed statewide requirements and must submit proposed statewide requirements under
28.23 paragraph (a) to the advisory board and consider the board's recommendations before
28.24 finalizing the statewide requirements.

28.25 (d) Every five years, the commissioner must review the statewide requirements established
28.26 under paragraph (a). If the commissioner decides an update is not warranted at that time,
28.27 the commissioner must submit the reasoning to the advisory board and consider the board's
28.28 recommendations before making a final decision. If the commissioner decides an update is
28.29 warranted, the process in paragraphs (b) and (c) must be utilized.

28.30 (e) The producer responsibility organization must ensure the statewide requirements are
28.31 met.

29.1 Sec. 13. **[115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**
 29.2 **MATERIALS LISTS.**

29.3 Subdivision 1. **List required.** By March 1, 2027, and upon request from the producer
 29.4 responsibility organization or advisory board, the commissioner must complete a list of
 29.5 covered materials determined to be recyclable or compostable statewide through systems
 29.6 where covered materials are commingled into a recyclables stream and a separate
 29.7 compostables stream. These covered materials must be collected at the equivalent level of
 29.8 service and convenience as collection services for mixed municipal solid waste.

29.9 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner
 29.10 must complete a list of covered materials determined to be recyclable or compostable and
 29.11 collected statewide through systems other than the system required for covered materials
 29.12 on the list established in subdivision 1.

29.13 Subd. 3. **Input from interested parties.** The commissioner must consult with the
 29.14 advisory board, producer responsibility organizations, service providers, political
 29.15 subdivisions, and other interested parties to develop or amend the recyclable or compostable
 29.16 covered materials lists and must review any petitions by interested parties for addition or
 29.17 removal of covered materials from the lists created under this section.

29.18 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner
 29.19 may consider the following criteria:

29.20 (1) current availability of recycling collection services;

29.21 (2) recycling collection and processing infrastructure;

29.22 (3) capacity and technology for sorting covered materials;

29.23 (4) availability of responsible end markets;

29.24 (5) presence and amount of processing residuals and contamination;

29.25 (6) quantity of material estimated to be available and recoverable;

29.26 (7) projected future conditions for clauses (1) to (6);

29.27 (8) if collected for recycling, the covered material type and form must be one that is
 29.28 regularly sorted and aggregated into defined streams for recycling processes or the packaging
 29.29 format must be specified in a relevant Institution of Scrap Recycling Industries specification;
 29.30 and

29.31 (9) other criteria or factors determined by the commissioner.

30.1 Subd. 5. Collection requirements. (a) A producer responsibility organization must
30.2 collect covered materials included in a list established under subdivision 1 on a statewide
30.3 basis as follows:

30.4 (1) for residents that have curbside mixed municipal solid waste collection, provide
30.5 collection of covered materials at the same frequency and on the same day as mixed
30.6 municipal solid waste collection;

30.7 (2) provide collection of covered materials at each recycling or mixed municipal solid
30.8 waste drop-off site that is open to the public, including but not limited to canister sites,
30.9 transfer stations, and disposal facilities;

30.10 (3) provide a durable container dedicated to the collection of covered materials to every
30.11 residential unit served according to this paragraph; and

30.12 (4) in addition to the requirements of clauses (1) to (3), the producer responsibility
30.13 organization may collect or contract for the collection of covered materials from the public
30.14 by other means, including but not limited to other drop-off locations or mobile collections.

30.15 (b) A producer responsibility organization must collect covered materials included in a
30.16 list established under subdivision 2 on a statewide basis as follows:

30.17 (1) the producer responsibility organization must provide:

30.18 (i) for each county with a population of 10,000 or less, at least two permanent drop-off
30.19 collection sites;

30.20 (ii) for each county with a population greater than 10,000 but less than or equal to
30.21 100,000, at least two permanent drop-off collection sites and at least one additional permanent
30.22 drop-off collection site for each additional 10,000 in population above a population of
30.23 10,000;

30.24 (iii) for each county with a population greater than 100,000, at least 11 permanent
30.25 drop-off collection sites and at least one additional permanent year-round drop-off collection
30.26 site for each additional 50,000 in population above a population of 100,000; and

30.27 (iv) a permanent drop-off collection site located within ten miles of the household of at
30.28 least 95 percent of the residents of the state;

30.29 (2) the producer responsibility organization may propose an alternative to the
30.30 requirements of clause (1) as a part of a stewardship plan if the producer responsibility
30.31 organization demonstrates that the alternative will provide an equivalent or greater level of
30.32 service and convenience; and

31.1 (3) the producer responsibility organization may use the following additional collection
 31.2 methods in accordance with section 115A.1451, subdivision 3, clause (2):

31.3 (i) curbside collection of source-separated covered materials;

31.4 (ii) curbside collection less frequently than collection of mixed municipal solid waste;

31.5 (iii) mobile collection;

31.6 (iv) collection events;

31.7 (v) custom collection program based on the use and generation of the covered material
 31.8 being managed in a custom program; and

31.9 (vi) collection in the same manner provided for the covered materials in the list under
 31.10 subdivision 1.

31.11 Subd. 6. **Amendment.** The commissioner may amend a list completed under this section
 31.12 at any time and must provide amended lists to producer responsibility organizations as soon
 31.13 as possible after adopting an amendment. Producer responsibility organizations must provide
 31.14 amended lists to service providers as soon as possible after receiving the amendment and
 31.15 work to incorporate changes in relevant service provider reimbursement rates within a year.

31.16 Sec. 14. **[115A.1454] PRODUCER FEES.**

31.17 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect
 31.18 a fee from each producer that must:

31.19 (1) be based on the total amount of covered materials each producer introduces in the
 31.20 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of
 31.21 measurement;

31.22 (2) incentivize using materials and design attributes that reduce the environmental impacts
 31.23 and human health impacts, as determined by the commissioner, of covered materials by the
 31.24 following methods:

31.25 (i) eliminating intentionally added toxic substances in covered materials;

31.26 (ii) reducing the amount of packaging per individual covered material that is necessary
 31.27 to efficiently deliver a product without damage or spoilage without reducing its ability to
 31.28 be recycled or reducing the amount of paper used to manufacture individual paper products;

31.29 (iii) increasing covered materials managed in a reuse system;

31.30 (iv) increasing the proportion of postconsumer material in covered materials;

- 32.1 (v) enhancing recyclability or compostability of a covered material; and
- 32.2 (vi) increasing the amount of inputs derived from renewable and sustainable sources;
- 32.3 (3) discourage using materials and design attributes in a producer's covered materials
- 32.4 whose environmental impacts and human health impacts, as determined by the commissioner,
- 32.5 can be reduced by the methods listed under clause (2);
- 32.6 (4) prioritize reuse by charging covered materials that are managed through a reuse
- 32.7 system only once, upon initial entry into the marketplace; and
- 32.8 (5) generate revenue sufficient to pay in full:
- 32.9 (i) the annual registration fee required under section 115A.1443;
- 32.10 (ii) financial obligations to complete activities described in an approved stewardship
- 32.11 plan and to reimburse service providers under section 115A.1455;
- 32.12 (iii) the operating costs of the producer responsibility organization; and
- 32.13 (iv) for the establishment and maintenance of a financial reserve that is sufficient to
- 32.14 operate the program in a fiscally prudent and responsible manner.
- 32.15 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount
- 32.16 needed to pay the costs described in subdivision 1, clause (5), must be used to improve or
- 32.17 enhance program outcomes or to reduce producer fees according to provisions of an approved
- 32.18 stewardship plan.
- 32.19 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for
- 32.20 lobbying, as defined in section 3.084, subdivision 1.
- 32.21 Sec. 15. **[115A.1455] SERVICE PROVIDER; REIMBURSEMENT.**
- 32.22 Subdivision 1. **Service provider reimbursement required.** The reimbursements
- 32.23 provided for waste reduction, reuse, processing, recycling, or composting services under
- 32.24 an approved stewardship plan shall only be provided to service providers that meet the
- 32.25 following conditions:
- 32.26 (1) establish strong labor standards and work safety practices, including but not limited
- 32.27 to safety programs, health benefits, and living wages;
- 32.28 (2) meet performance standards established under an approved stewardship plan; and
- 32.29 (3) establish clear and reasonable timelines for reimbursement, with a frequency of no
- 32.30 less than monthly.

33.1 Subd. 2. **Collection of recyclables.** If a household does not have access to collection
 33.2 services at a comparable level of convenience as collection services for mixed municipal
 33.3 solid waste for covered materials on the recyclable covered materials list established under
 33.4 section 115A.1453, the producer responsibility organization must ensure that collection
 33.5 service is available to the household through a service provider.

33.6 Subd. 3. **Bidding processes.** (a) For infrastructure investments included under an
 33.7 approved stewardship plan, a producer responsibility organization must use the competitive
 33.8 bidding processes established in section 16C.28, subdivision 1, and publicly post bid
 33.9 opportunities when entering into agreements with service providers that are not political
 33.10 subdivisions, except that preference must be given to existing facilities, providers of services,
 33.11 and accounts in the state for waste reduction, reuse, collection, recycling, and composting
 33.12 of covered materials.

33.13 (b) No producer or producer responsibility organization may own or partially own
 33.14 infrastructure except that if, after a bidding process described in paragraph (a), no service
 33.15 provider bids on the contract, the producer responsibility organization may make
 33.16 infrastructure investments identified under an approved stewardship plan to implement the
 33.17 requirements in this act.

33.18 Subd. 4. **Reimbursement rates.** (a) An approved stewardship plan must provide
 33.19 reimbursement rates for services that are based on formulas that:

33.20 (1) incorporate relevant cost information identified by the needs assessment;

33.21 (2) reflect conditions that affect waste reduction, reuse, collection, recycling, and
 33.22 composting costs in the region or jurisdiction in which the services are provided, including
 33.23 but not limited to:

33.24 (i) the number and size of households;

33.25 (ii) population density;

33.26 (iii) collections methods employed;

33.27 (iv) distance to consolidation or transfer facilities, reuse, recycling, or composting
 33.28 facilities, or to responsible markets; and

33.29 (v) other factors that may contribute to regional or jurisdictional cost differences;

33.30 (3) reflect administrative costs of service providers, including education, public awareness
 33.31 campaigns, and outreach program costs as applicable;

33.32 (4) reflect planned capital improvements to facilities and equipment costs;

34.1 (5) reflect the cost of managing contamination present in source-separated recyclable
 34.2 materials and source-separated compostable materials, including disposal of contamination
 34.3 and residuals;

34.4 (6) reflect the proportion of covered compostable materials within all source-separated
 34.5 compostable materials collected or managed through composting; and

34.6 (7) reflect the cost of managing contamination and cleaning or sanitation needed for
 34.7 reuse systems.

34.8 (b) Each service provider who is also a political subdivision must be provided
 34.9 reimbursement rates that reflect relevant cost factors established in a contract between a
 34.10 political subdivision and one or more service providers in place of paragraph (a), clauses
 34.11 (1) and (2), as established in subdivision 4.

34.12 Subd. 5. **Local government authority.** (a) Nothing in this section shall be construed to
 34.13 require a political subdivision to agree to operate under a stewardship plan, nor does it
 34.14 restrict the authority of a political subdivision to provide waste management services to
 34.15 residents or to contract with any entity to provide waste management services. If a majority
 34.16 of political subdivisions in the state chooses not to participate in the program by January 1,
 34.17 2030, the commissioner shall revise the performance targets established under section
 34.18 115A.1451, subdivision 7.

34.19 (b) Nothing in this act restricts the authority of a political subdivision to provide waste
 34.20 management services to residents, to contract with any entity to provide waste management
 34.21 services, or to exercise its authority granted under section 115A.94. A producer responsibility
 34.22 organization may not restrict or otherwise interfere with a political subdivision exercising
 34.23 its authority under section 115A.94 to organize collection of solid waste, including materials
 34.24 collected for recycling or composting, or to extend, renew, or otherwise manage any contracts
 34.25 entered into as a result of exercising such authority or otherwise resulting from a competitive
 34.26 procurement process.

34.27 Subd. 6. **Dispute resolution.** There must be a dispute resolution process for disputes
 34.28 related to reimbursements utilizing third-party mediators.

34.29 Sec. 16. **[115A.1456] REPORTING.**

34.30 Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1,
 34.31 2031, and each July 1 thereafter, a producer responsibility organization must submit a written
 34.32 report to the commissioner that contains, at a minimum, the following information for the
 34.33 previous calendar year:

- 35.1 (1) the amount of covered materials introduced by each covered materials type, reported
35.2 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);
- 35.3 (2) progress toward the performance targets reported in the same units used to establish
35.4 producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide
35.5 and for each county including:
- 35.6 (i) the amount of covered materials successfully waste reduced, reused, recycled, and
35.7 composted by covered materials type and the strategies or collection method used; and
- 35.8 (ii) information about third-party certifications obtained;
- 35.9 (3) the total cost to implement the program and a detailed description of program
35.10 expenditures including:
- 35.11 (i) the total amount of producer fees collected in the current calendar year; and
- 35.12 (ii) a description of infrastructure investments made during the previous year;
- 35.13 (4) a copy of a financial audit of program operations conducted by an independent auditor
35.14 approved by the commissioner;
- 35.15 (5) a description of program performance problems that emerged in specific locations
35.16 and efforts taken or proposed by the producer responsibility organization to address them;
- 35.17 (6) a discussion of technical assistance provided to producers regarding toxic substances
35.18 in covered materials and actions taken by producers to reduce intentionally added toxic
35.19 substances in covered materials beyond compliance with prohibitions already established
35.20 in law;
- 35.21 (7) a description of public awareness, education, and outreach activities undertaken
35.22 including any evaluations conducted of their efficacy, plans for next calendar year's activities,
35.23 and an evaluation of the process established by the producer responsibility organization to
35.24 answer questions from consumers regarding collection, recycling, composting, waste
35.25 reduction, and reuse activities;
- 35.26 (8) a summary of consultations held with the advisory board and how any feedback was
35.27 incorporated into the report as a result of the consultations, together with a list of rejected
35.28 recommendations and the reasons for rejection;
- 35.29 (9) a list of any producers found to be out of compliance with this act, and actions taken
35.30 by the producer responsibility organization to return the producer to compliance, and
35.31 notification of any producers that are no longer participating in the producer responsibility
35.32 organization or have been expelled due to their lack of compliance;

36.1 (10) any proposed amendments to the stewardship plan to improve program performance
36.2 or reduce costs, including changes to producer fees, infrastructure investments, or
36.3 reimbursement formula and rates;

36.4 (11) any recommendations for additions or removal of covered materials to or from the
36.5 recyclable or compostable covered materials list developed under section 115A.1453; and

36.6 (12) any information requested by the commissioner to assist with determining
36.7 compliance with this act.

36.8 (b) Every fourth year after a stewardship plan is approved by the commissioner, a
36.9 performance audit of the program must be completed. The performance audit must conform
36.10 to audit standards established by the United States Government Accountability Office; the
36.11 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally
36.12 recognized organization approved by the commissioner.

36.13 Subd. 2. **Report following unmet target.** A producer responsibility organization that
36.14 fails to meet a performance target approved in a stewardship plan must, within 90 days of
36.15 filing an annual report under this section, file with the commissioner an explanation of the
36.16 factors contributing to the failure and propose an amendment to the stewardship plan
36.17 specifying changes in operations that the producer responsibility organization will make
36.18 that are designed to achieve the following year's targets. If a performance target is unmet
36.19 due to lack of political subdivision participation in the program, the commissioner shall
36.20 revise the performance targets developed under section 115A.1451, subdivision 7. An
36.21 amendment filed under this subdivision must be reviewed by the advisory board and reviewed
36.22 and approved by the commissioner in the manner specified in section 115A.1451,
36.23 subdivisions 2 and 4.

36.24 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,
36.25 the commissioner must submit a report to the governor and to the chairs and ranking minority
36.26 members of the legislative committees with jurisdiction over solid waste. The report must
36.27 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during
36.28 the previous five years, a summary of the needs assessment, a link to reports filed under
36.29 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the
36.30 program, a list of efforts undertaken by the commissioner to enforce and secure compliance
36.31 with this act, and any other information the commissioner deems to be relevant.

36.32 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility
36.33 organizations with data necessary to complete the reports required by this section upon
36.34 request.

37.1 Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**

37.2 **WEBSITES.**

37.3 A producer responsibility organization must maintain a website that uses best practices
37.4 for accessibility that contains at least:

37.5 (1) information regarding a process that members of the public can use to contact the
37.6 producer responsibility organization with questions;

37.7 (2) a directory of all service providers operating under the stewardship plan administered
37.8 by the producer responsibility organization, grouped by location or political subdivision,
37.9 and information about how to request service;

37.10 (3) registration materials submitted to the commissioner under section 115A.1443;

37.11 (4) the draft and approved stewardship plan and any draft and approved amendments;

37.12 (5) information on how to manage materials including the list of recyclable and
37.13 compostable materials developed by the commissioner under section 115A.1453 and any
37.14 alternative collection programs;

37.15 (6) the most recent needs assessment and all past needs assessments;

37.16 (7) annual reports filed by the producer responsibility organization;

37.17 (8) a link to administrative rules implementing this act;

37.18 (9) comments of the advisory board on the documents listed in clauses (4) and (7), and
37.19 the responses of the producer responsibility organization to those comments;

37.20 (10) the names of producers and brands that are not in compliance with section
37.21 115A.1448;

37.22 (11) a list, that is updated at least monthly, of all member producers that will operate
37.23 under the stewardship plan administered by the producer responsibility organization and,
37.24 for each producer, a list of all brands of the producer's covered materials introduced in the
37.25 state; and

37.26 (12) education materials on waste reduction, reuse, recycling, and composting for
37.27 producers and the general public.

37.28 Sec. 18. **[115A.1458] ANTICOMPETITIVE CONDUCT.**

37.29 A producer responsibility organization that arranges collection, recycling, composting,
37.30 waste reduction, or reuse services under this act may engage in anticompetitive conduct to
37.31 the extent necessary to plan and implement collection, recycling, composting, waste

38.1 reduction, or reuse systems to meet the obligations under this act, and is immune from
38.2 liability under state laws relating to antitrust, restraint of trade, and unfair trade practices.

38.3 Sec. 19. **[115A.1459] RULEMAKING.**

38.4 The commissioner may adopt rules to implement this act. The 18-month time limit under
38.5 section 14.125 does not apply to the commissioner's rulemaking authority under this section.

38.6 Sec. 20. **[115A.1460] PROVIDING INFORMATION.**

38.7 Upon request of the commissioner for purposes of determining compliance with this
38.8 act, or for purposes of implementing this act, a person must furnish to the commissioner
38.9 any information that the person has or may reasonably obtain.

38.10 Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

38.11 (a) It is the intent of the legislature that if a bottle deposit return system is enacted in the
38.12 future, it will be harmonized with this act in a manner that ensures that:

38.13 (1) materials covered in that system are exempt from this act or related financial
38.14 obligations are reduced;

38.15 (2) colocation of drop-off facilities and alternative collection sites is maximized;

38.16 (3) education and outreach is integrated between the two programs; and

38.17 (4) waste reduction and reuse strategies are prioritized between the two programs.

38.18 (b) Any implementation of a deposit return system is created with at least a two-year
38.19 transition period prior to the expiry of the currently approved stewardship plan and conducted
38.20 in a manner that does not create sudden and significant operational or financial disruption
38.21 to the implementation of a stewardship plan under section 115A.1451, including provisions
38.22 of recycling or reuse services contained in the plan.

38.23 Sec. 22. **[115A.1462] ENFORCEMENT.**

38.24 (a) The commissioner must enforce this act as provided under this section and sections
38.25 115.071 and 116.072. The commissioner may revoke a registration of a producer
38.26 responsibility organization or producer found to have violated this act.

38.27 (b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and
38.28 except as otherwise provided in paragraph (c), a person that violates or fails to perform a

39.1 duty imposed by this act or any rule adopted thereunder is liable for a civil penalty not to
39.2 exceed \$25,000 per day of violation.

39.3 (c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a
39.4 producer responsibility organization or producer that violates a provision of or fails to
39.5 perform a duty imposed by this act, a rule adopted thereunder, or requirements of a
39.6 stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed
39.7 \$25,000 per day of violation. For a second violation occurring within five years after the
39.8 approval of a stewardship plan, a producer responsibility organization or producer is liable
39.9 for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent
39.10 violation occurring within five years after the approval of a stewardship plan, a producer
39.11 responsibility organization or producer is liable for a civil penalty not to exceed \$100,000
39.12 per day of violation.

39.13 **Sec. 23. WORKPLACE CONDITIONS AND EQUITY STUDY.**

39.14 (a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract
39.15 with a third party that is not a producer or a producer responsibility organization to conduct
39.16 a study of the recycling, composting, and reuse facilities operating in the state. The study
39.17 must analyze, at a minimum information about:

39.18 (1) working conditions, wage and benefit levels, and employment levels of minorities
39.19 and women at those facilities;

39.20 (2) barriers to ownership of recycling, composting, and reuse operations faced by women
39.21 and minorities;

39.22 (3) the degree to which residents of multifamily buildings have less convenient access
39.23 to recycling, composting, and reuse opportunities than those living in single-family homes;

39.24 (4) the degree to which environmental justice areas have access to fewer recycling,
39.25 composting, and reuse opportunities compared to other parts of the state;

39.26 (5) the degree to which programs to increase access, convenience, and education are
39.27 successful in raising reuse, recycling, and composting rates in areas where participation in
39.28 these activities is low;

39.29 (6) strategies to increase participation in reuse, recycling, and composting; and

39.30 (7) the degree to which residents and workers in environmental justice areas are impacted
39.31 by emissions, toxic substances, and other pollutants from solid waste facilities in comparison
39.32 to other areas of the state and provide recommendations to mitigate those impacts.

40.1 (b) The initial producer responsibility organization registered by the commissioner under
40.2 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
40.3 the study through its annual registration fee and recommended actions identified in the study
40.4 must be considered as part of future stewardship plans as required under Minnesota Statutes,
40.5 section 115A.1451, including adjustments to service provider reimbursements as established
40.6 under Minnesota Statutes, section 115A.1455.

40.7 Sec. 24. **COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

40.8 (a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation
40.9 with the commissioners of health and natural resources, must contract with a third party
40.10 that is not a producer or a producer responsibility organization to conduct a study to identify
40.11 the contribution of covered products to litter and water pollution in Minnesota. The report
40.12 must at a minimum:

40.13 (1) analyze historical and current environmental and human health impacts of littered
40.14 covered materials and their associated toxic substances in the environment;

40.15 (2) estimate the cost of cleanup and prevention; and

40.16 (3) provide recommendations for how to reduce and mitigate the impacts of litter in the
40.17 state.

40.18 (b) The contracted third party must consult with units of local government, the
40.19 commissioners of health and natural resources, and environmental justice organizations.

40.20 (c) The initial producer responsibility organization registered by the commissioner under
40.21 Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting
40.22 the study through its annual registration fee and recommended actions identified in the study
40.23 must be considered as part of future stewardship plans, as required under Minnesota Statutes,
40.24 section 115A.1451.