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S.F. No. 3427 – Boat Wrap Stewardship Program Establishment

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Section 1 [Boat Wrap; Product Stewardship Program]

Subd. 1 [Definitions] defines various terms used in the bill.

Subd. 2 [Product Stewardship Program Establishment] requires producers of boat wrap sold in this state to implement and finance a statewide boat wrap stewardship program that provides for the collection and recycling of boat wrap to reduce the volume of boat wrap disposed of in landfills.

Subd. 3 [Producer Participation Required] requires producers of boat wrap to participate in an approved stewardship plan, either individually or through a stewardship organization, in order to sell boat wrap in this state. This requirement applies beginning July 1, 2024, or three months after program plan approval, whichever is earlier.

Subd. 4. [Submission of Stewardship Plan] requires producers to submit a stewardship plan or documentation demonstrating that the producer has entered into an agreement with a stewardship organization to operate under an approved stewardship plan. This must be done by March 1, 2024.

Subd. 5 [Stewardship Plan Content] requires a stewardship plan to include certain content, including information about participating producers, an agreement to accept all discarded boat wrap regardless of its origin, a description of collection and recycling methods, an explanation of how outcomes will be measured, performance goals, and additional items.

Subd. 6 [Consultation Required] requires consultation with stakeholders during development of a stewardship plan.

Subd. 7 [Agency Review and Approval] requires the commissioner of the Pollution Control Agency (PCA) to review submitted plans within 90 days and to either approve or

reject the plan and to provide an explanation of the reasons for the rejection. When rejected, the applicant must revise the plan and resubmit it within 60 days.

Subd. 8 [Plan Availability] requires PCA to make draft plans received from applicants available for public comment for 30 days before determining whether the plan should be approved or rejected. Requires the PCA to post approved stewardship plans on its website.

Subd. 9 [Immunity] makes a producer or stewardship organization immune from antitrust, restraint of trade, unfair trade practices liability.

Subd. 10 [Producers Must Provide Educational Materials] requires producers of boat wrap to produce educational materials regarding the boat wrap stewardship program.

Subd. 11 [Use of Boat Wrap for Fuel Production Prohibited] prohibits recyclers from using discarded boat wrap as a feedstock to produce transportation fuels.

Subd. 12 [Retailers Must Ensure Compliance] requires retailers to ensure that boat wrap producers participate in an approved stewardship plan. Authorizes retailers to elect to be a designated collection point for discarded boat wrap. Clarifies that a retailer or distributor is not responsible for a violation of this subdivision if a producer was listed as compliant with this section on the PCA's website.

Subd. 13 [List of Compliant Producers] requires the PCA to maintain on its website a list of producers and brands who are compliant with the requirements of this section.

Subd. 14 [Reports] requires a producer to submit an annual report to the PCA on its implementation of the stewardship program.

Subd. 15 [Data Classification] makes trade secret and sales information submitted to the PCA under this section private or nonpublic data under the Minnesota Data Practices Act.

EFFECTIVE DATE. The bill is effective the day following final enactment.