



April 11, 2024

Senate Environment, Climate & Legacy Committee

Dear Senate Environment, Climate & Legacy Committee,

On behalf of the Carton Council of North America, I am sharing some information as you consider SF 3561, Extended Producer Responsibility for packaging and paper products.

The Carton Council is comprised of four leading carton manufacturers, Elopak, Pactiv Evergreen, SIG, and Tetra Pak, who united in 2009 to increase food and beverage carton recycling access and participation. We work in collaboration with stakeholders across the recycling value chain to develop infrastructure for carton recycling and educate consumers on how they can recycle their cartons. Currently, more than 62% of U.S. households have access to recycle their food and beverage cartons through local recycling programs. As of December 2023, household access to carton recycling in Minnesota was 82% – this can be broken down further to the Twin Cities Metropolitan area, which has 100% household access to carton recycling and 60.9% for the rest of the State.

Food and beverage cartons are fiber-based packages that contain high-quality, desirable fiber. When recycled, they are used to make new paper products or sustainable building materials. For more information, including videos of the carton recycling process, please visit [RecycleCartons.com](https://RecycleCartons.com).



We commend your efforts to improve recycling in Minnesota and support the development of well-designed Extended Producer Responsibility (EPR) programs for packaging and printed paper. The Carton Council is aligned with the spirit of SF 3561, in that it aims to bolster and improve recycling. However, we are concerned that certain aspects may not be achievable, particularly the targets for source reduction, recycled content, and other statewide goals.

Below please find our specific considerations:

**Recycled Content:**

- The Carton Council agrees that performance targets should be determined after the baseline is found in the statewide needs assessment. The Carton Council suggests language be added to the bill to exempt fiber-based packaging from recycled content mandates if the manufacturer cannot achieve the postconsumer recycled content requirements and remain in compliance with applicable rules and regulations adopted by the FDA. We encourage Minnesota to develop recycled content policy in concert with food contact regulation and clearance practices for



policy coherence and quality assurance. Additionally, market conditions, material availability and the scalability of materials in the market should be considered.

**Packaging and Source Reduction:**

- Source reduction should consider packaging, like cartons, that already achieves a low product-to-package ratio. Setting packaging or source reduction goals that may not be achievable will either result in banning a wide range of products or cause the law to fail under the inability to meet such mandates.
- Packaging reduction is happening in the marketplace and has been occurring for some time, as it is an area that reduces costs to producers. However, codifying punitive source reduction goals without considering producers' historical source reduction efforts as determined by a needs assessment, and without a clear vision for how companies and their retail partners could achieve them, will cause an undue burden on producers and / or prevent certain products from being sold in Minnesota.

**Statewide Materials List:**

- The legislation gives authority to the Commissioner of the Pollution Control Agency to establish a statewide materials list based on the statewide needs. The Carton Council suggests amending the language to give the authority of compiling an accepted materials list based on a statewide needs assessment to the Producer Responsibility Organization.
- Cartons are going into Grade #54 (mixed paper) bales in addition to Grade #52, the grade exclusively for food and beverage cartons. We commend and appreciate the "OR" ISRI OR defined stream language written into the bill and urge your Committee to keep that language in the bill through future iterations.

The Carton Council appreciates the opportunity to weigh in on SF 3561 and looks forward to continuing to engage with the Committee. Please let us know if there is any further information that may be helpful.

Sincerely,

Ed Klein  
Executive Director  
Carton Council of North America