

April 10, 2024



Minnesota Senate
Environment, Climate and Legacy Committee

Re: Packaging Waste & Cost Reduction Act (SF3561)

Dear Chair Hawj and Members of the Committee,

We are committed to improving recycling and reducing waste in Minnesota. Our state has the opportunity to be a leader in the country on reducing packaging waste and holding producers accountable for the growing waste crisis through a comprehensive and strong product stewardship program. Unfortunately, industry lobbying efforts are aimed at weakening SF3561 in ways that do not put the interest of residents, the environment, and our existing systems first.

Problematic and unnecessary packaging is trashing our recycling system, adding unnecessary costs to our communities, destabilizing the climate, wasting precious resources, and polluting our environment. It's time producers are held accountable for these impacts by paying for the cost to take back, recycle, compost, reuse, or properly dispose of their products and packaging, while redesigning their packaging and meeting reduction, reuse, recycling and composting targets.

Since SF3561 was first heard in this committee, we have seen continued weakening of the bill. We are witnessing industry push for changes to the bill that reduce their responsibility, weaken how we measure important targets, and cedes key program decision making to producers.

Some of our Biggest Concerns Include:

Extending the Deadline for Packaging Redesign with Undefined Criteria: There needs to be a clear deadline for redesigning packaging to be recyclable, compostable or reusable. The original language gave producers until 2032 to redesign covered materials to be reusable, recyclable or compostable. New language extends that deadline until up to 2040, with broad exemptions allowed for "market or technical challenges". A clear deadline is what will drive the much needed packaging changes that we need. If an extension is needed, more limited language should be adopted that allows for a one-time, two-year, extension if technology or product safety testing is not available.

Exemption of Commercial Packaging: Commercial packaging makes up a significant portion of our packaging waste stream. The new definition of packaging leaves out commercial packaging and is written in a way that opens the door for producers to claim that the definition does not apply to their packaging.

Removal of Targets in Statute: Crucial to the success of this bill are enforceable targets for source reduction, reuse, recycling, composting and recycled content. New language has removed these specific targets, leaving it to the needs assessment to propose potential targets and the agency to adopt those targets through rule making. Minnesota has worked hard to develop strong recycling programs and we have data to inform what the targets should be. The legislature should take a strong stance in setting targets with strong enforcement.

Limited Criteria for Alternative Collection Programs: Alternative recycling collection programs are allowed in this bill for materials that may be recyclable but cannot be collected and sorted through a curbside collection system. An alternative collection program should be required to prove it is meeting strong recycling targets, is equitable and accessible to all Minnesotans, and materials are sent to responsible end markets. There are countless examples of existing, industry driven, alternative collection systems that do not actually recycle collected materials or net in any environmental or community benefit. We do not want alternative collection systems that do not have rigorous oversight.

Weakening of Toxic Substances Language: Toxic packaging is harmful for human health and the environment. When we recycle toxic packaging, it results in greater contamination and continued use of those toxic materials, and increased exposure to consumers. As a state we should be striving to strengthen our toxic substances statutes and holding producers accountable for meeting those requirements. Rather, we are seeing a watering down of the requirements on the Producer Responsibility Organization to prove compliance.

Weakening the Requirement to Use Third Party Certification: Third party certification will be key to ensuring transparency and accountability to high standards as they relate to the reuse rate, recycling rate, responsible end markets, and other deliverables. Producers should not be able to opt-out of an agency selected certifier due to cost.

States across the country are implementing or considering packaging product stewardship programs. Minnesota should be a leader in passing a strong program that results in packaging reduction and drives producers to use more sustainable packaging. By weakening this bill, we are not only setting back the work of other states, we are also placing the infrastructure Minnesotans have worked hard to develop in jeopardy. Efforts to weaken this bill risks us simply shifting the costs of sub-par recycling and weakening our infrastructure, without ushering in systemic improvements and community benefits.

We are happy to provide additional information and appreciate your consideration of our comments.

Sincerely,



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About Eureka Recycling: Eureka Recycling is a non-profit, social enterprise, recycler here in the Twin Cities. We are a proud union shop with union mechanics and drivers. Our team sorts 100,000 tons of residential recyclables each year into 15 different commodities that support our local supply chain. About 80% of our feedstock is turned into new products here in Minnesota and 90% in the greater Midwest. We work to demonstrate that recycling can and should be done in ways that benefit our environment, communities, and the regional economy.
Learn More: www.eurekarecycling.org