

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,

The Minnesota Zero Waste Coalition, on behalf of the organizations listed below, is writing with concerns about the ongoing weakening of SF3561 - the Packaging Waste & Cost Reduction Act.

Our Coalition is committed to advancing zero waste solutions that prioritize environmental justice principles. We aim to center the voices and experiences of frontline communities, who are most negatively and directly impacted by the extraction of resources, production of goods, and disposal of waste. Our communities are most impacted by the problematic and unnecessary packaging and single-use products that are flooding the markets and disposed of in our backyards.

Unfortunately, it is not these voices driving recent changes to SF3561. Due to industry pressure, we have seen continued weakening of this bill as producers try to avoid paying for the cost of their packaging choices, reducing their waste, and transitioning their packaging to more sustainable materials.

Since this bill was heard in the Environment, Climate and Legacy Committee in early March, we have seen continued hollowing out of the program. These changes include:

- **Removing 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 source reduction targets with strong enforcement.
- **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.
- **Exempting 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.
- **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. 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 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.
- **Limited Criteria for Alternative Collection Programs:** An alternative recycling collection program exists 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, 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. We do not want alternative collection systems that do not have rigorous oversight.

We believe that a strong Products Stewardship Program for packaging could be one of a number of policies we need to advance zero waste in the state. However, a weak bill will not reduce our growing waste, will give decision-making power to producers rather than the agency and Minnesota residents, weaken existing infrastructure to manage recycling, and set a bad precedent for other states around the country working on similar policies.

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, drives producers to use more sustainable packaging, and puts the needs of impacted communities above the needs of corporate interests.

Sincerely,

Coalition for Plastic Reduction
CURE
Climate Generation
Eureka Recycling
Health Professionals for a Healthy Climate
Northeast Metro Climate Action
Minnesota Environmental Justice Table
Minnesota Environmental Partnership
Minnesota Interfaith Power & Light (MNILP)
Recycling Electronics for Climate Action (RECA)
Rusty & the Crew
Sierra Club North Star Chapter
Vadnais Heights Green Team