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April 25, 2024

Senator FOUNG Hawj
Chair, Senate Environment, Climate, and Legacy Committee
3231 Minnesota Senate Building
St Paul, MN 55155

By email: kara.josephson@mnsenate.gov

Re: CRI supports Article 5 of SF 3887

Dear Chair Hawj and Members of the Committee,

The Container Recycling Institute (CRI) appreciates the opportunity to comment on SF 3887, particularly concerning Article 5, the “Packaging Waste and Reduction Act.” This article of the bill would establish a statewide Extended Producer Responsibility (EPR) for Packaging program for the state of Minnesota. CRI supports the passage of this bill, and we also suggest amendments to strengthen the recycling system in Minnesota.

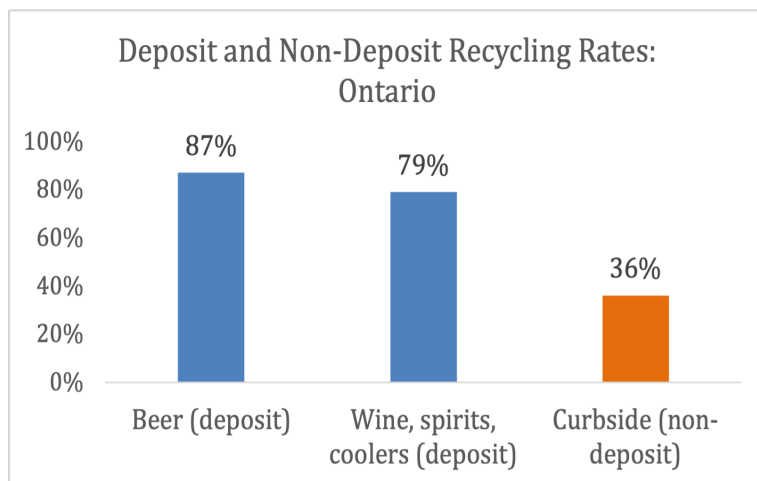
An EPR for Packaging program in Minnesota has the potential reap great benefits, including increasing the state’s recycling rate. EPR for Packaging programs are beneficial because cover a variety of materials and set enforceable performance standards in order to prevent waste pollution. There are currently 4 U.S. states with active EPR for Packaging laws, with many more introducing similar bills every year.

We especially applaud Section 24’s “Covered Materials Pollution and Cleanup Study” that focuses on litter and water pollution reduction, as litter is a topic that CRI has studied for 30 years.

While CRI supports the passage of an EPR for Packaging program in Minnesota, we also suggest the following amendments to Article 5:

Including a Deposit Return Program

CRI suggests including a deposit return system (DRS) to strengthen Minnesota’s recycling system, achieve higher recycling rates statewide and reduce beverage container litter by half. For over 50 years, beverage container deposit programs, or “bottle bills,” have been successful in achieving recycling rates that are up to 3 times higher than those of bottles and cans without deposits. Including a DRS in this bill would ensure that more beverage containers get recycled. Looking at Ontario, Canada as an example, beverage containers on deposit have a higher chance of being recycled than materials through curbside recycling (non-deposit). As per the graph on the following page, containers on deposit in Ontario (beer, wine, spirits, and coolers) have a recycling rate that is more than 2 times the curbside recycling rate.



Sources: CRI BMDA 2018, *The Beer Store Responsible Stewardship 2019*, *Stewardship Ontario 4 Step Fee Model 2021*

Increasing beverage sales nationwide has led to burgeoning bottle and can waste. **Based on national statistics, CRI estimates that 73% of the 5.2 billion beverage bottles and cans sold in Minnesota in 2021 were wasted:** littered, landfilled, or incinerated. That level of consumption and wasting represents a significant burden on taxpayers: whether through city-run recycling programs or municipally-contracted trash pick-up and disposal.

If SF 3887 were to include a deposit return program, CRI estimates that the state could recycle **2.7 billion additional containers annually—or just over 190,000 tons of metal, glass, plastic and paper**—over and above the recycling currently taking place. By reducing the need to make new bottles and cans from virgin materials, this additional recycling would eliminate about 241,674 tons of greenhouse gas emissions: **an amount equivalent to taking almost 53,000 cars off the road for a year.**

In terms of litter reduction, DRS are extremely effective in reducing litter, as shown in many of the states that already have these systems in place. In the 1970s through 1990s, government-funded studies conducted in seven states, pre- and post-DRS, showed reductions in beverage container litter ranging from 69% to 84% and reductions in total litter ranging from 30% to 65%. The Keep America Beautiful National Litter Study (2020) highlights the difference in litter between DRS and non-DRS states, citing that there are about 50% fewer pieces of beverage container litter per capita in DRS states as compared to non-DRS states¹.

Lastly, the bill mentions a handful of aspects that may rely on deposit return systems to function successfully. Reuse infrastructure is mentioned a variety of times; reuse infrastructure is facilitated by and works in tandem with container DRS to function. Additionally, the bill discusses postconsumer recycled content, and DRS are known to produce higher-quality materials that are suitable for recycling in bottle-to-bottle applications. Beverage containers collected through a deposit system typically suffer less breakage and contamination than those collected through other systems such as curbside recycling; that means more beverage containers can be recycled into new containers than containers recycled through other means.

Setting Specific Performance Targets

While the statewide requirements for a PRO's Needs Assessment are established by the Commissioner, the PRO is ultimately responsible for establishing performance targets in its Stewardship Plan. CRI believes that it is the role of the state, not the PRO, to set targets for recycling rates; ideally, these rates will be set by material type.

¹ Keep America 2020 National Litter Study. https://kab.org/wp-content/uploads/2021/05/Litter-Study-Summary-Report-May-2021_final_05172021.pdf

For example, in the European Union, in 1994, the initial Directive on Packaging and Packaging waste set a target to recycle 50% of all packaging within 5 years of the start of the packaging recycling program in each member state.² This directive also specified a minimum recycling rate of 15% for each material type. The target for “all packaging” was raised to 55%, and current law calls for 65% recycling by 2025, and 70% recycling by 2030. Targets for individual materials, for 2025, are 50% for plastic, 25% for wood, 70% for ferrous metals, 50% for aluminum, 70% for glass, and 75% for paper and cardboard.

At the very least, Minnesota’s law should establish recycling rate targets in law that are comparable to the targets that were established by the EU in 1994, which was 30 years ago. We suggest adding specific recycling rate targets to this bill.

In sum, CRI supports the passage of a SF 3887 in Minnesota. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Collins", with a stylized flourish at the end.

Susan Collins
President, Container Recycling Institute

² European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31994L0062:EN:HTML>