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State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3911**

02/19/2024 Authored by Hansen, R.; Lillie and Lee, F.,  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy  
04/24/2024 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to state government; modifying disposition of certain state revenue and

1.3 property; modifying remedies, penalties, and enforcement; providing for boat wrap

1.4 product stewardship; providing for compliance protocols for certain air pollution

1.5 facilities; providing for recovery of certain state costs; establishing certain priorities

1.6 in environmental regulation; prohibiting certain mercury-containing lighting;

1.7 establishing and modifying grant and rebate programs; modifying recreational

1.8 vehicle regulation; modifying use of state lands; providing for tree planting;

1.9 extending Mineral Coordinating Committee; modifying game and fish laws;

1.10 modifying Water Law; establishing Packaging Waste and Cost Reduction Act;

1.11 providing for domestic hog control; modifying fur farm provisions; modifying

1.12 pesticide and fertilizer regulation; modifying agricultural development provisions;

1.13 creating task force; classifying data; providing criminal penalties; requiring studies

1.14 and reports; requiring rulemaking; appropriating money; amending Minnesota

1.15 Statutes 2022, sections 13.7931, by adding a subdivision; 16A.125, subdivision

1.16 5; 16A.152, subdivision 1b; 18B.01, by adding a subdivision; 18C.005, by adding

1.17 a subdivision; 21.81, by adding a subdivision; 84.027, subdivision 12; 84.0895,

1.18 subdivision 1; 84.777, subdivisions 1, 3, by adding a subdivision; 84.871; 84.943,

1.19 subdivision 5, by adding a subdivision; 88.82; 89.36, subdivision 1; 89.37,

1.20 subdivision 3; 93.0015, subdivision 3; 97A.015, by adding a subdivision; 97A.105;

1.21 97A.341, subdivisions 1, 2, 3; 97A.345; 97A.425, subdivision 4, by adding a

1.22 subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97A.512; 97A.56,

1.23 subdivisions 1, 2, by adding a subdivision; 97B.001, by adding a subdivision;

1.24 97B.022, subdivisions 2, 3; 97B.516; 97C.001, subdivision 2; 97C.005, subdivision

1.25 2; 97C.395, as amended; 97C.411; 103B.101, subdivisions 12, 12a; 103F.211,

1.26 subdivision 1; 103F.48, subdivision 7; 103G.005, subdivision 15; 103G.315,

1.27 subdivision 15; 115.071, subdivisions 1, 3, 4, by adding subdivisions; 115A.02;

1.28 115A.03, by adding a subdivision; 115A.5502; 115B.421; 116.07, subdivision 9,

1.29 by adding subdivisions; 116.072, subdivisions 2, 5; 116.11; 116.92, by adding a

1.30 subdivision; 116D.02, subdivision 2; 473.845, by adding a subdivision; Minnesota

1.31 Statutes 2023 Supplement, sections 16A.152, subdivision 2; 17.457, as amended;

1.32 21.86, subdivision 2; 41A.30, subdivisions 1, 3; 97B.071; 103B.104; 103F.06, by

1.33 adding a subdivision; 103G.301, subdivision 2; 115.03, subdivision 1; 116P.09,

1.34 subdivision 6; 116P.18; Laws 2023, chapter 60, article 1, section 3, subdivision

1.35 10; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97C;

1.36 103F; 115A; 116; 473; repealing Minnesota Statutes 2022, sections 17.353; 84.033,

1.37 subdivision 3; 84.926, subdivision 1; 97B.802; 115A.5501; Laws 2003, chapter

79.1 must maintain the drain tile disclosure certificate for at least six years. The board may store  
79.2 the certificate as an electronic image. A copy of that image is as valid as the original.

79.3 (j) The Board of Water and Soil Resources, in consultation with county recorders, must  
79.4 prescribe the form for a drain tile disclosure certificate and provide drain tile disclosure  
79.5 certificate forms to county recorders, registrars of titles, and other interested persons.

79.6 (k) Failure to comply with a requirement of this section does not impair:

79.7 (1) the validity of a deed or other instrument of conveyance as between the parties to  
79.8 the deed or instrument or as to any other person who otherwise would be bound by the deed  
79.9 or instrument; or

79.10 (2) the record, as notice, of any deed or other instrument of conveyance accepted for  
79.11 filing or recording contrary to the provisions of this subdivision.

79.12 Subd. 3. **Liability for failure to disclose.** Unless the buyer and seller agree to the  
79.13 contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence  
79.14 or known status of drain tile at the time of sale and knew or had reason to know of the  
79.15 existence or known status of the drain tile is liable to the buyer for costs incurred to repair  
79.16 the drain tile and reasonable attorney fees for collection of costs from the seller, if the action  
79.17 is commenced within six years after the date the buyer closed the purchase of the real  
79.18 property where the drain tile is located.

79.19 **EFFECTIVE DATE.** This section is effective July 1, 2025.

79.20 Sec. 7. **SOIL HEALTH APPROPRIATIONS; REPORT.**

79.21 By January 15, 2026, the Board of Water and Soil Resources must submit a report to  
79.22 the chairs and ranking minority members of the legislative committees and divisions with  
79.23 jurisdiction over environment and natural resources on the expenditure of money appropriated  
79.24 for soil health activities under Laws 2023, chapter 60, article 1, section 4, paragraph (k).

79.25 **ARTICLE 5**

79.26 **PACKAGING WASTE AND COST REDUCTION ACT**

79.27 Section 1. **[115A.144] SHORT TITLE.**

79.28 Sections 115A.144 to 115A.1462 may be cited as the "Packaging Waste and Cost  
79.29 Reduction Act."

80.1       Sec. 2. [115A.1441] DEFINITIONS.

80.2           Subdivision 1. **Scope.** For the purposes of sections 115A.144 to 115A.1462, the terms  
80.3 in this section have the meanings given.

80.4           Subd. 2. **Advisory board.** "Advisory board" or "board" means the Producer  
80.5 Responsibility Advisory Board established under section 115A.1444.

80.6           Subd. 3. **Brand.** "Brand" means a name, symbol, word, or mark that identifies a product  
80.7 and attributes the product and its components, including packaging, to the brand owner.

80.8           Subd. 4. **Brand owner.** "Brand owner" means a person that owns or licenses a brand or  
80.9 that otherwise has rights to market a product under the brand, whether or not the brand's  
80.10 trademark is registered.

80.11          Subd. 5. **Collection rate.** "Collection rate" means the amount of a covered material by  
80.12 covered materials type collected by service providers and transported for recycling or  
80.13 composting divided by the total amount of the type of a covered material by covered materials  
80.14 type sold or distributed into the state by the relevant unit of measurement established in  
80.15 section 115A.1451.

80.16          Subd. 6. **Compostable material.** "Compostable material" means a covered material  
80.17 that:

80.18           (1) meets, and is labeled to reflect that it meets, the American Society for Testing and  
80.19 Materials Standard Specification for Labeling of Plastics Designed to be Aerobically  
80.20 Composted in Municipal or Industrial Facilities (D6400) or its successor;

80.21           (2) meets, and is labeled to reflect that it meets, the American Society for Testing and  
80.22 Materials Standard Specification for Labeling of End Items that Incorporate Plastics and  
80.23 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be  
80.24 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

80.25           (3) is comprised of only wood without any coatings or additives; or

80.26           (4) is comprised of only paper without any coatings or additives.

80.27          Subd. 7. **Composting.** "Composting" means the controlled microbial degradation of  
80.28 source-separated compostable materials to yield a humus-like product.

80.29          Subd. 8. **Composting rate.** "Composting rate" means the amount of compostable covered  
80.30 material that is managed through composting, divided by the total amount of compostable  
80.31 covered material sold or distributed into the state by the relevant unit of measurement  
80.32 established in section 115A.1451.

81.1 Subd. 9. **Covered material.** "Covered material" means packaging and paper products  
81.2 introduced into the state. Covered material does not include exempt materials.

81.3 Subd. 10. **Covered materials type.** "Covered materials type" means a singular and  
81.4 specific type of covered material that can be categorized based on distinguishing chemical  
81.5 or physical properties, including properties that allow for a covered materials type to be  
81.6 aggregated into a commonly defined discrete commodity category for purposes of reuse,  
81.7 recycling, or composting, and based on similar uses in the form of a product or package.

81.8 Subd. 11. **De minimis producer.** "De minimis producer" means a person that in the  
81.9 most recent fiscal year:

81.10 (1) introduced less than one ton of covered material into this state; or

81.11 (2) earned global gross revenues of less than \$2,000,000.

81.12 Subd. 12. **Drop-off collection site.** "Drop-off collection site" means a physical location  
81.13 where covered materials are accepted from the public and that is open a minimum of 12  
81.14 hours weekly throughout the year.

81.15 Subd. 13. **Environmental impact.** "Environmental impact" means the impact of a  
81.16 covered material on human health and the environment from extraction and processing of  
81.17 the raw materials composing the material through manufacturing; distribution; use; recovery  
81.18 for reuse, recycling, or composting; and final disposal.

81.19 Subd. 14. **Exempt materials.** "Exempt materials" means materials, or any portion of  
81.20 materials, that:

81.21 (1) are packaging for infant formula, as defined in United States Code, title 21, section  
81.22 321(z);

81.23 (2) are packaging for medical food, as defined in United States Code, title 21, section  
81.24 360ee(b)(3);

81.25 (3) are packaging for a fortified oral nutritional supplement used by persons who require  
81.26 supplemental or sole source nutrition to meet nutritional needs due to special dietary needs  
81.27 directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive,  
81.28 as those terms are defined by the International Classification of Diseases, Tenth Revision;

81.29 (4) are packaging for medical devices or drugs, as defined in the federal Food, Drug,  
81.30 and Cosmetic Act, United States Code, title 21, sections 321(g), 321(h), and 353(b)(1), as  
81.31 amended;

82.1 (5) are packaging for products regulated as animal biologics, including vaccines, bacterins,  
82.2 antisera, diagnostic kits, and other products of biological origin, under the federal  
82.3 Virus-Serum-Toxin Act, United States Code, title 21, section 151 et seq., as amended;

82.4 (6) are packaging for products regulated under the federal Insecticide, Fungicide, and  
82.5 Rodenticide Act, United States Code, title 7, section 136 et seq., as amended;

82.6 (7) are paper products used for a print publication with a circulation of less than 20,000  
82.7 that primarily includes content derived from primary sources related to news and current  
82.8 events; or

82.9 (8) are exempt materials, as determined by the commissioner under section 115A.1453,  
82.10 subdivision 6.

82.11 Subd. 15. **Food packaging.** "Food packaging" has the meaning given in section 325F.075.

82.12 Subd. 16. **Independent auditor.** "Independent auditor" means an independent and  
82.13 actively licensed certified public accountant that is:

82.14 (1) retained by a producer responsibility organization;

82.15 (2) not otherwise employed by or affiliated with a producer responsibility organization;  
82.16 and

82.17 (3) qualified to conduct an audit under state law.

82.18 Subd. 17. **Infrastructure investment.** "Infrastructure investment" means an investment  
82.19 by a producer responsibility organization that funds:

82.20 (1) equipment or facilities in which covered materials are prepared for reuse, recycling,  
82.21 or composting;

82.22 (2) equipment or facilities used for waste reduction, reuse, recycling, or composting of  
82.23 covered materials; or

82.24 (3) the expansion or strengthening of demand for and use of covered materials by  
82.25 responsible markets in the state or region.

82.26 Subd. 18. **Introduce.** "Introduce" means to sell, offer for sale, distribute, or use to ship  
82.27 a product within or into this state.

82.28 Subd. 19. **Living wage.** "Living wage" means the minimum hourly wage necessary to  
82.29 allow a person working 40 hours per week to afford basic needs.

83.1 Subd. 20. **Needs assessment.** "Needs assessment" means an assessment conducted  
83.2 according to section 115A.1450. Except where the context requires otherwise, needs  
83.3 assessment means the most recently completed needs assessment.

83.4 Subd. 21. **Nondisclosure agreement.** "Nondisclosure agreement" means an agreement  
83.5 that requires the parties to the agreement to treat private and nonpublic data submitted to  
83.6 facilitate the completion of a needs assessment according to section 115A.06, subdivision  
83.7 13.

83.8 Subd. 22. **Packaging.** "Packaging" has the meaning given in section 115A.03 and  
83.9 includes food packaging. Packaging does not include exempt materials.

83.10 Subd. 23. **Paper product.** "Paper product" means a product made primarily from wood  
83.11 pulp or other cellulosic fibers, except that paper product does not include bound books or  
83.12 products that recycling or composting facilities will not accept because of the unsafe or  
83.13 unsanitary nature of the paper product.

83.14 Subd. 24. **Postconsumer recycled content.** "Postconsumer recycled content" means  
83.15 the portion of a product composed of postconsumer material, expressed as a percentage of  
83.16 the total weight of the product.

83.17 Subd. 25. **Producer.** (a) "Producer" means the following person responsible for  
83.18 compliance with requirements under sections 115A.144 to 115A.1462 for a covered material  
83.19 sold, offered for sale, or distributed in or into this state:

83.20 (1) for items sold in or with packaging at a physical retail location in this state:

83.21 (i) if the item is sold in or with packaging under the brand of the item manufacturer or  
83.22 is sold in packaging that lacks identification of a brand, the producer is the person that  
83.23 manufactures the item;

83.24 (ii) if there is no person to which item (i) applies, the producer is the person that is  
83.25 licensed to manufacture and sell or offer for sale to consumers in this state an item with  
83.26 packaging under the brand or trademark of another manufacturer or person;

83.27 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner  
83.28 of the item;

83.29 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the  
83.30 producer is the person who is the importer of record for the item into the United States for  
83.31 use in a commercial enterprise that sells, offers for sale, or distributes the item in this state;  
83.32 or

84.1 (v) if there is no person described in items (i) to (iv), the producer is the person that first  
84.2 distributes the item in or into this state;

84.3 (2) for items sold or distributed in packaging in or into this state via e-commerce, remote  
84.4 sale, or distribution:

84.5 (i) for packaging used to directly protect or contain the item, the producer of the packaging  
84.6 is the same as the producer identified under clause (1); and

84.7 (ii) for packaging used to ship the item to a consumer, the producer of the packaging is  
84.8 the person that packages the item to be shipped to the consumer;

84.9 (3) for packaging that is a covered material and is not included in clauses (1) and (2),  
84.10 the producer of the packaging is the person that first distributes the item in or into this state;

84.11 (4) for paper products that are magazines, catalogs, telephone directories, or similar  
84.12 publications, the producer is the publisher;

84.13 (5) for paper products not described in clause (4):

84.14 (i) if the paper product is sold under the manufacturer's own brand, the producer is the  
84.15 person that manufactures the paper product;

84.16 (ii) if there is no person to which item (i) applies, the producer is the person that is the  
84.17 owner or licensee of a brand or trademark under which the paper product is used in a  
84.18 commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or  
84.19 not the trademark is registered in this state;

84.20 (iii) if there is no person to which item (i) or (ii) applies, the producer is the brand owner  
84.21 of the paper product;

84.22 (iv) if there is no person described in item (i), (ii), or (iii) within the United States, the  
84.23 producer is the person that imports the paper product into the United States for use in a  
84.24 commercial enterprise that sells, offers for sale, or distributes the paper product in this state;  
84.25 or

84.26 (v) if there is no person described in items (i) to (iv), the producer is the person that first  
84.27 distributes the paper product in or into this state; and

84.28 (6) a person is the producer of a covered material sold, offered for sale, or distributed  
84.29 in or into this state, as defined in clauses (1) to (5), except:

84.30 (i) where another person has mutually signed an agreement with a producer as defined  
84.31 in clauses (1) to (5) that contractually assigns responsibility to the person as the producer,  
84.32 and the person has joined a registered producer responsibility organization as the responsible

85.1 producer for that covered material under sections 115A.144 to 115A.1462. In the event that  
85.2 another person is assigned responsibility as the producer under this subdivision, the producer  
85.3 under clauses (1) to (5) must provide written certification of that contractual agreement to  
85.4 the producer responsibility organization; and

85.5 (ii) if the producer described in clauses (1) to (5) is a business operated wholly or in part  
85.6 as a franchise, the producer is the franchisor if that franchisor has franchisees that have a  
85.7 commercial presence within the state.

85.8 (b) "Producer" does not include:

85.9 (1) government agencies, municipalities, or other political subdivisions of the state;

85.10 (2) registered 501(c)(3) charitable organizations and 501(c)(4) social welfare  
85.11 organizations; or

85.12 (3) de minimis producers.

85.13 Subd. 26. **Producer responsibility organization.** "Producer responsibility organization"  
85.14 means a nonprofit corporation that is tax exempt under chapter 501(c)(3) of the federal  
85.15 Internal Revenue Code and that is created by a group of producers to implement activities  
85.16 under sections 115A.144 to 115A.1462.

85.17 Subd. 27. **Recycling.** "Recycling" has the meaning given in section 115A.03 except that  
85.18 recycling does not include reuse or composting.

85.19 Subd. 28. **Recycling rate.** "Recycling rate" means the amount of covered material, in  
85.20 aggregate or by individual covered materials type, managed through recycling in a calendar  
85.21 year divided by the total amount of covered materials sold or distributed into the state by  
85.22 the relevant unit of measurement established in section 115A.1451.

85.23 Subd. 29. **Refill.** "Refill" means the continued use of a covered material by a consumer  
85.24 through a system that is:

85.25 (1) intentionally designed and marketed for repeated filling of a covered material to  
85.26 reduce demand for new production of the covered material;

85.27 (2) supported by adequate logistics and infrastructure to provide convenient access for  
85.28 consumers; and

85.29 (3) compliant with all applicable state and local statutes, rules, ordinances, and other  
85.30 laws governing health and safety.

85.31 Subd. 30. **Responsible market.** "Responsible market" means a materials market that:



86.1 (1) reuses, recycles, composts, or otherwise recovers materials and disposes of  
86.2 contaminants in a manner that protects the environment and minimizes risks to public health  
86.3 and worker health and safety;

86.4 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and  
86.5 other laws governing environmental, health, safety, and financial responsibility;

86.6 (3) possesses all requisite licenses and permits required by government agencies;

86.7 (4) if the market operates in the state, manages waste according to the waste management  
86.8 goal and priority order of waste management practices stated in section 115A.02; and

86.9 (5) minimizes adverse impacts to environmental justice areas.

86.10 Subd. 31. **Return rate.** "Return rate" means the amount of reusable covered material,  
86.11 in aggregate or by individual covered materials type, collected for reuse by the producer or  
86.12 service provider in a calendar year divided by the total amount of reusable covered materials  
86.13 sold or distributed into the state by the relevant unit of measurement established in section  
86.14 115A.1451.

86.15 Subd. 32. **Reusable.** "Reusable" means capable of reuse.

86.16 Subd. 33. **Reuse.** "Reuse" means the return of a covered material to the marketplace and  
86.17 the continued use of the covered material by a producer or service provider when the covered  
86.18 material is:

86.19 (1) intentionally designed and marketed to be used multiple times for its original intended  
86.20 purpose without a change in form;

86.21 (2) designed for durability and maintenance to extend its useful life and reduce demand  
86.22 for new production of the covered material;

86.23 (3) supported by adequate logistics and infrastructure at a retail location, by a service  
86.24 provider, or on behalf of or by a producer, that provides convenient access for consumers;  
86.25 and

86.26 (4) compliant with all applicable state and local statutes, rules, ordinances, and other  
86.27 laws governing health and safety.

86.28 Subd. 34. **Reuse rate.** "Reuse rate" means the share of units of a covered material sold  
86.29 or distributed into the state in a calendar year that are deemed reusable by the commissioner  
86.30 according to section 115A.1451.

86.31 Subd. 35. **Service provider.** "Service provider" means an entity that collects, transfers,  
86.32 sorts, processes, or otherwise prepares covered materials for reuse, recycling, or composting.

87.1 A political subdivision that provides or that contracts or otherwise arranges with another  
87.2 party to provide reuse, collection, recycling, or composting services for covered materials  
87.3 within its jurisdiction may be a service provider regardless of whether it provided, contracted  
87.4 for, or otherwise arranged for similar services before the approval of the applicable  
87.5 stewardship plan.

87.6 Subd. 36. **Third-party certification.** "Third-party certification" means certification by  
87.7 an accredited independent organization that a standard or process required by sections  
87.8 115A.144 to 115A.1462, or a stewardship plan approved under sections 115A.144 to  
87.9 115A.1462, has been achieved.

87.10 Subd. 37. **Toxic substance.** "Toxic substance" means hazardous waste; a problem  
87.11 material; a chemical or chemical class regulated under section 115A.965, 116.943, 325F.075,  
87.12 or 325F.172 to 325F.179; or a chemical of high concern identified under section 116.9402.

87.13 Subd. 38. **Waste reduction or source reduction.** "Waste reduction" or "source reduction"  
87.14 has the meaning given in section 115A.03, except that waste reduction or source reduction  
87.15 includes refill, but does not include reuse.

87.16 Sec. 3. **[115A.1442] ESTABLISHMENT OF PROGRAM.**

87.17 Producers must implement and finance a statewide program for packaging and paper  
87.18 products in accordance with sections 115A.144 to 115A.1462 that encourages packaging  
87.19 redesign to reduce the environmental impacts and human health impacts and that reduces  
87.20 generation of covered materials waste through waste reduction, reuse, recycling, and  
87.21 composting and by providing for negotiation and execution of agreements to collect,  
87.22 transport, and process used covered materials for reuse, recycling, and composting.

87.23 Sec. 4. **[115A.1443] REGISTRATION OF PRODUCER RESPONSIBILITY**  
87.24 **ORGANIZATIONS.**

87.25 Subdivision 1. **Annual registration.** (a) By January 1, 2025, and annually thereafter,  
87.26 producers must appoint a producer responsibility organization and the organization must  
87.27 register with the commissioner by submitting the following:

87.28 (1) contact information for a person responsible for implementing an approved  
87.29 stewardship plan;

87.30 (2) a list of all member producers that will operate under the stewardship plan  
87.31 administered by the producer responsibility organization and, for each producer, a list of  
87.32 all brands of the producer's covered materials introduced in this state;

88.1 (3) copies of written agreements with each producer stating that each producer agrees  
88.2 to operate under an approved stewardship plan administered by the producer responsibility  
88.3 organization;

88.4 (4) a list of current board members and the executive director if different than the person  
88.5 responsible for implementing approved stewardship plans; and

88.6 (5) payment of the annual fee required under subdivision 2.

88.7 (b) If more than a single producer responsibility organization is established, the producers  
88.8 and producer responsibility organizations must establish a coordinating body and process  
88.9 to prevent redundancy of service contracts among service providers and to ensure the efficient  
88.10 delivery of waste management services. The stewardship plans of all producer responsibility  
88.11 organizations must be integrated into a single stewardship plan that covers all requirements  
88.12 of sections 115A.144 to 115A.1462 and encompasses all producers when submitted to the  
88.13 commissioner for approval. The annual reports of all producer responsibility organizations  
88.14 must be integrated into a single annual report that covers all requirements of sections  
88.15 115A.144 to 115A.1462 and encompasses all producers when submitted to the commissioner.

88.16 Subd. 2. **Registration fee.** (a) As part of its annual registration with the commissioner,  
88.17 a producer responsibility organization must submit to the commissioner an annual fee for  
88.18 the following year, as determined by the commissioner. Beginning October 1, 2028, and  
88.19 annually thereafter, the commissioner must notify registered producer responsibility  
88.20 organizations in writing of the amount of the fee for the following year. If there is more  
88.21 than one registered producer responsibility organization, the coordinating body described  
88.22 in subdivision 1, paragraph (b), must equitably apportion payment of the annual fee between  
88.23 all registered producer responsibility organizations. The annual fee must be set at an amount  
88.24 anticipated to in the aggregate meet but not exceed the commissioner's estimate of the costs  
88.25 required to perform the commissioner's duties as described in section 115A.1445 and to  
88.26 otherwise administer, implement, and enforce sections 115A.144 to 115A.1462.

88.27 (b) The commissioner must reconcile the fees paid by a producer responsibility  
88.28 organization under this subdivision with the actual costs incurred by the agency on an annual  
88.29 basis, by means of credits or refunds to or additional payments required of a producer  
88.30 responsibility organization, as applicable.

88.31 (c) Fees collected by the commissioner under this section are appropriated to the  
88.32 commissioner for the purposes of sections 115A.144 to 115A.1462.

88.33 Subd. 3. **Initial producer responsibility organization registration; implementation**  
88.34 **fee.** (a) Notwithstanding the other provisions of this section, the commissioner may not

89.1 allow registration of more than one producer responsibility organization under this section  
89.2 before the first stewardship plan approved by the commissioner expires. If more than one  
89.3 producer responsibility organization applies to register under this section before the first  
89.4 stewardship plan is approved by the commissioner, the commissioner must select the producer  
89.5 responsibility organization that will represent producers until the first stewardship plan  
89.6 expires and must return the registration fee paid by applicants who are not selected. When  
89.7 selecting a producer responsibility organization, the commissioner must consider whether  
89.8 the producer responsibility organization:

89.9 (1) has a governing board consisting of producers that represent a diversity of covered  
89.10 materials introduced in the state; and

89.11 (2) demonstrates adequate financial responsibility and financial controls to ensure proper  
89.12 management of funds.

89.13 (b) By October 1, 2025, and annually until the first stewardship plan is approved, the  
89.14 commissioner must provide written notice to the initial producer responsibility organization  
89.15 registered under this section of the commissioner's estimate of the cost of conducting the  
89.16 initial needs assessment and the commissioner's costs to administer sections 115A.144 to  
89.17 115A.1462 during the period prior to plan approval. The producer responsibility organization  
89.18 must remit payment in full for these costs to the commissioner within 45 days of receipt of  
89.19 this notice. The producer responsibility organization may charge each member producer to  
89.20 cover the cost of its implementation fee according to each producer's unit-, weight-, volume-,  
89.21 or sales-based market share or by another method it determines to be an equitable  
89.22 determination of each producer's payment obligation.

89.23 Subd. 4. **Requirement for additional producer responsibility organizations.** The  
89.24 commissioner may allow registration of more than one producer responsibility organization  
89.25 if:

89.26 (1) producers of a covered materials type or a specific covered material appoint a producer  
89.27 responsibility organization; or

89.28 (2) producers organize under additional producer responsibility organizations that meet  
89.29 the criteria established in subdivision 3, paragraph (a).

89.30 Sec. 5. **[115A.1444] ESTABLISHMENT OF PRODUCER RESPONSIBILITY**  
89.31 **ADVISORY BOARD.**

89.32 Subdivision 1. **Establishment.** The Producer Responsibility Advisory Board is established  
89.33 to review all programs conducted by producer responsibility organizations under sections

90.1 115A.144 to 115A.1462 and to advise the commissioner and producer responsibility  
90.2 organizations regarding the implementation of sections 115A.144 to 115A.1462.

90.3 Subd. 2. **Membership.** (a) The membership of the advisory board consists of persons  
90.4 appointed by the commissioner by January 1, 2025, as follows:

90.5 (1) two members representing manufacturers of covered materials or a statewide or  
90.6 national trade association representing those manufacturers;

90.7 (2) two members representing recycling facilities that manage covered materials;

90.8 (3) one member representing a waste hauler or a statewide association representing waste  
90.9 haulers;

90.10 (4) one member representing retailers of covered materials or a statewide trade association  
90.11 representing those retailers;

90.12 (5) one member representing a statewide nonprofit environmental organization;

90.13 (6) one member representing a community-based nonprofit environmental justice  
90.14 organization;

90.15 (7) one member representing a waste facility that receives and sorts covered materials  
90.16 and transfers them to another facility for reuse, recycling, or composting;

90.17 (8) one member representing a waste facility that receives compostable materials for  
90.18 composting or a statewide trade association that represents such facilities;

90.19 (9) two members representing an entity that develops or offers for sale covered materials  
90.20 that are designed for reuse and maintained through a reuse system or infrastructure or a  
90.21 statewide or national trade association that represents such entities;

90.22 (10) three members representing organizations of political subdivisions;

90.23 (11) two members representing other stakeholders or additional members of interests  
90.24 represented under clauses (1) to (10) as determined by the commissioner; and

90.25 (12) one member representing the commissioner.

90.26 (b) In making appointments under paragraph (a), the commissioner:

90.27 (1) may not appoint members who are state legislators or registered lobbyists;

90.28 (2) may not appoint members who are employees of a producer required to be members  
90.29 of a producer responsibility organization in this state under sections 115A.144 to 115A.1462;  
90.30 and

91.1 (3) must endeavor to appoint members from all regions of the state.

91.2 Subd. 3. **Terms; removal.** A member of the advisory board appointed under subdivision  
91.3 2, paragraph (a), clause (12), serves at the pleasure of the commissioner. All other members  
91.4 serve for a term of four years, except that the initial term for nine of the initial appointees  
91.5 must be two years so that membership terms are staggered. Members may be reappointed  
91.6 but may not serve more than eight consecutive years. Removing members and filling of  
91.7 vacancies is governed by section 15.059, subdivision 4. Except as otherwise provided,  
91.8 chapter 15 does not apply to the board.

91.9 Subd. 4. **Compensation.** Members of the board must be compensated according to  
91.10 section 15.059, subdivision 3.

91.11 Subd. 5. **Quorum.** A majority of the voting board members constitutes a quorum. If  
91.12 there is a vacancy in the membership of the board, a majority of the remaining voting  
91.13 members of the board constitutes a quorum.

91.14 Subd. 6. **Voting.** Action by the advisory board requires a quorum and a majority of those  
91.15 present and voting. All members of the advisory board, except the member appointed under  
91.16 subdivision 2, paragraph (a), clause (12), are voting members of the board.

91.17 Subd. 7. **Meetings.** The advisory board must meet at least two times per year and may  
91.18 meet more frequently upon ten days' written notice at the request of the chair or a majority  
91.19 of its members.

91.20 Subd. 8. **Open meetings.** Meetings of the board must comply with chapter 13D.

91.21 Subd. 9. **Chair.** At its initial meeting, and every two years thereafter, the advisory board  
91.22 must elect a chair and vice-chair from among its members.

91.23 Subd. 10. **Administrative and operating support.** The commissioner must provide  
91.24 administrative and operating support to the advisory board and may contract with a third-party  
91.25 facilitator to assist in administering the activities of the advisory board, including establishing  
91.26 a website or landing page on the agency website.

91.27 Subd. 11. **Conflict of interest policies.** The commissioner must assist the advisory board  
91.28 in developing policies and procedures governing the disclosure of actual or perceived  
91.29 conflicts of interest that advisory board members may have as a result of their employment  
91.30 or financial holdings of themselves or of family members. Each advisory board member is  
91.31 responsible for reviewing the conflict of interest policies and procedures. An advisory board  
91.32 member must disclose any instance of actual or perceived conflicts of interest at each meeting

92.1 of the advisory board at which recommendations regarding stewardship plans, programs,  
92.2 operations, or activities are made by the advisory board.

92.3 **Sec. 6. [115A.1445] COMMISSIONER RESPONSIBILITIES.**

92.4 The commissioner must:

92.5 (1) appoint the initial membership of the advisory board by January 1, 2025, according  
92.6 to section 115A.1444;

92.7 (2) provide administrative and operating support to the advisory board, as required by  
92.8 section 115A.1444, subdivision 10;

92.9 (3) complete an initial needs assessment by December 31, 2026, and update the needs  
92.10 assessment every five years thereafter, according to section 115A.1450;

92.11 (4) approve stewardship plans and amendments to stewardship plans according to section  
92.12 115A.1451;

92.13 (5) provide the lists of covered materials that are recyclable or compostable and exempt  
92.14 materials developed by the commissioner under section 115A.1453 to all producer  
92.15 responsibility organizations by March 1, 2027;

92.16 (6) post on the agency's website:

92.17 (i) the most recent registration materials submitted by producer responsibility  
92.18 organizations, including all information submitted under section 115A.1443, subdivision  
92.19 1;

92.20 (ii) the most recent needs assessment;

92.21 (iii) any stewardship plan or amendment submitted by a producer responsibility  
92.22 organization under section 115A.1451 that is in draft form during the public comment  
92.23 period;

92.24 (iv) the most recent lists of recyclable or compostable covered materials and of exempt  
92.25 materials developed by the commissioner under section 115A.1453;

92.26 (v) the most recent list of exempt materials approved by the commissioner under section  
92.27 115A.1453;

92.28 (vi) links to producer responsibility organization websites;

92.29 (vii) comments of the public, advisory board, and producer responsibility organizations  
92.30 on the documents listed in items (ii), (iii), (iv), and (viii), and the responses of the  
92.31 commissioner to those comments; and

- 93.1 (viii) links to adopted rules implementing sections 115A.144 to 115A.1462;
- 93.2 (7) provide producer responsibility organizations with information regarding Minnesota
- 93.3 and federal laws that prohibit toxic substances in covered materials;
- 93.4 (8) require and approve independent auditors to perform an annual financial audit of
- 93.5 program operations of each producer responsibility organization; and
- 93.6 (9) consider and respond in writing to all written comments received from the advisory
- 93.7 board.

93.8 Sec. 7. **[115A.1446] PRODUCER RESPONSIBILITY ADVISORY BOARD**

93.9 **RESPONSIBILITIES.**

93.10 The Producer Responsibility Advisory Board must:

- 93.11 (1) convene its initial meeting by March 1, 2025;
- 93.12 (2) consult with the commissioner regarding the scope of the needs assessment and to
- 93.13 provide written comments on needs assessments, according to section 115A.1450, subdivision
- 93.14 2;
- 93.15 (3) advise on the development of stewardship plans and amendments to stewardship
- 93.16 plans under section 115A.1451;
- 93.17 (4) submit comments to producer responsibility organizations and to the commissioner
- 93.18 on any matter relevant to the administration of sections 115A.144 to 115A.1462; and
- 93.19 (5) provide written comments to the commissioner during any rulemaking process
- 93.20 undertaken by the commissioner under section 115A.1459.

93.21 Sec. 8. **[115A.1447] PRODUCER RESPONSIBILITY ORGANIZATION**

93.22 **RESPONSIBILITIES.**

93.23 A producer responsibility organization must:

- 93.24 (1) annually register with the commissioner, according to section 115A.1443;
- 93.25 (2) submit a stewardship plan to the commissioner by March 1, 2028, and every five
- 93.26 years thereafter, according to section 115A.1451;
- 93.27 (3) implement stewardship plans approved by the commissioner under section 115A.1451
- 93.28 and to comply with the requirements of sections 115A.144 to 115A.1462;
- 93.29 (4) forward upon receipt from the commissioner the lists of covered materials that are
- 93.30 recyclable or compostable and exempt materials developed by the commissioner under



94.1 section 115A.1453 to all service providers that participate in a stewardship plan administered  
94.2 by the producer responsibility organization;

94.3 (5) collect producer fees according to section 115A.1454;

94.4 (6) submit the reports required by section 115A.1456;

94.5 (7) ensure that producers operating under a stewardship plan administered by the producer  
94.6 responsibility organization comply with the requirements of the stewardship plan and with  
94.7 sections 115A.144 to 115A.1462;

94.8 (8) expel a producer from the producer responsibility organization if efforts to return  
94.9 the producer to compliance with the plan or with the requirements of sections 115A.144 to  
94.10 115A.1462 are unsuccessful. The producer responsibility organization must notify the  
94.11 commissioner when a producer has been expelled under this clause;

94.12 (9) consider and respond in writing to comments received from the advisory board,  
94.13 including justifications for not incorporating any recommendations;

94.14 (10) provide producers with information regarding state and federal laws that prohibit  
94.15 substances in covered materials, including sections 115A.965, 116.943, 325F.075, and  
94.16 325F.172 to 325F.179 and all laws prohibiting toxic substances in covered materials;

94.17 (11) maintain a website according to section 115A.1457;

94.18 (12) notify the commissioner within 30 days if a change is made to the contact information  
94.19 for a person responsible for implementing the stewardship plan, a change to the board  
94.20 members, or a change to the executive director; and

94.21 (13) assist service providers in identifying and using responsible markets.

94.22 **Sec. 9. [115A.1448] PRODUCER RESPONSIBILITIES.**

94.23 **Subdivision 1. Registration required; prohibition of sale.** (a) After January 1, 2025,  
94.24 a producer must be a member of a producer responsibility organization registered in this  
94.25 state.

94.26 (b) After January 1, 2029, no producer may introduce covered materials, either separately  
94.27 or when used to package another product, unless the producer operates under a written  
94.28 agreement with a producer responsibility organization to operate under an approved  
94.29 stewardship plan.

94.30 (c) After January 1, 2032, no producer may introduce covered materials into the state  
94.31 unless the covered materials are:

95.1 (1) collected under a program in a stewardship plan approved by the commissioner under  
95.2 section 115A.1451, subdivision 4;

95.3 (2) reusable, included in a reuse system that meets the reuse rate and return rate required  
95.4 under section 115A.1451, subdivision 7, and included in an approved stewardship plan;

95.5 (3) capable of waste reduction and are in a system for waste reduction included in an  
95.6 approved stewardship plan;

95.7 (4) included on the list established under section 115A.1453, subdivision 1; or

95.8 (5) included on the list established under section 115A.1453, subdivision 2.

95.9 Subd. 2. **Duties.** A producer must:

95.10 (1) implement the requirements of the stewardship plan under which the producer operates  
95.11 and to comply with the requirements of sections 115A.144 to 115A.1462; and

95.12 (2) pay producer fees according to section 115A.1454.

95.13 Sec. 10. **[115A.1449] SERVICE PROVIDER RESPONSIBILITIES.**

95.14 A service provider participating in an approved stewardship plan must:

95.15 (1) provide for the collection and management of covered materials generated in the  
95.16 state pursuant to contractual agreements with a producer responsibility organization or  
95.17 arrangements with other service providers that are entered into under an approved stewardship  
95.18 plan; and

95.19 (2) if the service provider is a political subdivision, provide at least a one-year advance  
95.20 notice to the producer responsibility organization if the political subdivision plans to cease  
95.21 acting as a service provider.

95.22 Sec. 11. **[115A.1450] NEEDS ASSESSMENT.**

95.23 Subdivision 1. **Needs assessment required.** By December 31, 2026, and every five  
95.24 years thereafter, the commissioner must complete a statewide needs assessment according  
95.25 to this section.

95.26 Subd. 2. **Input from interested parties.** In conducting a needs assessment, the  
95.27 commissioner must:

95.28 (1) initiate a consultation process to obtain recommendations from the advisory board,  
95.29 political subdivisions, service providers, producer responsibility organizations, and other

96.1 interested parties regarding the type and scope of information that should be collected and  
96.2 analyzed in the statewide needs assessment required by this section;

96.3 (2) contract with a third party who is not a producer or a producer responsibility  
96.4 organization to conduct the needs assessment; and

96.5 (3) prior to finalizing the needs assessment, make the draft needs assessment available  
96.6 for comment by the advisory board, producer responsibility organizations, and the public.  
96.7 The commissioner must respond in writing to the comments and recommendations of the  
96.8 advisory board and producer responsibility organizations.

96.9 Subd. 3. **Content of needs assessment.** A needs assessment must include at a minimum:

96.10 (1) an evaluation of the performance of:

96.11 (i) existing waste reduction, reuse, recycling, and composting efforts for each covered  
96.12 materials type, as applicable, including collection rates, recycling rates, composting rates,  
96.13 reuse rates, and return rates for each covered materials type;

96.14 (ii) the stewardship plan with respect to the recycling rate, composting rate, reuse rate,  
96.15 and return rate for all covered materials; and

96.16 (iii) the extent to which postconsumer recycled content is incorporated into each covered  
96.17 materials type, as applicable;

96.18 (2) an evaluation of a representative sample of management of covered materials with  
96.19 mixed municipal solid waste, as source-separated recyclable materials, and as  
96.20 source-separated compostable materials as received by waste management, recycling, and  
96.21 composting facilities in the state, and relevant findings from any publicly available waste  
96.22 stream evaluations conducted within the previous year, to evaluate the amount and portion  
96.23 of covered materials being disposed of that would otherwise be recyclable or compostable;

96.24 (3) proposals for a range of potential performance targets to meet statewide requirements  
96.25 as applicable to each covered materials type to be accomplished within a five-year time  
96.26 frame in multiple units of measurement, including but not limited to unit-based, weight-based,  
96.27 and volume-based, for each of the following:

96.28 (i) waste reduction;

96.29 (ii) reuse rates and return rates;

96.30 (iii) recycling rates;

96.31 (iv) composting rates; and

- 97.1 (v) postconsumer recycled content;
- 97.2 (4) an evaluation of the following factors for each covered material collected for recycling  
97.3 or composting:
- 97.4 (i) current availability of recycling collection services;
- 97.5 (ii) recycling collection and processing infrastructure;
- 97.6 (iii) capacity and technology for sorting covered materials;
- 97.7 (iv) availability of responsible end markets;
- 97.8 (v) the presence and amount of processing residuals, contamination, and toxic substances;
- 97.9 (vi) quantity of material estimated to be available and recoverable;
- 97.10 (vii) projected future conditions for clauses (i) to (vi); and
- 97.11 (viii) other criteria or factors determined by the commissioner;
- 97.12 (5) recommended collection methods, by covered materials type, to maximize collection  
97.13 efficiency and feedstock quality;
- 97.14 (6) proposed plans and metrics for how to measure progress in achieving performance  
97.15 targets and statewide requirements;
- 97.16 (7) an evaluation of options for third-party certification of activities to meet obligations  
97.17 of sections 115A.144 to 115A.1462;
- 97.18 (8) an inventory of the current system, including:
- 97.19 (i) infrastructure, capacity, performance, funding level, and method and sources of  
97.20 financing for the existing waste reduction, reuse, collection, transportation, processing,  
97.21 recycling, and composting systems for covered materials operating in the state; and
- 97.22 (ii) availability and cost of waste reduction, reuse, recycling, and composting services  
97.23 for covered materials at single-family residences, multifamily residences, commercial  
97.24 facilities, industrial facilities, institutional facilities, and public places, including identification  
97.25 of disparities in the availability of these services in environmental justice areas compared  
97.26 with other areas and proposals for reducing or eliminating those disparities;
- 97.27 (9) an evaluation of investments needed to:
- 97.28 (i) increase waste reduction, reuse, recycling, and composting rates of covered materials  
97.29 in order to achieve performance targets proposed in clause (3);

- 98.1 (ii) maintain or improve operations of existing infrastructure, taking into account the  
98.2 waste reduction, reuse, recycling, and composting of covered materials;
- 98.3 (iii) expand the availability and accessibility of recycling collection services for recyclable  
98.4 covered materials to all residents of the state at an equivalent level of service and convenience  
98.5 as collection services for mixed municipal solid waste; and
- 98.6 (iv) establish and expand the availability and accessibility of reuse services for reusable  
98.7 covered materials;
- 98.8 (10) proposed formulas reimbursing service providers, based on factors identified in  
98.9 section 115A.1455, subdivision 4;
- 98.10 (11) an assessment of the viability and robustness of markets for recyclable covered  
98.11 materials and the degree to which these markets can be considered responsible markets;
- 98.12 (12) an assessment of the level and causes of contamination of source-separated recyclable  
98.13 materials, source-separated compostable materials and collected reusables, and the impacts  
98.14 of contamination on service providers, including the cost to manage this contamination;
- 98.15 (13) an assessment of toxic substances intentionally added to covered materials, their  
98.16 potential environmental impacts and human health impacts, and whether this limits one or  
98.17 more covered materials types from being used as a marketable feedstock;
- 98.18 (14) an assessment of current best practices to increase public awareness, educate, and  
98.19 complete outreach activities accounting for culturally responsive materials and methods  
98.20 and an evaluation of the impact of these practices on:
- 98.21 (i) using product labels as a means of informing consumers about environmentally sound  
98.22 use and management of covered materials;
- 98.23 (ii) increasing public awareness of how to use and manage covered materials in an  
98.24 environmentally sound manner and how to access waste reduction, reuse, recycling, and  
98.25 composting services; and
- 98.26 (iii) encouraging behavior change to increase participation in waste reduction, reuse,  
98.27 recycling, and composting programs;
- 98.28 (15) an assessment of each covered material's:
- 98.29 (i) generation of hazardous waste and greenhouse gas emissions; and
- 98.30 (ii) impacts on environmental justice and public health;

99.1 (16) identification of the covered materials with the most significant environmental  
99.2 impact; and

99.3 (17) other items identified by the commissioner that would aid the creation of the  
99.4 stewardship plan, its administration, and the enforcement of sections 115A.144 to 115A.1462.

99.5 Subd. 4. **Needs assessment as baseline.** When determining the extent to which any  
99.6 statewide requirement or performance target under sections 115A.144 to 115A.1462 has  
99.7 been achieved, information contained in a needs assessment must serve as the baseline for  
99.8 that determination, when applicable.

99.9 Subd. 5. **Participation required.** A service provider or other person with data or  
99.10 information necessary to complete a needs assessment must provide the data or information  
99.11 to the commissioner in a timely fashion upon request. A service provider or other person  
99.12 who does not want to be identified with information submitted to the commissioner under  
99.13 this subdivision may request to proceed under a nondisclosure agreement. Once a request  
99.14 is made, the requestor, the commissioner, and all third parties participating in the completion  
99.15 of the needs assessment in whatever capacity must enter into a nondisclosure agreement.  
99.16 Once these parties have entered into a nondisclosure agreement, the requestor must submit  
99.17 the necessary data or information to the contractor selected by the commissioner. The  
99.18 contractor must aggregate and anonymize the data or information received from all parties  
99.19 proceeding under a nondisclosure agreement under this subdivision and must then submit  
99.20 the aggregated anonymized information to the commissioner or to the party or parties  
99.21 contracted to complete the needs assessment.

99.22 Sec. 12. **[115A.1451] STEWARDSHIP PLAN.**

99.23 Subdivision 1. **Stewardship plan required.** By March 1, 2028, and every five years  
99.24 thereafter, a producer responsibility organization must submit a stewardship plan to the  
99.25 commissioner that describes the proposed operation by the organization of programs to  
99.26 fulfill the requirements of sections 115A.144 to 115A.1462 and that incorporates the findings  
99.27 and results of needs assessments. Once approved, a stewardship plan remains in effect for  
99.28 five years, as amended, or until a subsequent stewardship plan is approved.

99.29 Subd. 2. **Advisory board review of draft plan and amendments.** A producer  
99.30 responsibility organization must submit a draft stewardship plan or draft amendment to the  
99.31 advisory board at least 60 days before submitting the draft plan or draft amendment to the  
99.32 commissioner to allow the advisory board to submit comments and must address advisory  
99.33 board comments and recommendations before submitting the draft plan or draft amendment  
99.34 to the commissioner.

100.1 Subd. 3. **Content of stewardship plans.** A proposed stewardship plan must include at  
100.2 least the following:

100.3 (1) performance targets applicable to each covered materials type to be accomplished  
100.4 within a five-year period, established in subdivision 5, paragraph (a);

100.5 (2) a description of the methods of collection to be used for each covered materials type  
100.6 and how they will meet the statewide requirement established in subdivision 7;

100.7 (3) a description of the methods of collection to be used for each covered materials type  
100.8 managed through a reuse system, including infrastructure, convenience metrics, and  
100.9 measurement, and how they will meet the statewide requirement established in subdivision  
100.10 7;

100.11 (4) a description of the methods to be used for each covered materials type for waste  
100.12 reduction, including infrastructure, convenience metrics, and measurement methods for  
100.13 refill, and how they will meet the statewide requirement established in subdivision 7;

100.14 (5) proposals for exemptions from performance targets and statewide requirements for  
100.15 covered materials that cannot be waste reduced or made reusable, recyclable, or compostable  
100.16 due to federal or state health and safety requirements. The producer responsibility  
100.17 organization must identify the specific requirements and the impact of covered materials;

100.18 (6) a plan for how the producer responsibility organization will measure recycling, waste  
100.19 reduction, and reuse according to subdivision 6 and a description of how the organization  
100.20 will measure composting and inclusion of postconsumer recycled content;

100.21 (7) third-party certifications as required by the commissioner or voluntarily undertaken;

100.22 (8) a budget and identification of funding needs for each of the five calendar years  
100.23 covered by the plan, including:

100.24 (i) producer fees and a description of the process used to calculate the fees, including  
100.25 an explanation of how the fees meet the requirements of section 115A.1454; and

100.26 (ii) a plan for infrastructure investments, including a description of how the process to  
100.27 offer and select opportunities will be conducted in an open, competitive, and fair manner;  
100.28 how it will address gaps in the system not met by service providers; and the financial and  
100.29 legal instruments to be used;

100.30 (9) an explanation of how the program will be fully paid for by producers, without any  
100.31 fee, charge, surcharge, or other cost to members of the public, businesses, service providers,  
100.32 the state or any political subdivision, or any other person who is not a producer. For purposes

101.1 of this requirement, a deposit made in connection with a product's refill, reuse, or recycling  
101.2 that can be redeemed by a consumer is not a fee, charge, surcharge, or other cost;

101.3 (10) a description of activities to be undertaken during the next five calendar years,  
101.4 which must at a minimum describe how the producer responsibility organization, acting on  
101.5 behalf of producers, will:

101.6 (i) minimize the environmental impacts and human health impacts of covered materials;

101.7 (ii) incorporate as program objectives the improved design of covered materials according  
101.8 to section 115A.1454, subdivision 1, clause (2);

101.9 (iii) expand and increase the convenience of waste reduction, reuse, collection, recycling,  
101.10 and composting services in conformance with the waste management hierarchy under section  
101.11 115A.02;

101.12 (iv) ensure statewide coverage of collection services for covered materials on the  
101.13 recyclable or compostable list established under section 115A.1453, subdivision 1, at no  
101.14 cost to all single-family and multifamily residences and political subdivisions that arrange  
101.15 for the collection of recyclable materials from public places, at the equivalent level of service  
101.16 and convenience as collection services for mixed municipal solid waste; and

101.17 (v) ensure that postconsumer recycled materials are delivered to responsible markets;

101.18 (11) a description of how the program uses and interacts with existing collection, waste  
101.19 reduction, reuse, recycling, and composting efforts and service providers and how the  
101.20 producer responsibility organization will reimburse service providers for the cost of:

101.21 (i) collecting covered materials generated from all single-family residences, multifamily  
101.22 residences, and public places in the state; and

101.23 (ii) managing covered materials generated from all single-family residences; multifamily  
101.24 residences; public places; and commercial, industrial, and institutional facilities in the state;

101.25 (12) a description of how, for each covered material, the plan will be designed to minimize  
101.26 environmental impacts;

101.27 (13) a description of how the producer responsibility organization will ensure that all  
101.28 persons engaged in reuse, recycling, composting, and management of mixed municipal solid  
101.29 waste are made aware of bid opportunities under section 115A.1455;

101.30 (14) reimbursement formulas and schedules of reimbursement rates for service providers  
101.31 that elect to participate in the program and a description of how the formulas and schedules  
101.32 were developed according to section 115A.1455;



102.1 (15) terms and conditions for service agreements, including:

102.2 (i) an agreement that the producer responsibility organization will treat nonpublic data  
102.3 submitted by service providers electing to participate in the program as nonpublic data;

102.4 (ii) a requirement that service providers accept all covered materials on the compostable  
102.5 materials list established by the commissioner under section 115A.1453; and

102.6 (iii) performance standards for service providers that include a requirement that service  
102.7 providers sorting commingled recyclable materials meet minimum material standards and  
102.8 bale quality standards, minimum capture rates, and maximum processing residual rates and  
102.9 demonstrate materials have been sent to a responsible market;

102.10 (16) a process to resolve disputes that arise between the producer responsibility  
102.11 organization and a service provider regarding the determination and payment of the  
102.12 reasonable cost of services provided under an approved stewardship plan;

102.13 (17) a description of how the producer responsibility organization will provide technical  
102.14 assistance to:

102.15 (i) service providers in order to deliver covered materials to responsible markets;

102.16 (ii) producers regarding toxic substances in covered materials and actions producers can  
102.17 take to reduce intentionally added toxic substances in covered materials through proof of  
102.18 testing or an analytical and scientifically demonstrated methodology; and

102.19 (iii) producers to make changes in product design that reduce the environmental impact  
102.20 of covered materials or that increase the recoverability or marketability of covered materials  
102.21 for reuse, recycling, or composting;

102.22 (18) a description of how the producer responsibility organization will increase public  
102.23 awareness, educate, and complete outreach activities accounting for culturally responsive  
102.24 materials and methods and evaluate the efficacy of these efforts, including:

102.25 (i) assist producers in improving product labels as a means of informing consumers  
102.26 about refilling, reusing, recycling, composting, and other environmentally sound methods  
102.27 of managing covered materials;

102.28 (ii) increase public awareness of how to use and manage covered materials in an  
102.29 environmentally sound manner and how to access waste reduction, reuse, recycling, and  
102.30 composting services; and

102.31 (iii) encourage behavior change to increase participation in waste reduction, reuse,  
102.32 recycling, and composting programs;

103.1 (19) a summary of consultations held with the advisory board and other stakeholders to  
103.2 provide input to the stewardship plan, a list of recommendations that were incorporated into  
103.3 the stewardship plan as a result, and a list of rejected recommendations and the reasons for  
103.4 rejection; and

103.5 (20) strategies to incorporate findings from any relevant studies required by the  
103.6 legislature.

103.7 Subd. 4. **Plan and amendment review and approval procedure.** (a) The commissioner  
103.8 must review and approve, deny, or request additional information for a draft stewardship  
103.9 plan or a draft plan amendment no later than 120 days after the date the commissioner  
103.10 receives it from a producer responsibility organization. The commissioner must post the  
103.11 draft plan or draft amendment on the agency's website and allow public comment for no  
103.12 less than 45 days before approving, denying, or requesting additional information on the  
103.13 draft plan or draft amendment.

103.14 (b) If the commissioner denies or requests additional information for a draft plan or draft  
103.15 amendment, the commissioner must provide the producer responsibility organization with  
103.16 the reasons, in writing, that the plan or plan amendment does not meet the plan requirements  
103.17 of subdivision 3. The producer responsibility organization has 60 days from the date that  
103.18 the rejection or request for additional information is received to submit to the commissioner  
103.19 any additional information necessary for the approval of the draft plan or draft amendment.  
103.20 The commissioner must review and approve or disapprove the revised draft plan or draft  
103.21 amendment no later than 60 days after the date the commissioner receives it.

103.22 (c) A producer responsibility organization may resubmit a draft plan or draft amendment  
103.23 to the commissioner on not more than two occasions. If, after the second resubmission, the  
103.24 commissioner determines that the draft plan or draft amendment does not meet the plan  
103.25 requirements of sections 115A.144 to 115A.1462, the commissioner must modify the draft  
103.26 plan or draft amendment as necessary for it to meet the requirements of sections 115A.144  
103.27 to 115A.1462 and approve it.

103.28 (d) Upon recommendation by the advisory board, or upon the commissioner's own  
103.29 initiative, the commissioner may require an amendment to a stewardship plan if the  
103.30 commissioner determines that an amendment is necessary to ensure that the producer  
103.31 responsibility organization maintains compliance with sections 115A.144 to 115A.1462.

103.32 Subd. 5. **Performance targets.** (a) The producer responsibility organization must propose  
103.33 performance targets based on the needs assessment that meet the statewide requirements in  
103.34 subdivision 7 that must be included in a stewardship plan approved under this section.

104.1 Performance targets must include targets for reuse rates, return rates, recycling rates,  
104.2 composting rates, and postconsumer recycled content by covered materials type that are to  
104.3 be achieved by the end of the stewardship plan's term. The producer responsibility  
104.4 organization must select the unit that is most appropriate to measure each performance  
104.5 target as informed by the needs assessment.

104.6 (b) The commissioner may require that a producer responsibility organization obtain  
104.7 third-party certification of any activity or achievement of any standard required by sections  
104.8 115A.144 to 115A.1462. The commissioner must provide a producer responsibility  
104.9 organization with notice of at least one year prior to requiring use of third-party certification  
104.10 under this paragraph.

104.11 (c) The performance targets proposed under this subdivision must demonstrate continuous  
104.12 improvement in reducing the environmental and human health impacts of covered materials  
104.13 over time.

104.14 Subd. 6. **Measurement criteria for performance targets.** (a) For purposes of  
104.15 determining whether recycling performance targets are being met, except as modified by  
104.16 the commissioner, a stewardship plan must stipulate that the amount of recycled material  
104.17 must be measured at the point at which material leaves a recycling facility and must account  
104.18 for:

104.19 (1) levels of estimated contamination documented by the facility;

104.20 (2) any exclusions for fuel or energy capture; and

104.21 (3) compliance with sections 115A.965, 116.943, 325F.075, and 325F.172 to 325F.179  
104.22 and all other laws pertaining to toxic substances in covered materials.

104.23 (b) For purposes of determining whether waste reduction performance targets are being  
104.24 met, a stewardship plan must ensure that the amount of waste reduction of covered materials  
104.25 is measured in a manner that can determine the extent to which the amount of material used  
104.26 for a covered material is eliminated beyond what is necessary to efficiently deliver a product  
104.27 without damage or spoilage or other means of covered material redesign to reduce overall  
104.28 use and environmental impacts.

104.29 (c) For purposes of determining whether reuse targets are being met, a stewardship plan  
104.30 must provide for the measurement of the amount of reusable covered materials to be at the  
104.31 point at which reusable covered materials meet the following criteria as demonstrated by  
104.32 the producer and approved by the commissioner:

105.1 (1) whether the average minimum number of cycles of reuses within a recognized reuse  
105.2 system has been met based on the number of times an item must be reused for it to have  
105.3 lower environmental impacts than the single-use version of the item; and

105.4 (2) whether the demonstrated or research-based anticipated return rate of the covered  
105.5 material to the reuse system has been met.

105.6 (d) For other targets, the producer responsibility organization must propose a calculation  
105.7 point for review and approval as part of the stewardship plan based on findings from the  
105.8 needs assessment.

105.9 Subd. 7. **Statewide requirements.** (a) The producer responsibility organization must  
105.10 ensure the following requirements are met collectively by its members by the end of the  
105.11 year indicated:

105.12 (1) by 2033:

105.13 (i) the combined recycling rate and composting rate must be no less than 65 percent of  
105.14 covered materials by weight sold or distributed;

105.15 (ii) the reuse rate is ten percent of the number of units of packaging sold or distributed  
105.16 into the state, with a return rate of no less than 90 percent;

105.17 (iii) the weight of covered materials introduced must be waste reduced by 15 percent,  
105.18 compared to levels identified in the initial needs assessment; and

105.19 (iv) all covered materials introduced must contain at least ten percent postconsumer  
105.20 recycled content, with all covered materials containing an overall average of at least 30  
105.21 percent, as applicable, excluding compostable materials that cannot include postconsumer  
105.22 recycled content because of unique chemical or physical properties or health and safety  
105.23 requirements that prohibit introduction of postconsumer recycled content; and

105.24 (2) by 2038:

105.25 (i) the combined recycling rate and composting rate must be no less than 75 percent of  
105.26 covered materials by weight sold or distributed into the state;

105.27 (ii) the reuse rate is 20 percent of the number of units of packaging sold or distributed  
105.28 into the state, with a return rate of no less than 95 percent;

105.29 (iii) the weight of covered materials introduced must be waste reduced by 25 percent,  
105.30 compared to levels identified in the initial needs estimate; and

105.31 (iv) all covered materials introduced must contain at least 30 percent postconsumer  
105.32 recycled content, with all covered products containing an overall average of at least 50

106.1 percent, as applicable, excluding compostable materials that cannot include postconsumer  
106.2 recycled content because of unique chemical or physical properties or health and safety  
106.3 requirements that prohibit introduction of postconsumer recycled content.

106.4 (b) The commissioner may adjust any requirement established in paragraph (a) by no  
106.5 more than five percent after submitting the proposed adjustment to the advisory board and  
106.6 considering the board's recommendations before making the adjustment.

106.7 (c) After 2038, the commissioner may establish additional statewide requirements for:

106.8 (1) the amount of covered materials that must be recycled or composted;

106.9 (2) the number of units of packaging sold or distributed into the state that must be reusable  
106.10 and the return rate that must be met when returned to an established reuse system;

106.11 (3) the weight of covered materials introduced that must be waste reduced; and

106.12 (4) the percent of postconsumer recycled content that must be used in covered materials  
106.13 introduced.

106.14 The statewide requirements established under this paragraph must not be less than those  
106.15 listed in paragraph (a), clause (2).

106.16 Sec. 13. **[115A.1453] RECYCLABLE OR COMPOSTABLE COVERED**  
106.17 **MATERIALS LISTS; EXEMPT MATERIALS LIST.**

106.18 Subdivision 1. **List required.** By March 1, 2027, the commissioner must complete a  
106.19 list of covered materials determined to be recyclable or compostable statewide through  
106.20 systems where covered materials are commingled into a recyclables stream and a separate  
106.21 compostables stream. These covered materials must be collected at the equivalent level of  
106.22 service and convenience as collection services for mixed municipal solid waste.

106.23 Subd. 2. **Alternative collection list required.** By March 1, 2027, the commissioner  
106.24 must complete a list of covered materials determined to be recyclable or compostable and  
106.25 collected statewide through systems other than the system required for covered materials  
106.26 on the list established in subdivision 1.

106.27 Subd. 3. **Input from interested parties.** The commissioner must consult with the  
106.28 advisory board, producer responsibility organizations, service providers, political  
106.29 subdivisions, and other interested parties to develop or amend the recyclable or compostable  
106.30 covered materials lists.

106.31 Subd. 4. **Criteria.** In developing the lists under subdivisions 1 and 2, the commissioner  
106.32 may consider the following criteria:

- 107.1 (1) current availability of recycling collection services;
- 107.2 (2) recycling collection and processing infrastructure;
- 107.3 (3) capacity and technology for sorting covered materials;
- 107.4 (4) availability of responsible end markets;
- 107.5 (5) presence and amount of processing residuals, contamination, and toxic substances;
- 107.6 (6) quantity of material estimated to be available and recoverable;
- 107.7 (7) projected future conditions for clauses (1) to (6);
- 107.8 (8) if collected for recycling, the covered material type and form must be one that is
- 107.9 regularly sorted and aggregated into defined streams for recycling processes or the packaging
- 107.10 format must be specified in a relevant Institution of Scrap Recycling Industries specification;
- 107.11 and
- 107.12 (9) other criteria or factors determined by the commissioner.
- 107.13 Subd. 5. **Collection requirements.** (a) A producer responsibility organization must
- 107.14 collect covered materials included in a list established under subdivision 1, on a statewide
- 107.15 basis, as follows:
- 107.16 (1) for residents that have curbside mixed municipal solid waste collection, provide
- 107.17 collection of covered materials at the same frequency and on the same day as mixed
- 107.18 municipal solid waste collection;
- 107.19 (2) provide collection of covered materials at each recycling or mixed municipal solid
- 107.20 waste drop-off site that is open to the public, including but not limited to canister sites,
- 107.21 transfer stations, and disposal facilities;
- 107.22 (3) provide a durable container dedicated to the collection of covered materials to every
- 107.23 residential unit served according to this paragraph; and
- 107.24 (4) in addition to the requirements of clauses (1) to (3), the producer responsibility
- 107.25 organization may collect or contract for the collection of covered materials from the public
- 107.26 by other means, including but not limited to other drop off locations or mobile collections.
- 107.27 (b) A producer responsibility organization must collect covered materials included in a
- 107.28 list established under subdivision 2, on a statewide basis, as follows:
- 107.29 (1) the producer responsibility organization must provide:
- 107.30 (i) for each county with a population of 10,000 or less, at least two permanent drop-off
- 107.31 collection sites;

108.1 (ii) for each county with a population greater than 10,000 but less than or equal to  
108.2 100,000, at least two permanent drop-off collection sites and at least one additional permanent  
108.3 drop-off collection site for each additional 10,000 in population above a population of  
108.4 10,000;

108.5 (iii) for each county with a population greater than 100,000, at least 11 permanent  
108.6 drop-off collection sites and at least one additional permanent year-round drop-off collection  
108.7 site for each additional 50,000 in population above a population of 100,000; and

108.8 (iv) a permanent drop-off collection site located within ten miles of at least 95 percent  
108.9 of state residents;

108.10 (2) the producer responsibility organization may propose an alternative to the  
108.11 requirements of paragraph (b), clause (1), as part of a stewardship plan if the producer  
108.12 responsibility organization demonstrates that the alternative will provide an equivalent or  
108.13 greater level of service and convenience; and

108.14 (3) the producer responsibility organization may use the following additional collection  
108.15 methods:

108.16 (i) curbside collection of source-separated covered materials;

108.17 (ii) curbside collection that is less frequent than collection of mixed municipal solid  
108.18 waste;

108.19 (iii) mobile collection;

108.20 (iv) collection events;

108.21 (v) custom collection programs based on the use and generation of the covered material  
108.22 being managed in a custom program; and

108.23 (vi) collection in the same manner provided for the covered materials in the list under  
108.24 subdivision 1.

108.25 Subd. 6. **Exempt materials list.** (a) A producer may request the commissioner, on a  
108.26 form prescribed by the commissioner, to classify as an exempt material one or more types  
108.27 of packaging. The commissioner must submit the request to the advisory board for review  
108.28 and comment before approving or denying the request.

108.29 (b) The commissioner may approve the request only if the commissioner determines  
108.30 that a specific federal or state health and safety requirement prevents the packaging from  
108.31 being waste reduced or made reusable, recyclable, or compostable.

109.1 (c) The commissioner must review and approve, deny, or request additional information  
109.2 for a request for classification of packaging as an exempt material no later than 120 days  
109.3 after the date the commissioner receives the request from a producer.

109.4 (d) The commissioner must post on the agency website a list of materials exempted  
109.5 under this subdivision.

109.6 (e) An exemption granted under this section is valid for two years, after which a producer  
109.7 must reapply according to this subdivision.

109.8 Subd. 7. **Amendment.** The commissioner may amend a list completed under this section  
109.9 at any time and must provide amended lists to producer responsibility organizations as soon  
109.10 as possible after adopting an amendment. Producer responsibility organizations must provide  
109.11 amended lists to service providers as soon as possible after receiving the amendment and  
109.12 incorporate changes in relevant service provider agreements and operations within a year.

109.13 Sec. 14. **[115A.1454] PRODUCER FEES.**

109.14 Subdivision 1. **Annual fee.** A producer responsibility organization must annually collect  
109.15 a fee from each producer that must:

109.16 (1) be based on the total amount of covered materials each producer introduces in the  
109.17 prior year calculated on a per-unit basis, such as per ton, per item, or another unit of  
109.18 measurement;

109.19 (2) incentivize using materials and design attributes that reduce the environmental impacts  
109.20 and human health impacts, as determined by the commissioner, of covered materials by the  
109.21 following methods:

109.22 (i) eliminating intentionally added toxic substances in covered materials;

109.23 (ii) reducing the amount of packaging per individual covered material that is necessary  
109.24 to efficiently deliver a product without damage or spoilage without reducing its ability to  
109.25 be recycled or reducing the amount of paper used to manufacture individual paper products;

109.26 (iii) increasing covered materials managed in a reuse system;

109.27 (iv) increasing the proportion of postconsumer material in covered materials;

109.28 (v) enhancing recyclability or compostability of a covered material; and

109.29 (vi) increasing the amount of inputs derived from renewable and sustainable sources;



110.1 (3) discourage using materials and design attributes in a producer's covered materials  
110.2 whose environmental impacts and human health impacts, as determined by the commissioner,  
110.3 can be reduced by the methods listed under clause (2);

110.4 (4) prioritize reuse by charging covered materials that are managed through a reuse  
110.5 system only once, upon initial entry into the marketplace, and by applying the lowest fee  
110.6 to these covered materials; and

110.7 (5) generate revenue sufficient to pay in full:

110.8 (i) the annual registration fee required under section 115A.1443;

110.9 (ii) financial obligations to complete activities described in an approved stewardship  
110.10 plan and to reimburse service providers under agreements in section 115A.1455;

110.11 (iii) the operating costs of the producer responsibility organization; and

110.12 (iv) for the establishment and maintenance of a financial reserve that is sufficient to  
110.13 operate the program in a fiscally prudent and responsible manner.

110.14 Subd. 2. **Overcollections.** Revenue collected under this section that exceeds the amount  
110.15 needed to pay the costs described in subdivision 1, clause (5), must be used to improve or  
110.16 enhance program outcomes or to reduce producer fees according to provisions of an approved  
110.17 stewardship plan.

110.18 Subd. 3. **Prohibited conduct.** Fees collected under this section may not be used for  
110.19 lobbying, as defined in section 3.084, subdivision 1.

110.20 Sec. 15. **[115A.1455] SERVICE PROVIDER AGREEMENTS; REIMBURSEMENT**  
110.21 **RATES.**

110.22 Subdivision 1. **Service provider agreements and reimbursement required.** The terms  
110.23 and conditions of the provision of waste reduction, reuse, collection, recycling, or composting  
110.24 services under an approved stewardship plan must be established under a service agreement  
110.25 between a producer responsibility organization and a service provider. In addition to the  
110.26 terms and conditions established in an approved stewardship plan, each agreement must:

110.27 (1) establish strong labor standards and work safety practices, including but not limited  
110.28 to safety programs, health benefits, and living wages;

110.29 (2) require the service provider to meet established performance standards;

110.30 (3) prohibit the service provider from charging a fee to any person for the services  
110.31 provided under the service agreement; and

111.1 (4) establish clear and reasonable timelines for reimbursement that are no less than  
111.2 monthly.

111.3 Subd. 2. **Collection of recyclables.** If a household does not have access to collection  
111.4 services at the equivalent level of service and convenience as collection services for mixed  
111.5 municipal solid waste for covered materials on a list established under section 115A.1453,  
111.6 subdivision 1, the producer responsibility organization must ensure that collection service  
111.7 is available to the household through a service provider.

111.8 Subd. 3. **Bidding processes.** (a) For procurement of services for management of covered  
111.9 materials and for infrastructure investments included under an approved stewardship plan,  
111.10 a producer responsibility organization must use the competitive bidding processes established  
111.11 in section 16C.28, subdivision 1, and publicly post bid opportunities when entering into  
111.12 agreements with service providers that are not political subdivisions, except that preference  
111.13 must be given to existing facilities, providers of services, and accounts in the state for waste  
111.14 reduction, reuse, collection, recycling, and composting of covered materials.

111.15 (b) No producer or producer responsibility organization may own or partially own  
111.16 infrastructure unless, after a bidding process described in paragraph (a), no service provider  
111.17 bids on the contract, in which case the producer responsibility organization may make  
111.18 infrastructure investments identified under an approved stewardship plan to implement the  
111.19 requirements in sections 115A.144 to 115A.1462.

111.20 Subd. 4. **Reimbursement rates.** (a) Each service agreement must include reimbursement  
111.21 rates for services that are based on formulas that:

111.22 (1) incorporate relevant cost information identified by the needs assessment;

111.23 (2) reflect conditions that affect waste reduction, reuse, collection, recycling, and  
111.24 composting costs in the region or jurisdiction in which the services are provided, including  
111.25 but not limited to:

111.26 (i) the number and size of households;

111.27 (ii) population density;

111.28 (iii) collections methods employed;

111.29 (iv) distance to consolidation or transfer facilities, reuse, recycling, or composting  
111.30 facilities, or to responsible markets; and

111.31 (v) other factors that may contribute to regional or jurisdictional cost differences;

112.1 (3) reflect administrative costs of service providers, including education, public awareness  
112.2 campaigns, and outreach program costs as applicable;

112.3 (4) reflect planned capital improvements to facilities and equipment costs;

112.4 (5) reflect the cost of managing contamination present in source-separated recyclable  
112.5 materials and source-separated compostable materials, including disposal of contamination  
112.6 and residuals;

112.7 (6) reflect the proportion of covered compostable materials within all source-separated  
112.8 compostable materials collected or managed through composting; and

112.9 (7) reflect the cost of managing contamination and cleaning or sanitation needed for  
112.10 reuse systems.

112.11 (b) Each service agreement with a service provider that is also a political subdivision  
112.12 must include reimbursement rates that use a rate established in a contract between a political  
112.13 subdivision and one or more service providers in place of paragraph (a), clauses (1) and  
112.14 (2).

112.15 Subd. 5. **Local government authority.** (a) Nothing in sections 115A.144 to 115A.1462  
112.16 shall be construed to require a political subdivision to agree to operate under a stewardship  
112.17 plan or enter into a service agreement with a producer responsibility organization.

112.18 (b) Nothing in sections 115A.144 to 115A.1462 restricts the authority of a political  
112.19 subdivision to provide waste management services to residents, to contract with any entity  
112.20 to provide waste management services, or to exercise its authority granted under section  
112.21 115A.94. A producer responsibility organization may not conduct activities that would  
112.22 conflict, compete, or otherwise interfere with a political subdivision exercising its authority  
112.23 under section 115A.94 to organize collection of solid waste, including materials collected  
112.24 for recycling or composting, or to extend, renew, or otherwise manage any contracts entered  
112.25 into as a result of exercising such authority or otherwise resulting from a competitive  
112.26 procurement process.

112.27 Subd. 6. **Dispute.** There must be a dispute resolution process using third-party mediators  
112.28 to resolve disputes related to reimbursements and service agreements.

112.29 Sec. 16. **[115A.1456] REPORTING.**

112.30 Subdivision 1. **Producer responsibility organization annual report.** (a) By July 1,  
112.31 2031, and each May 1 thereafter, a producer responsibility organization must submit a

- 113.1 written report to the commissioner that contains, at a minimum, the following information  
113.2 for the previous calendar year:
- 113.3 (1) the amount of covered materials introduced by each covered materials type, reported  
113.4 in the same units used to establish fees under section 115A.1454, subdivision 1, clause (1);
- 113.5 (2) progress toward the performance targets reported in the same units used to establish  
113.6 producer fees under section 115A.1454, subdivision 1, clause (1), and reported statewide  
113.7 and for each county, including:
- 113.8 (i) the amount of covered materials successfully waste reduced, reused, recycled, and  
113.9 composted by covered materials type and the strategies or collection method used; and
- 113.10 (ii) information about third-party certifications obtained;
- 113.11 (3) the total cost to implement the program and a detailed description of program  
113.12 expenditures, including:
- 113.13 (i) the total amount of producer fees collected in the current calendar year; and
- 113.14 (ii) a description of infrastructure investments made during the previous year;
- 113.15 (4) a copy of a financial audit of program operations conducted by an independent auditor  
113.16 approved by the commissioner;
- 113.17 (5) a description of program performance problems that emerged in specific locations  
113.18 and efforts taken or proposed by the producer responsibility organization to address them;
- 113.19 (6) a discussion of technical assistance provided to producers regarding toxic substances  
113.20 in covered materials and actions taken by producers to reduce intentionally added toxic  
113.21 substances in covered materials beyond compliance with prohibitions already established  
113.22 in law through proof of testing or an analytical and scientifically demonstrated methodology;
- 113.23 (7) a description of public awareness, education, and outreach activities undertaken,  
113.24 including any evaluations conducted of their efficacy, plans for next calendar year's activities,  
113.25 and an evaluation of the process established by the producer responsibility organization to  
113.26 answer questions from consumers regarding collection, recycling, composting, waste  
113.27 reduction, and reuse activities;
- 113.28 (8) a summary of consultations held with the advisory board and how any feedback was  
113.29 incorporated into the report as a result of the consultations, together with a list of rejected  
113.30 recommendations and the reasons for rejection;
- 113.31 (9) a list of any producers found to be out of compliance with sections 115A.144 to  
113.32 115A.1462, and actions taken by the producer responsibility organization to return the

114.1 producer to compliance, and notification of any producers that are no longer participating  
114.2 in the producer responsibility organization or have been expelled due to their lack of  
114.3 compliance;

114.4 (10) any proposed amendments to the stewardship plan to improve program performance  
114.5 or reduce costs, including changes to producer fees, infrastructure investments, or  
114.6 reimbursement formula and rates; and

114.7 (11) any information requested by the commissioner to assist with determining  
114.8 compliance with sections 115A.144 to 115A.1462.

114.9 (b) Every fourth year after a stewardship plan is approved by the commissioner, a  
114.10 performance audit of the program must be completed. The performance audit must conform  
114.11 to audit standards established by the United States Government Accountability Office; the  
114.12 National Association of State Auditors, Comptrollers, and Treasurers; or another nationally  
114.13 recognized organization approved by the commissioner.

114.14 Subd. 2. **Report following unmet target.** A producer responsibility organization that  
114.15 fails to meet a performance target approved in a stewardship plan must, within 90 days of  
114.16 filing an annual report under this section, file with the commissioner an explanation of the  
114.17 factors contributing to the failure and propose an amendment to the stewardship plan  
114.18 specifying changes in operations that the producer responsibility organization will make  
114.19 that are designed to achieve the following year's targets. An amendment filed under this  
114.20 subdivision must be reviewed by the advisory board and reviewed and approved by the  
114.21 commissioner in the manner specified in section 115A.1451, subdivisions 2 and 4.

114.22 Subd. 3. **Commissioner's report.** By October 15, 2034, and every five years thereafter,  
114.23 the commissioner must submit a report to the governor and to the chairs and ranking minority  
114.24 members of the legislative committees with jurisdiction over solid waste. The report must  
114.25 contain a summary of the operations of the Packaging Waste and Cost Reduction Act during  
114.26 the previous five years, a summary of the needs assessment, a link to reports filed under  
114.27 subdivisions 1 and 2, recommendations for policy, statutory, or regulatory changes to the  
114.28 program, a list of efforts undertaken by the commissioner to enforce and secure compliance  
114.29 with sections 115A.144 to 115A.1462, and any other information the commissioner deems  
114.30 to be relevant.

114.31 Subd. 4. **Duty to cooperate.** Service providers must provide producer responsibility  
114.32 organizations with data necessary to complete the reports required by this section upon  
114.33 request.

115.1 Sec. 17. **[115A.1457] PRODUCER RESPONSIBILITY ORGANIZATION**  
115.2 **WEBSITES.**

115.3 A producer responsibility organization must maintain a website that uses best practices  
115.4 for accessibility that contains, at a minimum:

115.5 (1) information regarding a process that members of the public can use to contact the  
115.6 producer responsibility organization with questions;

115.7 (2) a directory of all service providers operating under the stewardship plan administered  
115.8 by the producer responsibility organization, grouped by location or political subdivision,  
115.9 and information about how to request service;

115.10 (3) registration materials submitted to the commissioner under section 115A.1443;

115.11 (4) the draft and approved stewardship plan and any draft and approved amendments;

115.12 (5) information on how to manage covered materials included on the lists established  
115.13 by the commissioner under section 115A.1453;

115.14 (6) information on reuse systems and waste reduction systems operating according to  
115.15 sections 115A.144 to 115A.1462;

115.16 (7) the most recent list of exempt materials approved by the commissioner under section  
115.17 115A.1453;

115.18 (8) the most recent needs assessment and all past needs assessments;

115.19 (9) annual reports filed by the producer responsibility organization;

115.20 (10) a link to administrative rules implementing sections 115A.144 to 115A.1462;

115.21 (11) comments of the advisory board on the documents listed in clauses (4) and (8), and  
115.22 the responses of the producer responsibility organization to those comments;

115.23 (12) the names of producers and brands that are not in compliance with section  
115.24 115A.1448;

115.25 (13) a list, that is updated at least monthly, of all member producers that will operate  
115.26 under the stewardship plan administered by the producer responsibility organization and,  
115.27 for each producer, a list of all brands of the producer's covered materials introduced in the  
115.28 state; and

115.29 (14) education materials on waste reduction, reuse, recycling, and composting for  
115.30 producers and the general public.

116.1 Sec. 18. **[115A.1458] ANTICOMPETITIVE CONDUCT.**

116.2 A producer responsibility organization that arranges collection, recycling, composting,  
116.3 waste reduction, or reuse services under sections 115A.144 to 115A.1462 may engage in  
116.4 anticompetitive conduct to the extent necessary to plan and implement collection, recycling,  
116.5 composting, waste reduction, or reuse systems to meet the obligations under sections  
116.6 115A.144 to 115A.1462, and is immune from liability under state laws relating to antitrust,  
116.7 restraint of trade, and unfair trade practices.

116.8 Sec. 19. **[115A.1459] RULEMAKING.**

116.9 The commissioner may adopt rules to implement sections 115A.144 to 115A.1462. The  
116.10 18-month time limit under section 14.125 does not apply to the commissioner's rulemaking  
116.11 authority under this section.

116.12 Sec. 20. **[115A.1460] PROVIDING INFORMATION.**

116.13 Upon request of the commissioner for purposes of determining compliance with sections  
116.14 115A.144 to 115A.1462, or for purposes of implementing sections 115A.144 to 115A.1462,  
116.15 a person must furnish to the commissioner any information that the person has or may  
116.16 reasonably obtain.

116.17 Sec. 21. **[115A.1461] DEPOSIT RETURN SYSTEM.**

116.18 It is the intent of the legislature that if a bottle deposit return system is enacted in the  
116.19 future, it will be harmonized with sections 115A.144 to 115A.1462 in a manner that ensures  
116.20 that:

116.21 (1) materials covered in that system are exempt from sections 115A.144 to 115A.1462  
116.22 or related financial obligations are reduced;

116.23 (2) colocation of drop-off facilities and alternative collection sites is maximized;

116.24 (3) education and outreach is integrated between the two programs; and

116.25 (4) waste reduction and reuse strategies are prioritized between the two programs.

116.26 Sec. 22. **[115A.1462] ENFORCEMENT.**

116.27 (a) The commissioner must enforce sections 115A.144 to 115A.1462 as provided under  
116.28 this section and sections 115.071 and 116.072. The commissioner may revoke a registration  
116.29 of a producer responsibility organization or producer found to have violated sections  
116.30 115A.144 to 115A.1462.

(b) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, and except as otherwise provided in paragraph (c), a person that violates or fails to perform a duty imposed by sections 115A.144 to 115A.1462 or any rule adopted thereunder is liable for a civil penalty not to exceed \$25,000 per day of violation.

(c) Notwithstanding the penalty limits contained in section 115.071, subdivision 3, a producer responsibility organization or producer that violates a provision of or fails to perform a duty imposed by sections 115A.144 to 115A.1462, a rule adopted thereunder, or requirements of a stewardship plan approved by the commissioner, is liable for a civil penalty not to exceed \$25,000 per day of violation. For a second violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$50,000 per day of violation. For a third or subsequent violation occurring within five years after the approval of a stewardship plan, a producer responsibility organization or producer is liable for a civil penalty not to exceed \$100,000 per day of violation.

Sec. 23. **WORKPLACE CONDITIONS AND EQUITY STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency must contract with a third party that is not a producer or a producer responsibility organization to conduct a study of the recycling, composting, and reuse facilities operating in the state. The study must analyze, at a minimum, information about:

(1) working conditions, wage and benefit levels, and employment levels of minorities and women at those facilities;

(2) barriers to ownership of recycling, composting, and reuse operations faced by women and minorities;

(3) the degree to which residents of multifamily buildings have less convenient access to recycling, composting, and reuse opportunities than those living in single-family homes;

(4) the degree to which environmental justice areas have access to fewer recycling, composting, and reuse opportunities compared to other parts of the state;

(5) the degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(6) strategies to increase participation in reuse, recycling, and composting; and



(7) the degree to which residents and workers in environmental justice areas are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and provide recommendations to mitigate those impacts.

(b) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans as required under Minnesota Statutes, section 115A.1451, including adjustments to service provider agreements and reimbursements as established under Minnesota Statutes, section 115A.1455.

**Sec. 24. COVERED MATERIALS POLLUTION AND CLEANUP STUDY.**

(a) By January 1, 2032, the commissioner of the Pollution Control Agency, in consultation with the commissioners of health and natural resources, must contract with a third party that is not a producer or a producer responsibility organization to conduct a study to identify the contribution of covered products to litter and water pollution in Minnesota. The report must at a minimum:

(1) analyze historical and current environmental and human health impacts of littered covered materials and their associated toxic substances in the environment;

(2) estimate the cost of cleanup and prevention; and

(3) provide recommendations for how to reduce and mitigate the impacts of litter in the state.

(b) The contracted third party must consult with units of local government, the commissioners of health and natural resources, and environmental justice organizations.

(c) The initial producer responsibility organization registered by the commissioner under Minnesota Statutes, sections 115A.144 to 115A.1462, must cover the cost of conducting the study through its annual registration fee and recommended actions identified in the study must be considered as part of future stewardship plans, as required under Minnesota Statutes, section 115A.1451.