November 13, 2026

Minnesota Pollution Control Agency
Attn: Mallory Anderson

RE: Request for Comments – Packaging Waste and Cost Reduction Act 2026 Needs Assessment

Dear Commissioner and Agency Staff:

Minnesota Retailers represents 220 members with about 1,200 stores, from independent shops to regional and national retailers. As MPCA finalizes the 2026 needs assessment under the Packaging Waste and Cost Reduction Act, we ask the agency to use it to identify the lowest-cost ways to improve packaging recovery and reduce waste. The final assessment should distinguish what the law requires from what the models assume, and recommend the simplest way for retailers to meet any obligations that apply to them.

Validate needs and cost effectiveness before committing funds

Before investments are made or mandated, we ask MPCA to validate the need, existing capacity, expected utilization, alternatives, incremental improvements, and cost effectiveness. Sections 8 through 11 should compare improvements to existing systems with investments in new capacity and identify the additional recovery each option would deliver. Retailers and other producers should have a clear account of the benefits expected from each dollar of additional spending.

The assessment acknowledges assumptions and data limitations as Minnesota develops new capabilities. MPCA should resolve material uncertainties through verified data and pilots before relying on modeled estimates to establish producer funding commitments or performance obligations. Where uncertainty remains, the agency should identify it explicitly and use staged investments with review points tied to demonstrated results.

This work also involves requests for potentially proprietary information, including processing costs, supplier relationships, and commercial arrangements. Data requests should be limited to what is necessary, with clear confidentiality protections and secure handling of sensitive business information. Published findings should use aggregated information that protects individual businesses.

Harmonize nationally to reduce compliance costs

Harmonization across states is critically important to minimize overall program costs and improve efficiency. Minnesota has an opportunity to promote consistency by recognizing existing material classifications, reporting metrics, and accepted calculation methods.

We ask MPCA to align material categories, definitions, units, reporting templates, and compliance processes with other states wherever statutory flexibility permits. Retailers and suppliers operating across state lines should be able to use common packaging data, recognized certifications, and consistent calculation methods across programs. Sections 5, 11, 12, and 14 should identify opportunities to use existing systems and explain any Minnesota-specific departures. Greater consistency would reduce administrative expense and improve data quality, leaving more program funding available for collection and recovery.

Keep producer reporting simple and avoid duplicate filings

In Section 12, we recommend one statewide reporting process through Circular Action Alliance (CAA), with company-level reporting where allowed and a common data template aligned with other states where practical. Please consider using supplier specifications and allow reasonable, documented estimates or representative packaging weights where the law permits. Avoid separate reports by store or SKU when aggregate data satisfy the requirement. Give small businesses a simple way to document de minimis status under Minn. Stat. § 115A.1441, subds. 13 and 26. Ask suppliers to provide technical information they already hold, and accept supplier documentation for recycled content or chemical disclosures where appropriate.

We also ask MPCA and CAA to publish plain-language examples for national brands, private label, bags and deli containers, and online orders fulfilled by another company. Clear guidance on who qualifies as the responsible producer is essential to preventing unnecessary retailer compliance burdens. We believe that, in store-brand arrangements, the manufacturer that makes and packages the product should be recognized as the responsible producer under the applicable statutory hierarchy. We ask MPCA to clarify when a manufacturer producing and packaging goods under a retailer's brand qualifies as the producer, including how the provision for licensed manufacturers applies.

The guidance should also clarify situations in which a retailer places a product into packaging supplied by a producer. We ask MPCA to confirm that this routine activity does not automatically transfer producer responsibility to the retailer and to identify the specific circumstances in which responsibility would attach. Examples should address deli

containers, bakery packaging, checkout bags, and other packaging filled at the store, as well as any different treatment required for e-commerce shipping packaging.

A supplier that makes and bags store-brand chips, as an example, may already hold the packaging specifications, while the producer determination depends on the statutory hierarchy and the facts of the arrangement. Provide a model agreement and a simple certification process for parties that choose to assign responsibility under § 115A.1441, subd. 26(a)(6)(i), including confirmation that the assignee has joined a registered producer responsibility organization for the material. The process should ensure each packaging component is reported and assessed fees only once. Retailers should be able to rely on documented supplier information without rechecking the same packaging data store by store.

Protect existing commercial recycling and reuse

In Sections 6, 9, and 11, report commercial material flows separately from those of covered entities. Retailers already bale cardboard, manage stretch wrap through distribution centers, and circulate pallets and totes through established networks. Use existing hauler or distribution center data where available, avoid double counting, and clarify how verified recovery will be reflected in the baseline and performance measures where the law allows. Evaluate existing networks before recommending new collection or reporting for materials they already manage.

Make store collection voluntary and fund the work

Sections 8.2, 9.3, 10.2, and 13 should expressly treat retail take-back as opt-in. The reuse cost model assumes about 2,600 take-back locations at full modeled scale across four Minnesota markets and draws on mature European systems. Test that assumption with independent stores, convenience stores, and other small-footprint stores. Compare it with municipal drop-off, dedicated return sites, and delivery backhaul where feasible. For film collection and reusable returns, verify pickup, processing or washing capacity, and end markets as applicable before counting a site toward program access.

Before a store opts in, identify who supplies and services equipment, who handles contamination, and who pays for labor, floor and storage space, sanitation, pickup, and any checkout system changes. Where the law allows, recommend that the program cover the store's documented incremental costs through a clear reimbursement or service agreement. Give stores a way to exit. Use targeted refill pilots to build evidence. Measure actual staff time, customer participation, packaging avoided, and cost before assuming stores can scale refill or take-back.

Measure access and participation separately

Sections 9 through 12 should evaluate service access, consumer participation, and recovery outcomes separately. These measures depend on decisions made by different stakeholders. Producers and service providers can improve access, but producers cannot compel consumers to participate. Consumers must be willing to accept changes in how they purchase products, store packaging, and return materials.

The models should calculate participation independently from access and account for differences across Minnesota. Expanded access will not reach every community in the same way, and utilization will vary by geography, population density, travel distance, and service type.

We ask MPCA and CAA to regularly compare the capital costs of expanded access with actual increases in utilization and material recovered. Tracking cost per additional participant and cost per additional ton recovered would help identify effective investments and allow adjustments when participation falls short of projections.

Allow time to demonstrate viable reuse economics

Reuse systems need time to develop, and expansion should follow demonstrated operating performance and consumer adoption. Sections 9.3 and 10.2 should evaluate the full cost per completed reuse, including container acquisition, collection, sorting, washing, transportation, losses, retail handling, and product damage. The analysis should reflect actual return rates and the number of successful uses each container achieves.

We ask MPCA to distinguish startup investments from continuing operating support and require a credible path to operating without ongoing subsidy before scaling a program. That evaluation should account for the full cost of the system, including costs borne by retailers, and use realistic participation assumptions.

Alternatives that consumers do not adopt, or that increase product breakage and loss, should be redesigned or discontinued. Producer funding should not be committed indefinitely to sustaining systems that fail to demonstrate viable economics and environmental benefits.

Use verified costs and realistic packaging timelines

The draft's modeling needs clarification before it informs requirements and fees. The executive summary describes the 6.4% to 16.9% waste reduction estimate as a share of material sold to covered entities. Table 90 uses the smaller modeled stream and gives 3.8% to 10.0% for the broader covered-entity stream. Reconcile that language and the five-year annual recycling costs of $324 million in the summary and $321 million in Table 157.

Separate existing system costs, new program spending, and costs that retailers may bear through fees, supplier price changes, or their own operations. Show how those costs vary for a small operator and a regional chain before relying on the estimates to set requirements. Ask CAA to show how those costs translate into likely producer fees, with illustrative ranges by material and producer size.

In Sections 8 through 12, use actual collection and processing capacity, available packaging alternatives, and the time needed to test new formats and use existing inventory. Account for packaging that already has been lightweighted and for food safety, shelf life, and product damage. Recommend early notice of list changes and realistic transitions within statutory deadlines so stores and suppliers can change packaging through normal purchasing cycles and keep products available.

Thank you for the opportunity to submit these comments.

Sincerely,



Bruce Nustad
President
bruce@mnretail.org