

1.1 moves to amend H.F. No. 3577, the third engrossment, as follows:

1.2 Page 1, line 20, delete "reuse, recycling," and insert "recycling"

1.3 Page 2, line 29, delete "and" and insert "or"

1.4 Page 2, after line 30, insert:

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

1.8 Page 3, line 13, delete "or"

1.9 Page 3, after line 13, insert:

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

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

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

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

1.21 Page 3, line 14, delete "(4)" and insert "(8)"

1.22 Page 3, line 27, after "for" insert "waste reduction,"

1.23 Page 4, line 13, after the period, insert "Packaging does not include exempt materials."

2.1 Page 6, after line 27, insert:

2.2 "Subd. 29. Refill. "Refill" means the continued use of a covered material by a consumer

2.3 through a system that is:

2.4 (1) intentionally designed and marketed for repeated filling of a covered material to

2.5 reduce demand for new production of the covered material;

2.6 (2) supported by adequate logistics and infrastructure to provide convenient access for

2.7 consumers; and

2.8 (3) compliant with all applicable state and local statutes, rules, ordinances, or other laws

2.9 governing health and safety."

2.10 Page 7, line 1, delete "statutes and rules" and insert "statutes, rules, ordinances, or other

2.11 laws"

2.12 Page 7, after line 6, insert:

2.13 "Subd. 32. Return rate. "Return rate" means the amount of reusable covered material

2.14 in aggregate or by individual covered materials type, collected for reuse by the producer or

2.15 service provider in a calendar year, divided by the total amount of reusable covered materials

2.16 sold or distributed into the state by the relevant unit of measurement established in section

2.17 115A.1451."

2.18 Page 7, line 9, delete "refilling or" and delete "in the marketplace for its original" and

2.19 insert "by a producer or service provider"

2.20 Page 7, line 10, delete everything before "when"

2.21 Page 7, line 11, before the semicolon, insert "for its original intended purpose without

2.22 a change in form"

2.23 Page 7, line 13, before the semicolon, insert "of the covered material"

2.24 Page 7, line 15, delete "return for" and insert "consumers"

2.25 Page 7, line 16, delete everything before the semicolon

2.26 Page 7, line 17, delete "and rules" and insert ", rules, ordinances, or other laws"

2.27 Page 7, delete line 32

2.28 Renumber the subdivisions in sequence

2.29 Page 8, line 5, after "reduction" insert "includes refill, but" and delete "or"

2.30 Page 13, delete lines 3 to 5 and insert:

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

3.4 Page 13, line 14, delete "list" and insert "lists" and after "materials" insert "and of exempt
3.5 materials"

3.6 Page 13, after line 22, insert:

3.7 "(7) provide producer responsibility organizations with information regarding Minnesota
3.8 and federal laws that prohibit toxic substances in covered materials;"

3.9 Renumber the clauses in sequence

3.10 Page 14, delete lines 18 to 20 and insert:

3.11 "(4) forward upon receipt from the commissioner the lists of covered materials that are
3.12 recyclable or compostable and that are exempt materials developed by the commissioner
3.13 under section 115A.1453 to all service providers that participate in a stewardship plan
3.14 administered by the producer responsibility organization;"

3.15 Page 15, delete lines 19 to 24 and insert:

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

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

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

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

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

3.25 Page 16, line 24, delete "least the" and insert "a minimum:"

3.26 Page 16, delete line 25

3.27 Page 16, line 29, delete "and" and after "rates" insert ", and return rates"

3.28 Page 16, line 30, delete "overall rates of recycling and composting" and insert "the
3.29 stewardship plan with respect to the recycling rate, composting rate, reuse rate, and return
3.30 rate"

- 4.1 Page 17, line 12, after "reuse" insert "rate and return rates"
- 4.2 Page 17, line 13, after "recycling" insert "rates"
- 4.3 Page 17, line 14, after "composting" insert "rates"
- 4.4 Page 17, delete lines 16 and 17 and insert:
- 4.5 "(4) an evaluation of following factors for each covered material collected for recycling
- 4.6 or composting:
- 4.7 (i) current availability of recycling collection services;
- 4.8 (ii) recycling collection and processing infrastructure;
- 4.9 (iii) capacity and technology for sorting covered materials;
- 4.10 (iv) availability of responsible end markets;
- 4.11 (v) the presence and amount of processing residuals, contamination, and toxic substances;
- 4.12 (vi) quantity of material estimated to be available and recoverable;
- 4.13 (vii) projected future conditions for clauses (i) to (vi); and
- 4.14 (viii) other criteria or factors determined by the commissioner;"
- 4.15 Page 17, line 26, after "existing" insert "waste reduction,"
- 4.16 Page 17, line 28, after "cost of" insert "waste reduction,"
- 4.17 Page 18, line 4, delete "and accounts for" and insert "taking into account the waste
- 4.18 reduction,"
- 4.19 Page 18, line 7, delete "the same or comparable" and insert "an equivalent" and after
- 4.20 "level of" insert "service and"
- 4.21 Page 18, after line 10 insert:
- 4.22 "(10) proposed formulas reimbursing service providers, based on factors identified in
- 4.23 section 115A.1455 subdivision 4;"
- 4.24 Renumber the clauses in sequence
- 4.25 Page 18, line 22, after "sound" insert "use and"
- 4.26 Page 18, line 24, after "how to" insert "use and"
- 4.27 Page 18, line 25, after "access" insert "waste reduction,"
- 4.28 Page 18, line 27, after "participation in" insert "waste reduction,"

5.1 Page 20, delete lines 1 to 3 and insert:

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

5.4 (3) a description of the methods of collection to be used for each covered materials type
5.5 managed through a reuse system, including infrastructure, convenience metrics, and
5.6 measurement, and how they will meet the statewide requirement established in subdivision
5.7 7;

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

5.11 Page 20, line 4, after "targets" insert "and statewide requirements"

5.12 Page 20, line 8, delete "source" and insert "waste"

5.13 Page 20, line 23, after "product's" insert "refill," and after "reuse" insert a comma

5.14 Page 20, line 31, after "convenience of" insert "waste reduction,"

5.15 Page 21, delete lines 1 to 4 and insert:

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

5.21 Page 21, line 6, after "collection," insert "waste reduction,"

5.22 Page 21, after line 12, insert:

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

5.26 Page 21, line 19, delete "recyclable"

5.27 Page 21, after line 25, insert:

5.28 "(15) a process to resolve disputes that arise between the producer responsibility
5.29 organization and a service provider regarding the determination and payment of the
5.30 reasonable cost of services provided under an approved stewardship plan;"

5.31 Renumber the clauses in sequence

- 6.1 Page 22, line 8, after "about" insert "refilling,"
- 6.2 Page 22, line 10, after "how to" insert "use and"
- 6.3 Page 22, line 11, after "access" insert "waste reduction,"
- 6.4 Page 22, line 12, after "participation in" insert "waste reduction,"
- 6.5 Page 23, line 15, delete everything after "for" and insert "reuse rates, return rates,
- 6.6 recycling rates, composting rates,"
- 6.7 Page 24, lines 3 and 4, delete "source" and insert "waste"
- 6.8 Page 24, line 10, delete "measuring to be" and insert "the measurement of"
- 6.9 Page 24, line 15, after "impacts" insert "than the single-use versions of those items"
- 6.10 Page 24, delete subdivision 7 and insert:
- 6.11 "Subd. 7. **Statewide requirements.** (a) The producer responsibility organization must
- 6.12 ensure the following requirements are met collectively by its members by the end of the
- 6.13 year indicated:
- 6.14 (1) by 2033:
- 6.15 (i) the combined recycling rate and composting rate must be no less than 65 percent of
- 6.16 covered materials by weight sold or distributed;
- 6.17 (ii) the reuse rate is ten percent of the number of units of packaging sold or distributed
- 6.18 into the state, with a return rate of no less than 90 percent;
- 6.19 (iii) the weight of covered materials introduced must be waste reduced by 15 percent,
- 6.20 compared to levels identified in the initial needs assessment; and
- 6.21 (iv) all covered materials introduced must contain at least ten percent postconsumer
- 6.22 recycled content, with all covered materials containing an overall average of at least 30
- 6.23 percent; and
- 6.24 (2) by 2038:
- 6.25 (i) the combined recycling rate and composting rate must be no less than 75 percent of
- 6.26 covered materials by weight sold or distributed into the state;
- 6.27 (ii) the reuse rate is 20 percent of the number of units of packaging sold or distributed
- 6.28 into the state, with a return rate of no less than 95 percent;
- 6.29 (iii) the weight of covered materials introduced must be waste reduced by 25 percent,
- 6.30 compared to levels identified in the initial needs estimate; and

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

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

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

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

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

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

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

7.14 (d) The statewide requirements established under this paragraph must not be less than
7.15 those listed in paragraph (a), clause (2)."

7.16 Page 25, line 24, delete "and at least every three years thereafter,"

7.17 Page 25, line 27, after the period, insert "These covered materials must be collected at
7.18 the equivalent level of service and convenience as collection services for mixed municipal
7.19 solid waste."

7.20 Page 25, after line 27, insert:

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

7.25 Page 25, line 30, after "develop" insert "or amend"

7.26 Page 25, after line 31, insert:

7.27 "Subd. 4. **Criteria.** In developing the lists specified in subdivisions 1 and 2, the
7.28 commissioner may consider the following criteria:

7.29 (1) current availability of recycling collection services;

7.30 (2) recycling collection and processing infrastructure;

- 8.1 (3) capacity and technology for sorting covered materials;
- 8.2 (4) availability of responsible end markets;
- 8.3 (5) the presence and amount of processing residuals, contamination, and toxic substances;
- 8.4 (6) quantity of material estimated to be available and recoverable;
- 8.5 (7) projected future conditions for clauses (1) to (6);
- 8.6 (8) if collected for recycling, the covered material type and form must be one that is
- 8.7 regularly sorted and aggregated into defined streams for recycling processes, or the packaging
- 8.8 format must be specified in a relevant Institution of Scrap Recycling Industries specification;
- 8.9 and
- 8.10 (9) other criteria or factors determined by the commissioner."

8.11 Page 26, delete subdivision 3 and insert:

8.12 "Subd. 5. **Collection requirements.** (a) A producer responsibility organization must

8.13 collect covered materials included in a list established under subdivision 1, on a statewide

8.14 basis, as follows:

8.15 (1) for residents that have curbside mixed municipal solid waste collection, provide

8.16 collection of covered materials at the same frequency and on the same day as mixed

8.17 municipal solid waste collection;

8.18 (2) provide collection of covered materials at each recycling or mixed municipal solid

8.19 waste drop-off site that is open to the public, including but not limited to canister sites,

8.20 transfer stations, and disposal facilities;

8.21 (3) provide a durable container dedicated to the collection of covered materials to every

8.22 residential unit served according to this paragraph; and

8.23 (4) In addition to the requirements of clauses (1) to (3), the producer responsibility

8.24 organization may collect or contract for the collection of covered materials from the public

8.25 by other means, including but not limited to other drop off locations or mobile collections.

8.26 (b) A producer responsibility organization must collect covered materials included in a

8.27 list established under subdivision 2, on a statewide basis, as follows:

8.28 (1) the producer responsibility organization must provide:

8.29 (i) for each county with a population of 10,000 or less, at least two permanent drop-off

8.30 collection sites;

9.1 (ii) for each county with a population greater than 10,000 but less than or equal to
9.2 100,000, at least two permanent drop-off collection sites and at least one additional permanent
9.3 drop-off collection site for each additional 10,000 in population above a population of
9.4 10,000;

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

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

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

9.14 (3) the producer responsibility organization may use the following additional collection
9.15 methods:

9.16 (i) curbside collection of source separated covered materials;

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

9.19 (iii) mobile collection;

9.20 (iv) collection events;

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

9.23 (vi) collection in the same manner provided for the covered materials in the list under
9.24 subdivision 1."

9.25 Renumber the subdivisions in sequence

9.26 Page 27, line 5, delete "work to"

9.27 Page 28, line 15, after "provision of" insert "waste reduction,"

9.28 Page 28, line 24, before the period, insert ", that are no less than monthly"

9.29 Page 28, line 26, delete "a comparable" and insert "the equivalent" and after "level of"
9.30 insert "service and"

9.31 Page 28, line 27, delete "the recyclable covered materials" and insert "a"

- 10.1 Page 28, line 28, before the comma, insert "subdivision 1"
- 10.2 Page 29, line 3, after "state for" insert "waste reduction,"
- 10.3 Page 29, line 13, after "affect" insert "waste reduction,"
- 10.4 Page 31, line 14, after "composting," insert "waste reduction,"
- 10.5 Page 32, delete lines 31 to 33 and insert:
- 10.6 "(5) information on how to manage covered materials included on the lists established
- 10.7 by the commissioner under section 115A.1453;
- 10.8 (6) information on reuse systems and waste reduction systems operating according to
- 10.9 this act;"
- 10.10 Renumber the clauses in sequence
- 10.11 Page 33, lines 17 and 19, after "composting," insert "waste reduction,"
- 10.12 Amend the title accordingly