

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Gardner

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**Analyst:** Bob Eleff

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### Section

**1**      **[115A.1210] Title.** Provides that this act may be cited as the Minnesota Product Stewardship Act of 2009.

**2**      **[115A.1211] Definitions.**

**Subd. 12. Product stewardship.** “Product stewardship” means a requirement for a producer of a covered product to manage and reduce adverse safety, health, and environmental impacts of a covered product throughout its life cycle, including financing and providing for collection, transportation, reuse, recycling, processing, and final disposition of the product.

**Subd. 14. Product stewardship program or program.** “Product stewardship program” or “program” means a program financed and operated by producers to collect, transport, and recycle unwanted products.

**Subd. 17. Stewardship organization.** “Stewardship organization” means an organization designated by a group of producers to act as an agent on behalf of each producer to operate a product stewardship program.

**3**      **[115A.1213] List of potential covered products.**

**Subd. 1. List.** Requires the Pollution Control Agency (“agency”) to submit an annual list of products that could be managed under a stewardship program to its citizens’ board, beginning July 1, 2012. Among factors the agency must consider in preparing a list are:

- the environmental and health risks posed by the product, including greenhouse gas emissions;
- opportunities to reduce toxicity, conserve energy, recover resources or

recycle through proper waste management; and

- the financial burden on the public for managing the waste from the product.

**Subd. 2. Notice; comments; hearing.** Requires the agency to notify manufacturers of products on the list, and other interested parties, within 30 days of submittal of the list, accept written comments on the list, and hold at least one public hearing.

**Subd. 3. Report to legislature.** Requires the agency to report to the legislature a list of products recommended for management under a product stewardship program, and a recommended annual producer fee to recover the agency's administrative costs.

**4 [115A.1214] Product stewardship program initiation.** Provides that a producer or group of producers may voluntarily implement a product stewardship program. Specifies that the agency may initiate a product stewardship program for a specific product only if authorized by the legislature.

**5 [115A.1215] Participation in a product stewardship program.**

**Subd. 1. Requirement for sale.** Prohibits sale of a product for which a product stewardship plan has been approved by the agency unless the producer participates in the program.

**Subd. 2. Product stewardship program costs.** Specifies that producers must pay all administrative and operational costs of a product stewardship program, and that no fee may be charged at the time of sale to cover those costs.

**Subd. 3. Inspections and audits.** Allows the agency to inspect or audit a processing or disposal facility that is part of a product stewardship program.

**6 [115A.1216] Product stewardship plan.**

**Subd. 1. Plan submission.** Requires submission of a plan to the agency 180 days prior to offering a covered product for sale in Minnesota.

**Subd. 2. Consultation required.** Requires producers to consult with stakeholders during plan development.

**Subd. 3. Plan content.** Specifies content of a plan, including:

- certification that all products, regardless of manufacturer, will be accepted;
- description of collection, transportation, recycling, and disposal methods;
- description of promotion and outreach activities; and
- evidence of sufficient insurance and financial assurance.

**Subd. 4. Agency review and approval.** Requires written agency approval of a plan prior to collection of products, and provides agency 90 days for plan review. A plan must be updated at least every four years, and any changes must be approved by

the agency.

**Subd. 5. Plan availability.** Requires all approved plans to be placed on the agency's Web site within 30 days of approval.

- 7 **[115A.1217] Product stewardship program promotion and outreach.** Requires preparation of education and outreach materials publicizing collection locations throughout the state, and promotion of the programs to wholesalers, retailers, and others.
- 8 **[115A.1218] Annual report.** Requires producers to submit an annual report to the agency by July 1 describing program activities and containing a list of participating producers.
- 9 **[115A.1218] Fees.** Directs that any fees required by the legislature be paid to the commissioner and deposited in the account established in section 11.
- 10 **[115A.1219] Enforcement.**
- Subd. 1. Generally.** Provides that this act may be enforced under section 115.071, subdivisions 1 to 6, which allow for civil, criminal and administrative penalties, and injunctions.
- Subd. 2. Producer penalties.** For nonparticipating producers selling products in this state, provides that the first violation shall receive a written warning from the agency, and subsequent violations shall receive a penalty of \$10,000 per day. Plans that are not implemented within 30 days of approval shall receive a penalty of \$5,000 and, if not implemented after an additional 30 days, shall receive a penalty of \$10,000 per producer participating in the program. Penalties may be appealed to the citizens' board.
- Subd. 3. Retailer penalties.** Retailers are responsible for determining if a producer whose product they sell is participating in a product stewardship plan. A retailer that sells a product from a nonparticipating producer will receive a written notice for the first violation; continued sale 60 days after receipt of the notice shall receive a penalty of \$10,000 per day.
- 11 **[115A.1220] Product stewardship program account.** Creates the product stewardship program account in the environmental fund, into which all program fees and penalties are to be deposited. Money in the account is appropriated annually to the commissioner of the agency to administer the program.
- 12 **[115A.1222] Solicitation of comments.** The agency shall solicit comments annually, beginning in 2013, from citizens, local units of government, and nonprofit organizations regarding their satisfaction with the services provided by product stewardship programs.
- 13 **[115A.1223] Report to legislature.** Requires the commissioner to report annually to the legislature, beginning December 1, 2014, on program implementation and operations.
- 14 **Effective date.** Specifies that sections 1 to 13 are effective the day following final enactment.