

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 865  
**Version:** As introduced

**DATE:** March 2, 2013

**Authors:** Sundin

**Subject:** Promoting waste reduction and recycling through product stewardship

**Analyst:** Bob Eleff

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/](http://www.house.mn/hrd/).

---

### Overview

House File 865 provides that waste collection and recycling programs in Minnesota for three products—carpet, architectural paint, and primary batteries—be organized and implemented by the manufacturers of those products. This model was used for the collection and recycling of electronic products in the state in 2007.

The bill contains similar provisions for all three products:

- After a certain date, the product may not be sold in Minnesota by a producer or retailer unless its producer is a participant in a product stewardship plan approved by the Pollution Control Agency, either individually or through membership in a Product Stewardship Organization that produces a collective plan for its producer members.
- Product stewardship plans, and any changes to them, must be approved by the PCA and updated at least every three years (carpet) or five years (paint and batteries). Plans must:
  - ▶ state that a product stewardship program will accept all discarded products, regardless of who produced them;
  - ▶ organize a system to collect discarded products (without an end-of-life fee);
  - ▶ include names and locations of collectors, transporters, and recyclers; describe the methods of recycling to be used;
  - ▶ describe promotion and outreach strategies to advertise the program to the public;
  - ▶ for carpet and paint, propose a uniform “stewardship assessment” to be placed on all products sold in the state; and
  - ▶ list five-year performance goals.

## **Section**

- Producers participating in a plan are provided immunity from liability for conduct under state antitrust and restraint of trade laws, to the extent that conduct is necessary to implement a product stewardship plan.
- For carpet and paint, retailers must include the stewardship assessment fee in the price of the products it sells.
- A Product Stewardship Organization or individual producers must report annually to the PCA regarding their activities under these statutes.
- Local units of government may participate voluntarily in a product stewardship program.
- The Product Stewardship Organization annually submits two separate fees to the PCA to reimburse the agency's administrative/enforcement costs and its direct program development/regulatory costs associated with the programs. For carpet and paint, the administrative fee is capped at 5 percent of the aggregate stewardship assessment collected the previous year.
- The PCA must report to the governor and legislature on the implementation of these statutes by the end of 2013 and every four years thereafter.