



# SWAA LEGISLATIVE POLICY PLATFORM 2025

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## LEGISLATIVE PRIORITIES

**SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor's Select Committee on Recycling and the Environment) grants to counties.

**CAPITAL ASSISTANCE PROGRAM (CAP):** SWAA supports fully funding bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes in response to state mandates and goals.

**EXTENDED PRODUCER RESPONSIBILITY:** SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility (EPR) framework. SWAA supports EPR approaches that create producer-led material and toxicity reduction, reuse, repair, and recycling programs, to reduce a product's life cycle impacts from design through end-of-life management. Programs must include transparency and accountability measures, maximize use of existing infrastructure, and provide local governments with a voluntary role in development and implementation. Programs must not rely on local government financing and must include a reimbursement mechanism for use of government programs that includes infrastructure, labor, and material handling and management fees.

SWAA prioritizes adoption of legislation in the following areas during the 2025 session:

- **E-WASTE:** Reform the Minnesota e-waste program to meet the SWAA Product Stewardship Principles and address a broader list of electronic products, fully cover local government costs and provide statewide coverage.
- **BATTERIES:** Consolidate existing statutes on battery management under a comprehensive battery product stewardship system that ensures proper management of all batteries and products containing non-removable batteries, prioritizing rechargeable batteries, lithium batteries, and battery technologies and applications that pose health and safety risks.

**PRESERVE THE WASTE MANAGEMENT HIERARCHY:** SWAA supports maintaining Minnesota's Waste Management Hierarchy as currently constituted in Minn. Stat. Sec. 115A.02.

**CONSTRUCTION AND DEMOLITION LANDFILL TRANSITION:** SWAA supports construction and demolition rulemaking utilizing a comprehensive stakeholder engagement process that provides an adequate, flexible timeline allowing for detailed discussions and collaborative, realistic solutions and identification of viable alternatives for rule changes that weigh economic and social impacts along with environmental impacts. State funding options should be made available for transition and construction costs.

**EXEMPTIONS FOR PFAS RECEIVERS:** SWAA supports the exemption for solid waste management facilities from MERLA (Minnesota Environmental Response and Liability Act) and CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) liability due to PFAS.

# POLICY POSITIONS

## **CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT**

- **RULEMAKING:** SWAA supports construction and demolition rulemaking utilizing a comprehensive stakeholder engagement process that provides an adequate timeline allowing for detailed discussions and collaborative solutions for rule change recommendations that weigh economic and social impacts along with the environmental impacts.
- **C&D SYSTEM CHANGES/SUSTAINABLE BUILDING:** SWAA supports changes in traditional C&D management systems focusing on voluntary approaches with state support of, and resources for, increasing deconstruction, salvage, recycling, and other reuse and reduction activities.
- **PERMITTING:** SWAA supports the timely issuance of permits that conform to statutory and rule requirements and are free of conditions not in adopted rules or statute. Permit issuance and permit requirements should account for the economic and social costs of implementation.
- **TRANSITION:** SWAA supports state funding and technical support to address any C&D management and facility transitions required by state law or rule.

## **CONTINUING EDUCATION/STAKEHOLDER MEETINGS**

- **REMOTE PARTICIPATION:** SWAA supports all state agency stakeholder meetings, public hearings and all required training, continuing education or refresher courses being made available to participate from remote locations and/or be available in digital archive for later review.

## **ENVIRONMENTAL JUSTICE**

- **ENVIRONMENTAL JUSTICE IN WASTE MANAGEMENT:** SWAA supports consideration of environmental justice impacts in planning and implementing the integrated waste management system to achieve the public health and environmental protections goals established in law. Meaningful engagement should be employed in legislative or rulemaking processes, and should involve those most impacted by decisions, including permit holders or those seeking permits, as well as those who may have not been historically included.

## **MARKET DEVELOPMENT**

- **STATEWIDE COORDINATION:** SWAA supports coordinated statewide market development for materials recoverable from waste. Market development efforts should: strengthen existing and establish new commodity markets, develop and support high-value uses of recovered materials, create demand for recycled materials and products across all sectors of the economy, and provide funding support to businesses and public entities that process, or use recovered materials in the production of new products.
- **GLASS:** SWAA supports high value, beneficial uses of crushed glass, and considers these uses to be recycling that is eligible to be counted towards SCORE goals.
- **PLASTIC FILM:** SWAA supports state funding and assistance to support the collection, reuse, and recycling of recovered plastic films, including agricultural plastic.
- **EMERGING/CHALLENGING RECYCLABLE MATERIALS:** SWAA supports creating or strengthening processing capacity and markets for materials like solar panels, wind turbine blades, plastic film, and source separated compostable materials.

## ***NOXIOUS WEEDS & WOOD WASTE***

- **NOXIOUS WEED DISPOSAL:** SWAA supports disposal of noxious weeds and invasive species in a suitable MPCA permitted solid waste disposal facility, or other suitable facility that demonstrates a Process to Further Reduce Pathogens (PFRP), to destroy the pest or invasive species.
- **WOOD WASTE POLICY:** SWAA supports creating a wood waste management policy framework consistent with the waste management hierarchy, starting with reducing and slowing the creation of wood waste. This framework should also sustain current critical infrastructure while expanding markets and end-uses to responsibly manage the growing waste volume, without placing additional burdens on counties.
- **WOOD WASTE FUNDING:** SWAA supports substantial state resources and funding to assist counties and communities in slowing the surge of wood waste requiring management due to invasive species.
- **BIOMASS AS ENERGY:** SWAA supports allowing biomass energy recovery from wood waste to be considered a carbon-free energy source in pursuit of state energy goals.

## ***ON-SITE BURNING OF SOLID WASTE***

- **RESTRICTION ENFORCEMENT:** SWAA supports a state initiative to ‘close the loophole’ that allows for the continuation of on-site Municipal Solid Waste (MSW) burning activities. This initiative should be implemented at the state level with additional resources for investigating and prosecuting offenders.

## ***ORGANIZED WASTE COLLECTION, INVERSE CONDEMNATION, AND WASTE DESIGNATION***

- **ORGANIZED COLLECTION:** SWAA opposes any legislation which would further restrict, hinder, or impair a local unit of government’s ability to organize waste collection services, or which would require a Local Government Unit (LGU) to compensate a private waste hauler for claimed lost business due to an LGU’s decision to organize waste collection.
- **WASTE DESIGNATION:** SWAA opposes legislation allowing a government unit to opt-out of county waste designation ordinances in ways that would undermine county authority and solid waste management planning and fiscal management.

## ***PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)***

- **CLASSIFICATION:** SWAA opposes adding PFAS to Minnesota Environmental Response and Liability Act (MERLA) as doing so would shift responsibility to local taxpayers by making waste facilities responsible for management and clean-up of PFAS.
- **STATE PFAS RESPONSE AND PRODUCER RESPONSIBILITY:** SWAA supports state actions to address PFAS in our environment and ensure that PFAS producers are responsible for the environmental impacts and clean-up. When producers are not identified or fail to fully address PFAS issues, state resources should be used. SWAA supports state resources to implement the source reduction recommendations included in Minnesota’s PFAS Blueprint and to assist in managing PFAS received by wastewater and/or MPCA permitted solid waste facilities.
- **EXEMPTIONS FOR PFAS RECEIVERS:** SWAA supports the exemption for solid waste management and wastewater treatment facilities from MERLA and CERCLA (The Comprehensive Environmental Response, Compensation and Liability Act) liability due to PFAS, as solid waste facilities are passive receivers of these chemicals.
- **PFAS RESPONSE:** SWAA supports the development of a scientifically based and targeted response plan, jointly developed by the MPCA, solid waste facility operators and other receivers of PFAS that targets methods that cost-effectively protect human health and the environment.

## ***PROCESSING FACILITIES***

- **INCENTIVES:** SWAA supports increased incentives by the state for the development and permitting of new solid waste processing and resource management facilities and retention and expansion of existing facilities, including organics recovery, organics composting, anaerobic digestion, waste-to-energy (WTE) and other facilities for use of waste as a resource.
- **SOLID WASTE AS A RENEWABLE ENERGY SOURCE:** SWAA supports recognition of energy recovered from solid waste as renewable energy and a carbon-free energy source in pursuit of state energy goals.
- **RESPONSIBLE LOCAL HANDLING OF WASTE:** SWAA supports a county or district's ability to perform its solid waste management responsibilities as required by Minnesota Statutes Chapters 400 and 473 without prohibitions and restrictions that prevent responsible local handling of waste. This includes ensuring the viability of resource recovery facilities, which support the state's solid waste management hierarchy and help counties provide an effective, efficient, and environmentally focused waste management system for all residents.

## ***PRODUCT STEWARDSHIP***

- **EXTENDED PRODUCER RESPONSIBILITY:** SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility (EPR) framework. SWAA supports EPR approaches that create producer-led material and toxicity reduction, reuse, repair, and recycling programs to reduce a product's life cycle impacts from design through end-of-life management.

Programs must include transparency and accountability measures, maximize use of existing infrastructure, and provide local governments with a voluntary role in development and implementation. Programs must not rely on local government financing and must include a reimbursement mechanism for use of government programs that includes infrastructure, labor, and material handling and management fees.

EPR principles may apply to many products. SWAA has particular interest currently in the following:

- **E-WASTE:** Reform the Minnesota e-waste program to meet the SWAA Product Stewardship Principles and address a broader list of electronic products, fully cover local government costs and provide statewide coverage.
- **PHARMACEUTICALS AND SHARPS:** Maximize the collection and safe disposal of unwanted prescription and over-the-counter medicines and sharps, prioritizing locations other than waste management facilities.
- **SOLAR PANELS and WIND TURBINE BLADES:** Management of all end-of life materials including difficult to manage and toxic substances.
- **MATTRESSES:** Statewide, end-of-life management for all mattresses.
- **BATTERIES:** Consolidate existing statutes on battery management under a comprehensive battery product stewardship system that ensures proper management of all batteries and products containing non-removable batteries, prioritizing rechargeable batteries, lithium batteries and battery technologies and applications that pose health and safety risks.
- **HOUSEHOLD HAZARDOUS WASTE:** Require manufacturers of toxic, hazardous wastes to fund collection and disposal programs for households in the state.

- **DIGITAL FAIR REPAIR EXEMPTIONS:** SWAA supports removing exemptions to Minnesota’s Digital Fair Repair Act that limit what products are subject to the law, including power tools, lawn and garden equipment and agricultural implements.
- **PACKAGING WASTE REDUCTION:** SWAA opposes any amendments to the Packaging Waste and Cost Reduction Act that would limit or interfere in the MPCA’s ability to implement and enforce the law or reduce the benefits for local government, public health and the environment established by the law.

## ***SOLID WASTE MANAGEMENT CAPACITY, CERTIFICATES OF NEED, AND PERMITTING***

- **CLEAR PLAN FOR DISPOSAL CAPACITY:** SWAA supports MPCA’s development of a clear plan to address diminishing capacity statewide to process or landfill MSW.
- **CERTIFICATE OF NEED ISSUANCE:** SWAA supports simplified issuance and approval of certificates of need (CON) in 15-year increments.
- **CON FOR DEMO WASTE:** SWAA opposes the inclusion of construction and demolition waste in Certificate of Need as currently applied to MSW landfills.
- **FULL CAPACITY PERMIT:** SWAA supports environmental review and permitting of solid waste facilities based on entire site and facility capacity, in phased development, as allowed by rule, to make the best use of limited resources.
- **ORGANICS:** SWAA supports state encouragement and funding to prevent food waste, divert food scraps and other organics from the MSW stream, and resolve permitting and other issues in a timely manner to facilitate expansion of composting and other organic management facilities and methods.

## ***SOLID WASTE FINANCING***

- **CAPITAL ASSISTANCE FUNDING:** SWAA supports fully funding bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes in response to state mandates and goals.
- **CAPITAL ASSISTANCE PROGRAM (CAP) GRANTS:** SWAA supports increasing the current limit on the size of state CAP grants to \$10 million per county project partner to account for escalating, historically high construction costs and the scale of projects that are needed to meet state diversion mandates, and to allow for greater flexibility in projects to boost recycling and waste diversion.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor’s Select Committee on Recycling and the Environment) grants to counties.
- **SOLID WASTE MANAGEMENT TAX REFORM:** SWAA supports revisions to the Solid Waste Management Tax that would apply the tax proportionate to environmental risk and financial impacts
- **INCENTIVES FOR RECLAIMING MATERIALS:** SWAA supports the state providing monetary incentives for reclaiming materials from wastes deposited at processing and disposal facilities operating in Minnesota for reuse, recycled, beneficial reuse, or composting, including payments to a facility in the amount of the SWMT that the facility documents had been collected on reclaimed materials.
- **NEW SOLID WASTE PROGRAMS:** SWAA opposes any new legislation which would provide for the implementation of any new solid waste related programs if corresponding legislation does not provide for full, long-term, sustainable funding, excluding a new tax on solid waste management facilities, for the implementation, administration, and execution of said programs.

- **CLOSED LANDFILL PROGRAM:** SWAA supports adequate funding and preservation of the closed landfill program (CLP), including both the Closed Landfill Investment Fund (CLIF) and the Metropolitan Landfill Contingency Action Trust (MLCAT). Additionally, SWAA supports protecting these funds from uses other than Landfill Cleanup Program uses, in accordance with Minnesota Statutes 115B.39 – 115B.4445 and 473.845, to generate a sufficient fund balance to take care of the needs of closed landfills throughout Minnesota in the future. CLIF and MLCAT should be repaid including lost earnings on funds previously transferred out for unrelated state spending.

## **STATE GOVERNANCE**

- **CANNABIS WASTE:** SWAA supports responsible management of cannabis and related waste streams in a manner that minimizes environmental harm; renders products unusable; meets local, state, and federal disposal guidelines; and does not rely on county funding for disposal.
- **INNOVATIVE TECHNOLOGIES:** SWAA supports state leadership in actively supporting innovative technologies. The state should, through policy, regulatory changes, and financial solutions, provide tools to meet the challenges of evolving waste and recycling streams. Such tools should encourage extracting value out of resources in waste and address emerging environmental and health priorities and challenges.
- **LEGISLATIVE SOLID WASTE COMMISSION:** SWAA supports the establishment of a bi-partisan, bi-cameral commission to address solid waste related issues.
- **PROHIBITIVE OR LIMITING LEGISLATION:** SWAA opposes any legislation that limits, prohibits, or interferes with a county's ability to implement any component of its solid waste management plan as required by Minnesota Statutes Chapters 400 and 473.
- **PRESERVE THE WASTE MANAGEMENT HIERARCHY:** SWAA supports maintaining Minnesota's Waste Management Hierarchy as currently constituted in Minn. Stat. Sec. 115A.02.
- **STATE PERMITTING PROCESSES:** SWAA supports the need to update and increase the efficiency of state permitting processes in ways that establish appropriate health and environmental regulatory oversight without unnecessarily burdening development and operation of new facilities or emerging technologies that serve to advance solid waste and other environmental policies.
- **WASTED FOOD:** SWAA supports funding, policies, and pilot projects that will prevent wasted food, rescue edible food, and manage food waste.
- **TRUTH-IN-LABELING:** SWAA supports the adoption of truth-in-labeling or labeling standards for recyclable consumer packaging that would require manufacturers to identify local recyclability of packaging and label claims clearly, consistently, and accurately.

## **WASTE ASSURANCE**

- **WASTE ASSURANCE ACCESS:** SWAA supports efforts to streamline, modify, or simplify state requirements and reduce barriers to utilizing waste assurance tools.