



July 24, 2026

Court of Administrative Hearings

Attn: William Moore
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

RE: ACA Comments in Response to the Minnesota Pollution Control Agency's Request for Comments on the Packaging Waste and Cost Reduction Act

Dear Mr. Moore:

The American Coatings Association (ACA) submits the following comments to the Minnesota Pollution Control Agency (MPCA) regarding the agency's request for comments on the development of new rules governing the implementation of the Packaging Waste and Cost Reduction Act (PWCRA). ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry and coatings science. ACA appreciates the opportunity to comment and looks forward to working with MPCA throughout the rulemaking process.

ACA provides the following recommendation to alleviate any undue burden imposed on the paint and coatings industry.

1. Clarify that the definition under § 115A.1441(16)(12) of the PWCRA refers to packaging for products subject to the state's PaintCare program.

To determine one's obligations under the PWCRA, members of the paint and coatings industry are required to ascertain whether they are a producer of covered material. Section 115A.1441(10) of the PWCRA specifies that the term 'covered material' does not include exempt materials, and section 115A.1441(16)(12) provides that the term 'exempt materials' includes "packaging that is being collected and properly managed through [an approved] paint stewardship plan." While ACA appreciates that this language recognizes that leftover paint and paint containers should be managed by an approved paint stewardship program, we are concerned that use of the phrase "being collected and properly managed through" could be misconstrued to exempt only a portion of the containers sold. In Minnesota's PaintCare program, leftover paint in their original containers is collected and managed responsibly. ACA and PaintCare's goal is to divert leftover paint from landfills and recycle as much as possible. Our goal with respect to paint containers is the same—to divert from landfills and recycle as much as possible. This is true for all the states with PaintCare programs.



PaintCare's program anticipates managing the end-of-life of these containers and consequently, the PaintCare assessment is designed to cover this cost. If these containers are not clearly included within the definition of 'exempt materials' under the PWCRA, it will result in there being additional fees (fees in addition to the PaintCare assessment) imposed on these products. Thus, to avoid confusion, promote efficiency, and prevent double coverage of these containers by two different extended producer responsibility systems and the imposition of a duplicative fee, ACA urges MPCA to clarify that the definition under section 115A.1441(16)(12) of the PWCRA refers to packaging for products subject to the state's PaintCare program.

Thank you for your consideration of ACA's comments. Please do not hesitate to contact me should you have any questions and/or require further clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Annebelle Klein", with a large, stylized initial "C" or "K" at the start.

Annebelle Klein

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