



SENT VIA E-MAIL ONLY

February 22, 2019

Yolanda Letnes
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota, 55155-4194

Dear Ms. Letnes:

On behalf of the members of the Minnesota Retailers Association and Midwest Hardware Association, we are writing to express deep concern with planned amendments to Minnesota rules chapters 7000, 7001, 7035, 7045, 9210, and 9215 (OAH Docket No. 5-9003-35862; Revisor's ID: 4155).

For the past four years, many of our member retailers have been working with PaintCare on the collection and recycling of paints at retail collection sites throughout Minnesota. While we were initially concerned about the program, its goals, its impact on Minnesota consumers, and the regulations impacting retail collection sites, the program has evolved in a manner that appears to have a workable operating model. At the core of that success is the voluntary retail collection site system administered by PaintCare which provides operational and regulatory clarity coupled with a practical, safe approach to collection at the retail level.

The proposed rules will disrupt a system that is working today and unfortunately will drive retailers to leave the program and offer consumers fewer options for paint recycling. In essence, the implication for the rules outlined will unnecessarily add regulatory burdens at the retail collection site with no discernable increase in safety or risk mitigation.

Most concerning, under the changes to M.R. 7045.0310 and M.R. 7045.0320, retail collection sites will be designated as both household hazardous waste and very small quantity generator collection programs. The additional regulatory burdens accompanying these designations will drive current retailers participating as voluntary collection sites from the program and serve as an impediment to acquiring new site collection participants. As examples, the additional requirements relating to immediate access to an internal alarm and the emergency responder requirements appear unwarranted given the nature and amount of the material collected. These two items alone carry with them thousands and thousands of dollars in expense, likely resulting in a large number of retailers leaving the program, and creating a significant barrier to entry.

The system in place today is working, and it is working to the benefit of the environment, Minnesota's consumers, retailers, and local and state regulators. The proposed changes will do arguably nothing to increase site or employee safety or mitigate environmental risks. Rather the changes will decrease the effectiveness of the program by placing regulatory requirements on retailers that will drive them out of the program, take away consumer convenience, and ultimately reduce the effectiveness of the program.

Thank you for considering these comments. Minnesota's retailers look forward to continuing doing our part in paint stewardship under a balanced, practical, safe system that is free of unnecessary regulatory burdens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Nustad', with a stylized, sweeping flourish at the end.

Bruce Nustad
President, Minnesota Retailers Association
tel. (651) 227-6631

A handwritten signature in black ink, appearing to read 'John Haka', with a stylized, sweeping flourish at the end.

John Haka
Managing Director, Midwest Hardware Association
tel. (715) 314-7500