



State of Oregon Department of Environmental Quality

# Rule Concept: Contamination Reduction Programming and Oregon's Diverse Populations

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)  
Rulemaking Advisory Committee Meeting 2, Rulemaking 2

Aug. 24, 2023

## Introduction

This rule concept proposes draft rule concepts regarding new contamination reduction programming required in ORS 459A.929.

ORS 459A.929 obligates DEQ to establish and maintain a list of approved contamination reduction program elements, including:

1. Customer-facing materials and methods that are responsive to the needs of diverse populations;
2. Standards for providing feedback to generators that contribute to contamination that is responsive to the needs of diverse populations; and
3. Standards for service or financial consequences to generators that are significant and repeated sources of contamination and that continue to contaminate separated recyclables after being subject to customer-facing materials and targeted feedback. Consequences must be responsive to the conditions of diverse populations.

Local governments that provide the opportunity to recycle must establish and implement a program to reduce contamination that includes at least one each of the three types of program elements from DEQ's approved list or uses materials or methods that are at least as effective as those on the approved list.

DEQ intends to propose rule language to provide more clarity around the phrase "responsive to the needs of diverse populations" for the first two types of program elements.

For the third type of approved program element, DEQ intends to define "significant and repeated source of contamination" and lay out the standards for service and financial consequences for significant and repeated sources of contamination.

## Who's who in this rule concept?

The statute uses the terms "generator" and "customer." The generator is the person who places materials into the recycling container. This rule concept will use the term "customer" to refer to the entity that maintains a relationship with the service provider and sets up and pays for collection service. The customer can be the generator but can also be a property manager, homeowner association, business, etc. For simplicity, this rule concept will not use the term "generator," but instead refer to "tenants" if they are different than the customer.

## **I. Defining “responsive to the needs of diverse populations” for contamination-reduction materials, methods, and feedback**

Contamination reduction programming that is “responsive to the needs of diverse populations” means:

1. Information is accessible to all people that recycle, regardless of background, ability, preferred language, access to technology, or where they live or work. For example:
  - Information is translated, or is made available in commonly spoken languages. Local governments and service providers aim to provide assistance in the customer’s preferred language.
  - Written materials and websites follow best practices for accessible design.
  - Approach and delivery are tailored to the intended audience.
  - Imagery includes products and people that represent a variety of cultures and Oregon’s diverse communities.
2. Information is easy to understand. For example:
  - Messaging is clear and simple and uses common words.
  - Written material uses headings, bullets, short sentences, and images and design elements to improve readability.
3. Assistance is provided in multiple ways. Recipients can learn more and ask questions via phone, email, online, or in person.

### **Discussion Prompt**

Will this definition result in materials, methods, and standards for feedback that are clear, accessible, inclusive, and understood by Oregon’s diverse communities?

## **II. Defining “significant and repeated source of contamination”**

1. The threshold for **significant** recycling contamination is documentation that at least 25% by volume or weight of materials set out for recycling collection are items not on the Uniform Statewide Collection List.
2. The threshold for **repeated** recycling contamination is documented instances of significant recycling contamination that occurs at least three times within three consecutive months.

### **Discussion Prompts**

1. Is the threshold for repeated recycling contamination fair for both customers and service providers?
2. What challenges will local governments or their designated service providers face in measuring and documenting “significant” recycling contamination?

## **III. Standards for service or financial consequences**

Local governments and service providers may apply service or financial consequences in these circumstances:

1. Contamination is identified using a method that is applied consistently and equitably across the entire customer base.
2. For all instances of significant contamination, targeted feedback is provided to the customer and tenants.
3. The customer is notified and provided opportunities to remedy after the threshold for significant and repeated source of contamination is reached. Notification includes documentation of the contamination, available remedy options, potential consequences if a remedy option is not pursued, and timeline for responding.
4. Assistance that is responsive to the needs of diverse populations is provided to confirm customer understanding and identify barriers to compliance. Customer communications and agreed-upon actions are documented.
5. Opportunities to remedy are refused or response is not received within 21 calendar days to at least two contact attempts.
6. Consequences are set to reflect the goal of maintaining the value of the collected recyclables. Consequences are not punitive: Service consequences affect only recycling collection; financial consequences relate to the increased costs associated with managing contaminated recycling, providing technical assistance, conducting additional outreach, or other steps needed to improve the quality of the recycling.
7. The opportunity to recycle is maintained. Consequences are temporary and include a clear path for removal. Service consequences are not applied to multi-tenant customers. At single-family rentals, the tenants are notified prior to implementing service consequences.

### **Discussion Prompts**

1. Will these standards help to ensure customers understand why consequences may be applied and provide them with opportunity to make changes?
2. Does this approach meet the needs of commercial and residential multi-tenant properties?
3. What type of standards are needed for depot collection?

### **Translation or other formats**

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