

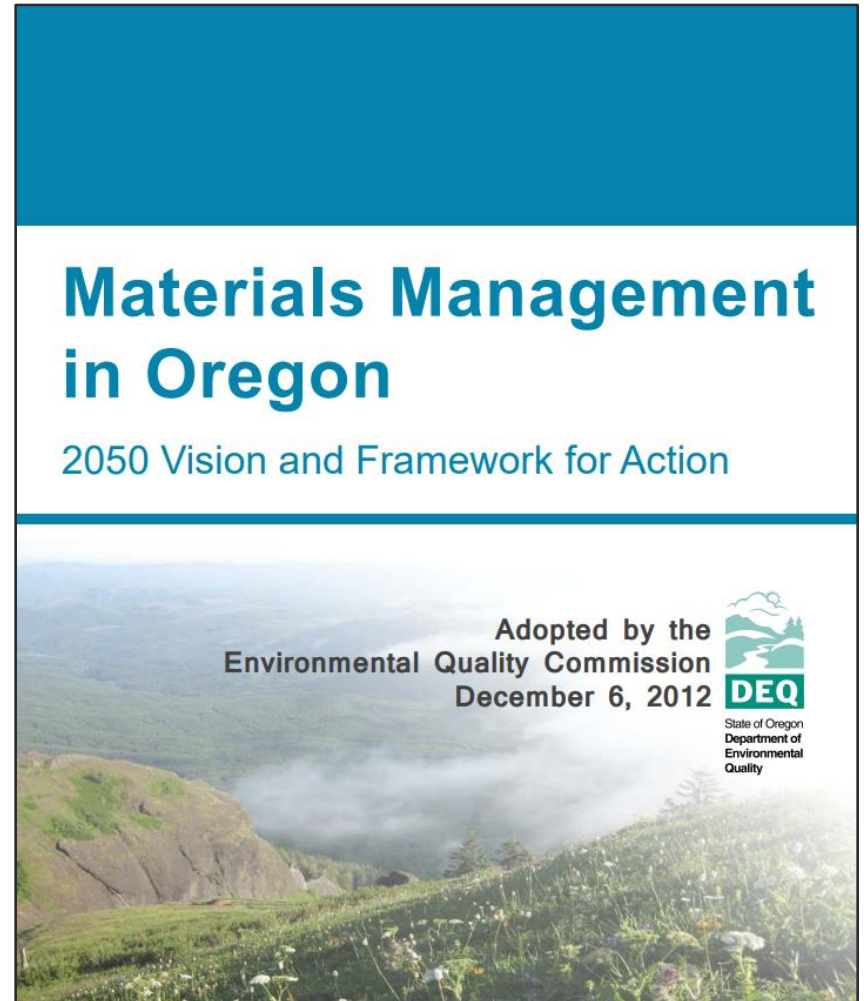
Plastic Pollution and Recycling Modernization Act Rulemaking #1

Oregon Environmental Quality Commission Meeting

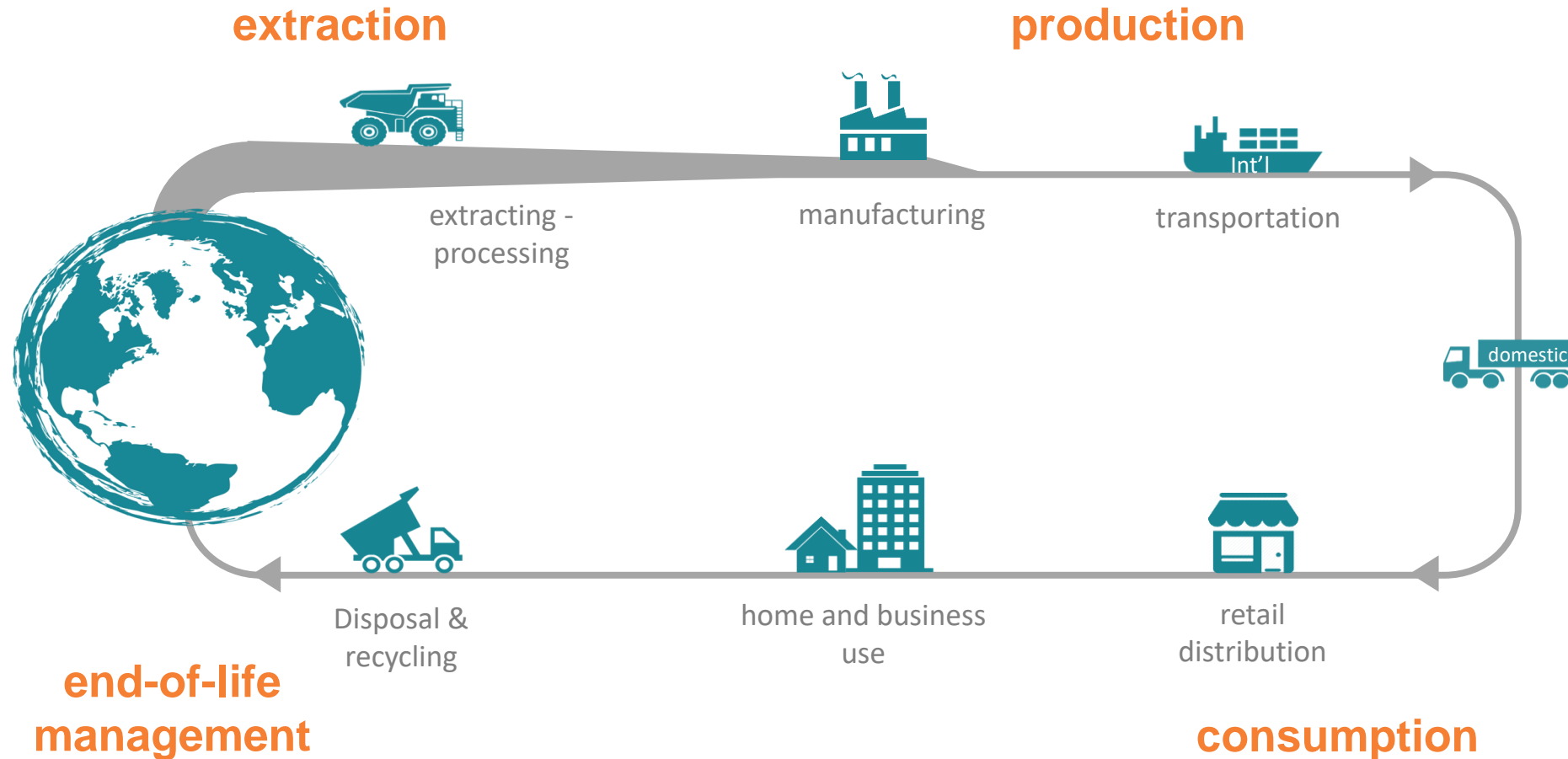
Sept. 14-15, 2023

About Materials Management

- The 2050 Vision describes how Oregonians:
 - Produce and use materials
 - Conserve resources
 - Protect the environment
 - Live well



Lifecycle of Materials



Plastic Pollution and Recycling Modernization Act

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

Enrolled
Senate Bill 582

Sponsored by Senator DEMBROW, Representative SOLLMAN; Senators MANNING JR, TAYLOR, Representatives ALONSO LEON, CAMPOS, DEXTER, GRAYBER, HELM, HOLVEY, HUDSON, KOTEK, MARSH, MCCLAIN, NERON, NOSSE, POWER, PRUSAK, REYNOLDS, SALINAS, SANCHEZ, SCHOUTEN, SMITH WARNER (Pre-session filed.)

CHAPTER

AN ACT

Relating to modernizing Oregon's recycling system; creating new provisions; amending ORS 90.318, 459.005, 459.015, 459.035, 459.772, 459.995, 459A.005, 459A.007, 459A.008, 459A.025 and 459A.080 and section 3, chapter 534, Oregon Laws 2015; and repealing ORS 459A.675, 459A.680 and 459A.685.

Be It Enacted by the People of the State of Oregon:

MODERNIZING OREGON'S RECYCLING SYSTEM
(Legislative Findings; Definitions)

SECTION 1. Legislative findings. The Legislative Assembly finds and declares that:

(1) Oregon's statewide recovery rate, which seeks to preserve public health, safety and welfare and conserve energy and natural resources, has declined each year between 2013 and 2018, and that Oregon is not on track to meet the statewide waste recovery and generation goals pursuant to the measurement methodology that the Legislative Assembly established in 2015.

(2) The way Oregon's residents use and consume materials and products, and the way residents manage them when no longer wanted, has changed significantly in the 35 years since Oregon's first recycling programs were established, that the state's recycling policies were not designed to address such changes, and that these factors have created unintended consequences, such as the deterioration of natural systems regionally and worldwide, as well as increased levels of pollution, greenhouse gas emissions that contribute to global climate change and reductions in human well-being, especially for the most vulnerable populations.

(3) It is necessary to adopt a policy that will minimize such unintended consequences across the entire life cycle of products and that will require producers of packaging and printed paper sold or distributed in Oregon to help finance the management of, and ensure an environmentally sound stewardship program for, their products.

(4) It is the State of Oregon's policy to prioritize practices that prevent and reduce the negative environmental, social, economic and health impacts of production, consumption and end-of-use management of products and packaging across their life cycle, and that it is the obligation of producers to share in the responsibility to reduce those impacts.

SECTION 2. Definitions. As used in sections 1 to 43 of this 2021 Act:

Enrolled Senate Bill 582 (SB 582-B)

Page 1

Extended Producer Responsibility



Printed paper and packaging
(2025 implementation)



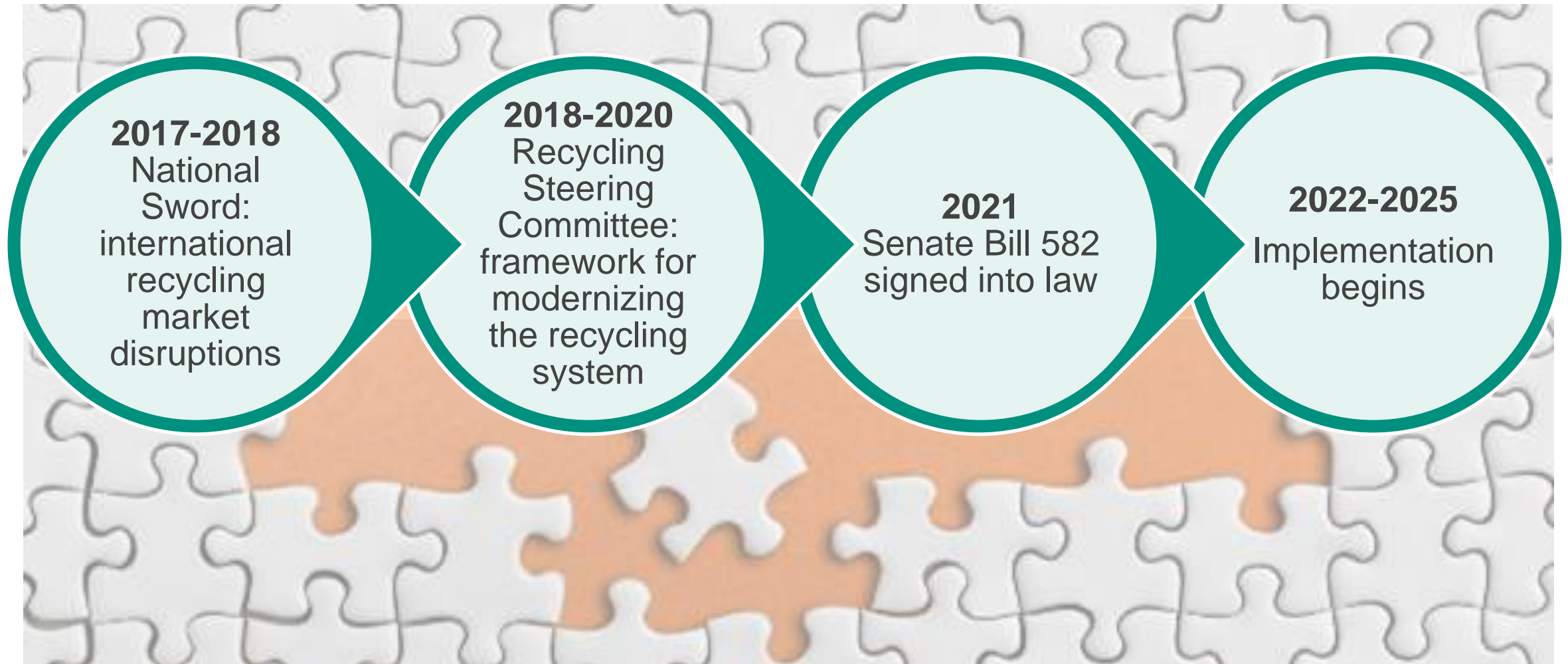
Drug Take-Back Program



Mattress Recycling Program
(2024 implementation)



Developing the RMA



The pieces of the RMA



What the RMA accomplishes

- Expansion of recycling opportunities
- A Uniform Statewide Recycling Collection List
- Improved education
- Responsible end markets
- Stability for businesses in the recycling system and much more



What does the law include?

- **Includes** packaging, printing and writing paper and food serviceware.
- **Does not** include Bottle Bill containers or specifically exempted products



Where we were last year

Convened:

- Truth in Labeling Task Force
- Recycling Council
- Material lists technical workgroup
- Recycling processors technical work group
- First Rulemaking Advisory Committee
- Local government needs assessment



Where we are

- Rulemaking #1 in the final stages
- Rulemaking #2 is underway
- PROs are forming
- Community engagement
- Multi-family study
- Recycling system equity study



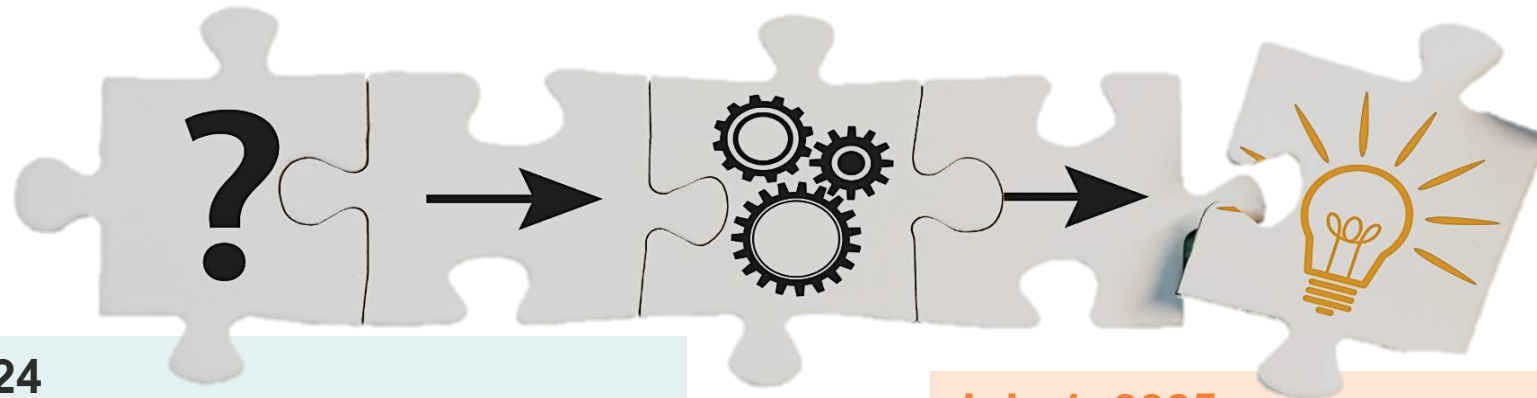
Upcoming Milestones

2023

- Rulemaking 1
- First needs assessment
- Research and studies

Early 2025

- Multi-tenant recycling requirement effective
- More assessments and studies



2024

- Rulemaking 2
- More assessments and studies
- First PRO program plans due

July 1, 2025

- Producers join a PRO
- PROs implement approved plans
- Local collection program changes begin
- Processors obtain permits

Rulemaking Process

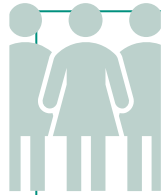
- Rulemaking topics were sequenced with intention
- Foundational pieces in rulemaking 1
- 6 Recycling Advisory Council meetings
- Public input throughout



RAC Representation



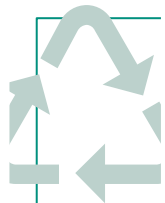
2 Solid Waste Service Providers



2 Community-Based Organizations



1 Public Interest



1 Commingled Recycling Facility



1 Resident



4 Local governments



2 Producers
3 Producer Associations



2 Producer Responsibility Organizations

Questions?



Rule Topics

PRO Obligations

- PRO fees paid to DEQ
- Market share calculations
- Coordination between PROs
- Responsible end markets

Local Government Compensation

- Transportation costs
- Contamination reduction
- New or expanded collection costs

Materials Acceptance Lists

- Standardized recycling acceptance lists
- Improved access to recycling

PRO Obligations



Fees



Market share



PRO Coordination



Responsible end markets

PRO Obligations - Fees

- Plan review fee
 - One-time fee for plan review
 - Paid by each PRO when submitting a plan
- Annual fee for administration
 - Paid collectively by the PROs
 - Each PRO pays a proportional share

PRO Obligations – Market Share



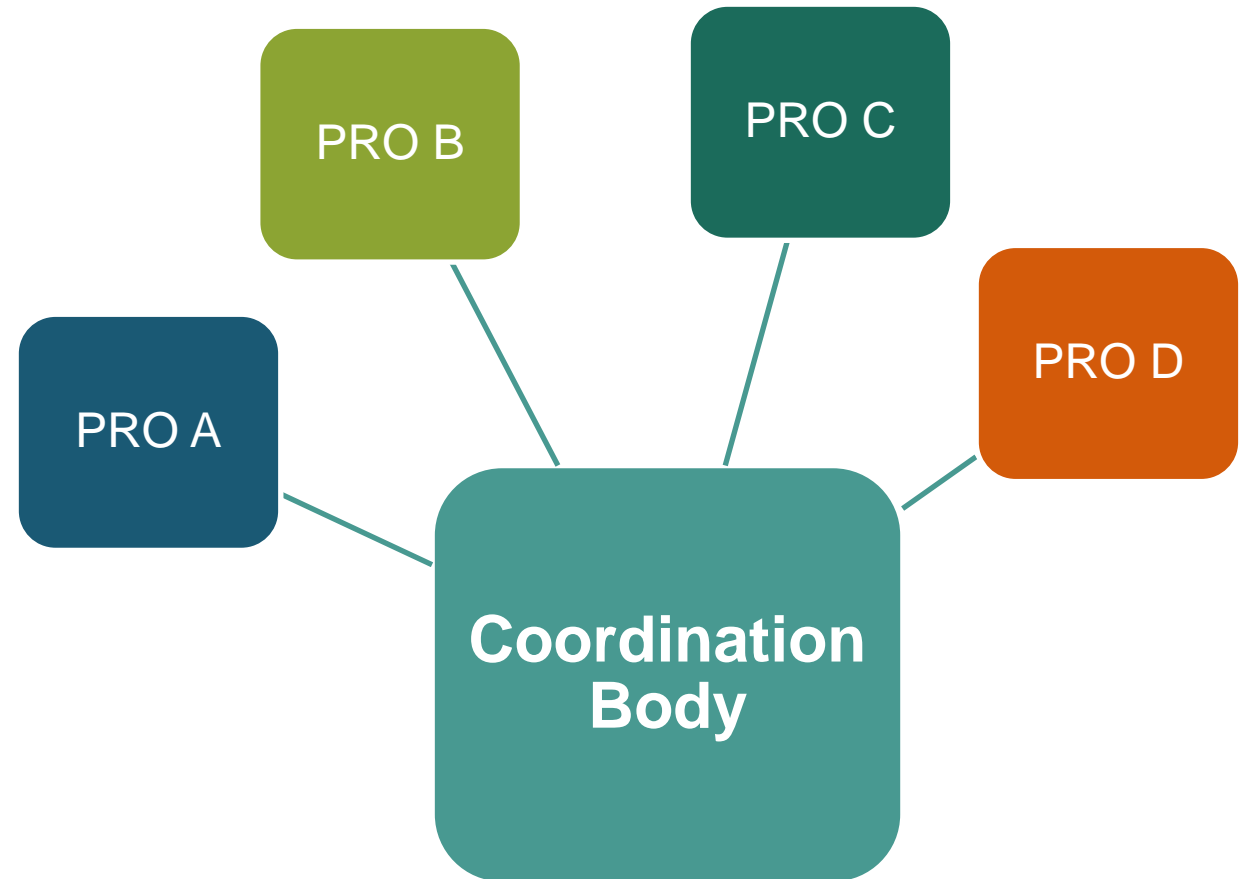
Methods to calculate:

- Weight
- Financial burden
(weight x cost per pound)

PRO Obligations - Coordination

If there are multiple PROs, they will need a coordination body and plan.

- Interim coordination (2024-2026)
- Long-term coordination (2026 and beyond)



PRO Obligations - Responsible End Markets



Photo: Megan Ponder

PRO Obligations - Responsible End Markets

- Material-specific “end market” definitions
- Clarifying the “responsible” standard
- Mandating how markets will be verified
- Requirements for auditing verification results
- Defining “practicable” action



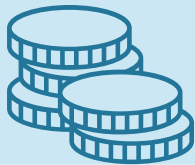
Local Government Compensation



Transportation costs



Contamination reduction programming



New or expanded collection start-up costs

Transportation Costs Reimbursement

Eligible costs



Contamination reduction programming

- Education to help people put the right materials in bins
- Feedback to inform people when they don't
- Funding for local governments for programs



Recycling infrastructure expansion

Rules clarify prioritization of local governments and eligible costs for PRO reimbursement:

- Start-up/expansion costs for on-route collection
- Start-up/expansion and ongoing costs for depot collection



Materials Acceptance Lists



Standardization: three recycling acceptance lists



Improved opportunity to recycle

Materials Acceptance Lists


Establish three lists of materials:

- Local Government Recycling Acceptance List
- Uniform Statewide Collection List
 - Materials that may be commingled
- PRO Recycling Acceptance List
 - Materials PRO must collect



Materials Acceptance Lists

Details about different lists are included in the staff report.



Recycling Acceptance Lists

DEQ's recommendations regarding materials for inclusion in two different recycling acceptance lists: one for local governments and one for producer responsibility organizations. These lists will be established by administrative rule in 2023, and will define which materials local governments and PROs must collect for recycling.

Material	Local Government Recycling Acceptance List	PRO Recycling Acceptance List
Paper "cans" with metal ends (e.g., snack, coffee cans)	Yes (on-route and depot collection; suitable for commingling)	
Glass packaging (e.g., bottles and jars)	Yes (Metro region only, non-residential on-route collection only; not suitable for commingling)	Yes
PET thermoform packaging not described elsewhere	No acceptance required	
Nursery packaging (e.g., flower pots and trays)	Yes (HDPE and PP only) (on-route and depot collection; suitable for commingling)	
Block white expanded polystyrene		Yes
Polyethylene and polypropylene lids		Yes
HDPE package handles (such as 6-pack handles)		Yes
Large metal appliances (such as refrigerators, washers, and dryers)	Yes (depot collection only)	
Single-use liquid fuel canisters and other pressurized cylinders (e.g., propane canisters)		Yes

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State of Oregon
DEQ Department of Environmental Quality

Only at depots and collected segregated from other materials (not commingled):

Motor oil	Scrap metal including large appliances and other items not on the Uniform Statewide Collection List
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Paperback books

Aluminum food and beverage cans	Scrap metal less than
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Local government acceptance lists

DEQ is recommending requiring local governments to collect the following materials under their Opportunity to Recycle obligations:

Uniform Statewide Collection List

To be collected at depots and on-route collection, and suitable for commingled collections:

Corrugated cardboard (uncoated and recycle-compatible coated; clean pizza boxes OK)	All kraft paper (brown paper bags, mailers)
Paperboard packaging (e.g., cereal, cracker and medicine boxes)	Molded pulp packaging (e.g., egg cartons, but not food service ware or flower pots)
Polycosted cartons (e.g., milk cartons), aseptic cartons, and polycosted paper cups	Tissue paper used as packaging (not facial or sanitary tissue)
Non-metalized gift wrap (no ribbons or bows)	High-grade office paper (e.g., white and colored ledger)
Newspaper/newsprint	Magazines, catalogs and similar glossy paper
Telephone directories	Other printing and writing paper (e.g., envelopes, "junk mail", cards)

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State of Oregon
DEQ Department of Environmental Quality

Questions?



Public Comment Period

- Draft rules published for the public comment period in May
- Comment period closed July 28, 2023



State of Oregon Department of Environmental Quality
Plain Language Guide to Draft Rules
Plastic Pollution and Recycling Modernization Act (SB 582, 2021)

Background

The Oregon Department of Environmental Quality is conducting the first of two scheduled rulemakings to clarify and implement the Plastic Pollution and Recycling Modernization Act. The objective of the rulemaking is to propose rules related to the following topics:

- Producer Responsibility Organization Plan content
- DEQ administrative fees
- Funding and reimbursement for eligible expenses incurred by local governments
- Materials approved for recycling collection in Oregon and for certain materials, collection targets, convenience standards and performance standards for recycling

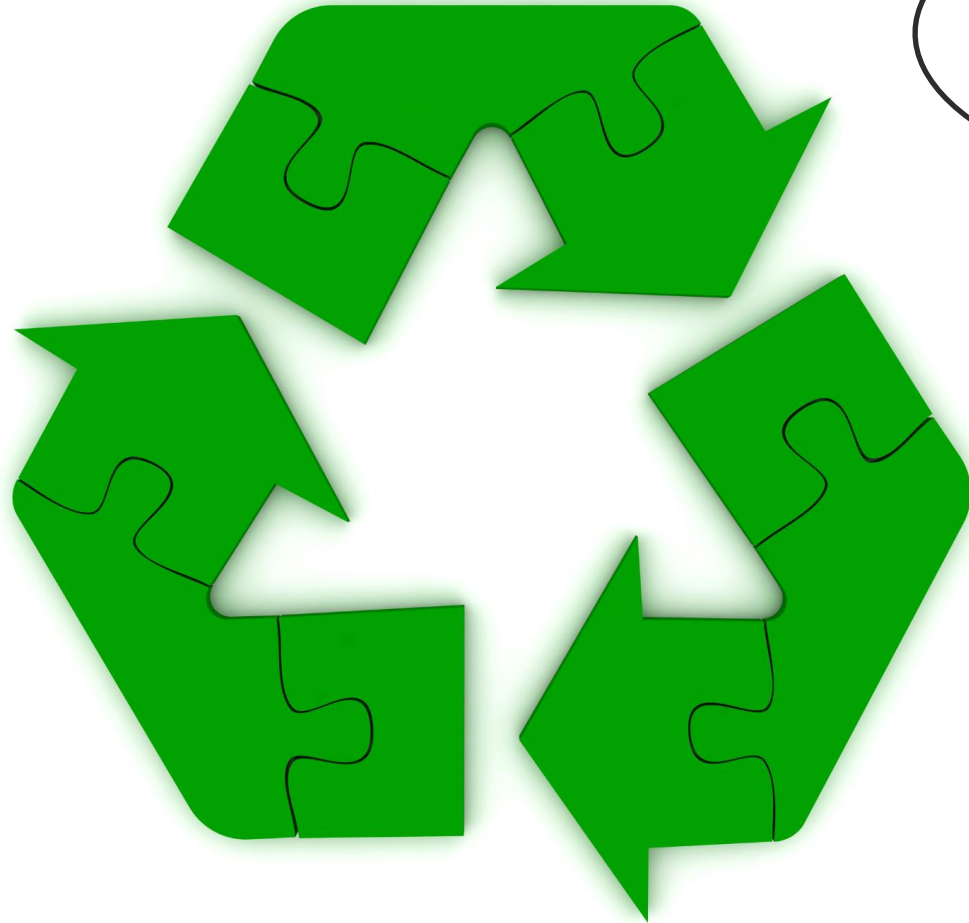
Developing draft rules

In July 2022, DEQ began the rulemaking in accordance with the public process requirements established in the Oregon Administrative Procedures Act. DEQ is developing program rules to propose for the Environmental Quality Commission's consideration. The EQC is a decision-making body that adopts proposed rules into Oregon administrative law.

A guide to the draft rules

The following table provides a plain language explanation of the related draft Oregon Administrative Rules DEQ is developing for the Recycling Modernization Act as part of this rulemaking. A second rulemaking will address other topics. Updated rule drafts will be made available in the future as DEQ continues through this rulemaking and public comment period.

Stay up to date



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about the RMA at
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