

DEQ proposes to amend the EQC staff report Attachment 1 by adding comments that were inadvertently omitted from Table 3. That table summarizes comments and DEQ responses for which no changes were made to the proposed rules.

## Summary of changes to Attachment 1: Summary of public comment and DEQ’s responses

**Table 3: Summary of comments and DEQ responses for which no changes were made to the proposed rules**

- Summary of 5 comments related to material acceptance lists and DEQ responses.

**Table 3: Summary of comments and DEQ responses for which no changes were made to the proposed rules**

Category Number	Rule topic	Description of Comment	Response	Commenter #
2b	Bottles and caps	Include plastic caps and lids in the Uniform Statewide Collection List; remove lids from the PRO Recycling Acceptance List; remove requirement that caps/lids be screwed or snapped onto a bottle, jug or tub.	DEQ is not proposing changes in response to this comment because more evidence is needed to show that these materials can be recovered effectively at a commingled recycling processing facility with high capture rates and contributing low levels of contamination in paper bales.  Producer responsibility organizations may propose these materials for inclusion in a program plan or plan amendment using the program plan "onramp" mechanism contained in ORS 459A.914(4)(b).	28, 42
2d	Tubs, PET thermoforms	DEQ should reconsider the exclusion of several food serviceware products made of the same material as other products that are included in the Uniform Statewide Collection List)	DEQ is not proposing changes in response to this comment because of unresolved concerns regarding the potential for difficult-to-recycle and/or unclean food	40

Category Number	Rule topic	Description of Comment	Response	Commenter #
		<p>Specifically, polyethylene terephthalate (PET) thermoform containers (e.g., clear plastic clamshells and produce containers) should be included on USCL along with PET cups. Similarly, molded fiber food serviceware, including egg cartons, and polypropylene food serviceware should be included on the USCL. In these instances, there is no functional difference in the flow of the different material formats through recycling facilities or the acceptance of those formats by end markets. The distinction will only serve to confuse the public and the marketplace.</p>	<p>serviceware to increase contamination.</p> <p>More information is needed to demonstrate that these materials can be collected sufficiently clean and free of food and other contamination, especially in non-residential locations such as restaurants, food courts, and public spaces.</p> <p>Current evidence provided to DEQ has been limited in scope or has had limited utility because of its age.</p> <p>Producer responsibility organizations may propose these materials for inclusion in a program plan or plan amendment using the program plan "onramp" mechanism contained in ORS 459A.914(4)(b).</p> <p>This approach would also allow for consultation with parties that would be required to implement such a change, such as local governments, waste collectors, and commingled processing facilities.</p> <p>Specific to PET thermoforms, please see DEQ response to related comments requesting inclusion of more thermoformed PET packaging. More information is needed to demonstrate that the reclamation of PET thermoforms can meet standards for responsible end markets.</p>	
2g	Paper and plastic cups	Change the Uniform Statewide Collection List to include all plastic cups made of designated	DEQ did not make any changes in response to this comment. The proposed rules do not include any single-use	28, 42

Category Number	Rule topic	Description of Comment	Response	Commenter #
		material (regardless of color), or cups that are unpigmented or transparent light blue or green.	<p>cups in the uniform statewide collection list.</p> <p>Producer responsibility organizations may propose these materials for inclusion in a program plan or plan amendment, using the program plan "onramp" mechanism contained in ORS 459A.914(4)(b).</p> <p>Please also see DEQ responses to a related comment involving lightly pigmented PET bottles.</p>	
2j	Other	Include lightly pigmented PET bottles and jugs in the Uniform Statewide Collection List that can pass the Association of Plastics Recyclers sort protocol. Note that APR recommends inclusion of "clear or light blue PET" while Circular Action Alliance recommends "clear, light blue or light green".	<p>DEQ is not proposing changes in response to this comment because it remains unclear how this standard can be communicated to the public in a way that does not result in more deeply pigmented PET bottles and jugs contaminating the recycling system.</p> <p>Producer responsibility organizations may propose these materials for inclusion in a program plan or plan amendment, using the program plan "onramp" mechanism contained in ORS 459A.914(4)(b).</p> <p>This approach would also allow for consultation with other parties that would be impacted by this change, including operators of commingled recycling processing facilities.</p>	28, 39, 42
2j	Other	More materials should be included in the Uniform Statewide Collection List and/or PRO depot list	DEQ did not make any changes in response to this comment because other materials did not meet criteria for inclusion in acceptance lists.	29, 37, 38, 20, 44, 42

Category Number	Rule topic	Description of Comment	Response	Commenter #
			<p>DEQ acknowledges that there is strong demand from some members of the public, local governments, and producers to recycle additional materials. The Recycling Modernization Act will help Oregon improve both quality and quantity of recycling, in a way that is responsible and provides environmental benefits.</p> <p>DEQ anticipates that Oregon's system will be able to appropriately handle more materials over time.</p> <p>The Act provides several mechanisms by which materials can be added to acceptance lists, or otherwise collected for recycling and recycled responsibly. Among those mechanisms are the "onramp" to add materials to the uniform statewide collection list (ORS 459A.914(4)(b)), the potential for additional changes to acceptance lists by administrative rule (ORS 459A.914(1)), and progressively escalating plastic recycling mandates (ORS 459A.926).</p>	