



Oregon Department of Environmental Quality

Subscription Service for Materials on PRO Recycling Acceptance List

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)

Rulemaking Advisory Committee Meeting 8, Rulemaking 2

April 10, 2024

Background

The passage of the RMA changed the definition of “recyclable material” in [ORS 459.005\(20\)](#) to mean “any material identified for recycling collection under ORS 459A.914 or any other material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.”¹ That definition was also adopted into rule as [OAR 340-090-0010\(35\)](#) by the EQC in November 2023.

The new definition of recyclable material, which includes materials on both the local government acceptance list as well as the PRO acceptance list, has potential implications for subscription recycling services which offer customers the option to pay an additional fee for a separate collection of certain items that are recyclable, but not included in their regular curbside garbage and recycling service. Some of these items, such as polyethylene film packaging, overlap with covered products on the PRO Recycling Acceptance List and now fall under the [OAR 340-090-0010\(35\)](#) definition of “recyclable material.”

The potential implications for fee-based collection programs of recyclable materials arise due to section 1 of [ORS 459A.070](#) Limitation on amount charged person who source separates recyclable material:

A collection service or disposal site may charge a person who source separates recyclable material and makes it available for reuse or recycling less, but not more, for collection and disposal of solid waste and collection of recyclable material than the collection service charges a person who does not source separate recyclable material.

Rule concept for discussion

DEQ proposes to clarify in rule that ORS 459A.070(1) does not apply to materials on the PRO Recycling Acceptance List (OAR 340-090-0630(3)); however, a PRO may not charge to collect materials on PRO Recycling Acceptance List, per the Performance Standards in OAR 340-090-0650(1)(b).

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

¹ Previously, the definition of recyclable material referred to a list of principal recyclable materials that included newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, hi-grade office paper, tin cans, and yard debris.

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