

Meeting Summary

Recycling Modernization Act Rulemaking



Advisory Committee Meeting 8

April 16, 2024

On April 16, 2024, DEQ convened the eighth meeting of the Plastic Pollution and Recycling Modernization Act Rulemaking Advisory Committee, for the second of two rulemakings. The meeting was held via Zoom, and people could connect by computer or telephone.

The purpose of the meeting was to:

- Provide updates about earlier rule concepts previously presented to the committee.
- Introduce the rule concept about subscription services for materials on the PRO acceptance lists.
- Introduce the racial equity statement, environmental justice considerations and the fiscal impact statements.

Meeting Summary

- **Welcome, meeting overview**

DEQ welcomed the meeting attendees and provided an overview of the agenda and what was planned for the day.

- **Introductions**

Cheryl Grabham welcomed and introduced DEQ staff and the rulemaking advisory committee members. Members were asked to state their names and introduce themselves. Claire Dorfman was unable to attend the meeting and Rob Jones attended as Chris Drier's alternate.

- **Updates from Previous Meetings**

Justin Gast provided an update about the average commodity value weight approach, which was initially presented during the fourth RAC meeting on Jan. 31, 2024. DEQ is now proposing to make the weighting factors variable. The system will utilize the updated average weighting factor percentages introduced at the April 3, 2024 RAC meeting. Material disposition reporting from the producer responsibility organizations and commingled recycling processing facilities will be provided to DEQ no later than 45 days after the end of each calendar quarter.

Arianne Sperry provided updates made to topics presented at previous RAC meetings:

- Waste Prevention and Reuse Fee: the cap is being increased from \$11.5 to \$15 million and will add two more eligible expenses for funding: services and supplies, and overhead.
- Multifamily Enclosures: an implementation due date is being added (Nov. 1, 2027)
- Contamination Reduction: the proposal has been updated to allowing smaller communities to receive up to two years of advanced funding for contamination reduction programming funding.

Discussion and questions from the RAC:

- Members of the RAC asked questions about the implications of the weighting factor updates as they related to residuals.

Translations or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us

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](#)

- **Rule Concept: [Subscription Services for Materials on the PRO Acceptance List](#)**
Arianne Sperry introduced the rule concept titled, “Subscription Services for Materials on the PRO Acceptance List” which proposes to clarify that materials on the PRO list are not subject to limitation on the amount charged, though the PRO may not charge for collection.

Discussion and questions from the RAC:

- Members of the committee asked clarifying questions about implementing this proposal, including whether the subscription services will charge customers by product or by each pickup, and whether the subscription services will be able to charge fees if they are contracting with the producer responsibility organization to collect those items.

- **Presentation: Overview of Rulemaking Timeline**

Roxann Nayar presented an overview of the rulemaking timeline and what would be happening after this final RAC meeting. Currently DEQ is preparing the draft rules and rulemaking notice packet for the public comment period. Once this meeting has concluded, DEQ will incorporate feedback from the RAC about the fiscal impact and racial equity impact statements into the final version which will be published for the formal public comment period at the beginning of June.

During the public comment period DEQ will host two hearings where members of the public can provide verbal comments. These comments will be transcribed and compiled with the written comments summarized in the Environmental Quality Commission staff report.

The Commission will review the staff report and draft rules, and will be asked during their Nov. 21-22, 2024 meeting, to consider adopting the rules.

- **Presentation and Discussion: Racial Equity Statement**

Roxann Nayar presented the draft racial equity statement for the RAC’s consideration. The analysis found that two rule topics, the living wages and supportive benefits, and the contamination reduction programming elements are likely to have positive impacts on racial equity in the state. At this time, DEQ has not identified any negative impacts to racial equity created by the proposed draft rules. The RAC was asked to consider the following questions:

- What persons and groups are subject to these rules?
- What racial groups are likely to be most concerned and affected by the issues addressed in the rules?
- Is there any data that helps determine racial equity impacts?
- What unintended consequences might the rules have on racial equity?

Discussion and questions from the RAC:

- DEQ should include the impacts caused by vehicle emissions that may increase from increase in truck traffic created by higher recycling rates.
- DEQ should incorporate environmental justice considerations into the racial equity analysis.

- **Presentation and Discussion: Environmental Justice Considerations**

Roxann Nayar presented the draft environmental justice considerations analysis. EPA’s EJScreen tool was used to evaluate the potential human health and environmental disparities for people who live near the commingled recycling processing facilities subject to this proposed rulemaking. It was noted that the intent of this analysis was not to attribute cause or suggest operational changes at these facilities.

Discussion and questions from the RAC:

- DEQ was asked if any of the impacted communities while putting together this statement and if not, DEQ should consider doing so. It was pointed out that not all the members of the RAC are based in Oregon or are familiar with these communities, DEQ should hear from them directly.

- DEQ should provide a list of operational improvements to the CRPFs to help address the impacts the adjacent communities are experiencing.
- Portland, Maine has funding to help transition waste hauling vehicles to electric to reduce emissions and impacts to communities.
- If these rules lead to the construction of new CRPFs, DEQ was asked what else can be done to locate them away from environmental justice communities

- **Presentation and Discussion: Fiscal Impact Statement**

Discussion and questions from the RAC:

- Recycling processor obligations
 - How will wage compression be addressed with the living wage rules?
 - There are statements that could be more specific, and the language found on slide 34 of the presentation should be revised to reflect the efforts of the processors.
 - How do processors initiate the study?
- PRO Obligations
 - Rate setting is complicated and involves more than the cost of recycling. DEQ was cautioned against statements that ratepayers' fees will be stabilized.
 - DEQ was asked to clarify whether moving gift wrap from the USCL will it be considered a covered product?

Public Input Period

The public input period was opened at 11:50 a.m. and the following meeting attendees spoke:

1. Jeff Murray, EFI Recycling
EFI Recycling processes commingled recycling. EFI Recycling is concerned about the most recent processing draft rules with the shift in definition for processor and by the introduction of a new type of facility included in the recycling system. This proposal may compromise the future operations of the company.
2. Dave Larmouth
Asked that DEQ give Jeff Murray his three minutes so that Jeff could continue speaking.

- **Meeting adjournment and next steps**

DEQ thanked the RAC profusely for their time and commitment, and adjourned the meeting at 12:01 p.m.