



Oregon Department of Environmental Quality

Summary

Recycling Modernization Act Public Hearing 2

June 27, 2024, 5 p.m.- 5:38 p.m.

Via Zoom Webinar

List of Attendees

1. DEQ Staff:
 - Hearing Officer: Roxann Nayar
 - Rulemaking Coordinator: Roxann Nayar
 - Subject Matter Experts: Justin Gast, Nicole Portley, Arianne Sperry
2. Public: There were 20 people in attendance.

Meeting Agenda

Time	Topic
5 p.m.	Welcome
	Rulemaking and rules overview
	Question and answer period
	Formal public comment period

Meeting Overview

DEQ welcomed the meeting attendees and introduced the format and purpose of the public hearing. This was the second of two hearings being held on June 27, 2024. DEQ staff provided background information about the Recycling Modernization Act, the rulemaking and implementation timeline.

Overview of Proposed Rules

Justin Gast, Nicole Portley and Arianne Sperry presented an overview of the proposed draft rules. Draft rule topics that were introduced included:

- Recycling Processor Obligations
- Covered Products
- Producer Responsibility Organization Obligations
- Producer Obligations
- Standards for Life Cycle Evaluations
- Local Government Obligations
- Amendments to Enforcement Rules (Division 12)

Translation or other formats

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Question and Answer Period

After the presentation of the draft rules, DEQ provided time for the audience to ask clarifying questions about the information provided. One attendee asked the following clarifying questions:

1. Chris Cary, Food Northwest

The products exempt from the definition of “covered product” in statute and in proposed rule seem to imperfectly overlap with one another. What is the best way to consolidate those lists?

A: In the definition section of the statute (ORS 459.863(6)), the definition of covered product consists of what is a covered product (a), and what is not a covered product (b), which includes a list of 17 product-specific exemptions. There is an eighteenth entry, (R), which allows the addition of more products to this list through rulemaking. DEQ is adding to the exemption list through the current rulemaking process. In some cases, there is overlap between what is being proposed in rule and what is already in statute. Statute already exempts products used in farms and commercial nurseries, for example, but the same products when used in other agriculture-adjacent applications such as timber management are not exempt. The proposed rules for exempting packaging of some agricultural products, while overlapping with the existing statutory exemptions, would exempt the products if used in other commercial sectors.

A follow-up question about the exemption for storage containers that have a lifespan of at least five years. How would this apply to food packaging that could last this long?

A: The exemption applies to durable packaging of durable goods, so both the packaging and the product contained within need to meet durability thresholds to qualify for the exemption. The threshold for the packaging is five or more years, and the threshold for the product—three or more years. The definition of “durable good” is borrowed from the EPA (which in turn borrows from the definition used by the Bureau of Economic Analysis of the U.S. Department of Commerce), and food is not considered a durable good. Examples that have been discussed in the rulemaking include ornament boxes and rigid plastic totes used for storing clothes.

Formal Public Comment Period

DEQ opened the formal public comment period at 5:34 p.m. One attendee provided formal comments:

1. Chris Cary, Food Northwest

The exemption for durable packaging for durable goods does not include the term “durable good” in its formulation nor does it include references to the source federal definition of “durable good.” DEQ should add this term and the appropriate citation to the rule language.

DEQ closed the formal public comment period at 5:36 p.m. and adjourned the meeting at 5:38 p.m.

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](#).