

Meeting 1: Rulemaking Advisory Committee

Recycling Modernization Act, Rulemaking 3

Nov. 13, 2025

Held online via Teams

Meeting logistics and protocol

Please keep your microphone on mute when not speaking

Committee members and DEQ staff are here as participants, audience as observers

- Public input is scheduled for 11 a.m., sign ups to occur at that time

For each meeting, please:

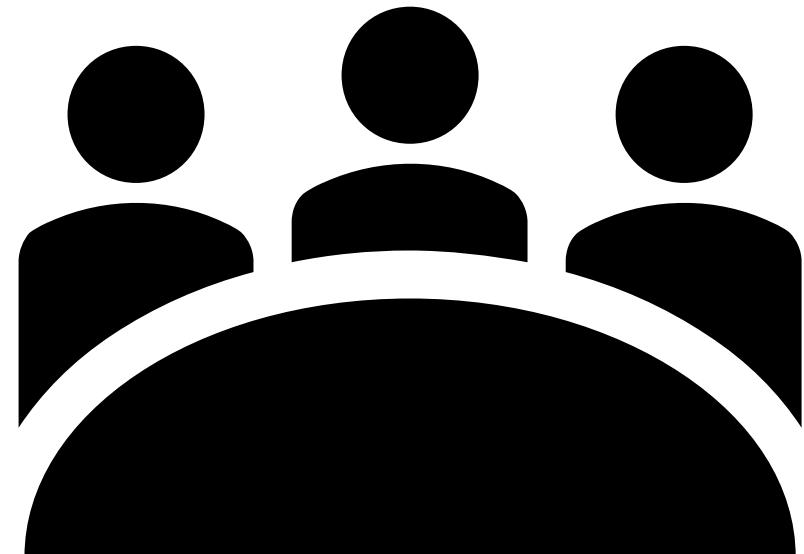
- Stay focused on the specific agenda topics for each meeting
- Comment constructively and in good faith
- Treat everyone and his or her opinions with respect
- Allow one person to speak at a time
- Take care of your body and self, and know everyone else is doing the same

Introductions

- DEQ team
- Committee members

Please share:

- Your name
- Your pronouns, if you'd like to
- What interests you about participating on this committee



Agenda

Time	Topic
9 a.m.	Welcome, Agenda Review
9:05 a.m.	Committee Organizing Session: Roles, Processes and Logistics
9:45 a.m.	<i>Break</i>
9:50 a.m.	Presentation and Discussion: Exemptions for Privately-Recycled Materials
10:30 a.m.	Presentation and Discussion: Producer Obligations (Definitions and Assignments)
11 a.m.	Public Input Session
11:25 a.m.	Next Steps
11:30 a.m.	Adjourn

All times are approximate and subject to change based on committee needs

Background: Oregon's Recycling Modernization Act



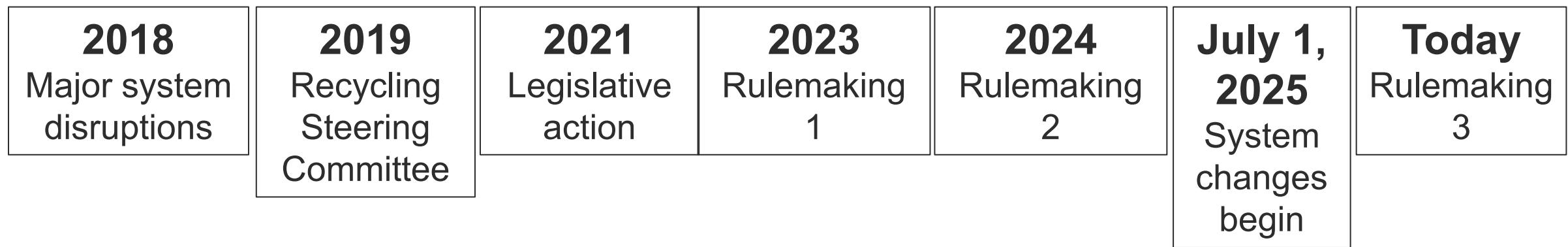
Outcomes

- Extended producer responsibility
- Statewide standardization of accepted materials
- System expansion for previously un- and underserved communities
- Investments in facility and improvements
- Reduced in-bin contamination through engagement (with dedicated funding)

Equity approach and elements in the Act and rules

- Responsible End Market requirements for materials
- Improved worker wages, benefits and working conditions
- Improved access for multi-family residents
- Consistent service across all of Oregon
- Consistency and transparency for producers, governments, recycling businesses and people who recycle

Timeline: Oregon's Recycling Modernization Act



Oregon Recycling System Advisory Council



Committee roles

- Provide input to the Department of Environmental Quality on proposed rulemaking
 - Consult regularly with constituencies to inform them on the process and gather their input
- Review and provide input on the Fiscal and Economic Impact Statement
- Review and provide input on the Racial Equity Statement

Timeline: Rulemaking 3

We Are Here



Nov. 13, 2025	Jan. 2026	March/April 2026	May 2026	July 2026	Sept. 2026	Early 2027
Meeting 1	Meeting 2	Meeting 3	Meeting 4	Meeting 5	Public comment	Proposed EQC adoption

Throughout: Input and feedback from Committee members and public,
to inform draft rules development

Public involvement

- Sign-up for email updates ([GovDelivery](#))
- Review meeting materials and agendas
- Provide brief input during or after each meeting
- **Submit formal comments on draft rules in September 2026**



Rule topics planned for RAC discussion

- Responsible End Markets (two meetings)
- Materials Acceptance Lists (two meetings)
- Division 12 – Enforcement provisions
- Multiple topics related to permitting and operations of Commingled Recycling Processing Facilities
- Local government funding need thresholds
- Convenience standards for the location of recycling depots
- Definition of “effectively composted”
- Exemptions from “covered product”
- Life cycle evaluation methodologies, including refill rates and impact weightings
- Exemptions for privately-recycled materials
- Producer obligations (definitions and assignment)

Final meeting (July 2026)

- Fiscal and Economic Impact Statement
- Racial Equity Impact Statement

Today's topics

Rule concepts vs. “redline”

Concepts: More general policy directions or ideas, not to the level of specific proposals or language

“Redline”: Proposed amendments showing specific proposed changes

- ~~Strikethrough~~ text: Removal of existing text
- Underlined text: Addition of new text

All text is draft and subject to change based on Committee input, DEQ revisions, public comment and final decisions by the Oregon Environmental Quality Commission

Break time!



Presentation and discussion: Rule topics



Oregon Department of Environmental Quality

Topic paper: Clarifying rules on the process for claiming exemptions under ORS 459A.869(13)

RMA Rulemaking 3: Prepared for Rulemaking Advisory Committee discussion - Nov. 13, 2025

Exemptions for Privately-Recycled Material (ORS 459A.869(13), clarified at OAR 340-090-0840(3))

Defining a process by which a producer can demonstrate the required criteria are met for an exemption



Oregon Department of Environmental Quality

Topic paper: Clarifying rules for producer obligations

RMA Rulemaking 3: Prepared for Rulemaking Advisory Committee discussion - Nov. 13, 2025

Producer Definitions OAR 340-090-0860

Adding definitions to improve clarity in identification of obligated producer

Seeking feedback: Are rules needed to improve clarity, consistency, and equitable enforcement when one producer fulfills obligations on behalf of another?

Exemptions for Privately-Recycled Materials

ORS 459A.869(13)

Producers can demonstrate to the department, and receive exemption, that a portion of their material meets the following 3 criteria:

- (A) Is collected through a recycling collection service not provided under the opportunity to recycle;
- (B) Does not undergo separation from other materials at a commingled recycling processing facility; and
- (C) Is recycled at a responsible end market.



Exemptions for Privately-Recycled Materials, continued

Proposed amendments:

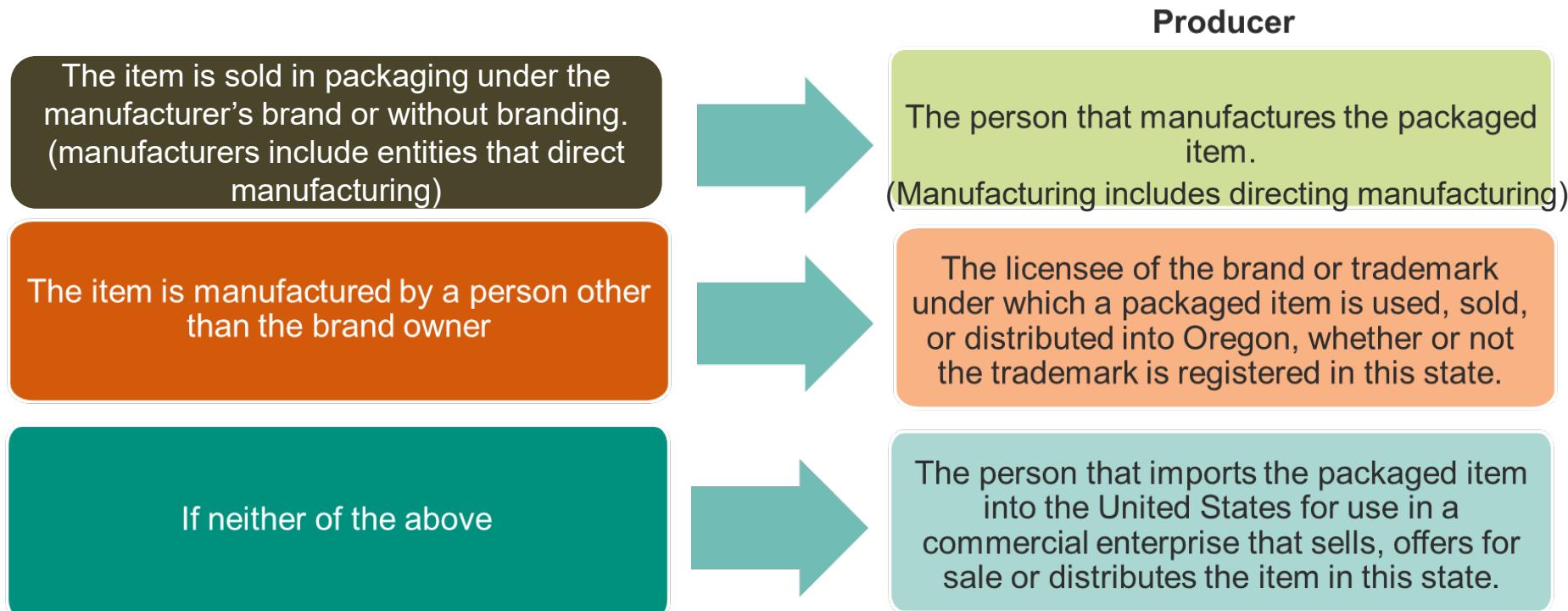
- Provide a standard claim form, developed by DEQ, and process
- Leave limited room for alternative, simplified processes where statewide data allows
- Define a timeline for the requests, aligned with other reporting requirements
- Enable DEQ to assign some of the claims review to the Producer Responsibility Organization (CAA)

Discussion question: Will the proposed process deliver the outcomes indicated – more clarity for producers and greater fairness?

Producer Obligations: Statutory Definitions

ORS 459A.866(1)

(a) Three-tiered definition for an item sold to the consumer/end user at physical retail:



Producer Obligations: Statutory Definitions, continued

(b) Definition for an item sold to the consumer/end user by remote sale or distribution:

The producer of packaging used to ship an item to a consumer is the person that packages and ships the item to the consumer.



The producer of the inner product uses the same three tiers shown on the previous slide.

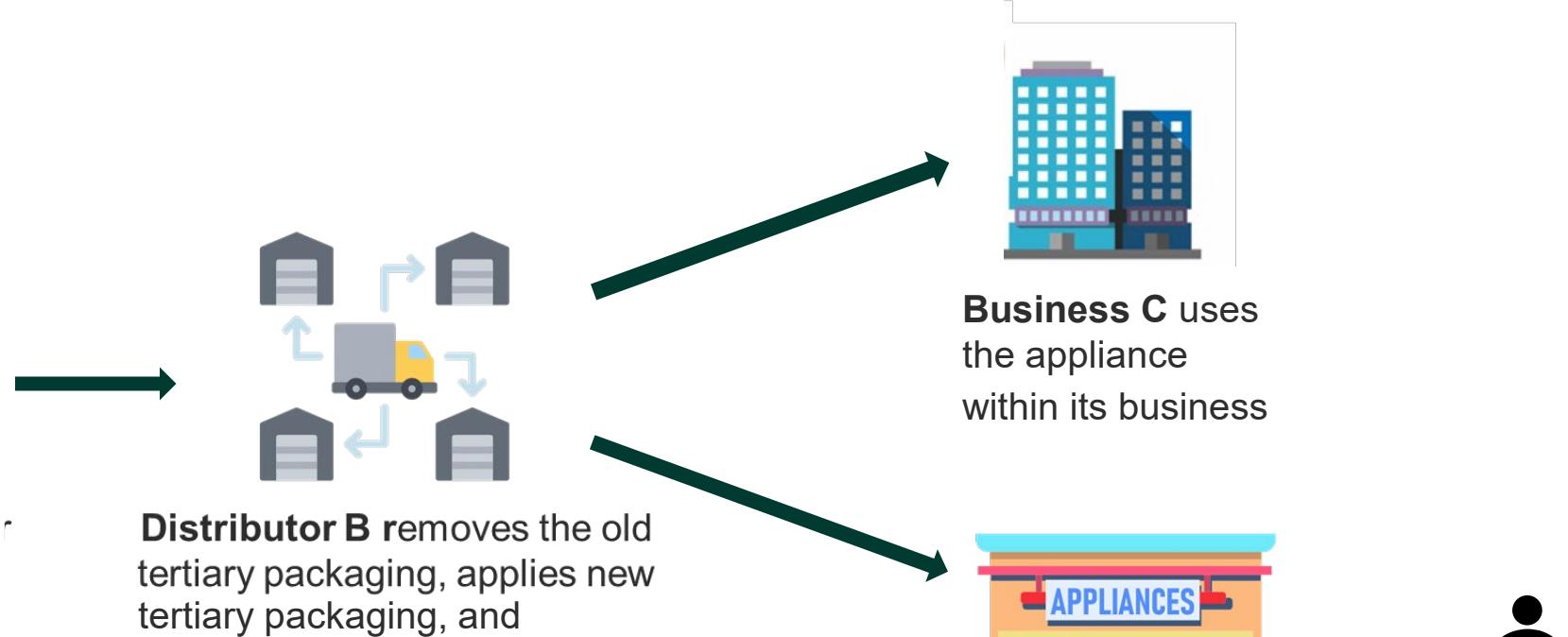


(c) For all other packaging: first to distribute in or into the state (Distributor Backstop)

Producer Obligations: Example Scenario



Appliance Producer A puts its products into tertiary packaging and sells them to **Distributor B** in Oregon.



Business C uses the appliance within its business



Retailer C sells the appliance to customers.

Producer Obligations: Proposed Definitions in Rule

Proposed amendments to OAR 340-090-0860

- OAR 340-090-0860(1)(c) (proposed new sub-section): Sold in packaging at a physical retail location encompasses any sales, e.g. transfers of items in packaging in return for payment, that occur in a physical space.
- OAR 340-090-0860(2) (proposed new section): Producer definition for items sold in packaging in or into this state via remote sale or distribution. For purposes of ORS 459A.866(1)(b):
 - “Remote sale or distribution” encompasses any sale or transfer of items in packaging that occur with the parties involved at a spatial distance from one another, including arrangements made via phone, internet, and contract.
 - “Consumer” refers to the person, as defined at ORS 459A.863(19), that is the end user of an item in packaging, i.e., the person that uses the item in any way other than simply reselling or redistributing it.

Discussion question: Do the proposed rule additions improve clarity with respect to assignment of producer obligations for items in packaging?

Fulfillment of Obligation by Another Producer

ORS 459A.869

- (3) A producer is not required to pay membership fees to a producer responsibility organization for any covered product if another person has registered with a producer responsibility organization as the producer responsible for that covered product under ORS 459A.860 (Legislative findings) to 459A.975 (Rules).
- (4) A producer is not required to be a member of a producer responsibility organization if, for all covered product the producer sells, offers to sell or distributes in or into this state, another person has registered with a producer responsibility organization as the producer responsible for that covered product under ORS 459A.860 (Legislative findings) to 459A.975 (Rules).

Fulfillment of Obligation by Another Producer, continued

Discussion questions

1. Should Oregon clarify in rule, following the example of Alberta, that in cases in which an assignee producer fails to fulfill obligations, the assignor is ultimately the party that is obligated and out of compliance?
2. Should Oregon put guardrails into rule governing the process whereby a producer can assign an obligation to another producer? Or is a process implemented by the PRO sufficient to provide the transparency and accountability necessary to enable enforcement by DEQ should the assignee fail to follow through with the assignment?

Public input

- Please use the “raise hand” function to indicate your request to speak
- Please limit your statements to 2-3 minutes
- This is not a formal public comment opportunity

Copies or supporting materials can be emailed to Stephanie Caldera, through rulemaking email:
RMARulemaking3@deq.Oregon.gov



Next steps

- Poll for scheduling 2026 meetings
- Feedback on topics: Monday, Dec. 1, 2025
 - Charter
 - Amendments to Exemptions for Privately-Recycled Materials
 - Amendments to Producer Definitions
 - Amendments to Producer Obligation Assignment

All feedback: RMARulemaking3@deq.Oregon.gov

DEQ contact information

Project manager: Stephanie Caldera

- Rulemaking email: RMARulemaking3@deq.Oregon.gov
- Phone: 971-279-9517

Rulemaking website:

<https://www.oregon.gov/deq/rulemaking/Pages/rma2026.aspx>

Title VI and alternative formats

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

Visit DEQ's [Civil Rights and Environmental Justice page.](#)

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

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