



Oregon Department of Environmental Quality

# Topic paper: Substantive changes to recycling acceptance lists for plastic packaging (paint packaging, antimicrobial pesticides)

RMA Rulemaking 3: Prepared for Rulemaking Advisory Committee discussion – Jan. 27, 2026

## Recycling Acceptance Lists OAR 340-090-0630

### Summary of proposed revisions

DEQ is proposing to make two substantive changes to what types of plastic packaging are included in the Uniform Statewide Collection List and, by extension, the Local Government Recycling Acceptance List, described in OAR 340-090-0630(2)(j):

1. Exclude plastic packaging used to contain latex or oil-based paint, and
2. Include plastic packaging used to contain antimicrobial pesticides.

DEQ further proposes to extend these changes to plastic packaging accepted in the PRO Recycling Acceptance List, OAR 340-090-0630(3)(e).

### Background

Local governments are required to provide for the collection of materials on the Local Government Recycling Acceptance List (OAR 340-090-0630(2)). Many of the items on that list are also included in the Uniform Statewide Collection List (OAR 340-090-0630(4)(e)), which allows them to be collected commingled. Included in both lists are certain formats (e.g., bottles, tubs, buckets) of certain plastic resins (e.g., HDPE and PP) that meet certain conditions (e.g., not used to contain or store hazardous materials).

Similarly, producer responsibility organizations serving Oregon are required to provide for the collection of materials on the PRO Recycling Acceptance List (OAR 340-090-0630(3)). One of the items on that list is “plastic buckets and pails made of HDPE (#2) or PP (#5)” with similar exclusions to those in the USCL.

During start-up implementation of the Recycling Modernization Act, local governments and producers asked questions about two specific classes of plastic packaging: plastic packaging used to store and contain latex paint, and plastic packaging used to store and contain antimicrobial pesticides.

### Considerations: Latex Paint Packaging

Latex and oil-based paint are sometimes sold in polypropylene or other plastic buckets, pails or tubs. While oil-based paint is already excluded from inclusion in the Local Government Recycling Acceptance List because of an exclusion for “other hazardous materials (flammable, corrosive, reactive, toxic)”, latex paint is typically not considered hazardous and so plastic latex paint packaging is implicitly allowed.

However, paint containers are rarely removed of all paint. According to information shared by an Oregon-based plastic reclaimer during a DEQ Technical Workgroup meeting in December, paint residue, either dried or liquid, significantly interferes with marketability. Dried latex paint does not break down and is not removed

### Translation or other formats

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during a normal washing process for post-consumer plastics, therefore causing pellets to be speckled and limiting marketability of pellet batches. Separately, residual liquid paint will become a contaminant in the washing process. In the same meeting, staff from the Association of Plastics Recyclers reported surveying members of that national trade association, and only one member reporting ability to reclaim polypropylene paint containers, and only if they are “clear of residue”. This is considered impractical for post-consumer packaging.

In separate conversations, PaintCare – the producer responsibility organization that operates Oregon’s paint product stewardship program – has also reported significant challenges recycling plastic paint packaging that enters their collection network. PaintCare also introduced DEQ to a company by the name of Visions Quality Coatings, which operates paint recycling facilities in California and Texas and is scheduled to begin operations in Oregon at the site of the former MetroPaint facility. Visions confirmed challenges with recycling paint-contaminated polypropylene pails, but also reports significant progress in ability to prepare a paint-free polypropylene flake. The key to this breakthrough is specialized equipment which uses agitation and friction to remove dried paint. Visions hopes to deploy this equipment in Oregon; however, it is relatively expensive and requires a significant physical footprint. If successful at bringing the technology to Oregon, Visions, which will serve as a contractor to PaintCare in Oregon, will be able to feed that system with paint pails and buckets collected through PaintCare collections, which operate outside of the purview of the Recycling Modernization Act. The proposed technology would not fully solve the problem of paint packaging collected through the state’s commingled collection programs. Those plastics conventionally are directed to plastics reclaimers that lack Visions’ proposed technology, and there is no simple mechanism that would allow commingle-collected plastic paint containers to be separated from all other plastics and redirected to a potential future Visions facility.

For these reasons, DEQ finds that plastic packaging for latex paint, at present, fares poorly against statutory criteria involving accessibility and viability of responsible end markets (ORS 459A.914(3)(a)), anticipated yield loss (ORS 459A.914(3)(c)), compatibility with existing recycling infrastructure (ORS 459A.914(3)(d)), and contamination (ORS 459A.914(3)(g)).

## **Considerations: Antimicrobial Pesticide Packaging**

Disinfectants and sanitizers, such as bleach and sanitizing wipes, are considered “antimicrobial pesticides” under federal law, and existing acceptance lists exclude plastic packaging used to contain or store “pesticides or herbicides”. DEQ’s intention with that rule language was to be responsive to guidance from the Association of Plastics Recyclers and exclude packaging containing items such as rat poison and weed killer.

Following rule adoption in 2023, producers asked DEQ if packaging for antimicrobial pesticide packaging could be removed from the exclusion and included in recycling acceptance lists. During a Recycling Acceptance List Technical Workgroup meeting in December 2025, the Household & Commercial Products Association shared a proposal that would limit the exclusion to “pesticides or herbicides subject to 40 CFR 165 Subpart B”. The result of that proposal would be to broaden Oregon’s acceptance list for plastic packaging to include:

- Packaging used to contain or store antimicrobial pesticides
- Packaging used to contain or store non-antimicrobial pesticides with FIFRA Toxicity Category III or IV – the two least toxic categories of pest management products, required to display only the signal word “Caution” (or no signal word) and used for products such as rabbit repellent.

Subsequent consultation with the Association of Plastics Recyclers, including outreach to national reclaimer members, revealed support for accepting antimicrobial pesticide packaging, but some degree of opposition to

accepting packaging for any non-antimicrobial pesticides regardless of FIFRA toxicity classification. Opposition from plastics reclaimers creates challenges under statutory acceptance criteria relating to accessibility of responsible end markets (ORS 459A.914(3)(a)). With this rule concept, DEQ is proposing to expand acceptance lists to accept packaging for antimicrobial pesticides. DEQ will continue discussing “low toxicity” non-antimicrobial pesticides with its Technical Work Group on Recycling Acceptance Lists and may bring a further proposed change to the RAC at a future meeting.

## Proposed draft rule language

- New text shown as **bold underline**
- Deleted text shown in ~~[bracketed strikethrough]~~

OAR 340-090-0630:

(1) Recycling list definitions. For purposes of the recycling acceptance lists under sections 2 and 3 of this rule, the terms below have the following meanings:

...

**(b) “Antimicrobial pesticide” means a pesticide product that satisfies all of the conditions in 40 CFR 165.23(c)(1) – (4).**

(Note: renumber all subsequent definitions)

(2) Local Government Recycling Acceptance List. The following material must be collected pursuant to ORS 459A.005 and ORS 459A.914(1)(a) to provide the opportunity to recycle:

...

(j) Plastic that fits loosely in the generator’s provided on-route collection container, excluding any such item that was used to contain or store motor oil, antifreeze, or other automotive fluids, **latex- and oil-based architectural paints and coatings**, pesticides or herbicides **other than antimicrobial pesticides**, or other hazardous materials (flammable, corrosive, reactive, toxic) as follows:

...

(3) Producer Responsibility Organization Recycling Acceptance List. The following materials are designated as covered products of which a producer responsibility organization must provide for the collection as provided in ORS 459A.896(1):

...

(e) Plastic buckets and pails made of HDPE (#2) or PP (#5) and the lids of such items, but excluding such items if used to contain or store motor oil, antifreeze, or other automotive fluids, **latex- and oil-based architectural paints and coatings**, pesticides or herbicides **other than antimicrobial pesticides**, or other hazardous materials (flammable, corrosive, reactive, toxic);

## Outcomes of proposed additions

- Operations: Lower costs and improved marketability for commingled recycling processing facilities and plastics reclaimers.
- Fiscal, economic and equity impacts: Improved truthfulness to the public (plastic paint packaging is currently accepted for recycling but is not recycled). Producers of paint (packaged in plastic) and antimicrobial pesticides may see changes to fees as a result of this proposed rule.

## **Committee discussion questions**

1. Will the proposed rule additions deliver outcomes as indicated above?

## **Contact**

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