



Oregon Department of Environmental Quality

Topic paper: Minor conforming rule changes to Recycling Acceptance Lists

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

Recycling Acceptance Lists OAR 340-090-0630

Summary of proposed revisions

This document presents five proposed amendments to OAR 340-090-0630, administrative rules that define materials on Oregon's Local Government Recycling Acceptance List, Uniform Statewide Collection List (USCL), and PRO Recycling Acceptance List.

These five proposed amendments are all minor in nature. The first four are proposed for the purposes of increasing clarity and alignment with intent from the original (2023) rulemaking. The fifth and last amendment proposed in this document is intended to make permanent the inclusion of transparent blue and green PET bottles in the USCL; those bottles were recently on-ramped to the USCL by way of DEQ's formal approval of CAA's first Program Plan (2025 – 2027).

Background

ORS 459A.914(3) requires the Environmental Quality Commission to consider the following criteria when determining whether a material should be included in a commingled recycling system, collected separately, collected on-route or at a depot, or collected by a PRO:

- (a) The stability, maturity, accessibility and viability of responsible end markets;
- (b) Environmental health and safety considerations;
- (c) The anticipated yield loss for the material during the recycling process;
- (d) The material's compatibility with existing recycling infrastructure;
- (e) The amount of the material available;
- (f) The practicalities of sorting and storing the material;
- (g) Contamination;
- (h) The ability for waste generators to easily identify and properly prepare the material;
- (i) Economic factors;
- (j) Environmental factors from a life cycle perspective; and
- (k) The policy expressed in ORS 459.015 (2)(a) to (c).

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Considerations

1. Spray Mechanisms are Not “Caps”

OAR 340-090-0630(2)(j)(A) allows certain plastic bottles to be included in the Local Government Recycling Acceptance List, along with “caps if screwed on”. The proposed amendment to OAR 340-090-0630(1)(d) modifies the definition of “cap” to exclude a spray mechanism, as well as any threaded closure that is affixed to a spray mechanism. The issue of spray mechanisms was discussed in December 2025 with DEQ’s Technical Workgroup of Recycling Acceptance Lists. While the Association of Plastics Recyclers (APR) noted that some producers have formulated spray mechanisms that meet APR’s preferred design standards, a local plastics reclaimer noted that at present, other spray mechanisms use a variety of resins (including PVC) that can contaminate the reclamation process and create significant health and safety concerns. The use of metal springs was also noted as a potential contamination concern, with pieces of metal being caught and clogging nozzles in the extrusion process. Therefore, DEQ finds that, at present, spray mechanisms create challenges related to recycling acceptance list criteria in ORS 459A.914(3)(b), (d), and (g).

Separately, DEQ recommends that CAA consider the use of fee ecomodulation (either fee reductions or malus fees) to encourage producers to change to recycle-compatible spray mechanisms, if doing so will also reduce environmental and human health impacts, as described in ORS 459A.884(4).

2. “Scrap Metal” excludes most aerosol cans, pressurized cylinders

The amendment to OAR 340-090-0630(1)(m) proposes to make clear that aerosol cans and pressurized cylinders are not be collected or recycled as scrap metal unless they have been punctured and, as a result, depressurized. At present, aerosol cans and pressurized cylinders are on the PRO Recycling Acceptance List, although separate rule concepts may propose to delist those materials or to change convenience standards and/or performance standards for their recycling.

3. Definition of “storage containers” for purposes of recycling acceptance

OAR 340-090-0630(2)(j)(C) provides for the inclusion of certain “plastic buckets, pails, and storage containers” in the Local Government Recycling Acceptance List and, by inclusion, the Uniform Statewide Collection List. During early implementation of the RMA, local governments have asked DEQ to provide a definition of “storage containers”. The amendment of OAR 340-090-0630(1)(n) proposes such a definition. If adopted, it would result in certain food storage containers and storage bins being included, but would exclude storage bags, as well as permeable and non-lidded items that might be used for transient or incidental storage, such as laundry hampers and shopping baskets. This distinction is proposed in consideration of recycling acceptance list criteria in ORS 459A.914(3)(c), (d), and (h).

4. Shredded paper not included in the Uniform Statewide Collection List

Shredded paper was originally placed on the PRO Recycling Acceptance List (OAR 340-090-0630(3)(c)) given high rates of yield loss in commingled recycling processing facilities. Printing and writing paper generally was placed on the Local Government Recycling Acceptance List (OAR 340-090-0630(2)(h)). For conformity, DEQ is proposing an amendment to OAR 340-090-0630(2)(h) to confirm that paper in the Local Government Recycling Acceptance List excludes paper that has been mechanically shredded.

5. Transparent green and blue PET bottles are accepted commingled

Finally, DEQ proposes as amendment to OAR 340-090-0630(2)(j)(A)(i) to include in the Local Government Recycling Acceptance List certain bottles made of PET that are tinted transparent green or blue in color. These bottles have already been added to the Uniform Statewide Collection List, a subset of the Local Government Recycling Acceptance List, via DEQ's approval of [CAA's Program Plan](#). This rule change would improve clarity by codifying that inclusion in rule so that all items on the USCL are listed in one location. CAA justified the proposed on-ramping of transparent blue and green PET bottles against statutory criteria in the "Proposed Additions to the USCL" section of its Program Plan.

Proposed draft rule language

Proposed additions are noted with the use of **bold underlined** text. Proposed deletions are noted with the use of ~~[bracketed strikethrough]~~ text.

OAR 340-090-0630

Recycling Acceptance Lists

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

(a) "Aerosol can" has the same meaning found in 40 CFR 273.9.

...

(d) "Cap" means a rigid closure for tubs or bottles that has a fastening feature that involves threads. **"Cap" does not include a spray mechanism, such as a trigger, spray nozzle, spring and drip tube, nor does it include a rigid closure that is affixed to a spray mechanism.**

...

(k) "Pressurized cylinder" means any packaging containing flammable pressurized gas, helium or carbon dioxide, including, but not limited to, seamless cylinders and tubes, welded cylinders and insulated cylinders intended to contain helium, carbon dioxide or flammable materials such as propane, butane or other flammable compressed gases. "Pressurized cylinder" does not include:

- (A) Any cylinder, tube or container intended to deliver a product that is not a compressed gas;
- (B) Liquified petroleum gas containers that are designed to be refilled;
- (C) Any other cylinder, tube or container that is designed to be refilled and which has an active and functioning exchange system that normally causes the cylinder, tube or container to be refilled, reused, or refurbished, unless the cylinder, tube or container is damaged and not appropriate to be subsequently refilled, reused, or refurbished;
- (D) Any cylinder, tube or container that contains pure oxygen or hydrogen;
- (E) Fire extinguishers;
- (F) Aerosol cans; or
- (G) A storage tank that is permanently fixed in location.

...

(m) "Scrap metal" means ferrous and non-ferrous waste metal, metallic material, electrical wiring and any product that contains at least 50 percent metal by weight and that is capable of being recycled, **but excluding aerosol cans and pressurized cylinders that have not been punctured**. Scrap metal includes major appliances that contain refrigerants.

(n) "Storage container" means a rigid item consisting of two parts: a solid, impermeable container consisting of a base and sides, and a solid, impermeable lid that is designed to both fully removed from, and attached to, the container.

[~~(n)~~] **(o)** "Tub" means a rigid container that has a neck or mouth similar in size to its base. "Tub" does not include a clamshell or similar container with a lid that is affixed to the base using a hinge or similar mechanism.

(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:

...
(h) All printing and writing paper, including newspaper, newsprint, newspaper inserts, magazines, catalogs, similar glossy paper, telephone directories, ledger, bond, copy and printer paper, notebook paper, envelopes, cards, mail, and items made of such paper and bound with staples, and paperback books, but excluding any such paper that has gone through a mechanical shredder, thermal paper and hardcover books;

...
(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, pesticides or herbicides, or other hazardous materials (flammable, corrosive, reactive, toxic), as follows:

(A) Plastic bottles that measure at least two includes in each of two more dimensions, including caps if screwed on, made of the following materials:

- (i) PET (#1) (clear, transparent blue and transparent green only);
- (ii) HDPE (#2); and
- (iii) PP (#5)

...
(C) Plastic buckets, pails, and storage containers, including lids if snapped on, made of the following materials:

- (i) HDPE (#2); and
- (ii) PP (#5)

Outcomes of proposed additions

- Operations: Local governments, service providers and the producer responsibility organization will have greater clarity from which to promote recycling acceptance (and contamination avoidance) to recycling system users.
- Fiscal or economic impacts: Minor
- Equity impacts: Greater specificity and clarity for producers will provide a more level playing field and uphold fairness.

Committee discussion questions

1. Will the proposed amendments deliver the outcomes indicated – greater clarity for system users and producers?

Contact

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