

## Topic paper 1: Minor rule changes to Recycling Acceptance Lists, including plastic packaging and yard debris

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

### Recycling Acceptance Lists OAR 340-090-0630

#### Summary of proposed revisions

This document presents four 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 four proposed amendments are all minor in nature.

- Three of them relate to plastic packaging and are proposed for the purposes of increasing clarity and alignment with intent from the original (2023) rulemaking.
  - One of those three is a revision to a rule concept shared at the Jan. 27, 2026, meeting and relates to the definition of “storage container”.
  - The other two involve definitions of “tub” and “automotive products” and have not previously been discussed by this Committee.
- The fourth and last amendment proposed in this document is intended to correct an error that was made regarding yard debris during the original (2023) rulemaking; this amendment only relates to the Metro wasteshed.

#### 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).

## Considerations

### 1. 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 asked DEQ to provide a definition of “storage containers”.

In advance of the Jan. 27, 2026, meeting of this Committee, DEQ proposed an amendment of OAR 340-090-0630(1)(n) to provide such a definition. DEQ’s intention was to include certain food storage containers and storage bins, while excluding storage bags and permeable and non-lidded items that might be used for transient or incidental storage, such as laundry hampers and shopping baskets. This distinction was proposed in consideration of recycling acceptance list criteria in ORS 459A.914(3)(c), (d), and (h).

Feedback from members of the Rulemaking Advisory Committee caused DEQ to rethink the original (January) rule language. DEQ has revised proposed rule language (see below) to improve clarity including a new definition for “storage container.”

### 2. Definition of “tub” for purposes of recycling acceptance

Current acceptance list rules allow for the inclusion of PET, HDPE and PP “tubs” in the Uniform Statewide Collection List. “Tub” is currently defined in rule to mean “a rigid container that has a neck or mouth similar in size to its base.” The definition goes on to say that tubs do not include “a clamshell or similar container with a lid that is affixed to the base using a hinge or similar mechanism.”

DEQ’s intention in the 2023 rulemaking was to include HDPE and PP tubs (such as those commonly used to package cottage cheese, yogurt and dips), as well as to allow similarly-shaped items made of thermoformed PET (such as containers commonly used for candy and snacks). Given unresolved concerns involving end markets for thermoformed PET and Oregon’s responsible end market standard, DEQ was not intending to invite large quantities of thermoformed PET into the system. DEQ responded to concerns about promoting use of single-use food serviceware by removing drinking cups from the proposed USCL following the public comment period.

To provide more clarity (until such time as more thermoformed PETs are accepted in the USCL), DEQ is proposing to more explicitly exclude cups, bowls and trays from the definition of a tub.

### 3. Allow plastic packaging for lower-hazard automotive products (e.g., diesel exhaust fluid and windshield wiper fluid) into recycling acceptance lists and provide definitions for other terms related to product characteristics

Current administrative rules exclude from plastic packaging acceptance lists (both the Local Government Recycling Acceptance List and the Producer Responsibility Organization Recycling Acceptance List) items “used to contain or store motor oil, antifreeze, or other automotive fluids, pesticides or herbicides, or other hazardous materials (flammable, corrosive, reactive, toxic)”. DEQ is proposing several amendments to clarify this rule and provide consistent definitions for terms used.

The term “automotive fluids” is too broad in that it includes some products (such as diesel exhaust fluid and windshield wiper fluid) that are commonly packaged in plastic that could be accepted by plastics reclaimers. The term is also too narrow in that it fails to exclude products that are functionally identical to non-desired products that are not used in “automotives” (e.g., chainsaw lubricant, engine oil for lawn mowers).

DEQ proposes to amend the language to specifically allow diesel emission fluid and windshield washer fluid containers and to replace the specific wording of “automotive fluids” to clarify that the intent is not to limit only to products used in automobiles. DEQ also proposes to define four terms currently used in this rule: “flammable,” “corrosive,” “reactive” and “toxic” and rely on established federal definitions for those terms.

#### **4. Remove the requirement that local governments in the Metro wasteshed offer to collect yard debris from all generators inside the Metro wasteshed**

Prior to the first RMA rulemaking, administrative rules included lists of designated “principal recyclable materials” that were identified as suitable for recycling in each wasteshed in Oregon. With the adoption of the RMA and the establishment of uniform statewide acceptance lists, the need for such wasteshed-specific designations was eliminated.

In response, DEQ proposed eliminating in entirety the principle recyclable materials rules (previously OAR 340-090-0070) in 2023. However, those rules included the designation of yard debris as a principal recyclable material in the Metro wasteshed only. Intending to maintain consistency, and not changing policy unrelated to the RMA, DEQ transferred that pre-RMA obligation to a new rule, OAR 340-090- 0630(2)(q).

Following rule adoption in 2023, DEQ identified that requiring Metro-area local governments within the Metro wasteshed to offer yard debris collection would also require that service providers offer yard collection in rural areas of the wasteshed. Local governments informed DEQ that offering yard debris collection in rural areas would be economically prohibitive, inefficient, and energy intensive and, in their view, could not be justified given the small amounts of yard debris material likely to be recovered. In addition, there are no requirements to collect yard debris even in other areas of the state, urban or rural.

In addition, the rule adopted in 2023 overlaps, and in part conflicts, with Metro’s Regional Waste Plan, which is approved by DEQ. In that Plan, Metro identifies regional service standards that local governments must implement. Yard debris collection is included in the Metro regional service standards. Metro code also authorizes local governments to identify rural areas that would not need to offer yard debris collection due to the cost, reduced benefits of collecting yard debris in rural areas and the economic burden to local governments and their service providers.

DEQ recommends removing rule 340-090-0630(2)(q) to clarify the requirements and reduce opportunity for conflicting state and local regulations. DEQ does not expect this proposed change to have negative effects on equity, environmental outcomes or other objectives of the RMA.

### **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. Please note that the changes to definitions under OAR 340-090-0630(1) are not listed as they will appear in final redline, which will be organized alphabetically, and content will be re-lettered with all related definitional amendments.

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:

**(x) “Storage container” means a durable receptacle that is enclosed with a removable lid, is normally purchased empty by the user, and is designed to protect, hold, organize or transport food, goods or**

**other items that are placed into the storage container by the user of the storage container, as opposed to its producer. "Storage container" does not include bags or items that are non-lidded or which have sides of a net- or mesh-like structure that might be used for transient or incidental storage, such as laundry baskets, crates and shopping baskets.**

~~[(n)]~~ **(x)** "Tub" means a rigid container that has ~~[a-neck]~~ **an opening** or mouth similar in size to its base. "Tub" does not include **a drinking cup, a bowl, a tray, or** a clamshell or similar container with a lid that is affixed to the base using a hinge or similar mechanism.

**(x) "Drinking cup" means a rigid container that holds a serving of liquid for a human to drink directly from the container. Drinking cups are a type of food serviceware that are sold empty and filled by the consumer or a food service establishment.**

**(x) "Bowl" means a rigid container that holds a serving of food for a human to consume directly from the container. Bowls are a type of food serviceware that are sold empty and filled by the consumer or a food service establishment.**

**(x) "Tray" means a shallow rigid packaging container with a depth less than 2 inches.**

**(x) "Corrosive" means having the characteristics of corrosivity, as defined in [40 CFR 261.22](#).**

**(x) "Flammable" means having a flashpoint at or below 199.4 degrees Fahrenheit (93 degrees Celsius).**

**(x) "Reactive" means having the characteristics of reactivity, as defined in [40 CFR 261.23](#).**

**(x) "Toxic" means having the characteristics of toxicity, as defined in [40 CFR 261.24](#).**

(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 **or other products intended to go into an engine or a tank relating to operating an engine or motor, excepting diesel exhaust fluid and windshield washer fluid;** ~~[-; antifreeze, or other automotive fluids,] pesticides or herbicides;[-;] or other hazardous materials **that are** ~~[{flammable, corrosive, reactive, **or** toxic}]~~, as follows:~~

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

- (i) PET (#1) (clear 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)

...

~~[(c) Yard debris, but only in the Metro wasteshed.]~~

(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 **or other products intended to go into an engine or a tank relating to operating an engine or motor, excepting diesel exhaust fluid and windshield washer fluid;** [~~antifreeze, or other automotive fluids;~~] pesticides or herbicides; [~~;~~] or other hazardous materials **that are** [~~(flammable, corrosive, reactive, or toxic);~~];

...

## 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: Generally minor. Proposed rules relating to plastic packaging do not directly change the cost obligations of the PRO, although greater clarity and reduced confusion may reduce contamination (and associated costs). Rule changes related to plastic packaging may allow some producers (e.g., diesel exhaust fluid) to reclassify their packaging into a category with lower base fees, while causing other producers (e.g., items that will no longer be considered “storage containers”) to reclassify their packaging into a category with higher base fees. The yard debris rule change will prevent local governments from implementing an expensive on-route collection program that would impose higher fees on residents in rural areas of the Metro wasteshed.
- 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, and avoided fee increases for residents of rural areas in the Metro wasteshed?
2. Do committee members feel the outcomes, as categorized above by DEQ, are accurate? Are there other potential outcomes for consideration not seen in this document?

## Contact

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