

Notice of Proposed Rulemaking

Sept. 21, 2026

Recycling Modernization Act Rulemaking 3 (2026)

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Introduction

The Oregon Department of Environmental Quality invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Request for other options

During the public comment period, DEQ asks for public comments on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

DEQ is proposing permanent rules related to Oregon's Plastic Pollution and Recycling Modernization Act. The proposed rulemaking is the third for the program since its inception in 2022. Based on new information DEQ has learned and feedback from recycling system users since program implementation began July 1, 2025, DEQ is proposing amendments to multiple sections of current rule language to clarify the operations and expectations of Oregon's modernized recycling system.

Key issues in this rulemaking include:

- Ensuring that the responsible end market provisions, a critical element of the Act, are kept strong while providing clarity on how the PRO could respond when availability of verified responsible end markets fluctuates
- Fees paid by some producers as being out-of-scale with the impacts of their products on Oregon's recycling system
- Feasibility of implementation in communities previously underserved for recycling
- Clarifications for definitions of materials included on local government and Producer Responsibility Organization Recycling Acceptance Lists
- Proposing new exemptions for materials that would not be considered covered products if approved

More information

Information about this rulemaking is on the [RMA Rulemaking 3 web page](#).

Public hearings

DEQ will hold two public hearings. Anyone can attend a hearing by webinar or teleconference. Pre-registration is not required.

Hearing 1

Date: Oct. 20, 2026

Start time: 10 a.m.

[Join via Zoom](#)

- Meeting ID: 880 8253 8483

Toll-free teleconference phone number: 877-853-5257

Full instructions on how to join the hearing: [RMA Rulemaking 3 – Public Hearing 1](#)

Hearing 2

Date: Oct. 21, 2026

Start time: 6 p.m.

[Join via Zoom](#)

- Meeting ID: 846 4005 3190

Toll-free teleconference phone number: 833-548-0276

Full instructions on how to join the hearing: [RMA Rulemaking 3 – Public Hearing 2](#)

How to comment on this rulemaking proposal

DEQ is asking for public comments on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail or at the public hearing.

Email: Send comments by email to: RMARulemaking3@deq.oregon.gov

Postal mail: Oregon DEQ, Attn: Stephanie Caldera, 700 NE Multnomah St., Room 600, Portland, OR 97232-4100

At public hearings: Oct. 20, 2026: 10 a.m.; Oct. 21, 2026: 6 p.m.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on Oct. 30, 2026**.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

Signing up through [GovDelivery for general Public Notice information](#).

Signing up on the [rulemaking website](#).

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ's intended action is to present the proposed rule changes to the commission as soon as possible after the earliest date on which the rule changes could take effect. DEQ intends to submit the proposed rule changes to the commission on or after Jan. 14, 2027.

Statement of need

The proposed rules vary in topic; however, all proposed rules are updates based on staff review and external input from Oregon's recycling system participants. The proposed rules update current program rules first promulgated in 2023 and updated in 2024.

DEQ is proposing rule updates to clarify roles and obligations of local governments, recycling service providers, the Producer Responsibility Organization, producers of covered products and DEQ.

DEQ will know that the proposed rules have addressed the need for clarification and updates to various parts of RMA program through continued successful implementation of the program.

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules are not different from or in addition to federal requirements.

Rules affected, authorities, supporting documents

Land Quality Division

Materials Management Program

Chapter 340 actions

Adopt

340-090-0841	340-096-0320			
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Amend

340-012-0098	340-090-0030	340-090-0040	340-090-0630	340-090-0640
340-090-0650	340-090-0670	340-090-0720	340-090-0770	340-090-0820
340-090-0840	340-090-0860	340-090-0900	340-090-0910	340-090-0920
340-090-0930	340-093-0030	340-093-0050	340-093-0105	340-093-0160
340-096-0040	340-096-0060	340-096-0300	340-096-0310	340-096-0320
340-096-0840	340-097-0120			

Statutory authority - ORS

459.045, 459.235, 459.705 - 459.760, 459.775, 459.780, 459.785; 459A.025, 459A.100 - 459A.120, 459A.863, 459A.866, 459A.884, 459A.923, 459A.944, 459A.955, 459A.956, 459A.975; 468.020, 468.065

Statutes implemented - ORS

459.005, 459.015, 459.205, 459.215, 459.225, 459.235, 459.236, 459.245, 459.250, 459.705; 459A, 459A.005, 459A.007, 459A.008, 459A.010, 459A.110, 459A.115, 459A.665, 459A.860 - 459A.975

Legislation

[Senate Bill 582](#) (2021)

Documents relied on for rulemaking

Document title	Document location
Recommendations on Exemptions from “Covered Product”	Oregon Recycling System Advisory Council, Budget and Fees Subcommittee ORSACCoveredProductExemptions.pdf
Evaluation of actions to support product environmental footprinting in the Pacific Northwest: Findings and recommendations from research, surveys and interviews of business leaders	Research co-commissioned by Oregon DEQ, 2014. QuantisPEFResearchReport.pdf
Document 02021H2279-20211230: Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organizations.	European Commission, 2021. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.
Plastic Footprint Guidelines and Strategic Modules, V1	Plastic Footprint Network, 2023. Plastic Footprint Guidelines and Strategic Modules
Regionalized characterization factors for microplastic emissions in life cycle assessment considering multimedia fate modelling.	Journal of Cleaner Production. 538:147217. Regionalized characterization factors for microplastic emissions in life cycle assessment considering multimedia fate modelling.
ISO 14071:2014. Environmental management — Life cycle assessment — Critical review processes and reviewer competencies: Additional requirements and guidelines to ISO 14044:2006.	Available through the International Organization for Standardization: ISO 14071:2024 - Environmental management — Life cycle assessment — Critical review processes and reviewer competencies

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340, division 012

Rule Number	Rule Title	Explanation
340-012-0098	Classification of Violations for ORS 459A.860 to 459A.975 and related rules	Correct typographical error, update (2)(e) to read "for yard debris or food waste..."

OAR chapter 340, division 090

Rule Number	Rule Title	Explanation
340-090-0030	Multifamily adequate service and space	Clarify "tenants as collection service customers" per statute; Modify compliance dates related to adequate space requirements (delay 2 years)
340-090-0040	Local government recycling program elements	Correct typo for cross-reference in 0040(3)(g)
340-090-0630	Recycling Acceptance Lists	Amend "pesticide" in (2)(j) so that disinfectant containers remain in scope; Update definitions and wording related to "automotive fluids" to specifically exempt DEF and windshield washer fluid; define "flammable, corrosive, reactive, toxic"; Update convenience and performance standards revisions for pressurized cylinders and aerosols; Delist paint/similar coating containers; Add light green and blue PET containers; Clarify that shredded paper is not on USCL; Clarify definition for storage containers; Clarify that spray bottle caps/pumps are not "caps" (are excluded from USCL); Clarify that scrap metal

		excludes some aerosol cans, pressurized cylinders; Update definition of "tub"; Repeal Metro washed rule for compost in (2)(q); Glass: Make changes to glass packaging collection obligations for PRO and local governments, including alignments with convenience standards and Opportunity To Recycle rules
340-090-0640	Convenience Standards	Set parameters of how costs are computed in the 110% threshold in (1)(b)(C); Amend requirement for public access to depots on Tribal land; Allow for PRO to get DEQ approval of alternative compliance through direct DEQ decision, not as a full plan amendment; New convenience standards for aerosols and pressurized cylinders
340-090-0650	Performance Standards	Clarify "free of cost" language at (1)(b) with respect to glass packaging collection onroute
340-090-0670	Responsible End Markets	Change disposition reporting requirements; Clarify requirements related to plastics/microplastics release, chemical use disclosures, disclosure of blue water volume use if in designated areas; Definition edit: Replace "smelter" with "re-melter" for metal end market; Clarifications on actions required in case of insufficient responsible end markets; Clarifications on the costs to be included, or excluded, by the PRO when making an assessment of practicability for any material; Date changes: Align monthly transaction and quarterly disposition reporting calendars (see also 340-090-0720)

340-090-0720	Program Calendar	Alignment of dates in program calendars
340-090-0770	Local Government Transportation Costs Reimbursement	Add "consolidation point" language, update generally regarding tip fee and glass packaging collection alignments
340-090-0820	Processor Commodity Risk Fee	Align the disposition reporting schedule in (3)(b)(B)(i) to the schedule noted under 340-096-0310(2)(a)(B); Add language around funding being unavailable for unprocessed, stockpiled material
340-090-0840	Covered Products	Clarifications related to exemptions and verifications processes; Update exemptions for specific materials/products, including: leased Reusable Plastic Containers, meat packaging (until 2032), garbage bags not marketed for recycling, certain labels; new exemption for non-Oregon public bodies; ACRC changes (new section: 340-090-0841)
340-090-0860	Producer Definitions	Clarify the process for producers to trade the fee payment obligation; Define "remote sale or distribution" and "consumer"; Clarifications on manufacturer and "directing manufacturing" language
340-090-0900	Life Cycle Evaluation Definitions	Clarify "refillable packaging" definition
340-090-0910	Life Cycle Evaluation Scope and Applicability	Add definition for SKU "batch"
340-090-0920	Project Report Requirements	Clarify what is a "third party"/independent verifier in (4); Further define what data are required for disclosure to get bonuses
340-090-0930	Core Product Category Rules	Methane leakage inventory: Specify the two databases referenced that incorporate methane leakage; Cross-reference updated MariLCA method and update PEFCR

		cross-references; Specify Plastic Footprint Network modules that are in scope; Clarify how refill rate is to be calculated
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OAR chapter 340, division 093

Rule Number	Rule Title	Explanation
340-093-0030	Division 93 definitions	Add Commingled Recycling Processing Facility and Limited Sort Facility to "Disposal site" definition; updates to "effectively composted" definitions
340-093-0050	Permit Required	Update (2)(j) to change reference for Limited Sort Facilities from 0300 to 0320
340-093-0105	Categories for Permit Actions	Add "permit" to (2)(n) and (2)(o)
340-093-0160	Place for Collecting Recyclable Material	Update (1) to read "all solid waste disposal site permittees..."

OAR chapter 340, division 096

Rule Number	Rule Title	Explanation
340-096-0040	Transfer Stations and Material Recovery Facilities	Update to recognize Limited Sort Facilities; Also include new language related to operations plans for Commingled Recycling Processing Facilities
340-096-0060	Special Rules Pertaining to Composting	New rule, Section 7: Clarifies DEQ authority to determine what materials are effectively composted
340-096-0300	Commingled Recycling Processing Facilities and Limited Sort Facilities	Modify all to just relate to Commingled Recycling Processing Facilities (not Limited Sort Facilities); Add language to (5)(a) stating "DEQ, a contractor to DEQ, or a combination of both, will be

		tasked with conducting the assessment."; several typos and corrections based on other changes; update text in Table A for description of paper
340-096-0310	Responsible End Markets	Edits in 2(A)(b) and (2)(a)(C)(ii), general updates to ensure alignment across rule sections; correct typo in (2)(a)(A) – change “proscribe” to “prescribe”
340-096-0320	Limited Sort Facilities	New section - Uses language previously in 340-096-0300 as new standalone
340-096-0840	Living Wage and Supportive Benefits	Modify OAR 340-096-0840(3)(e)(D) to exclude Sundays from paid holidays for workers (correction to error, not policy change)

OAR chapter 340, division 097

Rule Number	Rule Title	Explanation
340-097-0120	Solid Waste Permit and Disposal Fees	Add Commingled Recycling Processing Facilities to 340-097-0120

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Overview: Fiscal and economic impact

The proposed rules are primarily amendments to current rules, which clarify and implement the 2021 Plastic Pollution and Recycling Modernization Act. In most cases, the proposed rules would result in no significant changes to the current fiscal and economic impacts. Seven proposed rule amendments, listed below, are expected to have fiscal or economic effects. This impact statement focuses on the expected outcomes of these seven proposals.

Generally, the proposed rules would further clarify current obligations and operations. DEQ expects that the proposed rules could result in some general positive fiscal and economic impacts for all entities engaged in Oregon's recycling system. These general positive impacts would be seen in more efficient administrative processes and reduction of confusion that contributes to contamination and the costs of removing that contamination from materials collected for recycling. The proposed rules included in the rulemaking are based on discussions with, and input provided by, DEQ's Rulemaking Advisory Committee. The advisory committee included representatives from service providers and commingled recycling processing facilities, local governments, non-profit organizations, waste generators, Oregon's Recycling Modernization Act PRO, and producers of covered products.

As noted, DEQ expects that seven proposed rule elements may result in fiscal or economic impacts as discussed below:

1. OAR 340-093-0030: Definition for "effectively composted" (new rules)
 - For facilities proposing to accept food serviceware or packaging for composting, there will likely be a fiscal impact borne by those facilities for data collection, then submitted to DEQ, to support that the material can be effectively composted.
2. OAR 340-090-0630 and 0640: Glass packaging (amendment)
 - Would reduce the obligations of the PRO, resulting in a reduction in operating costs. That reduction would be reflected in a significantly lower per-pound fee paid by the producers of glass packaging, starting in 2027.
 - Note: The commission adopted temporary rules, identical to these proposed permanent rules, in September 2026.
3. OAR 340-090-0640 and 0650: Pressurized cylinders and aerosol containers (amendment)

- Would reduce costs incurred by participating local governments and other service providers relative to a pre-RMA baseline for these same materials.
- Cost to the PRO would be significantly reduced relative to the existing rule.
- 4. OAR 340-090-0670 and OAR 340-096-0310: Responsible End Markets (amendment)
 - Proposed variance avoids approximately five years of costs for remelters of loose metal received from shredders, as these facilities will not need to be verified nor will need to report disposition through 2032.
 - Higher short-term costs, for approximately four years, for DEQ to continue tracking disposition of CRPF-sourced materials
- 5. OAR 340-090-0720: Program Calendar (amendment)
 - Avoids a spike in producer fees in 2027 due to expected system expansion costs related to purchases of larger capital assets for local governments and their service providers.
 - The proposed amendment also avoids a spike in producer fees in 2027 due to a peak in the processor commodity risk fee based on expected facility purchases of sorting assets to meet 2028 performance standards.
- 6. OAR 340-090-0840: Covered Products (amendments)
 - Fee relief for some producers due to new designation as exempt.
- 7. OAR 340-090-0860: Producer Definitions (amendments)
 - Potential shifting of cost obligations between producers already engaged in the system, relative to proposed changes to definitions. The proposed rules are generally consistent with existing PRO guidance, so changes may be minimal.

Statement of cost of compliance

State agencies

DEQ does not expect the proposed rules to have fiscal or economic impacts on state agencies other than DEQ.

DEQ: OAR 340-090-0670: Responsible End Markets (amendment)

The proposed rule amendments related to Responsible End Markets, in OAR 340-090-0670(3), are likely to result in some costs to DEQ in the form of RMA program staff time. The proposed amendments would waive a PRO's obligation until Jan. 1, 2030, to ensure disposition reporting for materials in ORS 459A.869(7)(b), materials on the USCL and collected under an opportunity to recycle act collection program. The result of that amendment would be DEQ's continued use of program staff time to complete the disposition reporting verification tasks. DEQ staff completed this task in 2025 and 2026, and program staff spent approximately total 120 hours performing these tasks in 2025 and 2026.

The expected costs would be in the form of deferral or delay of other RMA-related projects. No new staff resources are needed, and the costs for the disposition reporting-related DEQ staff time are reimbursed through the administrative fees paid by the PRO to DEQ.

Local governments

DEQ expects that local governments will experience both positive and negative fiscal and economic impacts related to compliance with the proposed rules.

OAR 340-090-0630 and 0640: Glass packaging (amendment)

- Potential negative fiscal and economic impacts: Loss of glass incentive payments from PRO

The proposed rule amendments would significantly modify the obligations of the PRO for the collection of glass packaging, including the removal of a current incentive paid to local governments that operate glass packaging collection systems in lieu of PRO operation of those systems. The proposed amendments also, largely, result in a return to the requirements of the pre-RMA Opportunity to Recycle environment for the collection of glass.

DEQ acknowledges that the removal of the PRO's glass incentive payment may motivate some smaller and more remote communities to discontinue on-route glass collection and rely on drop-off and depot sites for this material.

OAR 340-090-0640 and 0650: Pressurized cylinders and aerosol containers (amendment)

- Positive fiscal and economic impacts: Reduction in management costs and avoidance of additional transportation requirements

The proposed amendments would modify collection, handling and transportation obligations for local governments not yet in effect. DEQ expects local governments and their service providers who choose to accept pressurized cylinders and aerosol containers, at the more limited set of collection sites outlined in the proposed rule amendments, will see overall cost reductions relative to a pre-RMA baseline for the recycling of those same materials.

Public

The proposed rules do not establish or modify compliance obligations on the public. DEQ does not expect any fiscal or economic impacts of the proposed rules to directly affect the public.

Producer Responsibility Organization

DEQ expects that some proposed rule amendments will result in beneficial fiscal and economic effects, through lower operating costs and reduced compliance obligations, for the PRO engaged in Oregon's modernized recycling system.

OAR 340-090-0630 and 0640: Glass packaging (amendment)

The proposed amendments would significantly reduce the obligations of the PRO, resulting in a reduction in operating costs specific to the collection and transportation of glass packaging for recycling.

The proposed amendments would require periodic assessment of system functions to ensure continued compliance with statutory recycling rates; however, those assessments are unlikely to impose new costs as the PRO is currently responsible for a variety of monitoring and reporting activities as part of the RMA system.

OAR 340-090-0640 and 0650: Pressurized cylinders and aerosol containers (amendment)

The proposed amendments would significantly reduce the collection and compliance obligations of the PRO currently in rule for these items. DEQ expects the costs to the PRO would be significantly reduced relative to the existing rule.

Producers of covered products: Both large and small businesses

CAA reported 2909 producer-members registered in 2025, which represents the universe of producers of covered products subject to the requirements of the RMA. DEQ does not have an accounting of how many producers of covered products are considered "large" versus "small" businesses; however, the following proposed rules are expected to have some fiscal and economic impacts relative to the scale of the specific products affected. The expected outcomes vary by proposed rule.

OAR 340-090-0630 and 0640: Glass packaging (amendment)

- Positive financial and economic outcomes for producers of glass packaging: Fee reduction

As noted above, the proposed amendments would significantly reduce the obligations of the PRO, resulting in a reduction in operating costs. DEQ anticipates that reduction in PRO costs could result in a partial reduction of the \$0.10 per-pound fee of glass packaging (2026) in 2027 and further reductions in per pound fees for 2028. To note, the fee-setting process is conducted by the CAA Board of Directors, not DEQ, based on overall operational costs and methodologies based on the regulatory obligations of the PRO.

OAR 340-090-0720: Program Calendar (amendment)

- Positive financial and economic outcomes for all producers of covered products: Fee increase avoidance

The proposed amendments would avoid a spike in producer fees in 2027 by allowing for an extended timeline of investments into Oregon's modernized recycling system. DEQ expects that the costs will eventually be reflected in future years of annual fees paid by producers to the PRO; however, the proposed amendments would minimize sharp increase in 2027 and are likely to be absorbed into future years' fees as the system matures.

OAR 340-090-0840: Covered Products (amendments)

- Positive fiscal and economic outcomes for producers of products designated as exempt: Fee reduction

The proposed rules would designate several new types and classes of covered products as exempt, which removes their obligation to pay fees to the PRO for those specific products. The proposed exemptions include:

- Labels that, if not removed, interfere with use of the product
- Leased Reusable Plastic Containers
- Four formats of specialty packaging used exclusively for industrial or manufacturing purposes, including gaylords with a volume of 33.8 ft³ (standard size) or greater
- Garbage bags, as long as they are not marketed or sold as fulfilling a recycling purpose
- Film and flexible plastic packaging used in direct contact with raw meat, excluding trays.
 - This proposed exemption is proposed to expire in 2032
- Rigid HDPE packaging of commercial-use pesticides, fertilizers, adjuvants, surfactants and agricultural amendments produced by members of the Ag Container Recycling Council (ACRC) and eligible for collection by ACRC
- Packaging that is exempted under DEQ's exemption request and review process, outlined in statute (ORS 459A.869(13)).

OAR 340-090-0860: Producer Definitions (amendments)

- Overall neutral financial and economic outcomes for producers of covered products, based on potential for shifting of cost obligations.

The proposed amendments clarify definitions that relate to what entity is considered the "obligated producer" in various scenarios. DEQ expects there may be potential shifting of cost obligations between producers already engaged in the system, relative to proposed changes to definitions. The proposed rules are generally consistent with existing PRO guidance, so changes may be minimal.

Large businesses - businesses with more than 50 employees

DEQ does not expect fiscal and economic impacts on large business, other than those noted above for the producers of covered products.

Small businesses – businesses with 50 or fewer employees

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rules

DEQ does not have an accounting of the producers of covered products who would be considered small business under this definition.

DEQ does expect two other types of businesses, likely to be considered small businesses, that will be subject to the proposed rules:

- Remelters of loose metal received from shredders: Fewer than 10 facilities in Oregon
- Composting facilities: Approximately 50 facilities in Oregon
 - Some of these facilities may be sub-parts of larger waste management companies even if they are operated as independent small businesses.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rules

The proposed rules specific to remelters of loose metal received from shredders (OAR 340-090-0670) would delay administrative costs for verification and disposition reporting through 2032. DEQ expects that delay in costs would be realized by these small businesses as a cost savings, generally, due to the avoidance of new administrative costs for several years.

The proposed rules specific to composting facilities (OAR 340-093-0030), would likely result in some additional administrative costs for facilities proposing to accept food serviceware or packaging for composting. DEQ expects these costs to be associated with data collection that is then submitted to DEQ related to the proposed definitions for material that the material can be effectively composted.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rules

DEQ does not expect any modified costs of this type for small businesses affected by the proposed rules.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included a small business representative on the Rulemaking Advisory Committee for this rulemaking. DEQ also specifically invited composting-related small businesses to engage in a Technical Workgroup for the development of the “effectively composted” definition and implementation plans. DEQ made input opportunities available at each of the five Rulemaking

Advisory Committee meetings, at which any person could provide verbal input to the committee and DEQ through the development of the proposed rules.

Documents relied on for fiscal and economic impact

Document title	Document location
Oregon Revised Statutes: Chapter 183	Oregon Legislature: Oregon Revised Statutes
Rulemaking proposals: RMA 2023 and RMA 2024	Oregon DEQ Attn: Agency Records Coordinator 700 NE Multnomah Street, Suite 600 Portland, Oregon 97232
Permitted composting facilities in Oregon	Your DEQ Online record search: Oregon DEQ - Public Permit/License/Certificate (PLC) Records
Technical Workgroup materials (various), contained on the RMA Rulemaking 2026 webpage	Department of Environmental Quality : Recycling Modernization Act Updates 2026 : Rulemaking at DEQ : State of Oregon
Circular Action Alliance, 2025 Annual Financial Report	CAA Oregon Redacted Version Annual Financial Report Final

Advisory committee fiscal review

DEQ appointed an advisory committee. As ORS 183.333 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement and a record of their recommendations is incorporated below.

DEQ presented its [draft fiscal and economic impacts analysis](#) at the July 20, 2026, meeting. No committee member indicated that the proposed rules and rule amendments would have a significant impact on small businesses or would otherwise not comply with ORS 183.540.

Committee members provided feedback at the meeting on some portions of the draft statement, including:

- Concerns about the appearance of certainty related to potential fee reductions for glass packaging;
- A correction that members of the public who pay for recycling/garbage services, not local governments/service providers, may be the entity that absorbs an expected shift in costs (25 cents per month for residential customers) related to proposed amendments to glass collection;
- Several typographical and grammatical errors in the document

Kim Holmes, representing Circular Action Alliance, submitted additional written input via email on Aug. 6, 2026. Holmes reiterated the concern regarding the appearance of certainty from DEQ on projected potential fee reductions related to proposed amendments to glass packaging collection.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would have no new effect on the development costs because the proposed rules are primarily clarifications and amendments to current requirements and do not modify costs that would be associated with development or construction activities.

Racial equity

ORS 183.335(2)(b)(F) requires state agencies to provide a statement identifying how adoption of rules, or rule amendments, will affect racial equity in Oregon. DEQ expects that the proposed rulemaking will not significantly modify the racial equity outcomes previously discussed in the 2023 and 2024 RMA rulemakings.

DEQ presented its [draft racial equity analysis](#) to the Rulemaking Advisory committee at the July 20, 2026, meeting and asked for feedback on the information. Generally, the committee agreed with DEQ's information. Adam Rack, representing small businesses with expertise in reuse, noted that reuse is generally not considered in many parts of the proposed rules and amendments, and there is evidence to support that better reuse outcomes supported better equity and environmental justice outcomes.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues.

In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

- (1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.
- (2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
- (3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.
- (4) Create a citizen advocate position that is responsible for:
 - a) Encouraging public participation;
 - b) Ensuring that the agency considers environmental justice issues; and
 - c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.

Environmental justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

Many of the elements in the proposed rules are clarifications or adjustments, and DEQ does not expect those proposed changes to result in significant benefits or burdens for communities with environmental justice concerns. However, in evaluating the proposed rules in the context of environmental justice, DEQ notes the following:

- The proposed amendments related to the collection obligations for pressurized cylinders and aerosol canisters are likely to result in inconsistent access to recycling for these materials in many areas of Oregon. The areas of the state most likely to have better access for people wishing to recycle these materials will be centered on higher-population and more urban areas with current access to transfer stations and hazardous material drop-off centers. More rural and remote areas of the state may not elect to accept these materials due to a lack of current infrastructure for management and transport. The inconsistency is not inherently one of environmental justice; however, DEQ will consider if communities with environmental justice concerns are being

underserved by this proposed change as part of the ongoing program review and evaluations of the RMA Equity Study and general rulemaking updates.

- Similarly, the proposed amendments related to the collection of glass packaging could result in some inconsistency of recycling services for these materials. While many communities have shown a strong commitment to the collection of glass packaging regardless of financial incentives available, the proposed changes could result in some communities reducing their on-route services or making other changes based on local operational needs. In many instances, the communities that discontinue or reduce service are likely to be those that are more rural or farther from the end markets for glass packaging, which also tend to be lower-income areas than the state average.
- The proposed amendments to the eligibility requirements for depots and drop off sites that wish to contract with the PRO is likely to correct an inadvertent exclusion of Tribal governments from equitable benefits of the RMA. The proposed change is likely to provide increased access to funding, through contracting for services, at depots and drop off sites operated by, or at the direction of, a Tribal government.

For the development of this rulemaking, DEQ took the following steps to ensure better opportunity for meaningful engagement by the people and communities disproportionately affected by environmental justice issues associated with recycling:

- Appointing one member of the 11-person Rulemaking Advisory Committee with specific expertise related to environmental justice
- Holding a time-certain public input opportunity at each of the five Rulemaking Advisory Committee meetings where any person could provide verbal testimony to the committee and DEQ on any RMA rulemaking-related topic
- Ensuring all materials published for the rulemaking development included non-discrimination and language access information.

Land use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

DEQ shared information about this rulemaking with the EQC:

- As part of an informational item about the Recycling Modernization Act at the July 9, 2026, EQC meeting, and
- As part of a temporary rulemaking action item at the Sept. 11, 2026, EQC meeting.

Advisory committee

Background

DEQ convened the RMA Rulemaking 3 advisory committee. The committee included representatives of communities and entities affected by the Recycling Modernization Act. The committee met five times between November 2025 and July 2026. The committee's web page is located at: [Department of Environmental Quality : Recycling Modernization Act Updates 2026 : Rulemaking at DEQ : State of Oregon](#)

The committee members were:

Name	Organization	Interest or Group Represented
Kim Holmes	Circular Action Alliance	RMA Producer Responsibility Organization
Will Grassle	Consumer Brands Association	Producers of RMA-covered products*
Tom Egleston	Metro	Local governments (1 of 2)
Paul Seitz	Lincoln County	Local governments (2 of 2)
Kristin Leichner	Pride Disposal	Recycling Service Providers
Scott Jenkins	EFI Recycling	Recycling Facilities/Processors
Dan Felton	Flexible Packaging Association	Topic-specific expert (1 of 2) Responsible End Markets (plastic)
Jay Simmons	North Pacific Paper Company	Topic-specific expert (2 of 2) Responsible End Markets (paper)
Dr. Anja Brandon	Ocean Conservancy	At-large member (1 of 3) Environmental advocacy
Jamie Pang	Oregon Just Transition Alliance	At-large member (2 of 3) Environmental justice, equity
Adam Rack	Revino	At-large member (3 of 3) Small business focused on reuse

*Amanda Nelson, New Seasons, previously represented producers of RMA-covered products, from November 2025 to March 2026. Will Grassle was appointed in May 2026 for the duration of the rulemaking process.

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Oregon Recycling Modernization Act
- Included meeting information in an RMA newsletter sent periodically to people signed up for program updates
- Added advisory committee announcements to [DEQ's calendar of public meetings](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee reviewed and discussed rule concepts, initial draft redline amendment language and received public input at each of the five committee meetings. All meeting agendas and supporting documents are available on the [rulemaking website](#).

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Sept. 21, 2026, filing notice with the Oregon Secretary of State for publication in the October 2026 Oregon Bulletin;
- Posting the notice, invitation to comment and draft rules on the rulemaking web page.
- Emailing interested parties on the following DEQ lists through GovDelivery:
 - DEQ Public Notices
 - Rulemaking
 - Recycling Modernization Act Updates
- Emailing the following key legislators required under ORS 183.335:
 - Janeen Sollman, State Senator, Chair of the Senate Interim Committee on Energy and Environment
 - Mark Gamba, Representative, Chair of the House Interim Committee on Climate, Energy and Environment
- Emailing Rulemaking Advisory Committee members
- Emailing members of the Oregon Recycling System Advisory Council
- Posting on the [DEQ event calendar](#)

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail or at the public hearing.

- **Email:** Send comments by email to: RMARulemaking3@deq.oregon.gov
- **Postal mail:** Oregon DEQ, Attn: Stephanie Caldera, 700 NE Multnomah St., Room 600, Portland, OR 97232-4100
- **At public hearings:** Oct. 20, 2026, 10 a.m. and Oct. 21, 2026, 6 p.m. (via webinar)

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on Friday, Oct. 30, 2026.

Note for public university students

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Public hearing

DEQ will hold two public hearings. Anyone can attend a hearing by webinar or teleconference. Pre-registration is not required.

Hearing 1

Date: Oct. 20, 2026

Start time: 10 a.m.

Webinar link: <https://deq-oregon-gov.zoom.us/j/88082538483>

- Meeting ID: 880 8253 8483

Toll-free teleconference phone number: 877-853-5257

Full instructions on how to join the hearing: [RMA Rulemaking 3 – Public Hearing 1](#)

Hearing 2

Date: Oct. 21, 2026

Start time: 6 p.m.

Webinar link: <https://deq-oregon-gov.zoom.us/j/84640053190>

- Meeting ID: 846 4005 3190

Toll-free teleconference phone number: 833-548-0276

Full instructions on how to join the hearing: [RMA Rulemaking 3 – Public Hearing 2](#)

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Non-discrimination statement

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.

For translation or other formats, visit DEQ's [Civil Rights and Environmental Justice page](#).

Draft rules: Edits highlighted

[Click this link to view the draft rules with the proposed edits highlighted](#)

Draft rules: Edits included

[Click this link to view the draft rules with the proposed edits incorporated](#)