



Oregon Department of Environmental Quality

Oregon Recycling System Advisory Council

PRO Plan review process: Final Council recommendations

Last updated: June 28, 2024

Background

The Oregon Recycling System Advisory Council must, by statute, consult on and provide recommendations to DEQ and the Producer Responsibility Organization(s) for any program plans submitted. On March 31, 2024, Circular Action Alliance submitted its plan for the initial program implementation of the Recycling Modernization Act. This document includes both general and specific recommendations from the Council to CAA, the single PRO for the initial program plan period. This document was created through a subcommittee review process undertaken by the Council in April, May and June 2024. These final recommendations, organized by the seven subcommittees established for this review process, were approved by a vote¹ of the Council at a June 26, 2024, special meeting.

Council feedback and recommendations

Overall, Council members noted their appreciation for the content of the submitted Plan and engagement through the Council review process. Many subcommittees provided feedback that was similar in theme, including:

- A recognition that many details expected in the Plan would be developed after receiving specific data from local governments and service providers through the Oregon Recycling System Optimization Plan, which is a process in parallel development to the Council's review.
- More engagement is needed between CAA and community-based organizations and nonprofits, to ensure that these community entities have the capacity to become part of the RMA implementation and benefit from the economic development available through Oregon's modernized recycling system.

1. Depots

- a. More detail and coordination is needed between DEQ and CAA on permit/site requirements needed for CBO's and other non-profit partners to actively engage in exploring options for collection of PRO depot listed materials
- b. Update the depot list in Appendix F to show who has agreed to collaborate with PRO, as well as those who have declined.
- c. Provide guidance on how they intend to report back over time re: transparency in contracting (i.e., working with CBOs, what materials are being accepted, equitable payments, etc.).

¹ The vote was held by roll-call, with all attending and voting Council members unanimously in support. Three members were not present at the vote on June 26, and were provided the final recommendations via email for a vote following the June 26, 2024, special meeting. This document will be updated to reflect the votes and any additional input of those three members.

Translation or other formats

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- d. Include additional info about how it will consider the overhead costs (e.g., training requirements, onsite and desk audits, etc.) associated with providing depot or other collection services for host organizations.
- e. Verify how they are calculating the “convenience standard” with respect to depots and on-route/curbside collection of materials.
- f. Update the temporary variance from convenience standards to take into account rural and urban differentiation.
- g. Regarding enhanced convenience to underserved populations, provide more detail and state an actual commitment to one of the options proposed.
- h. More detail on prospective collaborations with local community-based organizations, women and minority-owned businesses and tribal nations.
- i. Regarding alternative programs being proposed to substitute for convenience standards, provide the necessary supporting information to meet requirements listed under OAR 340-090-0640(6)(a)-(c). Analysis of how the alternative compliance approach impacts collection rates is not provided. V2 of the plan should also address the suitability of different PRO materials for curbside collection.
- j. Though commercial businesses may have been thought of when establishing the options/approach for PRO depot materials, it’s not clearly stated. In fact, the subcommittee feels like access for commercial generators was not addressed.
- k. Consider additional support for onsite visits (1/yr or more) with a midyear check-in or desk audit as a phase-in to build relationships between PRO and communities (especially with service providers and depot staffers/operators). Factor in the additional costs to service providers and depots for this work (additional costs for operations and relationship to PRO costs).
- l. Provide details about how CAA will handle non-covered products that may show up at depots as contamination but could have some marketable value to it, such as a plastic kids pool. Also address how CAA will handle/dispose of contamination in a timely manner.
- m. Provide more details/transparency in how collection points will be compensated (collection points generally, not just their staff), including anticipated wage scales for staffing compensation, any compensation per amount of materials collected, and overhead.
- n. Provide more detail as to how certain materials could play a unique role in reuse/refill effort (e.g., certain recovered glass wine bottles ending up at Revino, pressurized 1 pound propane canisters, etc.).
- o. Provide details about contingency plans related to depots and collection events, to ensure success of collection of materials changing from a current local government recycling acceptance list one list to the PRO Recycling Acceptance List (e.g., shredded paper, aluminum foil and foil-pressed products and aerosol containers in the metro area).
- p. Provide more detail about collection and the safe handling of pressurized canisters (1 pound propane canisters).
- q. Page 46: Table related to HHW - Remove Washington County as permitted HHW site (no such site); clarify the population figures and what they represent within the table - numbers shared for events do not seem to align with population numbers - add a new column for number of HHW events, and indication if the “event” is a one-time activity or a permanent facility for HHW collections
- r. Strong support to maintain current infrastructure and ensure that service does not only go curbside/on-route, which does not serve many people without permanent addresses and other currently underserved community sectors.
- s. What does the community engagement process look like when the PRO reaches out to tribal nations? Will there be a tribal liaison? Recommendation for close consideration about how to

connect to and work with tribal nations, in consultation with DEQ and other Oregon government entities with tribal government engagement experience.

- i. Compensation for tribal nations is not necessarily reflected in RMA, recommendation for elements of compensation for tribal nations be considered.
- t. Clarification needed around contracting process for current depots, and transparency in those contracts to ensure equitable rates and information sharing among depots.
- u. Acknowledgement of wage structure for these staff needing to be reflective of the physical difficulty of the jobs, alignment with CRPF living wage principles encouraged.
- v. PROs to report annual on the income versus expenses of their depots and related operations to collect PRO materials, and also to report on the distribution of economic opportunity (subcontracting) – such as, which organizations/businesses are subcontracted, how they do or don't meet equity goals, and what their rates are (payment/amount of materials processed/hours of operation).

2. Education and Outreach

- a. Consider reuse and reduce messaging in communication.
- b. Clarify the role of CBOs in the delivery of education and outreach services, and specify the compensation that will be provided for CBO engagement.
- c. Additional detail would be helpful on the intended change management approach, how to keep CBOs and others informed and excited about the projected system changes and supporting materials.
- d. Continue improving translation and transcreation into multiple languages, and provide an avenue for folks to request materials in specific languages.
- e. Ensure materials align with Opportunity to Recycle requirements for local governments to reduce duplication and community member confusion.
- f. Provide further metrics to understand how success will be tracked, measured and reported in the annual report and to the Recycling Council. DEQ's recent contamination report can be set as a baseline.
- g. Distinguish marketing, paid/earned media from education and outreach, and who is leading in these respective areas.
- h. Provide community engagement and culturally responsive strategy, and how The Recycling Partnership will work with local governments and service providers to ensure materials get to the right communities and photos reflect community (not talent models in staged homes).
- i. Maintain neutral voice and branding in educational materials and media campaigns. We recommend campaigns and materials be non-branded, follow national color standards and complement existing local materials that follow The Recycling Partnership's methodology and behavior change best practices.
- j. Consider how community members keep up to date with list changes and develop materials that are easy to print on an office printer, so it is a positive experience and keeps it simple for users. Our community members have shared that recycling is confusing, and if the list changes every couple of years, that will add to the confusion.
- k. Consider how messages are communicated in different parts of the state at different stages. For example, Eastern Oregon will have new items added to their recycling bins whereas the Portland area will have items removed, and there will be a transition to meet collection points. Public outreach/engagement should begin in February 2025 and ought to focus broadly on the RMA's many benefits to Oregonians (increased resiliency of our recycling system, increased access for all Oregonians and universal collection lists in all communities of all sizes across the state, decrease in adverse impacts to environment and public health by ensuring responsible end markets - both domestic and international).

3. Producer Fees

- a. More information is needed to fully assess whether or not the requirement for base rates being set so materials do not cross-subsidize each other is met.
- b. Prioritize the development of the eco-modulation framework and provide the statutorily required level of specificity and data in the plan.

4. Responsible End Markets

- a. A verification standard needs to be created that fully addresses Oregon's four-element "responsible" definition. Using the existing approval of end markets by other PROs for variances may not ensure that a market meets Oregon's "responsible" bar (page 76). The metrics should include operational guidelines and sideboards that are developed from an equity-based perspective.
- b. More clarity is needed on how different parties will work together to provide desired transparency - for example, CAA could illustrate how the proposal to implement single track-and-trace will intersect with the CRPFs' joint obligation to ensure that materials go to responsible end markets.
- c. On page 76, add examples of types of non-conformance (e.g. documentation error vs waste is stored outside and freely entering the environment etc.) that would fall into each of the three non-conformance categories (i.e., minor, major, disqualifying). Explain how the approach to non-conformance will take environmental performance of domestic markets into account with respect to key US environmental laws (e.g. Clean Water and Air Acts). Explain how a broker repeatedly sending materials to non-compliant markets would be addressed.
- d. Provide a benchmarking of CAA's detailed verification standard against other standards pertinent to the temporary variance requests #1 and 2 on pages 76-77 (CAA proposes to count verifications/certifications by other parties—PROs operating in other jurisdictions and third-party certifications—toward a facility meeting the "responsible" standard).
- e. Regarding the random bale auditing proposal on page 82, the plan could clarify that trackers containing lithium ion batteries will not be used at the curb due to fire risk.
- f. Page 75: Replace "environmental compliance" with "environmental soundness" (i.e., environmental performance of the facilities should be measured, not just compliance, in accordance with the "responsible" definition in rule at OAR 340-090-0670(2)(b)).
- g. Support for local and PNW markets as new development; materials that are limited in their end markets and ability to encourage more local economic development where possible (focus area for new market development)
- h. Equity-related concern regarding the qualitative impacts of increased compliance costs and unintended consequences for markets - may see depressive impacts on markets and producers or disincentive to use recycled materials (displacing with virgin materials), general awareness of trade-offs for compliance in global end markets.

5. System Expansion

- a. Fulfillment of funding obligations to local governments
 - a. A schedule is laid out on page 21, but it does not specify that all eligible costs will be funded by end of 2027; add priority level and funding amount per local government to Table 2 on page 22.
 - i. Additional clarification needed for the reference of scheduling funding of LG system expansion on a "geographic basis" to support greater efficiencies (page 22)
 - ii. Add language that allows flexibility in the timing of funding dispersals to be broader than the local governments' fiscal cycles (page 22)

- b. Provide cost breakdowns, by year, watershed/city, eligible expenses and priority to better understand the overall funding structure, and details on the methodology to be used for those calculations
- c. Sample invoicing forms with details to be included in reimbursement or advanced funding requests from local governments or their authorized service providers.
- b. Prioritization of system expansion requests
 - a. Concern around equity relating to prioritization of system expansion requests. Smaller communities may not have the resources to even engage and provide the needed details to finalize system expansion agreements. Will they receive assistance?
 - b. Recommendation: The prioritization in rule may not be completely sufficient. Priority level #2 includes a very large population, which makes it difficult to determine criteria to help prioritize within that priority level (ex: Lane County falls into multiple priority levels) (Page 23). The subcommittee recommends suggest that in version 2 CAA lay out a matrix of which projects and programs fall into each priority group.
 - c. More details needed on the intent and plan for maximizing use of existing infrastructure, and availability of efficiencies across watersheds (page 24).
- c. Approach to dispute resolution
 - a. More details needed on the stakeholder/mediation workgroup that may work on resolution dispute, clarification on whether that group will provide general direction or mediate specific disputes, and reminder to involve all affected parties in the membership of that workgroup.
 - b. Details must be provided in the next Plan proposal related to criteria or protocols for the operations of the dispute resolution process and workgroup.
- d. Transportation reimbursement
 - a. More info is needed about how the pre-approval process will work and assurance that it will not result in delays.
 - b. More detail is needed around calculation of the standard fee
 - i. Consideration: Is a calculation better based on a standard mileage fee versus one that has a zoned approach based on geographic differentiation for the costs incurred for transportation types? Additional considerations may include time of travel as a factor of the standard rate.
 - c. No clear guidance on when baling would be allowed – noted because baling of materials hampers sorting and reduces recovery. How will CAA limit/disincentivize baling? (Page 30)
- e. Potential additional funding for protection of ratepayers (page 33): CAA proposes providing an annual summary of funding. What data will be provided to the local governments or their service providers, and at what level of specificity? The subcommittee advises CAA to provide more details in the next plan on what data will be provided, and at what level, to the local governments and service providers for this element.
- f. Funding for recycled-content roll carts: Can CAA assist with coordination to leverage economy-of-scale contracting that benefits all parties needing to access new carts? This approach benefits cart producers, service providers and CAA and ensures compliance with the related requirements.
 - a. Consideration: In communities where color choice of recycling containers is less specific or less established, consider recommending a standard color for future purchases.
- g. Contamination reduction program (page 30): Streamline administration of that program; Council support to have a non-punitive approach that is not based on service removal or fines for individuals/households; use a strengths-based approach to better support and elevate multifamily sector when reducing contamination.

6. Uniform Statewide Collection List On-ramp

- a. Provide a more descriptive narrative of CAA's vision for the on-ramping of new materials to the USCL in the short- and long-term. This should include:
 - a. An overview of how SIMs and pilot programs may contribute to on-ramping of new USCL materials, including PRO Depot materials
 - b. How the program plan will contribute to meeting collection targets for plastics and other materials,
 - c. And the general sequencing, timeline or process flow for these activities.
- b. Reference the outreach and education processes specific to the SIMs, USCL and PRO lists as cross-references to ensure clarity and consistency across sections
- c. More detail needed for the proposed trial for commingled collection of non-USCL materials (polycoated paper packaging and single-use cups, pages 66-68)
- d. More detail needed for the preliminary plastic recycling rate projections (pages 68-72)
- e. Either delete or clarify the use of the term "transparent" related to blue and green PET bottles (page 60) – support for the addition, but clarification needed for the specific wording.
- f. Provide information on environmental factors from a life cycle perspective on shipping steel can bales containing spiral wound containers to markets outside Oregon (pages 61-62)
- g. More detail needed on polycoated gable-top cartons and aseptic cartons (pages 62-63)

7. Equity

- a. Include a consolidated list of intended partners and community-based organizations, and the types of organizations CAA intends to prioritize in subcontracting throughout the implementation of the Plan, specifically included in the equity section, rather than cross-referenced throughout the Plan.
- b. Request permission from specific CBOs/organizations before including them as contacts/partners in subsequent plans.
- c. Include more concrete values, definitions and measures/metrics to track success over time, into the next version of the Plan.
- d. Clarity needed: Are there other solutions when it comes to enhanced collection to be considered? E.g., is it reasonable to recommend that the PRO financially support more electric trucks/fleet electrification for service providers, instead of conventionally fueled vehicles, since there will be heightened traffic in some areas due to the increase in service which could have environmental impacts?
- e. Clarity needed: What are the resources and considerations to provide enhanced service to multifamily homes and commercial entities?
- f. Clarity needed: How is CAA measuring who gets contracts for depots and what are the calculations for reasonable costs? Recommend a per ton material rate, in addition to standard base rate for staffing, being paid for additional materials brought in.
- g. Clarity needed: What are the intentions of having alternative compliance, in lieu of depot system, and will on-route/curbside provide sufficient equitable access? If the total number of available depots are reduced due to including on-route and event-based recycling opportunities, how does that affect the overall convenience standard, and will currently underserved populations benefit from those changes or be further harmed?
- h. Clarity needed: What materials on the PRO list will be collected on-route (detail needed) and the transition to USCL.
- i. Developing, and increasing, capacity of CBOs and new businesses is a strong economic development opportunity, recommend the articulation of targeted goals to be achieved in the program plan (e.g. % of depots operated by CBOs and businesses of color).

- j. Certification as COBID is a very significant process and may be a potential barrier (business structure requirements may prohibit the certification, etc.) - consider alternative pathways that provide same outcome and intent without certification hurdles, especially for new and emerging businesses.
- k. Broader engagement is needed with additional sectors and organizations: disability/rights communities; rural communities; culturally-specific communities and organizations; organizations that represent the communities disproportionately affected by the economic and environmental impacts of packaging and covered products and other materials in recycling system (focus on economic opportunities and provisions of service) – list included on page 8 of the Plan does not meet the objectives/goals of meaningful engagement and equity approach.
- l. Specificity needed on the requested engagement, and provided compensation, for community members and organizations when consultation is requested by CAA or its contracted entities.
- m. Equity and sustainability: What does the provision of the materials (printing, re-printing, etc.) mean for a sustainability solution - balancing the language access with updates and information being current and costs for printing and distribution by local governments.
- n. Roll carts: Recommend color standardization whenever possible for types/classifications of collection bins/roll carts (page 32).
- o. Add specific shared definitions of equity for Program Plan in Appendix A: Definitions, page 30. Below are a few examples.
 - a. Equity (Oregon Health Authority): When people are not disadvantaged by race, ethnicity, language, disability, age, gender identity, sexual orientation, social class, or other socially determined circumstances, and can reach their full health potential and well-being.
 - i. [State of Oregon definition of equity](#) (2021): Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.
 - b. Historically marginalized (Metro): Groups who have been denied access and/or suffered past institutional discrimination in the United States.
 - c. Inclusion (Metro): The degree to which diverse individuals are able to participate fully in the decision-making process within an organization or group. While a truly "inclusive" group is necessarily diverse, a "diverse" group may or may not be "inclusive."
 - d. Targeted universalism (Metro): Addressing the disparities that affect the most disadvantaged will generate solutions to address most of the needs of other vulnerable groups
 - e. Community engagement (Metro): Meaningful community engagement requires transparent and trusting relationships that guide the planning of all phases of the cycle of engagement, including what happens before and after staff engage with community members. Community engagement must be approached holistically, with equal focus given to what is happening when staff are not collecting input as when they are. It is best understood as a cyclical and iterative process that will change based on relationships and community feedback and will shape future engagement opportunities.

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