

# Oregon Recycling System Advisory Council

**June 11, 2024, 9 a.m. to 12:30 p.m.**

*Zoom Meeting*

Please [register](#) in advance for this meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

# Consejo Asesor del Sistema de Reciclaje de Oregon

**11 de junio de 2024, de 9 a 12.30 h.**

*Reunión por Zoom*

Por favor, [registrarse](#) a esta reunión con anticipación. Luego del registro, recibirá un correo electrónico de confirmación con información para unirse a esta reunión.



<b>9 a.m.</b>	Welcome and meeting opening	Bienvenida y apertura de la reunión
<b>9:05 a.m.</b>	Discussion and action: Subcommittee draft recommendations <ul style="list-style-type: none"> <li>• 9:10 – Equity</li> <li>• 9:35 – PRO Depots</li> <li>• 9:55 – System Expansion</li> <li>• 10:10 – Responsible End Markets</li> </ul>	Discusión y acción: Proyecto de recomendaciones del Subcomité <ul style="list-style-type: none"> <li>• 9.10 - Equidad</li> <li>• 9.35 - Depósitos PRO</li> <li>• 9.55 – Expansión del Sistema</li> <li>• 10.10 – Mercados Finales Responsables</li> </ul>
<b>10:25 a.m.</b>	<i>Break</i>	<i>Receso</i>
<b>10:30 a.m.</b>	Discussion and action: Subcommittee draft recommendations <ul style="list-style-type: none"> <li>• 10:30 – Fees</li> <li>• 10:45 - USCL On-ramp</li> <li>• 11 – Education</li> </ul>	Discusión y acción: Proyecto de recomendaciones del Subcomité <ul style="list-style-type: none"> <li>• 10.30 - Tasas</li> <li>• 10.45 - Rampa de acceso USCL</li> <li>• 11 - Educación</li> </ul>
<b>11:30 a.m.</b>	<i>Break</i>	<i>Receso</i>
<b>11:40 a.m.</b>	Update: RMA implementation	Actualización: Aplicación de la RMA
<b>12 p.m.</b>	Public input session	Sesión de aportaciones públicas
<b>12:20 p.m.</b>	Meeting close, next steps and reminders <ul style="list-style-type: none"> <li>• Reference document: 8<sup>th</sup> checklist</li> </ul>	Cierre de la reunión, próximos pasos y recordatorios <ul style="list-style-type: none"> <li>• Documento de referencia: 8<sup>a</sup> lista de control</li> </ul>
<b>12:30 p.m.</b>	Adjourn	Se levanta la sesión

**Next meeting: June 26, 2024: Special meeting for final PRO Plan review recommendations**

- 11 a.m. to 2 p.m.
- Meeting will be held on Zoom with some Council members attending in-person at Metro offices

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# Oregon Recycling Council: PRO Plan review process

## *Equity subcommittee report-out*

### **Background**

The Equity subcommittee’s recommendations overlap with many of the other subcommittees’ feedback provided during this process. In addition to the content in this document, the subcommittee asks CAA to center future versions of its plan on the most convenient and least confusing path for community members, in the short- and long-term, and ensure a just transition for the depots and organizations working with the materials collected. The subcommittee supports a targeted universalism approach, outlined later in this document, for future versions of plans submitted and the development of Oregon’s modernized recycling system.

The subcommittee encourages CAA to consult with the Oregon Environmental Justice Council, in addition to other specific state and community partners outlined in this document. This consultation would benefit CAA as a way to understand communities with environmental justice concerns across Oregon and the EJ Council’s approach to metrics and other data-informed approaches to measure more equitable environmental outcomes. The subcommittee also encourages CAA to include more specific language in the equity section, and throughout the Plan, to identify and emphasize that equity and that environmental justice concerns were, and continue to be, a major reason for working on the Recycling Modernization Act and Oregon’s modernized recycling system.

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### **Subcommittee name: Equity**

- Members: Taylor Cass Talbott, Dylan de Thomas, Jill Hrycyk, Alando Simpson, Elizabeth Start
- DEQ staff: Stephanie Caldera and Blaine Mershon
- Meeting dates: May 22 and May 28, 2024

### **1. Overall subcommittee input**

The subcommittee expressed appreciation for this first draft, identified general and specific opportunities for improvement in later drafts, and noted a desire for future versions to be more robust and include more of the requested and recommended information, outlined below, directly in the equity section rather than disaggregated throughout the plan. The subcommittee strongly supports the development of measures and metrics for the tracking of outcomes, in and across the subparts of the plan.

## **2. Areas of success and strengths within the PRO Plan**

- Support for the engagement of The Recycling Partnership and the research-based activities of that organization.
- Support for the plain language approach around the projected changes to Oregon's recycling system.

## **3. Feedback for general improvement of future PRO Plan(s)**

- The Council recommends that CAA include more concrete values, definitions and measures/metrics to track success over time, into the next version of the Plan.
- 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?
- Clarity needed: What are the resources and considerations to provide enhanced service to multifamily homes and commercial entities?
- 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.
- 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?
- Clarity needed: What materials on the PRO list will be collected on-route (detail needed) and the transition to USCL.
- 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).
- 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.
- Broader engagement 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.
- Specificity needed on the requested engagement, and provided compensation, for community members and organizations when consultation is requested by CAA or its contracted entities.

- Education and outreach: 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.
- 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.

#### 4. Specific recommendations for changes

- Add specific shared definitions of equity for Program Plan in Appendix A: Definitions, page 30. Below are a few examples.
  - 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.
    - [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.
  - Historically marginalized (Metro): Groups who have been denied access and/or suffered past institutional discrimination in the United States.
  - 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."
  - Targeted universalism (Metro): Addressing the disparities that affect the most disadvantaged will generate solutions to address most of the needs of other vulnerable groups
  - 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.
- Request: 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.
- CAA to request permission from specific CBOs/organizations before including them as contacts/partners in subsequent Plans.

- Overall equity goals: Lead contamination reduction programming with a trauma informed approach that is not punitive and doesn't revoke services for user.
- Roll carts: Recommend color standardization whenever possible for types/classifications of collection bins/roll carts (page 32).
- Depots: 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.
- Depots: 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.
- Depots: Compensation for tribal nations is not necessarily reflected in RMA, recommendation for elements of compensation for tribal nations be considered.
- Depots: Clarification needed around contracting process for current depots, and transparency in those contracts to ensure equitable rates and information sharing among depots.
- Depots: 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.
- Depots: 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).
- Responsible End Markets: 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)
- Responsible End Markets: Concerns regarding self-verification, encouragement for development of metrics in future Plan(s) or other operational guidelines/sideboards.
- Responsible End Markets: Equity 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.
- Education and outreach: Clarify the role of CBOs in these elements, specify the compensation that will be provided for CBO engagement.

## 5. Unresolved issues or misalignment among subcommittee members

None noted.

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## Oregon Recycling Council: PRO Plan review process

### *PRO Depot subcommittee report-out*

#### **Background**

ORS 459A.914(1)(b) establishes a list of covered products for which a PRO must provide for the collection through recycling depot or mobile collection events, as provided in ORS 459A.896. That list of materials can be found under OAR 340-090-0630(3) and includes the following:

- Steel and aluminum aerosol cans
- Pressurized cylinders
- Aluminum foil and foil-pressed products
- Shredded paper
- Glass bottles and jars
- Polyethylene film and packaging
- Block white expanded polystyrene
- Plastic buckets, pails and storage containers made of HDPE or PP
- PE and PP lids and caps
- HDPE package handles

ORS 459A.896 requires that a PRO must provide for the collection and responsible recycling of products under .914(1)(b) in a way that meets collection targets (OAR 340-090-660), convenience standards (OAR 340-090-0640) and performance standards (OAR 340-090-0650). The PRO can do this by:

- Where possible, first contracting with existing recycling depots or drop off centers to provide for the collection of the covered product;
- Establishing and operating other drop off centers for the covered product;
- Establishing and operating collection events for the covered product; or
- Making other arrangements for the collection of the covered product as described in a producer responsibility program plan.

All rules associated with OAR 340-090-0630, -0640, -0650 and -0660 were a part of the first rulemaking period rule language package approved by the Environmental Quality Commission on Nov. 16, 2023.

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## **PRO Depots Subcommittee**

- Members: Angie Marzano, Laura Leebrick, Taylor Cass Talbott, Jill Hrycyk and Jason Pierzina
- DEQ staff: Justin Gast, Stephanie Caldera and Nicole Portley
- Meeting dates: May 15, May 28 and June 5, 2024

### **1. Overall subcommittee input**

The subcommittee recognizes and appreciates the work that CAA put into version 1 of its approach to collect materials on the Producer Responsibility Organization Recycling Acceptance List. The subcommittee identified several areas of CAA's PRO depot approach that either lacked details or where certain statutory/rule requirements weren't addressed at all, though CAA did provide the reasoning for this in meetings 1 and 2.

The subcommittee requests additional details and transparency, as outlined in some of the specific recommendations indicated below, though the subcommittee recognizes that some of the basic information that will be needed for future versions of the PRO Plan is not yet available, but will be developed through the ORSOP process.

Additionally, the subcommittee recommends that CAA center future plans on equity, including taking into consideration the most convenient and least confusing recycling path for system users, in the short- and long-term, and a just transition for the depots and organizations working with the materials collected. This subcommittee expects that recommendations from other subcommittees, especially equity and education, may overlap with the recommendations below, and will be incorporated by CAA into the next proposed Plan.

### **2. Areas of success and strengths within the PRO Plan**

The subcommittee notes its appreciation for CAA proposing an innovative and multi-pronged approach to considering and developing depots that centers community and users of Oregon's modernized recycling system.

The subcommittee also notes its appreciation for CAA exploring innovative ways to meet convenience standards, in a way that is flexible and effective. Also, providing communities choices on how to implement the new system, in ways that will meet the specific needs of communities statewide.

### **3. Feedback for general improvement of future PRO Plan(s)**

In version 2 of CAA's program plan, the subcommittee would like to see CAA undertake the following:

- Update the depot list in Appendix F to show who has agreed to collaborate with PRO, as well as those who have declined.
- 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.).
- 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.

- Verify how they are calculating the “convenience standard” with respect to depots and on-route/curbside collection of materials.
- Update the temporary variance from convenience standards to take into account rural and urban differentiation.
- Regarding enhanced convenience to underserved populations, provide more detail and state an actual commitment to one of the options proposed.
- More detail on prospective collaborations with local community-based organizations, women and minority-owned businesses and tribal nations.
- 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.
- 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.
- 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).
- 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.
- 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.
- 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 lb propane canisters, etc.).
- 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).
- Provide more detail about collection and the safe handling of pressurized canisters (1 lb propane canisters).

#### **4. Specific recommendations for changes**

The subcommittee recommends the following specific changes to the PRO Plan for Depots:

- 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

- Request advance permission from CBOs and other project partners listed as partners for engagement prior to specific inclusion in any Plan

### **5. Unresolved issues or misalignment among subcommittee members**

The subcommittee did not note any internal misalignment among members. Subcommittee members, as well as CAA, though did note a need for DEQ to clarify whether or not PRO depot materials could be collected by a curbside-on-route alternative collection program in commingled fashion.

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## Oregon Recycling Council: PRO Plan review process

### *System Expansion subcommittee report-out*

#### **Background**

The System Expansion Subcommittee was tasked with reviewing the draft PRO program plan's proposal for managing compensation to local governments and designated service providers for new and expanded recycling collection, long-distance transportation of recyclables, contamination reduction and evaluation, and purchasing roll carts with recycled content. These topics are primarily addressed on pages 18-34 in the draft program plan.

Plan requirements include:

- Schedule for implementing collection program expansions and improvements throughout the state.
- Proposed approach for funding eligible costs identified in the needs assessment in a way that upholds the prioritization laid out in rule
- Estimated amount of funding to be disbursed overall, and to individual local governments
- Description of how the use of existing infrastructure will be maximized.
- Methods for calculating reimbursement amounts for transportation costs in accordance with established requirements, including
  - enabling fluctuations in input costs, such as fuel, to automatically factor into the reimbursement amounts over time;
  - a voluntary option that allows local governments or service providers and a PRO to agree to transfer some or all transportation responsibilities to the PRO;
  - a means of accounting for proximity to an appropriate CRPF or responsible end market that has capacity to process or recycle the material and other factors that could affect transportation costs.
  - a description of the mandatory consultations with local governments and service providers that informed the development of the methods; and
  - a description of opportunities that were identified for increasing efficiency and achieving full transport loads (e.g. an approach for balancing the environmental benefits of transportation efficiency with the environmental impacts of baling
- Methods for advance funding and reimbursements to local governments, a local government's service provider or other person authorized by the local government to receive payment under ORS 459A.890, including:
  - funding prioritization and consideration of equity related to contamination reduction and contamination evaluation funding

- a method for determining funding or reimbursement amounts under ORS 459A.890(5), including
- sample invoicing forms with details to be included in reimbursement or advanced funding requests from local governments or their service providers.
- Any additional funding to local governments or other measures for the purpose of protecting ratepayers from increased costs
- A method for estimating and reimbursing the possible additional costs of local government compliance with ORS 459A.908 (roll carts purchased after Jan. 1, 2026, must contain at least 10% post-consumer recycled content).

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## **Subcommittee name: System Expansion**

- Members: Dylan de Thomas, Commissioner Steve Kramer, Laura Leebrick, Angie Marzano
- DEQ staff: Arianne Sperry
- Meeting dates: April 24, May 29 and June 6, 2024

### **1. Overall subcommittee input**

The subcommittee generally supports the overall direction and initial information provided related to system expansion considerations; however, the subcommittee affirms a need for significantly more detail in many sections of this part of the Plan. Subcommittee members expect that the ORSOP process, and development of that engagement structure, will help clarify many of these needed details.

Subcommittee members noted a need for additional support from CAA for smaller communities for engagement and outreach on the financial and logistical specifics of proposed system expansion activities.

### **2. Areas of success and strengths within the PRO Plan**

- Appreciation for the work done and the information presented by CAA, with an expectation of more detail in the second Plan submittal
- Appreciation for the value added to the subcommittee process through the engagement of CAA and its representatives in the subcommittee meetings
- CAA's approach reflects an understanding of the diverse needs of communities across the state and their varying needs to access the benefits of Oregon's modernized recycling system

### **3. Feedback for general improvement of future PRO Plan(s)**

The subcommittee notes an overall need for more, and continued, engagement with local governments and service providers to gather the needed detail related to system expansion requests and funding.

#### 4. Recommendations for changes

The subcommittee again notes that many of these details may be developed during the ORSOP process, and provides the following feedback for CAA's development of that process and future Plans:

- Fulfillment of funding obligations to local governments
  1. 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)
  2. 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
  3. Sample invoicing forms with details to be included in reimbursement or advanced funding requests from local governments or their authorized service providers.
- Prioritization of system expansion requests
  1. 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?
  2. 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.
  3. More details needed on the intent and plan for maximizing use of existing infrastructure, and availability of efficiencies across watersheds (page 24).
- Approach to dispute resolution
  1. 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.
  2. Details must be provided in the next Plan proposal related to criteria or protocols for the operations of the dispute resolution process and workgroup.
- Transportation reimbursement
  1. More info is needed about how the pre-approval process will work and assurance that it will not result in delays.
  2. More detail is needed around calculation of the standard fee
    - a. 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.

3. 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)
- 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.
  - 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.
    - Consideration: In communities where color choice of recycling containers is less specific or less established, consider recommending a standard color for future purchases.

## 5. Unresolved issues or misalignment among subcommittee members

None reported.

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## Oregon Recycling Council: PRO Plan review process

### *Responsible End Markets subcommittee report-out*

#### **Background**

The Recycling Modernization Act jointly obligates Commingled Recycling Processing Facilities and Producer Responsibility Organizations to send materials collected for recovery to responsible end markets. For most materials going through CRPFs, the two entities are jointly obligated. For PRO-list materials, Specifically Identified Materials not on the Uniform Statewide Collection List, and non-USCL materials counted toward the plastic recycling goal, PROs are solely responsible.

This requirement was included in the RMA to address concerns around material collected for recycling in the United States ending up leaked to the environment or handled in an environmentally-harmful manner.

“Responsible end market” per statute means a materials market in which the recycling or recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety.

The PRO side of the obligation was subject to the first RMA rulemaking in 2022-2023, and the CRPF side is subject to the current ongoing rulemaking. Collectively the rules (passed and proposed) identify which facilities must meet the “responsible” standard, lay out a four-element definition of “responsible” that a detailed standard can be built upon in the program plan, and provide two pathways for checking that facilities meet the standard – third-party certification or PRO verification.

As no certification in the recycling sector currently covers Oregon’s “responsible” definition adequately, the program is set to start with PROs conducting verification of all the facilities, and CRPFs (and their brokers) reporting their disposition (so that the PROs know which facilities need to be verified).

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#### **Subcommittee name: Ensuring Responsible End Markets (REM)**

- Members: Dan Felton, Rep. McLain, Celeste Meiffren-Swango, Jason Pierzina, Vinod Singh
- DEQ staff: Nicole Portley
- Meeting dates: April 30 and May 23, 2024
- Focal plan section: Operations Plan: Materials Strategy: Ensuring Responsible End Markets



## **1. Overall subcommittee input**

Generally, the subcommittee agreed with CAA's overall approach to meeting the obligation to send materials collected for recovery in Oregon to responsible end markets outlined on pages 72-82 of the program plan, but desires more detail regarding implementation. Specifically, more information is needed regarding the criteria for measurement of facility performance and the mechanisms for accountability. Prioritization of material reduction over recycling was emphasized, but in the context of responsible end markets the focus is rightly on recycling (and other forms of recovery as applicable).

## **2. Areas of success and strengths within the PRO Plan**

- The plan provides a good overview of the various aspects of CAA's proposed approach (verifying markets, auditing across verification results, addressing non-conformances, etc).
- Good that the overall approach to verification is based on an international standard, ISO 19011.
- The proposed approach to bale tracking is consistent with common methods.
- The flow charts and graphics help the reader to understand the concepts.
- The proposed approach to categorizing non-conformance by degree of seriousness aligns with current practices of certifications used in other materials management systems.

## **3. Feedback for general improvement of future PRO Plan(s)**

As mentioned, and in recognition that CAA is currently firming up plans to collaborate with other interested parties through the ORSOP process, the plan needs more detail on how it will work in real world applications. We would expect the concerns around details would be addressed in the second draft. 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). More clarity on how different parties will work together to provide desired transparency needs to be laid out—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.

## **4. Specific recommendations for changes**

- 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.
- Provide a benchmarking of CAA's detailed verification standard against other standards pertinent to the temporary variance requests #1 and 2 on pg 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).
- Regarding the random bale auditing proposal on pg 82, the plan could clarify that trackers containing lithium ion batteries will not be used at the curb due to fire risk.
- The subcommittee agreed with DEQ's recommendation on pg 75 to 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)).

## 5. Unresolved issues or misalignment among subcommittee members

None to report.

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# Oregon Recycling Council: PRO Plan review process

## *Producer Fees subcommittee report-out*

### **Background**

This subcommittee focused on the Financing section of the plan at pages 99-114, which lays out CAA's proposed approach to setting material-specific base fees, ecomodulating those fees to continually incentivize reduction of environmental impacts, and other aspects of fees (flat fees for small producers, adequacy of fees to cover program costs). As with some other sections of the plan, the transition from a prospective multi-PRO to a single-PRO system has delayed some of the foundational work for CAA's development of this section.

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### **Subcommittee name: Producer Fees**

- Members: Scott Keller, Celeste Meiffren-Swango, Joan Popowics
- DEQ staff: Nicole Portley and David Allaway
- Meeting dates: April 23 and May 30, 2024

### **1. Overall subcommittee input**

Overall, the subcommittee believes that the program plan provides a good framework for how the base fees will be assessed, and appears to be in line with the requirements of the RMA statutes; however, the specifics of the fee structure need to be fleshed out with more data.

The subcommittee believes that the program plan doesn't provide an adequate framework or detail for how the eco-modulated fees will be assessed, and this portion is currently not in line with the requirements of the RMA. With respect to adequacy of the fees for covering all program costs, the subcommittee expects more detailed, accurate estimates of supply and system costs in the next version of the plan, enabling a more in-depth review of this aspect of the plan.

CAA has stated its intent to add additional content in the next version of the plan to address gaps.

### **2. Areas of success and strengths within the PRO Plan**

- Provides a schedule for base fees with rationale
- Includes a framework to ensure non-recyclables are charged more than recyclables
- Provides adequate material speciation between recyclables and non-recyclables

### 3. Feedback for general improvement of future PRO Plan(s)

The plan provides a good framework for the base fee structure and is mostly in line with statutory requirements - but the framework provided is at a high level, so the subcommittee recommends more specificity and data be included in the second draft of the plan. With particular respect to the requirement that base fee rates are set in a way that does not result in materials cross-subsidizing one another, more information is needed to fully assess whether or not this requirement is met.

The plan doesn't provide a framework for eco-modulated fees, which is a statutory requirement. The subcommittee recommends that the PRO prioritize the development of the eco-modulation framework and provide the required level of specificity and data in the plan, as required by statute. The subcommittee looks forward to reviewing details in v2 including the schedule for phase-in, any proposed initial limits on overall budget set aside for ecomodulation, and criteria and magnitude of fee adjustments to be granted to an individual producer.

### 4. Specific recommendations for changes

The subcommittee feedback on this piece of the program plan was high level, but generally agreed with the more granular feedback provided by DEQ on the base fee section. More detail is needed on the eco-modulated fees before specific feedback can be given.

### 5. Unresolved issues or misalignment among subcommittee members

None reported.

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## Oregon Recycling Council: PRO Plan review process *USCL On-ramp subcommittee report-out*

### **Background**

ORS 459A.914(4) states that DEQ shall establish and maintain a Uniform Statewide Collection List of materials that are appropriate to be collected through a commingled recycling program. The list must include:

- Materials identified by the Environmental Quality Commission as suitable for commingled recycling (those materials, approved by EQC on Nov. 16, 2023, can be found under OAR 340-090-0630(2));
- Covered products proposed by a PRO for addition to the USCL in a producer responsibility program plan or plan amendment and approved by the department.

ORS 459A.914(6) states that a material not identified for collection as part of a commingled recycling program on the USCL may be collected as part of a commingled recycling program if:

- The material is collected as part of a trial or research program;
- The trial or research program is of limited duration; and
- The trial or research program is conducted in a limited area.

ORS 459A.917 allows DEQ, in consultation with the Oregon Recycling System Advisory Council, to establish and maintain a list of specifically identified materials (SIMs). DEQ can designate a material as a SIM at any time.

- DEQ surveyed the Recycling Council and met with members twice regarding SIMs.
- ORS 459A.869(7) requires the PRO to work with recycling system participants in order to ensure, to the extent practicable, that covered products collected by a recycling collection service are recycled by responsible end markets. This requirement applies to materials identified on the list of SIMs.
- ORS 459A.875(2)(g) requires the PRO to describe in its program plan any efforts the PRO will make to support collection, processing or responsible recycling of SIMs, including:
  - Any efforts to support or provide recycling depot or mobile collection of specifically identified materials;
  - Any efforts to use education and promotion to encourage proper participation in recycling collection of specifically identified materials;
  - Any investments to support the successful processing of specifically identified materials;
  - Any efforts to develop or support responsible end markets for specifically identified materials; and

- Any other efforts to ensure successful and responsible recycling of specifically identified materials.

ORS 459A.926 establishes a statewide plastics recycling rate for plastic packaging and plastic food serviceware. Those rates are as follows:

- At least 25% by calendar year 2028 and in each subsequent year;
- At least 50% by calendar year 2040 and in each subsequent year; and
- At least 70% by calendar year 2050 and in each subsequent year.

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## **USCL On-Ramp Subcommittee**

- Members: Scott Keller, Dan Felton and Vinod Singh
- DEQ staff: Justin Gast, David Allaway and Stephanie Caldera
- Meeting dates: April 25 and May 29, 2024

### **1. Overall subcommittee input**

The subcommittee was tasked with reviewing the materials strategy section of CAA's proposed program plan (pages 58-72). This includes proposed additions to the Uniform Statewide Collection List; Specifically Identified Materials on the USCL; SIMs on the Producer Responsibility Organizations' recycling acceptance list; proposals to engage on commingled collection of some materials on a trial basis; and initial plastic recycling rate projections.

Consensus from the subcommittee was that the materials strategy section of CAA's proposed program plan generally meets the requirements of the RMA statute with the initial information provided but that several areas would benefit from additional data and information as elaborated below. The subcommittee, and CAA staff and advisors attending the meeting, expressed optimism that the second draft of the proposed program plan will address and improve at least some of these areas of concern. Outstanding and other issues may be flagged in second draft for longer term work.

### **2. Areas of success and strengths within the PRO Plan**

- Education and outreach components of some plans (i.e., nursery packaging) are comprehensive and encouraging.
- Commitment to leveraging work being done by existing material and industry focused groups and organizations (i.e., Can Manufacturers Institute and Household and Commercial Products Association for steel and aluminum aerosol containers) is encouraging.
- Proposed action steps and timeline for inclusion of PET thermoforms on USCL, while not perfect, is quite comprehensive and encouraging (pages 57-59).

### **3. Feedback for general improvement of future PRO Plan(s)**

The final plans for bringing any material on to a list (i.e., PET thermoforms onto USCL) must be as thorough as possible to address all possible concerns (i.e., capacity and sortation technology and timing, consumer education, end markets, timing, etc.). The subcommittee requests CAA provide more clarity/detail in the second program plan draft – and beyond – addressing specific timing of various material plans. The subcommittee also encourages CAA to elaborate in its program plan

obstacles it believes must be overcome to ensure its vision for the initial and long-term success for bringing materials on to a list, and how the Recycling Council and other stakeholders can help.

Thorough consumer communication and education plans for all SIMS on the USCL and PRO recycling acceptance list will be critical, including close coordination with all applicable stakeholders. Subcommittee recommends that CAA reference the outreach and education processes specific to the SIMs, USCL and PRO lists as cross-references to ensure clarity and consistency across sections.

Glass Bottles and Jars – SIM on PRO list – subcommittee appreciates and encourages CAA’s commitment to complete community outreach to fully understand which communities intend to continue collecting this material (page 66).

Proposal to trial commingled collection of non-USCL materials (polycoated paper packaging and single-use cups) is thorough and supported but plans for both materials could benefit from even more details (i.e., clearer polycoated paper packaging scope, draft evaluation plans –pages 66-68). This includes studying and providing information on what other jurisdictions have done to support increasing recovery and recycling of these materials.

Preliminary plastic recycling rate projections in CAA’s program plan needs more detail/work. CAA agreed, including more discussion with DEQ and exploration of additional recycling activities (pages 68-72).

For future program plans, the subcommittee recommends additional detail and language. When a material is proposed for on-ramping, what has changed? What is the maturity and stability of end markets/marketability? Recommend including the "why" of the proposed addition, including past obstacles for inclusion and current resolution of issues that led to proposal for on-ramp.

#### **4. Specific recommendations for changes**

Transparent Blue and Green PET Bottles – addition to USCL – subcommittee finds the term “transparent” confusing and recommends it either be deleted or clarified so that the public is adequately educated (page 60). The subcommittee supports the proposed addition of these materials to the USCL – the concern is focused on the wording of this entry.

Spiral Wound Containers – addition to USCL – in response to recent concerns expressed by DEQ, the subcommittee recommends CAA provide information on environmental factors from a life cycle perspective (ORS criteria) on shipping steel can bales containing spiral wound containers to markets outside Oregon (pages 61-62). The subcommittee also notes that Oregon local markets may not prefer this material. Discussions with CAA and potential local end markets are therefore recommended to verify the disposition of materials and their marketability to inform future versions of the plan or other implementation documents.

Polycoated Gable-Top Cartons and Aseptic Cartons – SIM/USCL plan – more detail, and commitment to those details, is needed (pages 62-63).

## 5. Unresolved issues or misalignment among subcommittee members

The subcommittee members did not express any unresolved issues or misalignment among each other.

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# Oregon Recycling Council: PRO Plan review process

## *Education and Outreach subcommittee report-out*

### **Background**

The Education and Outreach subcommittee focused on the content in pages 84 through 98 of the submitted PRO Plan.

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### **Subcommittee name: Education and Outreach**

- Members: Elizabeth Start, Rep. Susan McClain, Joan Popowics, Laura Leebrick, Jill Hrycyk
- DEQ staff: Alex Bertolucci (facilitator), Stephanie Caldera, Nicole Portley
- Meeting dates: April 29 and May 22, 2024

### **1. Overall subcommittee input**

Sub-committee members expressed support in the education and outreach portion of the plan. A majority of the conversation related to providing additional insights and info from the local Oregon perspective and equity-centered design and communication approaches for The Recycling Partnership to implement so there are no surprises when materials are sent to Recycling Council, local governments and service providers for review. This subcommittee supports the education and outreach section of this plan with some specific recommendations noted below:

- Ensure materials align with Opportunity to Recycle requirements for local governments to reduce duplication and community member confusion.
- 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.
- Distinguish marketing, paid/earned media from education and outreach, and who is leading in these respective areas.
- 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).
- 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.

- 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 share recycling is confusing, and if the list changes every couple of years, that will add to the confusion.
- 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).

## 2. Areas of success and strengths within the PRO Plan

Sub-committee members agreed on TRP's phased-in approach centered on universal design, plain language, simple sentences, relevant examples, imagery and visuals.

Additionally supported:

- Application of audience, evidence-based and behavioral science research
- Using rigorous evaluation to test effectiveness
- Co-creating messaging with underserved specific communities
- Following ADA guidelines for accessible educational materials
- Tailoring messages to meet the needs of different audiences, including multifamily, business, residential, and urban and rural areas of the state.
- Providing template images and messaging to support a unified look and messaging across the state, but also allowing for customization by individual area's needs.

## 3. Feedback for general improvement of future PRO Plan(s)

- Consider reuse and reduce messaging in communication.
- Continue improving translation and transcreation into multiple languages, and provide an avenue for folks to request materials in specific languages.

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# Checklist 8: All other Plan Requirements and Guidance Elements

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
<b>Prospective PRO Description</b>				
Contact information for the prospective PRO.	ORS 459A.875(2)(b)		Provided in the application form.	
A description of the structure of the producer responsibility organization, including the management structure, the PRO's board and roles and functions of committees.	ORS 459A.875(2)(c)		Pg 15 – more details/commitment on Oregon Board would be good to see in v2.	
The prospective PRO's qualifications (both to serve as a PRO in Oregon's system overall and to carry out particular interim coordination tasks).	OAR 340-090-0680(1)(b)(A)		Not clear that CAA intends to hire many on-the-ground staff for Oregon, which could be a concern. Plans to hire in Oregon are referenced on pg 16 but are not shown in the Org Chart for OR in Appendix C.	
The prospective PRO's current producer membership (include here information on the likelihood	OAR 340-090-0680(1)(b)(C)		The plan includes analysis in Appendix B of how CAA arrives at an estimate of 12-15% for market share of current members.	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
of achieving the 10% minimum market share threshold to operate as a PRO in Oregon).			Note: the main body of the plan on page 17 indicates that current members account for “a minimum of 12-15%,” whereas the “minimum” language is not used in the Appendix.	
Information regarding the adequacy of the prospective PRO’s access to financial resources (i.e., to carry out assigned interim coordination tasks).	OAR 340-090-0680(1)(b)(B)		This is spelled out in basic terms (i.e., along the lines of “we are adequately resourced to both deliver the plan and start-up activities” – see bottom of p. 17).	
Any other information required by the department to determine that a producer responsibility organization is capable of meeting its obligations and ensuring the outcomes required under ORS 459A.860 to 459A.975	ORS 459A.875(2)(q)		Some other supporting info is provided, e.g. the team expertise section on p 16.	
<b>Overarching goals for the program plan that are as objective and measurable as possible.</b>	ORS 459A.875(2)	n/a	Overall DEQ encourages CAA to strengthen and tighten the goals section, and not shy away from spelling out a long-term vision and concrete milestones on the way there. We recognize that in a joint responsibility system there can be a reticence to do so, as full obligation will not lie on CAA’s shoulders.	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
			<p>However, such goals play an important guiding role and the program plan review process provides an opportunity for other obligated parties to weigh in regarding the appropriateness of goals toward which they may be contributing.</p> <p>Objective 1 header: limits scope to “end of life,” while the second nested goal encompasses production. DEQ recommends broadening the objective to encompass goals of work on ORS 459A.884(4) and ORS 459A.896(2)(b).</p> <p>Objective 1, Goal 1: Would it be more meaningful to call out particular issues with end markets in the Outcomes/Indications of Success that CAA hopes to resolve or make a dent in through its REM approach? (and integrate pursuit of such goals into the REM section of the plan)</p> <p>Objective 1, Goal 2: food serviceware is missing from the goal wording.</p>	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
			<p>Ideally a more ambitious goal would be set for ecomodulation. Current ecomodulation outcome wording is input-oriented. We encourage CAA to review the draft rules on life cycle evaluation and think creatively about how they could be applied in measuring progress.</p> <p>Objective 1 generally: could the hierarchy requirement have an associated outcome and metric? Seems to be missing.</p> <p>Objective 2, Part 1: the objective of funding all eligible costs by end of program plan period could be added. Also, the goal of meeting the convenience standards could be made timebound by adding a deadline and interim milestones.</p> <p>Objective 4: could consider adding a meaningful and measurable KPI for the dispute resolution process.</p>	
<b>Upholding Oregon’s materials management hierarchy:</b>	ORS 459A(2)(a)(H)(3)		Ideally this section would have a longer-term vision or goal attached to it around what US recycling of the	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
<p>Why the end markets foreseen for obligated materials represent the highest and best use on a material-specific basis. This could include:</p>			<p>future looks like with respect to end markets.</p> <p>Top of page 83 CAA limits its role in upholding the hierarchy to determination of recycling pathways, but CAA also has the ecomodulation lever at hand for encouraging upstream changes (i.e., it could try to encourage transition to reuse for specific materials or packages, for example).</p>	
<p>Focus on particular materials for which there are significant differences in the environmental impacts of different types of markets, such as glass or cartons.</p>			<p>The section does include material-specific subsections but they are limited to those for which DEQ has conducted LCAs. There are likely other materials for which different end markets have substantially different impacts – what about markets for PE film with respect to plastic pollution, for example? Can CAA bring any industry data to bear in elucidating a strategy for plastics besides polystyrene? Are there findings from CAA’s pre-assessment of markets that could be brought to bear in v2?</p>	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Plans to develop new markets or undertake other practicable actions if the end markets planned for initial use do not represent the highest and best use.			On pg 83, what is the purported “lack of processing capacity” for glass? Why is CAA considering using glass in aggregate form? Our LCA shows very little value in that end market. If there is limited market capacity for glass, either CAA needs to work to develop new markets, or we need to look at delisting the material.	
<b>Description of how the PRO will measure achievement of goals and report progress in annual reporting. This could include:</b>		n/a	This is generally covered at pg 122-123.	
A process for updating goals.			At pg 122 CAA indicates that goal updates will occur at five year intervals through the program plan process.	
<b>PRO Management</b>		n/a		
Description of the program’s overall day-to-day management, including management of contracts, record keeping, reporting, and compliance oversight of service providers.			Provided on pg 118.	



Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Statement or commitment that the program will be managed to ensure program compliance with all relevant and applicable state and federal laws and regulations.			Provided on pg 118.	
Names and contact information for key personnel responsible for running various aspects of the program could be provided, including the authorized representative.			Provided on pg 118.	
Policies, procedures, and practices for ensuring:			Page 128, Paragraph 2 – reference to state-specific policies, procedures and practices – what are these for Oregon? Could provide more detail in v2.	
Safety and security of staff, contractors, and members of the public.			A commitment to implement standards pertaining to workplace safety appears on pg 128.	
Compliance by staff and contractors with all relevant state and federal laws and rules;			A commitment to comply with all applicable laws pertaining to workplace safety appears on pg 128. As pertains to collection for the PRO list materials, CAA may wish to expand this commitment toward	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
			compliance with land use provisions, environmental laws and labor laws.	
Successful and timely delivery of project outcomes by contractors			There is a focal section on pg 129 that indicates consideration of how to ensure successful and timely delivery of outcomes by contract.	
Protection of confidential information;			Pg 128 – CAA pledges to adopt an information security plan for protecting against problems with confidential info.	
Retention of information required for annual reports submitted under ORS 459A.878			<p>Per pg 129 CAA will designate a records custodian charged with ensuring records are kept for at least five years (pursuant to ORS 459A.962) and would be available to DEQ for inspection upon request.</p> <p>CAA could further clarify that the records will be maintained within the state of Oregon.</p>	
Maintenance of records necessary to demonstrate compliance.			See pg 125 -- with respect to producer compliance, CAA will require its producer members to retain records to substantiate and verify the accuracy of the info submitted in their reports for a to-be-determined period of time, and	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
			records will be subject to inspection by CAA. In v2 of the plan CAA could specify the length of the retention period.	
<b>Communications</b>				
Description of how the PRO will communicate and coordinate with the department, the Oregon Recycling System Advisory Council, local governments, local governments' service providers, processors and any other producer responsibility organizations.	ORS 459A.875(2)(d),		CAA lays out a thorough approach at pg 119-121 for communicating with key interested parties.	
Description of the process for promptly notifying the department, the Oregon Recycling System Advisory Council and producers of potential noncompliance with the requirements of ORS 459A.860 to 459A.975 by a producer or producer responsibility organization.	ORS 459A.875(2)(l)		Pg 125 – it is noted that, after a time frame to be specified in the Membership Rules passes, CAA will notify DEQ of non-compliance by a former or current produce member that pertains to payment of fees or reporting of data. In v2 CAA could specify the time frame and call out relevant membership rules.  We appreciate that CAA will, as noted on pg 126, inform DEQ of	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
			<p>producers that may be obligated and have not joined CAA.</p> <p>We're glad to see CAA thinking about non-compliance with the large producer disclosure requirement as noted on pg 126., More detail is needed to assess whether the requirement is met – what are the specific compliance reporting processes and protocols that CAA is proposing?</p>	
<p>This process could encompass plans to issue notifications regarding potential noncompliance by other actors that the PRO could be aware of—for example, a local government's refusal to accept funding and implement system expansion needed to comply with the Opportunity to Recycle Act, per OAR 340-090-0630(4)(f).</p>			<p>This particular example of a local government refusing to implement system expansion is not addressed in the plan.</p>	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
<b>Multi-PRO Coordination</b>		n/a	CAA includes a short section on this at pg 121. In the absence of multiple prospective PROs, no further information is needed at this time.	
In this section the prospective PRO could indicate its approach to the development and implementation of a long-term coordination plan that will replace the interim coordination plan implemented by the department. This section could include:				
A description of the prospective PRO's approach to the long-term coordination process, including plans for ensuring that a coordination plan includes all required components under OAR 340-090-0680(2)(b).				
A description of the prospective PRO's vision for how long-term coordination will ensure that PROs' collective obligations under provisions ORS				

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
459A.860 to 459A.975 are met, including plans for coordination on specific elements listed under OAR 340-090-0680(2)(c).				
<b>Dispute Resolution Mechanism</b>				
Description of a process, including the process timeline, for how the producer responsibility organization will resolve any disputes involving compensation of local governments and local governments' service providers under ORS 459A.890; disputes involving commingled recycling processing facilities under ORS 459A.920 and 459A.923; and disputes involving contracting with existing depots under ORS 459A.896(a). <sup>1</sup>	ORS 459A.875(2)(e)  OAR 340-090-0640(1)(b)(D)		More details are expected here in draft 2 (CAA acknowledges itself on pg 127 that the current version does not address the requirement adequately). Perhaps in v2 CAA could present the information in two subsections – 1. the ground rules for dispute resolution that have been worked out through the ORSOP process thus far (for example, some principles for what are and are not eligible costs, and 2. Procedural and process details for the mechanism, including the timeline for how a dispute resolution process would go.	

<sup>1</sup> This could include a description of approaches to addressing a situation for which the PRO wishes to introduce efficiencies into funding of eligible costs (for example, consolidating requests for individual infrastructure from two adjacent communities into one set of infrastructure serving both communities), but its vision is not shared by the local communities.

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
<b>Closure Plan</b>				
Description of the closure plan to settle the affairs of the PRO if it needs to close, ensuring that producers will continue to meet their obligations during the dissolution process and including a protocol for notifying the department, the Oregon Recycling System Advisory Council and local governments of the dissolution. This section could include:	ORS 459A.875(2)(m)		Why do the reserves for the closure plan amount to six months of variable costs, and not variable <i>and</i> fixed costs? Can CAA provide more analysis as to why this amount is enough to ensure obligations are met during dissolution? The budget in Appendix E includes reserve amounts – could CAA provide an example or two of closing at a particular point in time and how the reserves would be adequate to cover costs during the closing period?	
A description of how the closure plan will ensure that there are sufficient reserve funds to satisfy all obligations until such time as producer members have joined a different producer responsibility organization. To enable this outcome,	ORS 459A.875(2)(n)		No reference to an insurance policy or other such financial mechanism is provided to back up the stated intent to be able to fund obligations during closure. DEQ has financial assurance mechanisms for landfills in rule at <a href="#">OAR 340-094-0145(6)</a> . CAA could review with an eye to what DEQ would consider to be a reliable	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
the plan may include elements such as proof of a closure insurance policy <sup>2</sup> , retention of auxiliary staff through a closure process, and the timing and approach for notification of the public.			financial assurance mechanism (landfills are only required to have one of the six listed options in place).	
This section could denote any adaptations to the closure plan for the case of closure due to failure to maintain 10% market share (in which case OAR 340-090-0730 applies).		n/a	CAA and DEQ are anticipating a single-PRO system at the start date (i.e., this does not apply).	
<b>Certification and attestation</b>				
Contact information for the prospective PRO organization's authorized representative, including name, address, phone number, and email address.	ORS 459A.875(2) (b)		Provided on pg 132.	

<sup>2</sup> See OAR 340-095-0095(6) for other financial assurance mechanisms that a PRO could include in a closure plan.



Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
The prospective PRO's Employer Identification Number.		n/a	Provided on pg 132.	
Proof of the prospective PRO's status as a nonprofit, 501(c)3 organization able to operate in Oregon, including the organization's bylaws of incorporation as a nonprofit corporation, its 501(c)3 determination letter from the Internal Revenue Service, and proof of status in Oregon (proof of registration as a charitable organization with the Oregon Department of Justice and, if incorporated elsewhere, proof of registration as a foreign corporation with Oregon's Secretary of State).	ORS 459A.863(16) and (23)		CAA's 501(c)3 letter of determination is provided on pg 48 of the appendices. Proof of Registration as a Charitable Org and as a Foreign Corporation are provided on pgs 51 and 53 of the appendices.	
The following certifying statement with the signature of the prospective PRO's authorized representative: "I/We hereby declare under		n/a	The signed certifying statement appears at pg 133.	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
penalty of false swearing (Oregon Revised Statute 162.075 and ORS 162.085) that the above information and all of the statements, documents and attachments submitted with this plan are true and correct.”				
<b>Definitions</b>		n/a	Appears in Appendix A, pg 3-9 of the appendices. May require some updating with relevant definitions included in rulemaking 2 draft rules.	
<b>List of Member Producers</b>	ORS 459A.875(2)(b)		Founding member list provided at Appendix B, pg 10. For v2 can a broader list of those producers who have pre-registered with CAA be provided?	
<b>Implementation timelines</b>		n/a	Provided in Appendix M, pg 65. Could this be displayed alternatively over several pages, as an 11.5 x 17 etc. so that it's readable to the naked eye.	
<b>Graphic/tabular representation of program performance metrics</b>		n/a	Not included, plan generally does not set many numeric and time-specific benchmarks. Consider including some in v2 per ORS 459A.875(2) and adding an appendix where they are mapped out graphically.	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
<b>Itemized budget by program year, including:</b>				
Itemized system costs for 2025, 2026, and 2027 (for later years, may be appropriate to collapse the itemization or provide ranges), including:			Provided as a range.	
Total amount to be spent on recycling system expansion.	OAR 340-090-0790(2)(b)		Provided as a range.	
Amounts to be spent on recycling system expansion per individual local government.	OAR 340-090-0790(1)(e)		Missing from v1, expected for v2.	
Itemized system costs incurred before the start date.		n/a	Lumped with 2025.	
Admin and operations of the PRO (aggregated)		n/a	Provided as a range.	
Forecasted reserve level amount.		n/a	Provided as a range.	
Estimated revenues, including		n/a		
Start-up funding		n/a	Not provided, assumed that it will be recouped by member fees in 2025.	
Member fees		n/a	Provided for eight material categories as a range.	

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Value of print and online advertising expected from newspaper and magazine publishers in lieu of membership fees	ORS 459A.884(7)		Not provided but not required. Is there cushion built in to allow for newspaper and magazine publishers en masse to choose the advertising option?	
Other revenue		n/a	None cited.	
Cost of independent financial audits		n/a	Not broken out as a separate budget category but presumed included in RPO management and admin? Could clarify in v2.	

**Other DEQ comments:**

Appendix F is difficult to follow. Could be improved by:

- Confirming that Tab 1 consists of sites that meet the “existing depot” definition in rule at OAR 340-090-0640(1). ‘
- Moving events out of Tab 1; they could appear in a separate Tab.
- Summarizing results of Tab 1 by city and county (number of existing depots in each city and county).
- Copying over the summarized results of Tab 1 into the relevant rows of Tabs 2 and 3 (i.e., the numbers of existing depots per county and city), so that the reader sees multi-material collection points required and existing depots in a jurisdiction side by side. Perhaps the rows where the required number of multi-material collection points exceeds the quantity of existing depots could be highlighted in yellow. It seems that the “Meets Base” and “Meets Enhanced” columns could be deleted if the tables were arranged in this way. These columns’ entries are marked “Passed” throughout, so they’re not really serving a purpose currently.
- Clarifying what is represented in the column “Population Covered by Existing Sites” and considering applying this column differently so that it is responding to a specific requirement of the convenience standard (for example, the requirement that 95% of Oregon residents live within 15 miles of a collection point for each material).

- Adding a Tab 4 where the plan for addressing those cities and counties that cannot meet the convenience standard through existing depots alone are given further treatment. It could make sense to get down to further granularity in this table (i.e., going from multi-material points required to material-specific points required), depending on what is being proposed. It should be clear from this table, how CAA is proposing to meet the convenience standard in each of these jurisdictions (i.e., establishment of new depots, return-to-retail for specific materials, collection events or on-route collection to stand in for a certain number of required collection points, etc).

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