



Oregon Department of Environmental Quality

# Oregon Recycling System Advisory Council

## PRO Plan review (Draft 2): Recommendations and feedback

Last updated: Nov. 6, 2024

A [statutory duty](#)<sup>1</sup> of the Oregon Recycling System Advisory Council is to review, with the opportunity to provide policy direction and other recommendations, the Producer Responsibility Organization's Program Plan. On Oct. 22, 2024, the Council held a special meeting to review and discuss Draft 2 of this Plan. The information below is compiled from the verbal and written feedback provided by members of the Council.

### Council recommendations in response to PRO Plan Draft 2

Overall, the Council members expressed their appreciation for the updates and revisions to the content of the submitted PRO Plan Draft 2. The recommendations below, document the information received and are organized by the four key focus areas of the Draft 2 review: equity, plastics recycling goals and materials on-ramp, Responsible End Markets and the ecomodulation of fees.

### Approved recommendations

The Council voted on 14 recommendations and approved 13 with majority support of voting members. One recommendation was not approved and is included below for Council record-keeping. A record of votes is retained by DEQ and can be provided upon request.

### Equity

1. Include a specific definition of "equity" within the Plan
  - The Council notes that the adoption of the State of Oregon's definition of equity, taken from the [2021 Diversity, Equity and Inclusion Action Plan](#), may be acceptable for this initial Plan, and additional recommendations for definitions were included with the [Draft 1 Council recommendations](#).
2. Develop meaningful metrics and measures for continuous improvement related to equity within Oregon's modernized recycling system
3. Develop and use a public-facing equity dashboard, integrating milestones, for overall improvements to equity and be able to track progress specific to

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<sup>1</sup> ORS 459A.902(1)(c): Review producer responsibility program plans submitted under ORS 459A.875, plan amendments submitted under ORS 459A.881 and program reports submitted under ORS 459A.887

### Translation or other formats

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communities historically marginalized, excluded or underserved by Oregon's recycling system

- Multifamily residential service: Infrastructure improvements, contamination reduction findings, overall service improvements
    - Recommend: CAA to engage focus group(s) for pre/post assessment re: contamination (based on the definitions used for communities with equity concerns) and system operations
  - Economics and money spent: Identify the community-based organizations, BIPOC-led and BIPOC-serving organizations, COBID-certified or COBID-eligible firms intended for engagement through Plan implementation
    - Request for clarification on prioritization of funding related to the ways CAA intends to support CBOs, COBID-eligible firms and other nonprofit entities
4. Include a specific and consolidated list within the Plan's equity section that shows the types of intended subcontractor organizations, noting which entities are community-based organizations and which are COBID-eligible, and ensure that the list is consistent across all sections of the Plan

### **Plastics and on-ramp**

5. Confirm the timing of on-ramping any proposed materials in terms of when CAA can make a full proposal that meets the statutory requirements for adding materials
6. Confirm the details, including timelines and prioritization of investments needed, for facilities to successfully process all materials to be collected
7. Clarify the calculation and definitions for "recycling rates"
- Some Council members requested that the definition should align with the definition of "responsible end market" included in the currently in-progress rulemaking (i.e., if material goes out from a processing facility to a responsible end market it should be considered "recycled;") and clarify that this is the definition in Draft 3)
  - Some Council members requested that the recycling rates account for yield loss in the recycling rate projections
8. Provide information on the cost of densification to substantiate the claim that collection of expanded polystyrene in rural regions is prohibitively expensive.

### **Responsible End Markets**

9. Reconsider whether Operation Clean Sweep is the right standard to address microplastic emissions
- One Council member noted that this proposed standard appears to be specific to certain types of facilities and may not be usable with others
  - One Council member expressed concerns that the proposed standard is insufficiently robust.
10. Clarify if the standards for REMs also apply to converters of plastics for food and beverage and children's products

- One Council member supports the proposed variance and delayed implementation
  - One Council member opposes the proposed variance and delayed implementation and recommends that the REM standards are applied to these types of converters, effective from the start date
11. Clarify if a bar for fair labor is being set, and if so, what the bar is
- One of the criteria in the “responsible” standard is named “free and fair labor” but then the description doesn’t really address fair labor, only free labor.

### **Ecomodulation of fees**

12. Consider the feasibility for producers conducting life cycle evaluations using the model proposed by Oregon, including the ability for producers to obtain the correct data by the projected deadlines
13. Provide a measurement tool to see if the bonuses relate to a product design change for producers (tracking behavior change in longer-term)

### **Recommendations not approved**

In addition to the 13 approved recommendations, above, one recommendation did not receive majority support of the voting members.

### **Ecomodulation of fees**

1. Consider the sufficiency of Bonus A in terms of whether it will incentivize evaluation and disclosure versus the cost to the businesses for additional data collection needed for the life cycle evaluations
- *7 voting members in support, 1 not in support and 3 abstentions*

## Additional Council feedback

In addition to the recommendations shown above, Council members provided feedback and input that DEQ may consider in its review of the PRO Plan Draft 2 or as part of the longer-term implementation of the PRO Plans and related activities.

- **Equity:** Set a standard for tracking and reporting on the economics of an extended producer responsibility program by ensuring that the economic metrics for spending, and other equity measures, are reflected in the biannual reports of the Recycling Council and DEQ to the Oregon Legislature
  - Document and track progress, including metrics/measures for financial expenditures, contamination reduction and Oregon's plastics recycling rate
- **Overall program costs:** Council members expressed continued concerns about overall program costs, specifically any additional costs to people in Oregon
  - Request: Comparison of systemwide costs prior to the implementation of modernized recycling system against the projected post-ORSOP data-adjusted projections for base and high-estimate system costs
- **Bale tracking approach:** The Council supports safe and reliable tracking of bales of recycled materials; however, the current technology for battery-operated tracking mechanisms may present some safety risks from the use of lithium-ion batteries and spontaneous combustion. The Council recognizes that a decision between using battery-operated tracking and paperwork-based tracking is an operational element and is of significant concern to the Council.
  - Request: A future update from CAA on the ways the decisions for tracking and auditing have incorporated these safety concerns while providing accurate tracking of materials in fulfillment of the Plastic Pollution Reduction and Recycling Modernization Act.
- **Plastics recycling goals:** Council members expressed a variety of concerns about meeting the plastics recycling goals included in the Act, and encourage DEQ and CAA to explore available tools and opportunities to meet the statutory goals using a flexible approach.
  - Council members noted that upstream plastics reduction efforts may have greater overall benefit and positive impact than adding additional types of plastics eligible for recycling in Oregon.
- **Responsible End Markets:** Council members expressed concerns about the processes and procedures that CAA would enact in the event of a market failure, collapse or other significant decrease in availability of REMs, including if a market is determined by CAA to be in non-compliance
  - Request for example/scenario information on the response from DEQ and CAA for these situations, including what support CAA could provide to get a market back into compliance
  - Request for detail on PRO response if there is a lack of redundant (and responsible) alternative markets in the event of REM failure or non-compliance finding

- Request for example/scenario information related to removal of some materials from either the USCL or the PRO lists and what that process would look like for people in Oregon and the REMs
- **Responsible End Markets:** Council members encouraged harmonization among REM requirements established by other states to allow cross-jurisdiction alignment, when possible, to ensure regulatory consistency
- **Whistleblower channel:** Council members identified concerns regarding the structure and operations of this mechanism. The Council expects a future update from CAA on this matter in specific response to:
  - Clarify if “whistleblower” is used as a formal legal term, and specify/define protections provided by the use of the channel. If the term cannot be used to expressly provide legal protections, consider modification of the term to one not also used for specific legal purposes.
  - Recommend that CAA identify/hire a staff member who would be responsible for active engagement of communities and individuals who may access this channel
  - Clarification needed on how to apply the information received through that mechanism - what would be the response process when complaints or information is provided to CAA through this channel?
  - Overall concerns about potential mis-use of the channel or other operational difficulties associated with this mechanism
- **Collection events:** Council members expressed concern about the potential increased costs and climate footprint of event-based collection opportunities, in lieu of permanent depot-style sites, for materials not collected on-route.
- **Ecomodulation of fees:** Use weight-based units exclusively as the basic unit of assessment (functional unit) for the life cycle evaluations

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