



Oregon Department of Environmental Quality
700 NE Multnomah, Suite 600
Portland, OR, 97232

January 31, 2025

RE: Comments related to CAA's Draft 3 proposed program plan for implementation of the Oregon Recycling Modernization Act

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to provide comments on the third draft of the Circular Action Alliance's (CAA) proposed program plan for implementation of the Oregon Recycling Modernization Act (RMA). We look forward to continued engagement with CAA as we refine the approach toward improving paper recycling.

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, tissue and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative — [Better Practices, Better Planet 2030](#). The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly \$350 billion in products annually and employs approximately 925,000 people. The industry meets a payroll of approximately \$65 billion annually and is among the top 10 manufacturing sector employers in 43 states.

In Oregon, the forest products industry operates 136 manufacturing facilities, employs nearly 36,000 individuals with an annual payroll of over \$2.6 billion, and produces over \$148 billion in products each year. The estimated state and local taxes paid by the Oregon forest products industry totals \$276 million annually.

Paper Recycling Works

Paper recycling is an environmental success story. Paper is one of the most widely recycled materials in America, and paper recycling rates in the U.S. have consistently increased in recent decades. The paper industry recycles nearly 60% more paper today than it did in 1990, when the industry set its first recycling rate goal.

In calendar year 2023, U.S. pulp, paper and paperboard mills consumed 31.3 million tons of recovered paper to manufacture new products, and that the U.S. exported another 14.8 million tons for use in manufacturing new pulp, paper and paperboard around the world.

Additionally, the paper industry is working to capture even more paper from the waste stream for recycling. Since 2019, our industry has announced or is expected to complete projects by 2025 that will use more than 9 million tons of recycled paper. These projects include building new mills, converting or expanding existing mills, and updating machinery and equipment.

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AF&PA Comments on Circular Action Alliance Program Plan

Please find below our feedback on CAA's proposed program plan for implementation of the RMA, with comments focused on the updated areas in the third draft and the integration of our previous comments from drafts one and two that have the greatest impact to the paper and fiber-based packaging industry.

Supporting End Market Development – *specific to draft 3*

We support the creation of a dedicated fund for end market development initiatives. These funds should be available to both in-state and out-of-state facilities that accept material from OR. Our members encompass a range of interested parties from obligated producers to end markets, with some filling both roles. It is important that our members are financially supported as they do their part to meet the goals and requirements of the RMA and that these funds address barriers and inefficiencies in the marketplace to ensure that the free market works.

Base Fees – *specific to draft 3*

We recognize the value of the simplification and aggregation of fees for both the “all printed papers” and “kraft paper along with paperboard and other packaging base fees” material categories. We are concerned that the base fees for polycoated paperboard and other paper laminates are too high for the impact they have on the recycling system. While we acknowledge that a higher base fee for polycoated materials is reasonable, the approximately 10-14 times increase in fees from paperboard to polycoated paperboard is unreasonable. The 2025 EPR fee for paper laminates in British Columbia, Canada is 62 Canadian cents/kg, or 19 U.S. cents/lb. The fees of the British Columbia program fund a greater scope of work than the OR EPR program, yet this fee is less than the proposed OR “low” fee rate for both polycoated paperboard and other paper laminates. We would appreciate more transparency into the methodology and how much being on or off the acceptance list impacts this price differential. We would also appreciate insight into how the Specifically Identified Materials (SIM) fee might be accessed by responsible end markets to help process this material.

We encourage CAA to hold off on setting this fee until after the commingled curbside trials that will happen before the Uniform Statewide Collection List officially launches on July 1, 2025. It is imperative that there is more clarity and transparency into the fee setting methodology. CAA has made its intention for this process to be used on a national scope clear, so the decisions made here in OR will have a wide-reaching impact for other states.

Ongoing Concerns

Verification Standards

We support CAA's decision to use “benchmarked comparisons with the Responsible End Market (REM) criteria to identify duplicated criteria and notify certification bodies of reduced audit needs.” This decision will help to minimize the burden of the auditing and verification process on REMs. Many of our members use third-party certifications already that meet the burden of proof required by the Act through robust internationally recognized programs such as the Sustainable Forestry Initiative (SFI) and Forest Stewardship Council (FSC). It is imperative that SFI and FSC can act as Certification Bodies and undertake the audit steps.

Variance Proposals

AF&PA and our members are already engaged in discussions with CAA on how to meet these new requirements that will take a significant amount of time, money, and resources. We urge DEQ to offer

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the variance transition period for industry to comply with these new requirements by December 31, 2030, as CAA has requested. We support the inclusion of a variance for domestic paper mill yield verification in the Operations Plan, Section C (vii) “Ensuring Responsible End Markets” starting on page 159. We appreciate DEQ’s openness to feedback from us and our partners, including domestic paper mills, the Technical Association of the Pulp and Paper Industry (TAPPI), and Moore & Associates.

Bale Auditing

We are concerned by DEQ’s insistence on the use of battery-powered tracking devices to do random bale auditing. While alkaline batteries may pose a lower risk compared to other battery types, the potential negative impacts to workers, communities, facilities, and equipment remain. We support CAA’s recommendation to not use battery-powered tracking devices for random bale auditing. Companies that process large amounts of flammable material, such as paper facilities, need to be vigilant in managing fire safety risks and liability. Knowingly exposing those facilities, and their employees, to heightened fire risk by introducing mandated GPS trackers is irresponsible and unnecessary. The obligation under the Act can be accomplished in a less dangerous manner.

The National Fire Protection Association states “the likelihood of them [batteries] overheating, catching on fire, and even leading to explosions increases when they are damaged or improperly used, charged, or stored.”ⁱ

The National Waste & Recycling Association (NWRA) and the Solid Waste Association of North America (SWANA) released a joint policy statement on battery recycling in 2025. They state that “batteries should never be placed in household waste or curbside recycling bins. Improper disposal can result in fires, posing serious risks to consumers, waste and recycling workers, and critical infrastructure. These incidents jeopardize public safety, disrupt recycling processes and lead to costly damages.”ⁱⁱ

The environmental stressors (such as heat and water exposure) and physical manipulation of bales that can be inherent in the shipping, sorting, and processing of recyclable materials are counter to most best practices guidelines for environmental and battery safety. A chain-of-custody approach to random bale auditing will meet the needs of the statute without undermining safety, sustainability, and security.

We urge CAA and DEQ to allow the use of third-party chain-of-custody standards, such as SFI and FSC, to meet the responsible end market requirements under the Act. Chain-of-custody standards, which apply to suppliers and manufacturers, require the tracking of certified fiber through the supply chain, and allow use of certified content claims and labels on products. These standards function as an accounting system to track forest fiber content through production and manufacturing to the end product. They are backed by extensive research to capture the necessary data without double-counting or putting facilities at risk.

Our full comments to CAA on the dangers of battery-powered tracking devices can be found in the Appendix.

Example End Markets

We support CAA’s anticipation of processing collected material in North America. Most paper mills in the Pacific Northwest region consume recycled paper as manufacturing feedstock. Our industry has longstanding concerns about the potential negative impacts of extended producer responsibility on competitive markets for recovered materials. The purpose of the RMA is to improve overall recycling,

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not serve as a conduit for access to raw material for particular manufacturers. Listing specific example end markets could lead to unfair market advantage, market disruption, and competitive harm. We encourage CAA to update their language to “Examples include *but are not limited to*” when listing example responsible end markets for OCC and Mixed Paper to not sway the market in favor or against any manufacturer.

Graduated Fee Structure & Ecomodulation

We appreciate the graduated approach CAA is proposing to integrate ecomodulation into the fee structure. However, we have concerns about the timeline given to producers and the potential costs to conduct a life cycle assessment (LCA) to qualify for Bonuses A and B. Producers have many competing priorities to balance as they prepare to meet the requirements of the EPR program. We urge CAA to not begin the Bonus A ecomodulation incentives until the program is more mature. Producers need more time to prepare as it could be an unfair competitive advantage to have producers submit LCA reports in August or September 2025. Only some large-scale producers have enough time and resources to submit LCA reports that quickly.

The cost of conducting a comprehensive LCA varies from company to company but on average ranges from \$50,000-\$100,000 per product. The \$20,000/SKU cap for Bonus A and the \$50,000/SKU cap for Bonus B is likely not enough to incentivize producers to conduct LCAs on top of paying base fees for their products. We encourage CAA to examine how to incentivize producers to qualify for the bonuses since it is explicitly stated that the cost should not exceed the cost of performing the LCA. Unless an LCA makes clear financial sense for producers they are unlikely to participate.

Additionally, we suggest that CAA not limit the number of SKUs that can be batched together to qualify for a bonus. Instead, producers should be able use the same LCA for all the SKUS of products with comparable environmental attributes. Some of our members have businesses that are diversified with hundreds of SKUs for similar products. CAA should use ISO 14025, section 6.7.2 comparability standards to allow companies the flexibility to apply one LCA to multiple product SKUs. Furthermore, as an industry, we favor an approach based on recycling rate or overall industry utilization of recycled material rather than at the individual product level.

We have some concerns with the single score methodology proposed when comparing the recycling rate of the material relative to the recycling rate of other covered materials. ISO 14044-2006 Section 4.1 states that “there is no scientific basis for reducing LCA results to a single overall score or number.” It is antithetical to the larger goals of the RMA to not incentivize shifts among materials on the basis of recycling rate. We are also concerned that there are not proper incentives for companies that are already using high or even 100 percent recycled content utilization in either Bonus.

Equity

AF&PA values the effort that DEQ and CAA have undertaken to integrate equity into the larger program goals of the Act. It is essential that the implementation of the RMA does not impact the communities in the rural, coastal parts of Oregon that depend upon the living wage jobs that the paper industry provides. For example, the Georgia Pacific mill in Toledo, OR, and the Smurfit Westrock Recycling Plant in Portland, OR, are major employers in their regions of the state. Depot centers and facilities that process recovered materials should hire from the local community, so the economic benefits of those centers go back into the communities that manage those materials.

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AF&PA Comments on Circular Action Alliance Program Plan

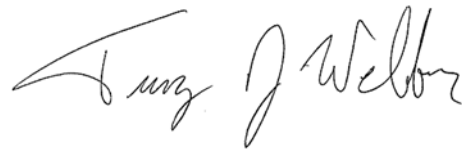
Plastics Goal and On-Ramp

We would like to reiterate our concerns that plastic will be held to an unequal standard compared to other material categories. Our high recycling rate exceeds the 2025 (25%) and 2040 (50%) recycling goals for plastics. Yet non-plastic industries must pay to help carry the burden for underperforming materials that for decades have not taken the same steps to invest in recycling. The program plan should be material agnostic and hold each industry to the same set of standards and expectations.

We encourage CAA to include a *de minimis* threshold for plastic content found in paper bales. Failure to include a *de minimis* threshold has the potential to create a scenario where a highly recyclable paper bale is held to a lower standard of recycling for plastic. This could result in otherwise readily recyclable fiber ending up in landfill. Furthermore, we suggest that where there are industry standards the *de minimis* should align with that standard.

Thank you for your consideration of our comments. We appreciate the ongoing collaboration between AF&PA and Oregon DEQ to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon at shoshana_micon@afandpa.org if you have any further questions.

Sincerely,

A handwritten signature in black ink, reading "Terry J. Webber". The signature is fluid and cursive, with the first name "Terry" being the most prominent.

Terry Webber
Vice President, Industry Affairs
American Forest & Paper Association

ⁱ <https://www.nfpa.org/education-and-research/home-fire-safety/lithium-ion-batteries>

ⁱⁱ https://swana.org/docs/default-source/advocacy-documents/technical-policies-library/policy-statement-on-li-batteries_swana-and-nwra.pdf?sfvrsn=ff7498fc_4

August 30, 2024

Ms. Kim Holmes
Executive Director, Oregon
Circular Action Alliance
via email: kim.holmes@circularaction.org

RE: Concerns with Battery Powered Tracking Devices in Paper Bales

Dear Ms. Holmes,

On behalf of the American Forest & Paper Association (AF&PA), we appreciate the opportunity to weigh in on the use of battery-powered tracking devices in bales to address the random bale tracking requirements of Oregon's Plastic Pollution and Recycling Modernization Act (the Act). On this subject, AF&PA must firmly advise against this course of action as an unnecessary, duplicative measure that raises serious safety concerns.

AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recyclable resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative — [Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future](#). The forest products industry accounts for approximately 5% of the total U.S. manufacturing GDP, manufactures about \$350 billion in products annually and employs about 925,000 people. The industry meets a payroll of about \$65 billion annually and is among the top 10 manufacturing sector employers in 43 states.

Recycling is integrated into our business to an extent that makes us unique among material manufacturing industries – our members own and operate over 100 materials recovery facilities (MRFs) and 80 percent of U.S. paper mills use some amount of recycled fiber. With our members both owning many MRFs that process recovered material and representing nearly 80 percent of US consumption of recovered fiber, AF&PA is particularly qualified to weigh in on subjects related to safe and effective recycling methods.

GPS-Based Tracking Device in Bales is Unnecessary

Existing chain of custody standards such as the Sustainable Forestry Initiative (SFI) and Forest Stewardship Council (FSC) are sufficient to track the needed information for responsible end markets under the Act. Chain-of-custody standards, which apply to suppliers and manufacturers, require the tracking of certified fiber through the supply chain, and allow use of certified content claims and labels on products. These standards function as an accounting system to track forest fiber content through production and manufacturing to the end product. They are backed by extensive research to capture the necessary data without double-counting or putting facilities at risk. A secondary process involving inserting GPS tracking devices into bales adds complexity but is unlikely to result in new or more useful information than is already registered by AF&PA members through SFI and FSC requirements.

Safety is AF&PA's Top Priority

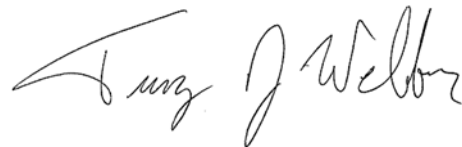
Companies that process large amounts of flammable material, such as paper facilities, need to be vigilant in managing fire safety risks and liability. Knowingly exposing those facilities, and their employees, to heightened fire risk by introducing mandated GPS trackers that would most likely use lithium batteries is irresponsible and unnecessary. The obligation under the Act could be accomplished in a less dangerous manner. The National Fire Protection Association states “the likelihood of them [batteries] overheating, catching on fire, and even leading to explosions increases when they are damaged or improperly used, charged, or stored.”ⁱⁱⁱ The environmental stressors (such as heat and water exposure) and physical manipulation of bales that can be inherent in the shipping, sorting, and processing of recyclable materials are counter to most guidelines for battery safety and best practices.

The random bale tracking program would entail intentionally adding batteries to paper bales despite guidelines from Oregon officials explicitly advising against similar actions.

1. The City of Portland launched a curbside battery recycling service in June 2024 to reduce battery fires in garbage trucks and recycling centers. Their battery recycling page states: “Never put batteries - or things with batteries in them - in your garbage or mixed recycling. They can spark and cause fires... Battery-caused fires in garbage trucks and waste processing facilities have increased dramatically in recent years. These fires put workers’ lives in danger and can cost millions of dollars in damage. To prevent fires, batteries must be collected separately from other waste, and the batteries most likely to cause fires must be taped.”^{iv}
2. Similarly, Beaverton, OR advises “discarded batteries can spark fires. Please, never place batteries or items with batteries in them into your garbage or mixed recycling.”^v
3. Clackamas County says, “Discarded batteries can spark and cause fires when not handled properly, creating dangerous situations for garbage and recycling truck drivers, processing facilities, and our communities.”^{vi}

Thank you for the opportunity to weigh in on this important topic. AF&PA believes that intentionally introducing lithium batteries to paper bales is an unnecessary risk to our members’ employees and facilities when there is already a proven and internationally accepted process to track recovered fiber. Any steps taken to lessen the potential risk of adding batteries to the bales is still adding risk when a safe, proven procedure is already in effect. We look forward to continued dialogue with Circular Action Alliance and the State of Oregon on this and other matters.

Sincerely,



Terry Webber
Vice President, Industry Affairs
American Forest & Paper Association

ⁱⁱⁱ <https://www.nfpa.org/education-and-research/home-fire-safety/lithium-ion-batteries>

^{iv} <https://www.portland.gov/bps/garbage-recycling/battery-recycling>

^v <https://beavertonoregon.gov/1542/Batteries>

^{vi} <https://www.clackamas.us/recycling/batteries>

January 31, 2025

Comments submitted via RethinkRecycling@deq.oregon.gov

Nicole Portley
PRO Program Plan Lead
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

*Re: Circular Action Alliance Producer Responsibility Organization Program Plan **Third Draft Submission** 2025-2027 Program Plan Period*

Dear Nicole Portley:

The Association of Home Appliance Manufacturers (AHAM) appreciates the opportunity to comment on Circular Action Alliance’s Producer Responsibility Organization Program Plan **Third Draft Submission** for the 2025-2027 Program Plan Period.

Material Fees Included in Draft Program Plan Lack Detail and Transparency

Circular Action Alliance’s (CAA) Producer Responsibility Organization (PRO) Program Plan Third Draft Submission includes a list of fees associated with a Covered Material. AHAM welcomes CAA’s publication of the material fee schedule for the 60 material categories and the inclusion of the “Low Base Fee Rate” and “High Base Fee Rate” associated with a material. Although the current lack of producer supply data may contribute to uncertainty over a material fee, the methodology used to determine fees remains opaque and should be publicly available.

The Fee Rate Estimates outlined in the Third Draft Submission includes “PS (#6) White Expanded/Foamed Cushioning and Void Fill”, commonly known as expanded polystyrene (EPS) or Styrofoam. EPS is used extensively to protect consumer products like clothes washers and dryers, dishwashers, stoves, refrigerators, and televisions during shipment. The fee estimate outlined for EPS includes a Low Base Fee Rate of 108.0 cents/lb and a High Base Fee Rate of 144.0 cents/lb. While AHAM appreciates the inclusion of EPS on the material list, the proposed fee rates are inconsistent with fees in similarly situated Canadian provinces.

Circular Materials, a national not-for-profit PRO in Canada, sets material fees for certain provincial PROs including *Recycle BC*, which serves as British Columbia’s PRO. Circular Materials’ *2025 WeRecycle Material List*¹, provides a fee schedule for packaging materials that are similar to those included in CAA’s Draft Submission to Oregon Department of Environmental Quality (DEQ). The 2025 *WeRecycle Material List* establishes a fee of 310.00 cents(CAD)/kilogram(kg) for the use of

¹https://www.circularmaterials.ca/wp-content/uploads/2024/11/2025_Circular-Materials_National-Provincial_Material-Fee-Rates.xlsx

EPS in British Columbia (Recycle BC). For reference and comparison with the Oregon proposal, 1.0 kg is equal to 2.2 pounds and 100 cents CAD is roughly 70 cents United States (USD). In comparison to the Draft Submission, Recycle BC’s 310.00 cents CAD/kg fee EPS equals 97.36 cents USD/lb. See Table 1 below.

Further review of the Recycle BC’s 2025 material fee for EPS shows a year-to-year increase of 28 CAD(cents) or 7.91 USD(cents), an increase of 9.9%, from 2024. The year-to-year fluctuation is partially outlined in the *Fee Rate Cause of Change*.² While Recycle BC provides a number of reasons to justify the variance, the Third Draft Submission does not sufficiently explain the 36 USD(cents)/lb or 33.33 percent higher rate between the Low Base Rate Fee and the High Base Rate Fee. Even with the low and high estimates, the material fees listed by Recycle BC for EPS in 2024 and 2025 are significantly lower than the Low Base Fee Rate and High Base Fee Rate in the draft submission.

As Table 1 shows, compared to British Columbia, the 2025 fee for EPS proposed in Oregon is **10.64 cents/lb or 10.9 percent higher** on the low-end and **46.64 cents/lb or 47.9 percent higher** on the high-end than RecycleBC, while in 2024, the same material fees were **18.55 cents/lb or 20.7 percent higher** and **54.55 cents/lb or 61 percent higher** than those in British Columbia.

Table 1³ (cents)

EPS	Oregon Low	Oregon High	British Columbia 2025	British Columbia 2024
usd/lb ⁴	108	144	97.36	89.45
cad/kg ⁵	340.6	453	310	282

AHAM previously raised concerns with the “Financing Strategy” as outlined in the First Draft Submission⁶ and Second Draft Submission⁷. As noted above, the Fee Rates outlined in the Third Draft Submission do not provide the desired clarity or justification for a fee scenario where material fees for EPS would be 48-61 percent higher in Oregon compared with British Columbia. Oregon DEQ should require, at a minimum, a similar “Cause of Change” or other fee description to justify fee discrepancies for a material between jurisdictions as well as on a year-to-year basis. Indeed, CAA explains in the “Fee-Setting Methodology (Base Fees)” in the Third Draft Submission that “As part of the fee-setting development process, CAA evaluated past and present frameworks used in other jurisdictions that have implemented EPR for paper, food serviceware and packaging.”

² https://recyclebc.ca/wp-content/uploads/2024/12/2025_Cause-Of-Change_Fee-Schedule_Recycle-BC.pdf

³ Currency fluctuations may cause minor variances.

⁴ <https://www.vcalc.com/wiki/canadian-dollars-per-kilo-to-us-dollars-per-pound>

$$UPP = CPK \cdot \left(\frac{0.45359 \text{ Kilograms}}{1.0 \text{ Pound}} \right) \cdot (\$1.0 \text{ USD}) / (\$1.444 \text{ CAD})$$

⁵ <https://www.vcalc.com/wiki/us-dollars-per-pound-to-canadian-dollars-per-kilo>

$$CPK = DPP \cdot \frac{1.0 \text{ Pound}}{0.45359 \text{ Kilograms}} \cdot \frac{\$1.444 \text{ CAD}}{\$1.0 \text{ USD}}$$

⁶ AHAM Comments: Appendix A

⁷ AHAM Comments: Appendix B

AHAM has previously noted that, since the “Detailed Fee-Setting Methodology” is considered confidential, producers must rely on Oregon DEQ to thoroughly review the details of both the methodology and how the Guiding Principles contribute to material and other fees. This is especially important when CAA cites using fee-setting “frameworks used in other jurisdictions that have implemented EPR” and then suggests fees that may ultimately be double the amount in those same jurisdictions. Ultimately, a producer’s total program costs remain unknown since these fees are merely for the use of certain packaging materials.

Overpricing the fee rates for EPS and other protective packaging materials will have significant negative consequences beyond just imposing unreasonable costs on product manufacturers. Unlike the materials used for food packaging or for other consumer packaged goods, the materials used for protective packaging for durable goods help ensure that the product inside meets consumer expectations and arrives safely. When a refrigerator arrives at a customer’s home with a dent in the door, or a television arrives with a scratched screen, that product is almost always returned and exchanged for an undamaged unit. The damaged unit is hopefully repaired and resold at a discount but may need to be replaced entirely and the original scrapped. Protective packaging helps avoid these replacement costs as well as the related logistics and transportation expenses. As such Oregon’s fee rates should encourage judicious use of protective packaging materials, rather than discouraging or penalizing their use through unreasonably high fee rates.

AHAM recognizes that CAA must consider and include several factors as well as uncertainties as they partner with Oregon to implement the Recycling Modernization Act (RMA) and establish the first program of extended producer responsibility for packaging in the United States. Absent additional details or information, it is difficult to draw conclusions or understand the basis for the fee range established for the 60 material categories listed. Product manufacturers who participate in the program should have a detailed understanding of a material’s fee and the program’s overall fees. This is especially important since CAA has said that Oregon’s fee setting, will be utilize for “nestability” with other EPR programs, which will enable producer reporting synergies between Oregon and other state programs. Oregon’s program is likely to be the model used by other states that establish a packaging extended producer responsibility program. Accordingly, Oregon DEQ must also recognize its place as a leader among packaging EPR programs in the nation. A strong program in Oregon will encourage harmonization among future programs.

Bonus Limit on Life Cycle Assessment and Disclosure for Stockkeeping Units

The Recycling Modernization Act included ecomodulation and other bonuses not only to minimize total costs for producers but to achieve a key policy goal and establish fee adjustments based on a material’s environmental impact. Throughout the rulemaking process, DEQ has strived to achieve this goal partially through the PRO’s membership fee structure, stating the “fee schedule must incentivize producers to continually reduce the environmental and human health impacts of covered products by offering fee adjustments to producers that make or have made changes to the ways in which they produce, use and market covered products.”⁸

⁸ <https://www.oregon.gov/deq/recycling/Documents/rmaLCEstandardsRFI.pdf>

The DEQ rules⁹ that govern the program promote this system of ecomodulation by granting producers certain bonuses for the voluntary disclosure of the life cycle evaluation (LCE) of environmental impact for one or more covered materials.¹⁰ These bonuses are intended to “drive innovations in packaging design, production and material selection that lead to continual impact reductions, a core objective of the [Recycling Modernization Act].”¹¹ As such OAR 340-090-0910(3)(a)(B) specifies that producers may claim bonuses on up to 100 Stock Keeping Units (SKUs) for which a life cycle evaluation is performed and disclosed in a given year.

For reasons that aren’t entirely clear, the third draft submission would restrict manufacturers to claiming life cycle assessment bonuses for a maximum of only 10 SKUs, or batches of related SKUs, in a given year, rather than 100.¹² This arbitrary limit diminishes incentives to innovate in packaging design and therefore undermines a core objective of the RMA. It also unfairly punishes producers that offer a large number of SKUs in Oregon, but with relatively few units per SKU, by forcing that producer to claim bonuses on only a subset of its packaging production. By contrast, a producer with 10 or fewer SKUs but a large number of units per SKU would be able to claim bonuses on all of its packaging production, even though the impact of that production on the Oregon recycling system would be far greater. Accordingly, producers should be allowed to claim bonuses on the maximum number (100) of SKUs, or batches of related SKUs, that is permitted by DEQ regulations. The suggestion that only 10 percent of SKUs will receive an LCA bonus and that CAA “may consider” future increases is unacceptable.

Conclusion

AHAM appreciates the opportunity to provide comments on *Circular Action Alliance Producer Responsibility Organization Program Plan Third Draft Submission 2025-2027 Program Plan Period*. Manufacturers of consumer products need flexibility in choosing appropriate materials for packaging their products to avoid situations that cause product breakage and damage during transport (which ultimately increases the lifecycle impact of the product) as well as to deter theft of smaller, high value electronics from retail establishments.

Respectfully submitted,



Jacob Cassady
Director, Government Relations
(202) 202.872.5955 x327
jcassady@aham.org

⁹ [DEQ-20-2024](#)

¹⁰ Id.

¹¹ Id.

¹² Id.

About AHAM

AHAM represents more than 160 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

In Oregon, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Oregon is \$1.5 billion, nearly 10,000 direct and indirect jobs, \$160.4 million in state tax revenue and more than \$514.0 million in wages. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Home appliances also are a success story in terms of energy efficiency and environmental protection.

Appendix A

May 31, 2024

Comments submitted via RethinkRecycling@deq.oregon.gov

Nicole Portley
PRO Program Plan Lead
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

Re: Circular Action Alliance Producer Responsibility Organization Program Plan Application 2025-2027 Program Plan Period

Dear Nicole Portley:

The Association of Home Appliance Manufacturers (AHAM) appreciates the opportunity to comment on Circular Action Alliance's Producer Responsibility Organization Program Plan Application for the 2025-2027 Program Plan Period.

Plan Application Provides Few Examples of Cost Containment

Circular Action Alliance's Producer Responsibility Organization Program Plan Application provides producers and interested parties with certain information on how their plan would operate. In many areas, CAA's plan provides detailed descriptions of how, as Oregon's PRO, they would implement the Recycling Modernization Act (RMA). AHAM appreciates the Application's attempts to harmonize Oregon's plan with other packaging EPR programs. However, AHAM is concerned with areas of the proposal that are less detailed. The opaque "Financing Strategy" does not provide producers with transparent information as to how CAA is determining material fees. As the RMA's Rulemaking is finalized, Oregon must recognize its leadership role as one of the first packaging EPR states in the nation.

Program Fees Determined by CAA Proprietary Algorithm

Under *CAA Fee-Setting Guiding Principles*, "Fee-setting will account for measurable environmental objectives and state-mandated ecomodulation policies using CAA's ecomodulation principles (which are under development)." The ecomodulation impact on material fees appears to be a factor in the "development of the Base Fee Algorithm." AHAM understands this to mean that the proprietary fee algorithm, which all members of the PRO will pay as the "base fee", includes fees for the environmental impact of the packaging material (ecomodulation).

The proprietary fee algorithm, which is incorporated into the *Detailed Fee-Setting Methodology* (Appendix G), is listed as "confidential". While the methodology to create the algorithm is listed as "shared with DEQ", it should also be shared with members of the PRO. Producers who pay to participate in the program should have a detailed understanding that, material fees and overall fees, are what CAA claims them to be. As the Application notes, "a portion of total gross costs of managing covered products in Oregon would be allocated to individual materials according to their relative recycling rate, such that the materials with higher recycling rates would be assigned a smaller portion of the cost and vice versa." DEQ should establish regulations that prevent CAA and

its algorithm from mitigating the impact of fees by minimalizing ecomodulation or overstating “recycling rate”. Recycling or recovery of a material does not mitigate the environmental impact of the material.

Additionally, according to the Application, in the fall of 2023, CAA began discussions with its “Founding Members to develop a national fee-setting methodology to be deployed to all EPR enacted states.” CAA’s seven founding members are identified in the “Articles of Incorporation” (Appendix H) and are all producers of high-volume fast-moving consumable consumer goods. Producers who do not produce similar consumable goods should not be kept in the dark as to why they are paying fees determined by these seven producers.

Producers that join CAA’s Oregon PRO, will likely be mandated to join CAA’s PRO in other states. As the Application notes, with respect to fee setting, “we also considered its potential for “nestability” with other EPR programs, such as California, to enable producer reporting synergies between Oregon and other state programs. This calls for unique levels of transparency in Oregon’s program, as it will be likely replicated in nearly every state in the Union. Providing producers with generalizations and self-determined “guiding principles” does not provide producers with the cost detail necessary to determine which packaging materials to use based on an established fee structure.

Reliance on Secret Algorithm May Explain Fee Variations

The potential overreliance on an algorithm that is immune from scrutiny may explain the wide range of “Preliminary Base Fees” (Table 16), which provides eight material categories that include 62 different packaging materials. While the Application notes that the “list was developed based on our understanding of the RMA requirements, our experience with EPR programs in other jurisdictions, and the [uniform statewide collection list] and PRO accepted material lists developed by DEQ as a part of rulemaking.” Within the eight categories, a fee structure is not provided for the 62 different packaging materials identified. It is difficult to draw conclusions or understand the basis for the range of fees listed for the eight categories without a fee structure for specific materials, which is provided by programs in Canada and Europe. While AHAM appreciates attempts at harmonization among states with packaging EPR programs, Oregon must recognize its leadership role as it establishes one of the first packaging EPR programs in the nation.

Furthermore, the Application does not provide details or information on how CAA would contain, limit or refund fees. CAA developed a range of fees and cost estimates for the first year of the Program and under the “base case scenario, CAA expects to generate \$226 million in producer fees to cover estimated program costs of \$219 million” and “under the high case scenario, CAA expects to generate \$292 million in producer fees to cover estimated program costs of \$287 million.” These projections would generate multimillion dollar surplus in the first year of the program alone. A detailed, publicly available accounting of how these dollars are spent is vital to the success of the RMA.

Guardrails in the RMA Limit Scope of Covered Materials and Must be Safeguarded

AHAM continues to appreciate that the RMA limits the inclusion of certain packaging generated outside of the scope of Oregon’s packaging EPR laws. This provision of the law remains one of the few, if only, examples of cost containment for producers of non-consumable goods or durable goods. Additionally, AHAM appreciates DEQ’s inclusion of EPS and clear polyethylene (PE) film in the Oregon Adopted Recycling Acceptance Lists and in the Uniform Statewide Collection List.

Worker safety in warehouses, distribution centers or during transportation/delivery must be considered, especially when dealing with large appliances such as refrigerators, freezers, dishwashers, cooking ranges, clothes washers and dryers. Once assembled, major appliances are often packaged, stored and moved in very large warehouses or distribution centers. These facilities often have limited climate control and can experience extreme temperature and humidity changes. Low temperatures can cause packaging materials to become brittle while humidity and heat can affect the packaging's structural integrity and limit the effectiveness of adhesives or the strength of packaging products made from fiber.



For safety purposes, it is vital to maintain the structural strength of packaging materials, particularly with respect to major appliances that are regularly stacked vertically with multiple units above ground. Furthermore, these appliances are often moved around by clamp truck and the packaging must withstand the force of the clamps to be moved efficiently. Other paper alternatives such as cardboard, molded pulp or honeycomb can only handle a limited number of impacts and are more apt to lose structural integrity in hot and humid environments.



A fiber-based alternative to EPS would be bulkier and heavier. Consequently, this increased unit size leads to more truck loads need to transport

the same number of units, more fuel to move them, and more warehouse space required to store them. It is estimated that there would be an increase in size of 5-10% in all directions for the equivalently designed protective packaging, which equates to an increase of about 20-30% more trucks needed to deliver large appliances.



Additionally, thin plastic film (PE) is used to protect the finish of appliances as well as the display screen. Fiber alternatives, such as paper, are like sandpaper and would scratch the product and would lead to consumers either accepting a damaged product or refusing delivery and the distributor returning the product to the warehouse. There is no alternative to the use of plastic film to protect the finish of appliances or the display screen.

Appliance packaging is used to protect the appliance and factory personnel during storage, transport and delivery. The safest and most effective materials for this use are lightweight, can

withstand multiple impacts, and maintain their integrity in humid conditions. Unlike smaller, fast-moving consumer goods, packaging for heavy durable goods have different requirements and must be able to ensure the protection of workers during transportation and at distribution centers. Large appliances such as refrigerators, freezers, dishwashers, cooking ranges, washers and dryers are stacked as high as 30 feet and packaging cannot fail while products are warehoused, regardless of environmental or climate conditions.

Conclusion

AHAM appreciates the opportunity to provide comments on the Circular Action Alliance Producer Responsibility Organization Program Plan Application. Manufacturers of consumer products need flexibility in choosing appropriate materials for packaging their products to avoid situations that cause product breakage and damage during transport (which ultimately increases the lifecycle impact of the product) as well as to deter theft of smaller, high value electronics from retail establishments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob Cassady', enclosed in a thin black rectangular border.

Jacob Cassady
Director, Government Relations
(202) 202.872.5955 x327
jcassady@aham.org

Appendix B

October 28, 2024

Comments submitted via RethinkRecycling@deq.oregon.gov

Nicole Portley
PRO Program Plan Lead
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

*Re: Circular Action Alliance Producer Responsibility Organization Program Plan **Second Draft Submission 2025-2027 Program Plan Period***

Dear Nicole Portley:

The Association of Home Appliance Manufacturers (AHAM) appreciates the opportunity to comment on Circular Action Alliance's Producer Responsibility Organization Program Plan **Second Draft Submission** for the 2025-2027 Program Plan Period.

Plan Application Provides Few Examples of Cost Containment

Circular Action Alliance's Producer Responsibility Organization Program Plan **Second Draft Submission** provides producers and interested parties with additional information on certain aspects of how their plan would operate. In many areas, CAA's Program Plan Second Draft Submission provides more depth to the details and descriptions of how, as Oregon's PRO, they would implement the Recycling Modernization Act (RMA). AHAM appreciates the Application's continued work to harmonize Oregon's plan with other packaging EPR programs. However, AHAM remains concerned with areas of the proposal that are less detailed. AHAM commented on the original draft submission that the opaque "Financing Strategy" does not provide producers with transparent information as to how CAA is determining material fees. These concerns remain with the Program Plan Second Draft Submission. As the RMA's Rulemaking is finalized, it is vital that Oregon recognize its leadership role as one of the first packaging EPR states in the nation and the precedents this program will set.

Program Fees Determined by CAA Proprietary Algorithm

AHAM appreciates the packaging product breakdown provided in the "*Interim Base Fee Rate Estimates – Simplified Fee Schedule*" but remain concerned with the methodology used to establish Program Fees. While CAA determined the "Fee-Setting Guiding Principles" that will guide the fee structure, the ability for producers outside of the structure of CAA to provide input and accountability to their adherence is limited and remains opaque.

As AHAM previously commented, according to the Application, in the fall of 2023, CAA began discussions with its "Founding Members to develop a national fee-setting methodology to be

deployed to all EPR enacted states.” CAA’s seven founding members are identified in the “Articles of Incorporation” (Appendix H) and are all producers of high-volume fast-moving consumable consumer goods. Producers who do not produce similar consumable goods should not be kept in the dark as to why they are paying fees determined by these seven producers.

Producers that join CAA’s Oregon PRO, will likely be mandated to join CAA’s PRO in other states. As the Application notes, with respect to fee setting, “we also considered its potential for “nestability” with other EPR programs, such as California, to enable producer reporting synergies between Oregon and other state programs. This calls for unique levels of transparency in Oregon’s program, as it will be likely replicated in nearly every state in the Union. Providing producers with generalizations and self-determined “guiding principles” does not provide producers with the cost detail or confidence necessary to determine which packaging materials to use based on an established fee structure.

Reliance on Secret Algorithm May Explain Fee Variations

The proprietary fee algorithm that will be used to determine fees, is incorporated into the *Detailed Fee-Setting Methodology* (Appendix G) and listed as “confidential”. While the methodology to create the algorithm is listed as “shared with DEQ”, it should also be shared with members of the PRO.

The potential overreliance on an algorithm that is immune from scrutiny may explain the wide range of “Interim Base Fee Rate Estimates” (Table 17), which provides 16 material categories. It remains difficult to draw conclusions or understand the basis for the range of fees for the 16 material categories listed without additional details or information that will reflect the full list of reporting categories and the amounts that will be charged. Producers who pay to participate in the program should have a detailed understanding that material fees and overall fees are what CAA claims them to be.

“Ecomodulation” is a key fee-setting principle and is a factor in the “development of the Base Fee Algorithm.” AHAM supports the inclusion of “Ecomodulation” fees that are based on the environmental impacts of the material or its ability to be recycled. The proprietary fee algorithm, which all members of the PRO will pay as the “base fee”, includes fees for the environmental impact of the packaging material (ecomodulation). As the Application notes, “a portion of total gross costs of managing covered products in Oregon would be allocated to individual materials according to their relative recycling rate, such that the materials with higher recycling rates would be assigned a smaller portion of the cost and vice versa.” DEQ should establish regulations that prevent CAA and its algorithm from mitigating the impact of fees by minimalizing ecomodulation or overstating “recycling rate”.

While AHAM appreciates the factors and uncertainties CAA must include as they estimate program costs and fees, recycling or recovery of a material does not mitigate the environmental impact of the material. Accordingly, Oregon must also recognize its place as a leader as it becomes one of the first packaging EPR programs in the nation. A strong program in Oregon will encourage harmonization among future programs.

Guardrails in the RMA Limit Scope of Covered Materials and Must be Safeguarded

AHAM continues to appreciate that the RMA limits the inclusion of certain packaging generated outside of the scope of Oregon's packaging EPR laws. This provision of the law remains one of the few, if only, examples of cost containment for producers of non-consumable goods or durable goods. Additionally, AHAM appreciates DEQ's inclusion of EPS and clear polyethylene (PE) film in the Oregon Adopted Recycling Acceptance Lists and in the Uniform Statewide Collection List.

Worker safety in warehouses, distribution centers or during transportation/delivery must be considered, especially when dealing with large appliances such as refrigerators, freezers, dishwashers, cooking ranges, clothes washers and dryers. Once assembled, major appliances are often packaged, stored and moved in very large warehouses or distribution centers. These facilities often have limited climate control and can experience extreme temperature and humidity changes. Low temperatures can cause packaging materials to become brittle while humidity and heat can affect the packaging's structural integrity and limit the effectiveness of adhesives or the strength of packaging products made from fiber.



Appliance packaging is used to protect the appliance and factory personnel during storage, transport and delivery. The safest and most effective materials for this use are lightweight, can withstand multiple impacts, and maintain their integrity in humid conditions. Unlike smaller, fast-moving consumer goods, packaging for heavy durable goods have different requirements and must be able to ensure the protection of workers during transportation and at distribution centers. Large appliances such as refrigerators, freezers, dishwashers, cooking ranges, washers and dryers are stacked as high as 30 feet and packaging cannot fail while products are warehoused, regardless of environmental or climate

conditions.

For safety purposes, it is vital to maintain the structural strength of packaging materials, particularly with respect to major appliances that are regularly stacked vertically with multiple units above ground. Furthermore, these appliances are often moved around by clamp truck and the packaging must withstand the force of the clamps to be moved efficiently. Other paper alternatives such as cardboard, molded pulp or honeycomb can only handle a limited number of impacts and are more apt to lose structural integrity in hot and humid environments.

A fiber-based alternative to EPS would be bulkier and heavier. Consequently, this increased unit size leads to more truck loads need to transport the same number of units, more fuel to move them, and more warehouse space required to store them. The environmental impact of alternative packaging materials, such as cardboard, should also be considered. It is estimated that there would be an increase in size of 5-10% in all directions for the equivalently designed protective packaging, which equates to an increase of about 20-30% more trucks needed to deliver large appliances.



Additionally, thin plastic film (PE) is used to protect the finish of appliances as well as the display screen. Fiber alternatives, such as paper, are like sandpaper and would scratch the product and would lead to consumers either accepting a damaged product or refusing delivery and the distributor returning the product to the warehouse. There is no alternative to the use of plastic film to protect the finish of appliances or the display screen.

Conclusion

AHAM appreciates the opportunity to provide comments on *Circular Action Alliance Producer Responsibility Organization Program Plan **Second Draft Submission** 2025-2027 Program Plan Period*. Manufacturers of consumer products need flexibility in choosing appropriate materials for packaging their products to avoid situations that cause product breakage and damage during transport (which ultimately increases the lifecycle impact of the product) as well as to deter theft of smaller, high value electronics from retail establishments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob Cassady'.

Jacob Cassady
Director, Government Relations
(202) 202.872.5955 x327
jcassady@aham.org



January 31, 2025

Oregon Department of Environmental Quality
Via email to RethinkRecycling@deq.oregon.gov

RE: Proposed Producer Responsibility Organization Plan

Dear Oregon DEQ staff:

The Association of Plastic Recyclers (APR) is committed to improving plastics recycling in Oregon and supporting the effective implementation of the Plastic Pollution and Recycling Modernization Act (RMA). We appreciate the opportunity to provide written comments on the Proposed Producer Responsibility Organization Plan submitted December 6, 2024.

[The APR is a U.S.-based, international non-profit association](#) and the only North American organization focused exclusively on improving the recycling of plastics. APR members are the entirety of the plastics recycling industry from design to collection to recovery to remanufacturing, [including two Oregon-based processors \(reclaimers\) and more than 10 regional West Coast processors.](#)

APR appreciates the robust work that went into the Program Plan and the historic milestone of creating the first PRO Program Plan in the US. The revised Program Plan reflects a tremendous amount of work and a strong work plan for reaching the state's goals. CAA has been proactive and committed to engaging with APR and its members continuously throughout 2024 as the plan has evolved. We recognize this as an iterative process and provide these comments in a collaborative spirit to modernize Oregon's recycling system. APR looks forward to continuing discussions with DEQ, Circular Action Alliance (CAA), and other stakeholders on this new era for Oregon.

NOTABLE IMPROVEMENTS IN REVISED PLAN

APR appreciates the many areas of improvements in this third plan, including but not limited to:

- Temporary variance proposals and alternatives to battery-powered trackers
- CAA's work to reduce burden on REMs and to develop a separate strategy to further develop and improve end markets
- CAA's work to field test REM verification and submit adjusted procedures under a plan amendment

- Commitment to leverage approved certification programs and streamlined compliance based on existing programs
- Attention to protecting confidentiality and data sensitivity for recyclers
- Creation of financial support fund to provide consulting assistance to help recyclers with auditing, documentation, and REM verification
- Outline for future plan amendments to add more plastics packaging formats to the USCL, specifically PET thermoforms, PP and PE lids, and HDPE package handles

OUTLINE OF KEY CONCERNS & SUGGESTIONS

- Greater investment needed to increase manufacturing demand for recycled plastics
- Support focus group testing of REM procedures to inform potential modifications before program launch
- Support proposed temporary variances to track plastic recycling yield at reclaimers
- Support initial REM verification through self-attestation and phased in optional criteria for improvements
- Request to reclassify minor non-compliance issues as recommendations to implement best practices
- Implement comparison approach to evaluating environmental impact
- Streamline chemical disclosure
- Objection to battery trackers to protect worker safety

1. MORE INVESTMENT NEEDED TO INCREASE MANUFACTURING DEMAND FOR RECYCLED PLASTICS

While there is substantial attention to the REM verification in the Oregon rules and CAA plan, there is much less focus and investment going toward building stronger manufacturing demand for the use of recycled plastics, which is fundamentally critical to the success of this program. **There are no substantial components to this plan that will push or mandate manufacturers to buy more recycled plastics from Oregon's programs.** The program will scale up collection, sorting, and processing at the CRPFs that ship to the REMs. But there is not enough that ensures the REMs will have more manufacturing demand to use the additionally collected materials. With insufficient manufacturing demand, REMs may be unable to sell enough or more of their outputs. This means they will slow down what they buy from the

CRPFs, or will not be able to expand operations to accept the additional plastics captured by Oregon's program modernization.

APR is committed to working with CAA, DEQ, and other partners to develop more specific market development strategies for plastics, as stated on p. 166. While CAA has earmarked up to 5 percent toward these efforts, we recommend further study in this area to identify the needed types and amount of investments to fully scale more remanufacturing demand and greater processing infrastructure to meet the recycling goals set for covered materials. Additionally, APR strongly recommends market development funding and initiatives include action steps for all plastics, including those on the USCL, and not just the initial materials outlined on p. 165.

In addition to the steps listed on p. 166, APR recommends:

- Further research into state procurement options, particularly for construction applications, outdoor recreation products, and other products purchased through ODOT, state parks, and agencies not addressed in the DAS study
- Prioritize the implementation of eco-modulation incentives for recycled content as the first factor rolled out under the initial voluntary program.
- Procurement of roll carts with PCR as required under RMA
- Procurement incentives and programs aimed at leveraging the buying power of producers registered with CAA
- Explore the role of recycled content mandates in adjoining states or through updates to the Oregon Rigid Plastic Container rules
- Collaboration with CAA program plans in Colorado, California, and other markets
- Federal tax credits for the purchase of recycled content

2. SUPPORT FOR CAA FOCUS GROUP TESTING FOR RESPONSIBLE END MARKET VERIFICATION

APR strongly supports the work of CAA to field test the proposed REM verification procedures, and to propose relevant modifications to OR DEQ based on on-the-ground validation in early 2025. APR hosted a REM focus group with CAA in December and is committed to continuing to work with CAA to improve and streamline the REM verification process. APR represents over 90% of the processing capacity for post-consumer plastic packaging in the US and Canada. Many of our members have been responsibly recycling plastics from Oregon communities for decades, and these long-standing, successful

partnerships should be the backbone of the RMA. Unfortunately, many of our members have expressed strong concerns with the complexity and scope of the proposed verification standards and the disclosure of sensitive business information under the RMA implementation. Field testing will be a critical step to refine the process and to focus on capturing the most essential information to start to build a strong program foundation.

3. STRONG SUPPORT FOR TEMPORARY VARIANCES

APR strongly supports the variances proposed on p. 157, specifically the fourth variance that confirms that verification of all end market entities for plastics recycling will be at plastics reclaimer facilities, delaying any REM verification required at food-grade packaging or children's toy facilities. As stated in previous comments, APR members are strongly opposed to naming their downstream buyers due to business concerns and contractual restrictions. DEQ received at least four letters from major plastics recyclers during its July 2024 comment period stating opposition to disclosure of end market buyers. APR supports CAA's request to verify end markets for plastics at the reclaimer facilities through the first Program Plan time period.

4. SUPPORT FOR FOCUS ON SELF-ATTESTATION AND PHASED IN OPTIONAL CRITERIA FOR IMPROVEMENTS

It is critical to recognize Oregon's REM verification requirements **as a first-of-its-kind program.** CAA's goal to develop a system of identifying responsible end markets (REMs) and tracking material flows (Material Flow Management System) will be a huge undertaking and achievement in and of itself, not even taking into consideration all the other program components CAA is launching in Oregon as the first packaging PRO in the US. A phased-in program launch is the most appropriate approach to this complex process, as is noted in the approach of other states and provinces. **It is critical to establish the base program to start, and then iterate more complex reporting and compliance as the program matures.**

5. MINOR NON-COMPLIANCE ISSUES SHOULD BE RE-CLASSIFIED AS BMPS

The issues flagged for minor non-compliance issues are more in line with industry best management practices (BMPs) rather than egregious violations such as those identified under Disqualifying or Major Violations. APR requests minor non-compliance is reclassified to recommendations to drive continuous improvement. The label of non-compliance is not appropriate for facilities that are meeting the most essential criteria

and have been responsibly recycling Oregon's materials for decades. The starting point for this new program cannot be based on meeting the absolute highest tracking criteria, and in some cases, there are no common procedures or tools to measure or verify these criteria. To be clear, we are not asking for the bottom floor—APR members support responsible processing and have been committed partners to Oregon programs for decades. We are asking for a tiered approach that starts with the most critical, most well-established indicators that will curb the use of irresponsible overseas markets that previously processed Oregon's materials. Once this program is built, it can be strengthened over time, but starting too hard and too fast would likely drive some recyclers away from buying materials from Oregon, thus undermining the efforts and goals of OR DEQ. APR requests to reclassify several criteria in Table 17 & 18 and move the minor violations that are currently considered non-compliance to instead be classified initially as a recommended best practice that does not result in non-compliance. This tiered, start and strengthen approach aligns with CAA's goal to include recommendations and focus on a graduated approach.

6. ENVIRONMENTAL IMPACT SHOULD BE COMPARED TO ALTERNATIVE PROCESSES

The initial baseline for REMs for environmental criteria should be set at compliance with applicable local and state permits, as established under the CAA process. For overseas markets, reporting should be to the equivalent state or U.S. requirements. At this point in the program launch, any additional requirements for environmental measurement and performance should start as optional recommendations and should not be categorized as violations in the initial program launch. This is because the environmental impact discussion must be put in the context of how recycling compares to the alternatives of landfill disposal and virgin natural resource extraction.

There is a critical gap in both the CAA verification process and the DEQ guidelines: neither one accounts for the environmental benefits of increased recycling of more tons of plastics and other material types. DEQ's own studies show recycling is a net benefit to the environment. Focusing only on the potential emissions from recycling facilities does not account for the reduction in energy use and emissions compared to virgin resource production. All data on environmental impacts from recycling must be compared to alternatives because those materials must be managed, and having no impact is simply not an option.

There are existing environmental impact studies and comparison tools that clearly demonstrate the environmental benefits of recycling compared to alternative disposal methods. Comparing recycling to landfill disposal and natural resource extraction is best done through expert studies. CAA and DEQ should identify and focus on agency studies, national labs, or other analysis conducted by experts in those fields to take a comprehensive look at how recycling impacts the environment compared to alternative disposal and natural resource extraction.

Further, simply reporting on the water or energy use by facilities fails to account for processing differences between facilities, particularly in terms of outputs. For example, producing food-grade quality plastics may require additional washing and additional sorting that requires more energy usage. The energy and water use must be compared to the displacement of virgin plastic in packaging and the avoided impacts of disposal. A facility will higher water and/or energy usage than another plant is not a bad thing in and of itself without the context of what are the feedstock inputs and outputs, and the comparison to alternative management methods.

7. SIMPLIFY INITIAL REPORTING ON CHEMICALS TO REFLECT AVAILABLE DATA

APR objects to the far-reaching scope under the section on disclosing chemicals of concern, and specifically the use of California's Prop 65 as the baseline for disclosing chemicals of concern. There are over 900 chemicals listed under Proposition 65. This places an enormous burden on recyclers when similar regulations do not exist on other types of operations that are known to use much higher levels of chemicals. Reporting on chemicals of concern is in the very nascent stages across all industries, and the plan must reflect the current state of measurement and tracking.

Non-compliance should focus first on only chemicals introduced or used during the operation, and to which Safety Data Sheets (SDS) are required. Recyclers do not have responsibility or tools to track chemicals that may be already present in the recycled packaging in CRPF bales. Further, analytical methods to define, identify, and measure the wide range of "chemicals of concern" are still emerging across all industries and not appropriate for the program start. The reference to Prop 65 on p. 148 should be removed entirely and the focus should start on the Chemical Management System Components outlined in the previous table row.

8. SUPPORT FOR CHAIN OF CUSTODY TRACKING, NOT RISK OF BATTERY TRACKERS

APR supports CAA's proposal to utilize chain of custody tracking during the first Program Plan to verify compliance, as outlined on p. 163, instead of battery-powered trackers. **APR strongly opposes the intentional introduction of battery trackers into any point of the recycling process**, as stated in previous comments. Several APR members have already experienced fires, downtime, equipment damage, and worker safety problems with batteries ending up at plastics recyclers, similar to the well-documented problems caused by batteries at MRFs. APR is committed to robust chain of custody verification, as demonstrated by our own development of a PCR certification program and continued dialogue with CAA on this important topic. Robust chain of custody is a global best practice that can be successfully implemented without the significant risk and potential damage created by battery trackers.

9. ADDITIONAL SUGGESTIONS & COMMENTS

1. **Review reporting process with REMs:** The action steps outlined on p. 157 to improve the REM process should include an additional step to gather input from REMs to review the impact of reporting and auditing on their operations, and actions that can be taken to further streamline the process such as improved tools, additional technical assistance, funding for reporting assistance, etc.
2. **Support CAA adjustment to estimate yield:** Yield documentation is not possible when processing mixed materials. APR supports the CAA proposal to estimate yield for these materials on p. 153.
3. **Remove reference to lowest cost.** On p. 167 under Guiding Principles for Competitive Proposals, the plan states CAA will prioritize contracts "at the lowest cost." The singular focus on lowest cost as the metric for success is alarming. This plan should be built to achieve environmental outcomes required in this law in a cost-effective manner. APR has raised this issue in past comments and continues to urge DEQ to push for cost-effectiveness instead of lowest cost.
4. **List APR as eligible standard in May amendment:** APR supports CAA's commitment to leverage existing certification programs to streamline the REM verification process. APR recently released [an updated and expanded version of its PCR Certification program](#), which includes specific improvements made to align with the Oregon regulations. APR supports CAA's plan to submit a revised

list of approved certification programs and looks forward to further discussions with CAA and DEQ to include APR's program on that list.

5. **Add action steps to identify design improvement areas.** Many of the challenges faced by plastics REMs can be improved through product design changes, such as changes to labels, adhesives, colorants, etc. While the described incentives and investments in reclaimers are welcome, producers also play a critical role in reducing contamination and improving quality at plastics reclaimers by adhering to design for recyclability standards. CAA could integrate an ongoing review of design opportunities that would improve REM yield and lower system costs. Suggested steps could be: 1) Identify and publish problematic materials at reclaimers, and recommend design changes based on APR Design Guide and recognition programs; and 2) Provide financial incentives and technical training to producers to implement design changes that improve reclaimer yield and reduce costs.
6. **Support for adding thermoforms to USCL list:** APR supports CAA's goal to add PET thermoforms to the USCL in 2027. We suggest more specific actions that emphasize product design and strengthening end market demand for recycled resin produced from thermoforms as critical steps toward successful implementation. Properly designed PET thermoforms are fully compatible with rPET produced from bottles, and can accept high levels of post-consumer recycled content in food contact applications. Please refer to our recommended action steps outlined in our comment letter submitted on October 28, 2024.

MOVING FORWARD

APR would like to restate our commitment to continue to work with CAA to field test the REM verification criteria in early 2025 to refine a more practical and still impactful verification program to start this first-of-its-kind program. In addition, APR is committed to working with CAA, DEQ, and other stakeholders to strengthen market demand for responsibly produced recycled plastics to ensure the success of EPR implementation.

Our staff and members are available at your convenience to discuss these comments, share further information, and collaboratively craft solutions for the effective implementation of the RMA. Please contact Kate Bailey, Chief Policy Officer, at katebailey@plasticsrecycling.org.

Sincerely,

Kate Bailey

Kate Bailey, Chief Policy Officer, Association of Plastic Recyclers (APR)

City of Tualatin

Proposed Third Draft Producer Responsibility Organization Plan, submitted by Circular Action Alliance.

The City of Tualatin desires to submit a public comment regarding Circular Action Alliance's Third Draft Producer Responsibility Organization Plan. Upon review of this draft plan, there are errors in how it reports out on the City of Tualatin.

The City of Tualatin completed and submitted both the Needs Assessment and ORSOP on time and indicated "Yes" for interest in expanding recycling services (Eunomia Needs Assessment May 2023 pages 32, 33 and pages 194, 210), but is not listed in the Local Government Funding Schedule in CAA's plan (Table 1, pages 33-41).

The City of Tualatin's population is listed incorrectly in two tables on plan pages 75 and 89, respectively (and again in Appendix F on document pages 320 and 334). The correct population should be listed as 27,914.

DEQ has confirmed that Circular Action Alliance is in the process of reviewing submitted Needs Assessments and ORSOP materials to update the proposed budget and report each jurisdiction more accurately, but that these updates will likely come after the public comment deadline. Therefore, we request review and confirmation by DEQ before approval of this Third Program Draft.

Needs Assessment for Oregon Local Government Recycling Expansion

Eunomia Research & Consulting

May 2023



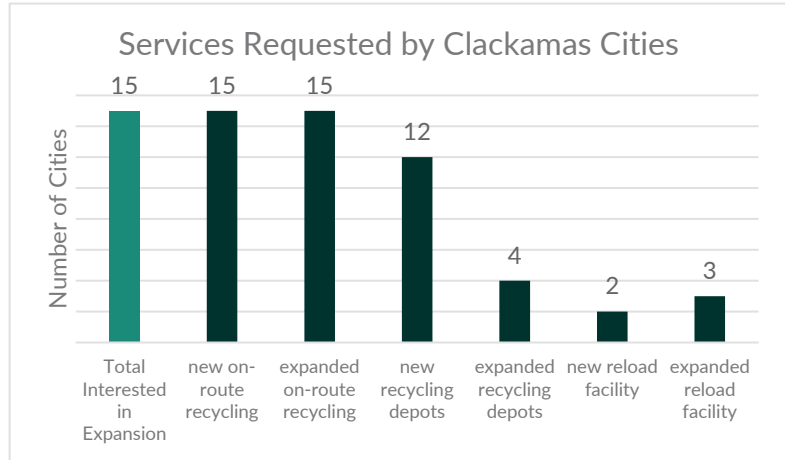
Clackamas County

County Response: **Yes** (on behalf of Mt. Hood Area, Rural Areas outside Metro UGB, and Urban Areas & Rural Areas Inside Metro UGB)

Number of Cities that Responded: **15**

Number of Cities Interested in Expansion: **15**

Cities Interested in Expansion: **Canby, Estacada, Gladstone, Happy Valley, Johnson City, Lake Oswego⁹, Milwaukie, Molalla, Oregon City, Portland¹⁰, Rivergrove¹¹, Sandy, Tualatin¹², West Linn, Wilsonville¹³**



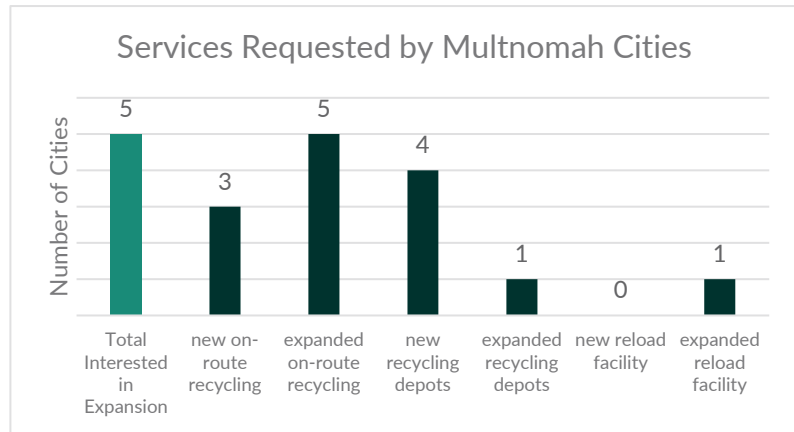
Multnomah County

County Response: **Yes**

Number of Cities that Responded: **6**

Number of Cities Interested in Expansion: **5**

Cities Interested in Expansion: **Gresham, Lake Oswego, Portland, Troutdale, Wood Village**



⁹ In Clackamas, Multnomah, and Washington Counties

¹⁰ In Clackamas, Multnomah, and Washington Counties

¹¹ In Clackamas and Washington Counties

¹² In Clackamas and Washington Counties

¹³ In Clackamas and Washington Counties

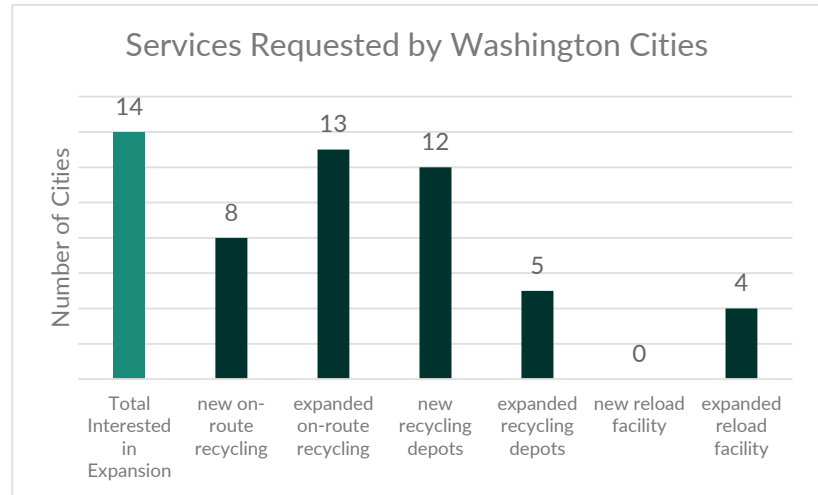
Washington County

County Response: **Yes**

Number of Cities that Responded: **15**

Number of Cities Interested in Expansion: **14**

Cities Interested in Expansion: **Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Lake Oswego, Portland, Rivergrove, Sherwood, Tigard, Tualatin, Wilsonville**



Milton-Freewater Wasteshed

Milton-Freewater, a city within Umatilla County, is designated as a separate wasteshed and therefore is listed here separately.

Interested in Expansion: **Yes** (all services except expanded reload facility)

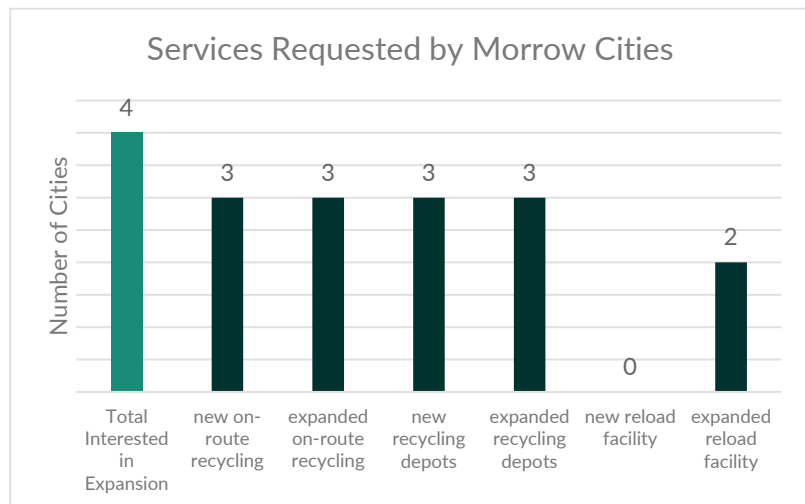
Morrow County

County Response: **Yes**

Number of Cities that Responded: **4**

Number of Cities Interested in Expansion: **4**

Cities Interested in Expansion: **Boardman, Heppner, Ione, Irrigon**



Expanding existing recycling reload facility: No

Local Government: City of Tualatin

Population: 27914	Service Provider(s): Republic Services, Ridwell	
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Respondent: Lindsay Marshall (Management Analyst)	Email: lmarshall@tualatin.gov	Phone: 5036913093
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Existing Services: Single-family on-route recycling collection; Multifamily on-route recycling collection; Commercial on-route recycling collection; Commercial on-route recycling collection; Recycling depot(s); Recycling reload facility

Interest in Expanding Recycling Services in 2025-2027: Yes

New on-route recycling collection: Yes
Adding single-family route(s); Adding multifamily route(s); Adding commercial route(s)

Expanding on-route recycling collection to accommodate new materials: Yes
Collection truck(s); Collection containers, roll carts or both; On-board contamination monitoring equipment and software (for upgrading collection programs that do not already have equipment in place); Staff safety equipment (e.g., goggles, safety vests, work boots, etc.)

New recycling depots: Yes
Collection containers; Signage; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring and training staff; Staff safety equipment (e.g.: may include., goggles, safety vests, work boots, etc.); Ongoing operational costs, including staffing; Land; Storage

Expanding existing recycling depots: Yes
Collection containers; Signage; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring and training staff; Staff safety equipment (e.g., may include goggles, safety vests, work boots, etc); Ongoing operational costs, including staffing; Land; Storage

New recycling reload facility, if needed: No

Expanding existing recycling reload facility: Yes
Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring of new staff, if needed, or expansion of staff hours; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Staff safety equipment (e.g., may include goggles, safety vests, work boots, etc.); Ongoing operational costs, including staffing; Land; Storage

Local Government: City of West Linn

Population: 27420	Service Provider(s): West Linn Refuse & Recycling	
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Respondent: Lance Calvert (Public Works Director)	Email: lcalvert@westlinnoregon.gov	Phone: (503) 722-3424
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New recycling reload facility, if needed: No
Expanding existing recycling reload facility: No

Local Government: City of Tualatin		
Population: 27914	Service Provider(s): Republic Services, Ridwell	
Respondent: Lindsay Marshall (Management Analyst)	Email: lmarshall@tualatin.gov	Phone: 5036913093
Existing Services: Single-family on-route recycling collection; Multifamily on-route recycling collection; Commercial on-route recycling collection; Commercial on-route recycling collection; Recycling depot(s); Recycling reload facility		
Interest in Expanding Recycling Services in 2025-2027: Yes		
New on-route recycling collection: Yes Adding single-family route(s); Adding multifamily route(s); Adding commercial route(s)		
Expanding on-route recycling collection to accommodate new materials: Yes Collection truck(s); Collection containers, roll carts or both; On-board contamination monitoring equipment and software (for upgrading collection programs that do not already have equipment in place); Staff safety equipment (e.g., goggles, safety vests, work boots, etc.)		
New recycling depots: Yes Collection containers; Signage; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring and training staff; Staff safety equipment (e.g.: may include., goggles, safety vests, work boots, etc.); Ongoing operational costs, including staffing; Land; Storage		
Expanding existing recycling depots: Yes Collection containers; Signage; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring and training staff; Staff safety equipment (e.g., may include goggles, safety vests, work boots, etc); Ongoing operational costs, including staffing; Land; Storage		
New recycling reload facility, if needed: No		
Expanding existing recycling reload facility: Yes Equipment to move and load recyclables for shipment; Equipment to compact and bale recyclables for shipment; Hiring of new staff, if needed, or expansion of staff hours; On-site monitoring equipment (e.g., cameras to monitor for contamination or illegal dumping); Staff safety equipment (e.g., may include goggles, safety vests, work boots, etc.); Ongoing operational costs, including staffing; Land; Storage		

Local Government: City of Wilsonville	
Population: 27414	Service Provider(s): Republic Services of Portland Metro/North Marion County, Oregon

Oregon Program Plan

(2025 – 2027)



Circular
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Alliance™

Population Covered by CAA RAL Depots – 15 Mile Buffer Distance + Convenience Analysis										
	Total Population (2020 Census)	Population within 15 Miles	Population Beyond 15 Miles	Percent of Population within 15 Miles	Base Target	Enhanced Target	Depots Count	Variance Depot Count	Meets Base	Meets Enhanced
Gladstone	12,017	12,017	0	100.0%	0	1	0	1	Yes	Yes with Discretion
Happy Valley	23,733	23,733	0	100.0%	1	1	1	0	Yes	Yes
Johnson City	539	539	0	100.0%	0	0	0	0	Yes	Yes
Lake Oswego	38,107	38,107	0	100.0%	1	1	1	0	Yes	Yes
Milwaukie	21,119	21,119	0	100.0%	1	1	1	0	Yes	Yes
Molalla	10,228	10,228	0	100.0%	0	1	0	0	Yes	No
Oregon City	37,572	37,572	0	100.0%	1	1	1	0	Yes	Yes
Portland	843	843	0	100.0%	0	0	0	0	Yes	Yes
Rivergrove	495	495	0	100.0%	0	0	0	0	Yes	Yes
Sandy	12,612	12,612	0	100.0%	0	1	0	1	Yes	Yes with Discretion
Tualatin	3,156	3,156	0	100.0%	0	0	0	0	Yes	Yes
West Linn	27,373	27,373	0	100.0%	1	1	0	0	No	No
Wilsonville	24,522	24,522	0	100.0%	1	1	1	0	Yes	Yes
<i>All other areas of county</i>	186,425	184,992	1,433	99.2%	N/A	N/A	N/A	N/A	N/A	N/A
Clatsop County	41,072	40,125	947	97.7%	2	2	2	N/A	Yes	Yes
Astoria	10,181	10,181	0	100.0%	1	1	1	0	Yes	Yes
Cannon Beach	1,489	1,489	0	100.0%	0	0	0	0	Yes	Yes
Gearhart	1,793	1,793	0	100.0%	0	0	0	0	Yes	Yes
Seaside	7,115	7,115	0	100.0%	1	1	1	0	Yes	Yes
Warrenton	6,277	6,277	0	100.0%	0	1	0	0	Yes	No

Population Covered by CAA RAL Depots – 15 Mile Buffer Distance + Convenience Analysis										
	Total Population (2020 Census)	Population within 15 Miles	Population Beyond 15 Miles	Percent of Population within 15 Miles	Base Target	Enhanced Target	Depots Count	Variance Depot Count	Meets Base	Meets Enhanced
Rivergrove	50	50	0	100.0%	0	0	0	0	Yes	Yes
Sherwood	20,450	20,450	0	100.0%	1	1	1	0	Yes	Yes
Tigard	54,539	54,539	0	100.0%	1	2	1	0	Yes	No
Tualatin	24,786	24,786	0	100.0%	1	1	1	0	Yes	Yes
Wilsonville	2,142	2,142	0	100.0%	0	0	0	0	Yes	Yes
<i>All other areas of county</i>	240,825	240,292	533	99.8%	N/A	N/A	N/A	N/A	N/A	N/A
Wheeler County	1,451	641	810	44.2%	1	1	1	N/A	Yes	Yes
Fossil	447	447	0	100.0%	0	0	0	0	Yes	Yes
Mitchell	138	0	138	0.0%	0	0	0	0	Yes	Yes
Spray	139	0	139	0.0%	0	0	0	0	Yes	Yes
<i>All other areas of county</i>	727	194	533	26.7%	N/A	N/A	N/A	N/A	N/A	N/A
Yamhill County	107,722	107,722	0	100.0%	3	4	4	N/A	Yes	Yes
Amity	1,757	1,757	0	100.0%	0	0	0	0	Yes	Yes
Carlton	2,220	2,220	0	100.0%	0	0	0	0	Yes	Yes
Dayton	2,678	2,678	0	100.0%	0	0	0	0	Yes	Yes
Dundee	3,238	3,238	0	100.0%	0	0	0	0	Yes	Yes
Gaston	6	6	0	100.0%	0	0	0	0	Yes	Yes
Lafayette	4,423	4,423	0	100.0%	0	1	0	0	Yes	No
McMinnville	34,319	34,319	0	100.0%	1	2	1	0	Yes	No
Newberg	25,138	25,138	0	100.0%	1	1	0	1	Yes with Discretion	Yes with Discretion
Sheridan	4,639	4,639	0	100.0%	0	1	1	0	Yes	Yes

January 31, 2025

Oregon DEQ, Nicole Portley
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100
rethinkrecycling@deq.oregon.gov

Re: CAA Program Plan Draft 3 Public Comment

Dear Nicole,

Thank you for the opportunity to submit comment on Circular Action Alliance's (CAA) Third Draft Producer Responsibility Organization (PRO) Plan related to the implementation of the Plastic Pollution and Recycling Modernization Act (PPRMA). We are appreciative of DEQ staff and Recycling Council members' time and effort to move PPRMA forward. We also acknowledge the significant investment of time and energy that CAA has committed to developing and refining its multi-faceted program plan.

This comment letter is submitted by Clackamas County Sustainability & Solid Waste staff and incorporates feedback on behalf of Clackamas County cities. Our obligation is ensure equitable service provision and environmental protections to all who reside, work, and recreate in Clackamas County.

In general, we support this plan and are excited to move forward in partnership with CAA and DEQ to elevate the Oregon recycling system to be a national leader in Extended Producer Responsibility for printed paper, packaging, and service ware. However, important details seem to be missing from this plan; details that are critical to ensure local jurisdictions and their constituents have equitable access and are appropriately compensated.

The following are concerns and recommendations from Clackamas County (including cities within):

Schedule of Investments:

- General. We hope to better understand the amounts indicated in this table, why some rows do not designate the type of funding (containers, trucks depots, reload), and how this information was generated from the submitted ORSOP surveys, as Clackamas County and its cities all submitted ORSOP questionnaires, but are not all represented in the table.
- Clackamas County. The schedule of investments shows a total of \$7,143, but this does not represent the needs of the county. Specifically, the ORSOP submission indicated the need for two trucks and ~1,700 carts for the Mt. Hood region which currently has limited access to curbside recycling service. In addition to this, there are two transfer stations (KB Clackamas and the ClackCo Transfer Station) in unincorporated areas which indicated interest in being PRO material collection sites and would need resources to accommodate the material.
- Canby. The City of Canby is not indicated on the schedule of investments, yet the Canby Transfer Station indicated interest in collection PRO materials and would need resources to accommodate the material.
- Wilsonville. The City of Wilsonville is not represented on the schedule of investments, yet WRI indicated interest in being a collection site for PRO materials with investment to accommodate the material.

Funding Agreements

- General. We understand the importance of funding authorization for reimbursement to service providers or others and that local governments will be notified when reimbursements to authorized recipients take place. It is important the process also allows for varying degrees of involvement by local governments. Some local governments may want contracting done strictly between the service provider and CAA while others may want funds to go directly to a service provider while being involved in the contracting process.

Collection Events

- General. Collection events seem a reasonable option in the short-term but should not be a permanent alternative to collection sites.
- Frequency. To be approved to meet a convenience standard, collection events need to be recurrent and regular. For example, they should be recurrent at least monthly in the same location or regularly rotate around a city/area with a known and transparent schedule.

Education and Outreach

- General. We recognize the enormity of the task to establish outreach and education materials to reach all Oregonians entering into PPRMA at different starting points. While having guides in translated/trans-created versions is greatly appreciated, we also encourage materials for broad audiences when the audience language preferences/abilities are unknown.
- Compensation. CAA has stated they will compensate local governments for using materials utilizing certain aspects of CAA-produced materials. More detail is needed to understand the required elements and structured reimbursement.
- Transparency. Understanding who/how community engagement occurs to continually improve materials, especially transcreated versions, will help build and strengthen the partnership between CAA, local governments, community partners, and the general public. As studies show that trust in the Oregon recycling system is low, transparency is crucial.

Thank you for your time and consideration reviewing our feedback. We look forward to continuing to partner with DEQ and CAA to improve Oregon's recycling, reuse, and waste reduction landscape.

Sincerely,



Rick Winterhalter, Manager
Clackamas County Sustainability & Solid Waste



1919 S. Eads St.
Arlington, VA 22202
703-907-7600
CTA.tech

January 31, 2025

Oregon Department of Environmental Quality
Materials Management
700 NE Multnomah Street, Suite 600
Portland, Oregon, 97232, U.S.

Re: Consumer Technology Association comments on the Proposed Third Draft Producer Responsibility Organization Plan of Oregon’s Plastic Pollution and Recycling Modernization Act

Dear Department of Environmental Quality,

On behalf of the Consumer Technology Association (CTA), we respectfully submit these comments on Circular Action Alliance’s proposed third draft producer responsibility plan of Oregon’s Plastic Pollution and Recycling Modernization Act (RMA). We appreciate the opportunity to offer feedback on the implementation of the law and appreciate the Department of Environmental Quality’s (DEQ) and Circular Action Alliance’s (CAA) engagement with stakeholders during this process.

CTA is North America’s largest technology trade association. Our members are the world’s leading innovators – from startups to global brands – helping support more than 18 million American jobs. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design and product stewardship.

Fee Rates for Protective Packaging Materials

CTA would like to acknowledge that the proposed fee rates for protective packaging materials used to ship large, heavy durable goods to Oregon consumers are significantly higher than every other jurisdiction. We request that rates be no greater than those set for comparable materials by other jurisdictions that operate packaging EPR programs. In setting these fees we believe they must account for the essential functional and lifecycle benefits that protective packaging materials confer.

For example, CAA proposed a fee rate of \$1.08 to \$1.44 per pound for “PS (#6) White Expanded/Foamed Cushioning and Void Fill,”¹ the material commonly known as EPS or Styrofoam that is used extensively to protect consumer products like televisions, stoves, refrigerators, and clothes washers during shipment. Even the “low” proposed rate for this material exceeds the approximate rates for the same material

¹ Oregon Final Plan at 201.

under the British Columbia (\$0.98/pound)² and Quebec (\$0.92/pound)³ EPR programs in 2025. It is worth noting that this material is predominantly only used by durable goods companies as protective packaging and less commonly in other applications.

When comparing costs that CAA is proposing in Oregon against jurisdictions in the EU, the costs differences are further exacerbated. See table below comparing Oregon fees for paperboard, flexible plastic and EPS foam, metal and wood to those of Germany, UK, Italy and Spain.

Comparison of Packaging Fee Rates in EU and Oregon (proposed) – USD/lbs.					
Country	Paper/Fiber	Plastic (Flexible)	Plastic (Rigid)	Metal	Wood
	i.e. Paper, Cardboard	i.e. PE bag	i.e. EPS	i.e. Steel, Aluminum	
Average Specified EU Countries*	Less than \$0.05/lb.	Less than \$0.35/lb.	Less than \$0.35/lb.	Less than \$0.15/lb.	Less than \$0.01/lb.
Oregon Base	\$0.03/lb.	\$1.04/lb.	\$1.94/lb.	\$0.03/lb.	\$1.57/lb.
Oregon Max	\$0.37/lb.	\$1.38/lb.	\$2.58/lb.	\$0.56/lb.	\$2.10/lb.
Oregon Average	\$0.20/lb.	\$1.21/lb.	\$2.46/lb.	\$0.29/lb.	\$1.83/lb.

Overpricing the fee rates for EPS and other protective packaging materials will have significant negative consequences beyond merely imposing unreasonable costs on product manufacturers. Unlike the materials used for food packaging or for other consumer packaged goods, the materials used for protective packaging for durable goods help ensure that the product inside meets consumer expectations and arrives safely. When a refrigerator arrives at a customer’s home with a dent in the door, or a television arrives with a scratched screen, that product is almost always returned and exchanged for an undamaged unit. The damaged unit is hopefully repaired and resold at a discount but may need to be replaced entirely and the original scrapped. This results in a much more significant amount of generated waste than using proper packaging. Protective packaging helps avoid these replacement costs as well as the related logistics and transportation expenses. As such Oregon’s fee rates should encourage judicious use of protective packaging materials, rather than discouraging or penalizing their use through unreasonably high fee rates.

CTA has previously communicated this with CAA. Additionally, CTA has continued to raise the point that if the overall goal of the RMA is to reduce waste and create more environmental workers, lifecycle assessments of packaging need to incorporate the packaging’s ability to protect the product from damage. Simply taking a lifecycle assessment of the manufacturing of a package does not tell the entire story of a packaging’s environmental footprint. This point is significantly more important for durable goods, as opposed to food, beverage, cleaning or personal care products. CTA would like to point out

² <https://recyclebc.ca/producers/reporting-fees/fee-schedule/>, assuming a conversion rate of .315 USD/pound to 1 CAD/kg. Published rate is CAD3.10 per kilogram.

³ <https://www.eeq.ca/en/companies-all-about-your-role/fee-schedule-to-help-with-your-report>, assuming a conversion rate of .315 USD/pound to 1 CAD/kg. Published rate is CAD2.90076 per kilogram.

that Circular Action Alliance's leadership does not include any manufacturer of a durable product, and those considerations did not seem to be included in their analysis of lifecycle assessments.

Bonus Fee Structure

As the CAA 3rd draft explains, one of the purposes of the Oregon EPR program is to "encourage producers to make continual reductions in the environmental and human health impacts of covered materials."⁴ The DEQ rules that govern the program promote this system of eco-modulation by granting producers certain bonuses for the voluntary disclosure of the life cycle environmental impact for one or more covered materials.⁵ These bonuses are intended to "drive innovations in packaging design, production and material selection that lead to continual impact reductions, a core objective of the [Recycling Modernization Act]."⁶ As such OAR 340-090-0910(3)(a)(B) specifies that producers may claim bonuses on up to 100 Stock Keeping Units (SKUs) for which a life cycle evaluation is performed and disclosed in a given year.

For reasons that aren't entirely clear however, the CAA 3rd Draft restricts manufacturers to claiming life cycle assessment bonuses for a maximum of only 10 SKUs, or batches of related SKUs, in a given year, rather than 100.⁷ This arbitrary limit diminishes incentives to innovate in packaging design and therefore undermines a core objective of the RMA. It also unfairly punishes producers that offer a large number of SKUs in Oregon, but with relatively few units per SKU, by forcing that producer to claim bonuses on only a subset of its packaging production. By contrast, a producer with 10 or fewer SKUs but a large number of units per SKU would be able to claim bonuses on all of its packaging production, even though the impact of that production on the Oregon recycling system would be far greater. Accordingly, producers should be allowed to claim bonuses on the maximum number (100) of SKUs, or batches of related SKUs, that is permitted by DEQ regulations.

CTA requests that CAA initiative more robust stakeholder engagement with those types of producers beyond it's leadership, namely durable goods, in order to create a fairer program that operates best for all consumer goods. We appreciate the opportunity to provide testimony on this third draft of the Oregon Program Plan and welcomes further discussion with CAA and DEQ. Please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,



Ally Peck
Senior Manager, Environmental and Sustainability Policy
[apeck@cta.tech](mailto:apeek@cta.tech)
C: (703) 395-4177

⁴ Oregon Final Plan at 209.

⁵ Id. at 210.

⁶ Id. at 209.

⁷ Id. at 211 (Bonus A), 212 (Bonus B).

January 30, 2025

Oregon DEQ, Nicole Portley

700 NE Multnomah Street, Suite 600

Portland, Oregon 97232-4100 rethinkrecycling@deq.oregon.gov

Re: CAA Program Plan Draft 3 Public Comment

Dear Nicole,

Thank you for the opportunity to submit comment on the Circular Action Alliance (CAA) Third Draft Producer Responsibility Organization (PRO) Plan related to the implementation of the Plastic Pollution and Recycling Modernization Act (PPRMA). We are grateful to DEQ staff and Recycling Council members for their dedicated work in ensuring the PPRMA is ready for implementation in July of 2025. We also recognize the significant effort that CAA has undertaken to design this third and final program plan, including the incorporation of comments and revisions from previous program plan drafts.

On behalf of the City of Eugene, we are writing to express our strong support for the efforts to address equity in Oregon's recycling system, as outlined in CAA's third program plan. Specifically, we want to highlight the meaningful steps CAA's team has taken to ensure that language access and community involvement are central to your outreach and education efforts.

We are particularly impressed by CAA's commitment to transcreating educational materials for diverse linguistic communities. By ensuring that materials are culturally relevant, CAA demonstrates a clear understanding of the need to go beyond translation and adapt messaging in a way that resonates with different audiences. This approach aligns with the City of Eugene's goals to ensure all residents, regardless of language or background, have equitable access to important information and resources.

Moreover, we greatly appreciate CAA's dedication to partnering with Community-Based Organizations (CBOs) throughout the state. In our work, we have seen firsthand the power of these organizations in reaching underserved communities. Your willingness to engage CBOs in co-creating materials and developing campaigns reflects a thoughtful and inclusive approach that prioritizes the voices of those who are most impacted by Oregon's recycling system.

We are proud to see that the feedback we and other jurisdictions have provided, particularly regarding language access and the need for culturally appropriate outreach, has been integrated

into your comprehensive plan. It is clear that CAA is not only committed to compliance but also to making the recycling system in Oregon more inclusive and accessible to all residents.

The City of Eugene is excited about the potential of your proposed initiatives and is confident that your approach will help to address the barriers many residents face when engaging with recycling programs. We look forward to seeing the positive impacts of your work and are eager to continue supporting CAA's efforts in making Oregon's recycling system more equitable and inclusive.

Thank you for your continued dedication to equity and community engagement.

Sincerely,

Jarian Cika

AIC Waste Prevention Program Manager

City of Eugene

From: [Chris Cary](#)
To: [RethinkRecycling * DEQ](#)
Cc: [Dave Dillon](#); [Mike Freese](#); [Danelle Romain](#); [Derek Sangston](#)
Subject: Circular Action Alliance Program Plan Number 3 - Comments by Food Northwest
Date: Friday, January 31, 2025 10:29:59 AM

Greetings,

Food Northwest is providing comments on the third draft of the Circular Action Alliance Program Plan submitted to Oregon DEQ on December 6, 2024. Our comments will focus on the Finance section of the program plan which has been updated each time the plan has been revised, however is still lacking. Food Northwest appreciates the updates to the overall program budget, using the ORSOP study and appreciates the more moderate overall program cost. We also recognize that the producer data input on materials supplied into the state is needed to finalize the Fee Schedule, however, until those fees are set there is still significant uncertainty with budgets for individual producers.

The Draft fee schedule in the Finance section provides some additional information for producers to use, however there are still significant gaps that should be addressed in the Program Plan. The tables with list of Material Type provide a number of terms that are not defined. Particularly "Small format" is not defined in the program plan, nor in Oregon rule or statute. Additionally, while some material classes are fairly clear, many are not such as acronyms for various plastic resins, and definitions spelling out acronyms, with examples in each category, should be provided.

The program plan does not address package formats that include multiple material types. Those materials can be calculated individually, however when materials are fused, adhered, or otherwise inseparable, there is no guidance in the Program plan on how to report and calculate fees. There has been discussion in CAA work groups regarding separable and inseparable packaging, however those terms are not defined, either in the program plan or regulations or statute. Without clear written definitions and guidance, producers cannot report data accurately, and there may be a wide range of interpretations on how to report essentially every packaging format.

The Program plan alludes to producer exemptions under 459a.869 (13), however does not provide guidance or process on how producers can claim that exemption. Tertiary packaging for products sold at retail is the classic example used for these materials, and it is clear they should be exempt from reporting since these materials typically never enter the state's opportunity to recycle system. Those are not the only materials eligible however, as many business to business transactions, in the food industry, as well as others, occur without packaging materials ever being sold to a consumer, nor entering the opportunity to recycle system. Ingredients transfer company to company, products that are otherwise consumed or repackaged by a receiving company, and the other packaging for packaging components themselves, are all examples of large volume of materials that are recycled by manufacturers using private systems outside of the opportunity to recycle system. This area, if not addressed by CAA and the Program Plan, should be subject to rulemaking, to enable public input on any processes developed by OR DEQ, and to ensure the exemption is accurately and equitably applied.

Food Northwest recognizes that CAA has very recently issued updated guidance to producers through its website and e-mail that may address some of these comments,

however these updates should be appended to the program plan and be made available for full review by the Oregon Recycle Council as well as full public review.

Similarly, Oregon DEQ has scheduled a webinar in early February to review the intended process for the 459a.869(13) material exemptions. This webinar should not replace the normal regulatory rulemaking process that is subject to public review and commenting. Food Northwest appreciates the opportunity to comment on the subject program plan and looks forward to continuing to work with OR DEQ and Circular Action Alliance to assist our member companies comply with Oregon's Recycling Modernization Act.

Regards,

Chris Cary

Policy Director

Food Northwest

8338 NE Alderwood Road, Suite 160,

Portland, OR www.foodnorthwest.org

509 823 0236 cell

chris@foodnw.org



TO: OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
FROM: SCOTT DEFIFE, GLASS PACKAGING INSTITUTE
DATE: JANUARY 31, 2025
RE: PUBLIC COMMENT ON RMA_CAA PRO PLAN V3

The Glass Packaging Institute appreciates the opportunity to provide comments on the third PRO Plan submitted by Circular Action Alliance (CAA) to implement the Oregon Plastic Pollution and Recycling Modernization Act.

GPI is the North American trade association for the glass food and beverage manufacturing companies, glass recycling processors, raw material providers and other supply chain partners within the industry. GPI and its members endeavor to work closely with local and state governments throughout the country on issues surrounding sustainability, recycling, packaging manufacturing and energy use, and our members have operations in the State of Oregon that would be a part of the service provider and end-markets covered by the plan. In addition, we take the concerns and questions of brand “producers” regarding costs for using glass very seriously, and work with them closely to help lessen the costs of using glass, a material that has a very high recycling rate in Oregon.

We submitted comments on the first version of a PRO plan and tried to make clear that the glass industry seeks to be a constructive partner to the OR DEQ and the CAA process of developing the most efficient and effective glass recovery program that can be developed under the requirements of the law. Glass was not a primary focus of the RMA and is barely mentioned in the law. Most glass in the state is recycled very successfully under the OBRC bottle deposit program, so there is also less glass packaging subject to the coverage of the RMA. Since glass is not a problematic material in the state, glass is a secondary concern of the program plan.

Knowing that, we asked for a meeting with Oregon DEQ several times last year to discuss the disparate and troubling treatment of glass in the RMA regulations that we believe are creating unnecessary extra costs for glass producers in the CAA Pro plan. We offered to meet with DEQ and CAA on these matters, and while there were some conversations in the Summer of 2024 with CAA, DEQ has not followed up on communication with the glass industry on our concerns. In addition, we had offered additional ideas to CAA on ways to lower fees for glass producers, but we have not heard back on those suggestions for months and they are not included in the revised 3rd Pro plan. Our goal remains to maximize the sustainable recovery of glass material in Oregon and optimize its highest best use back into the glass manufacturing supply chain at the most efficient cost.

Our key thoughts and concerns remain:

- 1) **GPI supports the CAA plan conclusion on page 169** general strategy for glass that concludes: “sufficient capacity exists for glass today” and there is no need for an exploration of alternative glass markets. However, we have not had any recent conversations about our proposal to help reduce transportation costs for PRO depot glass outside the 50-mile radius for which the PRO must pay full transportation costs.

- 2) **But Why is Glass a Specifically Identified Material (SIM) in the First place?** While we agree with the general conclusions on page 169, there are numerous other references to maintaining glass as a SIM that we believe are driving up the costs to CAA of managing glass under the PRO plan. There is a reference to the SIMS cost being 70% of the proposed draft low glass fee on page 198 of .10 cents per pound.

In the regulations, SIMS are based on whether: processing improvements are needed to sort the material, there is availability of viable responsible end-markets, economic factors affect the value of the material, and whether the inclusion of the material in collection programs might increase costs. Glass processing has been and is available to sort the material; there are well established local circular end-markets that help Oregon manufacture the glass with the most consistently high level of recycled content in the country; the value of glass is consistently positive and stable in Oregon; and glass has been collected separately in Oregon for years predating the RMA. Glass is one of the most consistently and highly recycled materials in Oregon and serves a key Oregon end-market (Oregon wine industry), as well as other domestic wine, food and beverages markets.

We believe that glass should not continue to be listed as a SIM in Oregon and that special attention is not needed for glass given that the overall glass recycling rate in the state is over 70 percent, and the RMA covered glass is already recycled at a 49% rate today. In addition, compared to the other materials (foil, aerosol, shredded paper, PET thermoforms, etc.) identified as SIMS that had little to no established community depots, the Pro Plan suggests that 76 of 106 communities already have a glass depot or drop off program.

- 3) **An area of strong concern is the addition of an incentive to local governments above the cost of service. We see no need or statutory authority for CAA to pay extra to communities to keep glass in the curbside “glass on the side” programs above the costs of actual service.** We question the authority under the RMA statute and/or the regulations promulgated by DEQ for CAA to offer a \$77/ton incentive to communities to keep glass at curbside in existing programs above the cost of service as suggested on page 112. We could find no reference to this type of incentive in the law or regulations. Even if there is authority, we question why the incentive was based on the cost of operating a depot? That cost is also questionable given the use of activity-based costing addressed later, and the existence of a vast network of glass depots throughout the state.

There is a reference in the PRO plan submission that suggests this may be an attempt to lower glass equipment costs, and we are open to hearing how that might be determined. Given that the services already exist, and the CAA is not required to expand the number of communities that handle glass at the curbside, nor does it appear the PRO plan seeks to do so, what is the justification for the incentive above actual costs, even if there is authority to offer the incentive. All that seems to do is to arbitrarily increase the price for glass using producers. If there is an explanation as to why this is necessary or how it reduces glass producers’ fees, it is not evident in the plan and seemingly was part of a private negotiation between CAA and DEQ that had no public review.

- 4) **Glass recycling rate already exceeds regulatory target does not require extra market development fees or enhanced attention.** We believe that the state should roll up material recycling rates and judge them for the whole of the state and from all state programs. Oregon already has one of the top three glass recycling rates in the country, and performance on par with average European systems. That performance translates into glass containers that regularly have the highest average recycled content in the country made in the state and region. But even with the siloed approach that DEQ seems to be taking with RMA targets, the needs assessment and subsequent analysis suggests that *glass already exceeds the 45 percent target regulatory rate for RMA covered glass*. The PRO plan states that RMA covered glass is already at 49% recycling rate.

Why is there a need in this revised first program plan period to address any extra measures for glass at all other than to manage it under the existing infrastructure or strategic investments to lower costs? The totality of fees

that will be assessed to glass producers is for a ***very small incremental 3,100 tons of glass recovery from the program plan***, all of which can be handled by the existing infrastructure of the state. ***This is less than a 2 percent increase over all the glass already collected for recycling in the state of Oregon***. The very positive status of glass in Oregon is inconsistent with the extra attention that DEQ seems to be requiring CAA to make towards extra glass program fees such as:

- Enhanced convenience standard for depots on pages 60 and 61
- Responsible End Market Development fund and related feed on pages 164 and 165
- Market improvement grants discussed on page 165

- 5) **Activity-based costing is not an industry standard that should be used in Oregon and lacks transparency.** There are several approaches CAA could take to setting up material and producer fee structures in Oregon. There is a reference to activity-based costing, which is no longer the standard in jurisdictions in other countries that are ahead of the United States on Packaging EPR schemes, on page 194, and then again on page 206. There also follows mention of processor commodity risk fees, and contamination management fee as well as other depot, transportation and collection operating cost fees.

However, there is no real explanation about the activities being costed or the way the costs are determined or allocated among the materials under Activity-Based Costing. Glass has not been commingled in Oregon in years, and the glass on the side is essentially a form of “dual stream” collection that decreases contamination. Dual stream exists in other areas and targets paper/fiber for the separate bin. There is strong logic in dual-stream given the presence of the deposit return system and the processing capacity in the state, and that it improves the commodity market price for many materials due to less contamination and lower processing costs, but are all the costs being charged to the glass producers? How is the benefit of higher commodity values for other commodities being allocated? Without clarity and transparency in this area it seems possible that all of the costs are being allocated to glass producers, while none of the improved commodity values are being credited to glass producers.

Furthermore, there is additional discussion of shifting material management costs away from the group of accepted materials (is that the USCL list?) to the non-accepted materials or PRO managed materials on pages 206-207 that seems to conclude with an additional \$1 per ton State-Adjustment factor for non-widely accepted materials. Of course, it bears repeating that any weight-based fee would have an outsized impact on a heavier material such as glass if it were being given an additional \$1 per ton SAF fee, and it is not clear which materials are being assessed the additional fee.

- 6) GPI would like to resume conversations about industry efforts to assist in lowering the transportation fees through the consideration of industry-managed regional hub and spoke aggregation sites in key areas where there is a higher concentration of depots outside the Portland Metro area.
- 7) GPI also has some concerns about the auditing and certification plans for Responsible End-Markets slowing down or interrupting the flow of goods to well-established domestic end-markets. We understand and support the concept of REMs and know that all should be complying with local laws as outlined in the RMA regulations. But the level of auditing that is anticipated and the additional scrutiny placed on overseas REMs for plastics and other commodities seems quite daunting to accomplish in the remaining months before implementation. We would hope that relatively easily identified and reliable domestic end-markets are cleared early in the process

or set-aside and allowed to continue being served while the CAA spends more effort clearing certain overseas markets that are at higher risk of violating the standards that the state and CAA seek to avoid.

In conclusion, while we acknowledge and appreciate that CAA has worked to lower fees for glass using producers from the initial PRO plan to this third version, we believe that are still higher than they need to be, especially given the very small incremental increase in recycled glass from the plan – 3,100 tons or 1.7% of the currently collected and recycled glass in Oregon.

We believe that glass should not be treated as a SIM, and that the extra fees on glass users that seems to come with the SIM designation are removed.

We ask again for a special dialogue(s) with CAA to discuss an alternative approach to the treatment of glass under the RMA – collaborating with industry to innovate and minimize costs to glass producers and increase the utilization of glass to the circular economy of Oregon. We would like to have some clarity to the activities and costs that are being allocated to glass producers but seek to constructively work to reduce fees on glass users as the material is highly recyclable and circular to Oregon and the Pacific Northwest economy but does not neatly fit into the standard commingled recycling stream.

Thank you for your consideration.

Sincerely,
Scott DeFife
President

January 31, 2025

via electronic submission to rethinkrecycling@deq.oregon.gov

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Subject: HCPA Comments on the Proposed Third Draft Producer Responsibility Organization Plan Submitted by Circular Action Alliance

The Household & Commercial Products Association (HCPA)¹ appreciates the opportunity to provide input on the third draft of the Producer Responsibility Organization (PRO) program plan submitted by Circular Action Alliance (CAA). We look forward to continuing to work with CAA and the Oregon Department of Environmental Quality (DEQ) on operationalizing Oregon's Plastic Pollution and Recycling Modernization Act (RMA)².

Background

HCPA represents approximately 240 member companies engaged in the manufacture, formulation, packaging, distribution, and sale of products for household, commercial, institutional, and industrial use. HCPA members are continuously working to improve products and packaging in line with the principles of a circular economy to decrease waste and enable economic growth without greater resource use. Company members utilize several different materials for packing and shipping their products to ensure that products arrive undamaged, uncontaminated, safe for use, meet user expectations, have a lower environmental footprint, and generally enhance the quality of life of the consumers and workers who depend on these products daily. We have many members who sell products into Oregon or otherwise have a presence in the state and are committed to ensuring that Oregonians have access to high-quality products with reduced environmental impacts.

In addition to representing various categories of household and commercial products (regardless of packaging), HCPA represents products packaged in the aerosol delivery form. The aerosol delivery form is used to dispense a wide range of products, including but not limited to

¹ The HCPA is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² <https://www.oregon.gov/deq/rulemaking/Pages/Recycling2023.aspx>

adhesives, air fresheners, antiperspirant, asthma inhalers, body spray, cleaners, degreasers, deodorant, disinfectants, dry shampoo, hair spray, insect repellent, insecticides, lubricants, paints, pan sprays, sealant, shaving creams and gels, sunscreen, and whipped cream. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, which includes companies that manufacture, formulate, supply, market, and recycle a variety of products packaged in an aerosol form.

HCPA's comments below address both areas of CAA's third draft program plan that are generally applicable to household and commercial products and requirements specific to aerosol products.

Financing

Interim Base Fee Schedule Ranges

Fee Schedule

HCPA appreciates the additional clarity that CAA has provided on base fees in this third draft of the program plan. HCPA has comments on two parts of the draft fee schedule.

First, regarding the "plastic – other" category, HCPA seeks to better understand how CAA and/or the Department will define "hazardous materials." For example, pesticide products are mentioned as something that may be included in this category. There is significant diversity in the types of pesticide products available on the market. These range from pesticides with higher concentrations of active ingredients intended to tackle particularly tough infestation situations to 25(b) minimum risk pesticides that the U.S. Environmental Protection Agency (EPA) has determined pose little to no risk to human health or the environment.³ Not all pesticides may require special management for recycling. As another example, the fee schedule notes that products that are "flammable, corrosive, reactive, or toxic" may be considered hazardous, but no definitions are provided for these terms. Depending on how these terms are defined, a wide variety of products may be included in this category, including certain common household products intended for down-the-drain disposal. HCPA believes additional clarity from CAA is necessary to assist companies with appropriate budgeting and to ensure that all stakeholders in the recycling system are able to distinguish between products with residual contents that may require special treatment to protect against risk and products that can be recycled with other similar packaging types.

Second, regarding aerosols, CAA states on page 203 that steel and aluminum aerosols were aggregated as part of the fee-setting process because the two are generally managed handled in the same way and ship in the same commodity bale. When empty steel and aluminum aerosols are sent to material recovery facilities (MRFs) for recycling, however, steel aerosols are handled with other steel cans while aluminum aerosols are handled with other non-Used Beverage Can (UBC) aluminum. As described in our Aerosol Recycling Initiative white paper

³ <https://www.epa.gov/minimum-risk-pesticides>

published jointly with the Can Manufacturers Institute (CMI),⁴ steel and aluminum aerosols are sorted separately during the recycling process and do not ship in the same bale. HCPA understands that in this first iteration of the program plan, CAA may seek to combine steel and aluminum aerosols into one fee category since they are collectively a Specifically Identified Material (SIM) under Oregon's EPR program that may need additional investment to improve their successful recycling. In future fee schedules, HCPA recommends that CAA take the difference in how steel and aluminum aerosols are handled into account and update the fees accordingly instead of aggregating the two material categories.

Conclusion

HCPA thanks DEQ and CAA for the opportunity to provide input on the third draft of the program plan for operationalizing the RMA. HCPA looks forward to working with DEQ and CAA to support the success of RMA implementation, including through HCPA and CMI's joint Aerosol Recycling Initiative to ensure that as many aerosols as possible are recycled in a way that is safe, recovers valuable material, and meets the requirements of the RMA. We invite any questions about this submission and look forward to DEQ's and CAA's response.

Sincerely,



Molly R. Blessing
Vice President, Sustainability & Product Stewardship

⁴ <https://www.thehcpa.org/Aerosol-Recycling-Initiative/>

From: [Danielle Cresswell](#)
To: [RethinkRecycling * DEQ](#)
Cc: [Kevin Schiffmacher](#)
Subject: Public comment - Third Draft Producer Responsibility Organization Plan submitted by Circular Action Alliance
Date: Thursday, January 23, 2025 1:48:27 PM
Attachments: [Outlook-kwniphea.png](#)
[Outlook-ruuy1nh2.png](#)

You don't often get email from danielle@kleankanteen.com. [Learn why this is important](#)

Hello. I'm writing today to share my thoughts on ecomodulation proposed by Circular Action Alliance (CAA) in the Third Draft Producer Responsibility Organization Plan. I work for a small company that is considered a producer and registered with CAA to fulfill our obligation under Oregon's Plastic Pollution and Recycling Modernization Act. I appreciate the opportunity to give input on this matter.

1. Requiring life cycle assessment (LCA) to demonstrate eligibility for ecomodulation bonus is unnecessary in some circumstances. I would like to see ecomodulation bonus options that don't require LCA for packaging improvements that clearly improve packaging environmental performance. Below are two examples.
 - A packaging material made from high post-consumer recycled (PCR) content has a lower environmental footprint than that same material made from virgin resources. An LCA is not necessary to show that. There are plenty of published data / studies to demonstrate this. An ecomodulation bonus should be available without LCA for using 100% post-consumer recycled content or some large percentage of PCR content.
 - An improvement in packaging-to-product ratio, with materials and product being constant, is clearly a reduction in packaging environmental harm. In this circumstance, I believe an ecomodulation bonus should be available without an LCA.
2. Requiring life cycle assessment (LCA) to qualify for any ecomodulation bonus reduces incentive for small and medium size enterprises (SMEs) to improve their packaging. LCAs are costly and would represent a larger burden relative to the ecomodulation gain compared to scale of the burden relative to ecomodulation gain for large companies.
3. The CAA proposal should identify ecomodulation bonus for packaging that performs well from day 1 of the EPR program, ie, is made from 100% post-consumer recycled content, has a high product to package ratio or uses materials that are easily recycled. All the ecomodulation bonus scenarios proposed by CAA are based on improvements over time. Producers coming into the OR EPR program with positive packaging environmental attributes don't have an opportunity to receive an ecomodulation bonus under the CAA proposal. This would seem to incentivize a company to switch to poorer performing packaging in order to then show an improvement in a future year so they

can be eligible for a bonus.

Thank you for considering my comments.

Danielle Cresswell

DANIELLE CRESSWELL (she/her/hers)
SR. MANAGER, SUSTAINABILITY



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3960 Morrow Lane
Chico, CA 95928
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"We do not inherit the earth from our ancestors, we borrow it from our children."



January 31, 2025



Oregon Department of Environmental Quality
Attn: DEQ Materials Management – Product Stewardship Team
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

Dear Nicole Portley,

RE: CAA Program Plan Draft 3 Public Comment

Thank you for the opportunity to submit comments on the Circular Action Alliance (CAA) Third Draft Producer Responsibility Organization (PRO) Plan, which outlines the implementation of the Plastic Pollution and Recycling Modernization Act, otherwise known as RMA. We are grateful to CAA for its thoughtful approach to designing a recycling system that works for all Oregonians. We recognize the significant effort and compressed timelines CAA staff have been under to implement the law. We also want to applaud and thank the Department of Environmental Quality (DEQ) staff for their tireless work to ensure local governments have the information and support they need to plan for system changes beginning July 1, 2025.

The following are comments on the third program plan from Lane County and the City of Eugene.

System Expansion

The estimated schedule of planned system expansion investments in Program Plan 3 (pg. 33-42) has been significantly reduced. The ORSOP's intent was to provide additional data necessary for CAA to make more accurate cost estimates and project more precise investments. It should be noted that local governments had less than one month to submit investment details and had trouble logging in, recording and getting confirmation that their ORSOP was submitted to RRS. This could have resulted in lost records, or an inaccurate accounting of ORSOP information submitted. We recommend CAA provide original ORSOP investments requested by local governments and service providers during the consultation process, which were used to model CAA's proposed system expansion investments.

Additionally, we are concerned that local governments and/or service providers who lack staffing and planning resources, were not able to participate in the ORSOP survey, resulting in fewer planned system expansion investments in underserved communities which the RMA intended to support. We recommend that communities who responded to the Needs Assessment but not the ORSOP, be given a second opportunity when CAA begins the outreach and consultation process for priority group (A-F) or at the end of the next available priority group to address these gaps. We support the Recycling Council's system expansion recommendations and Orders specific to improved clarity of the schedule of planned system expansion investments, including information about how investments were modeled (pg. 33-42).

Dispute Settlement Process Relating to Service Expansion Funding Requests

We encourage CAA to clarify the Dispute Settlement Process Relating to Service Expansion Funding Requests (pg. 43-44, Appendix E. pg. 240-241) and believe the approach outlined in Step 1, should involve the facilitation by a neutral, third-party, should an issue arise where an interpretation needs to be made regarding system expansion investments.

CAA aims to make all funding terms and conditions clear in the Primary Funding Agreement and addendums to minimize potential disputes and has requested feedback from local governments. Lane County legal counsel has concerns related to binding arbitration as a method outlined in Table 3. The plan also describes that CAA can review Funding Requests and decide “in its reasonable discretion whether a particular request for funding is for Eligible Expenses.” The Plan does not further explain an approach or mechanism for disputing that determination, other than going through a formal dispute resolution process. We believe that an interim step could involve DEQ to advise on statutory obligations and render a decision.

PRO Collection Points

The expansion of PRO collection points throughout Lane County will provide needed access to our community for items not collected on the Uniform Statewide Collection List (USCL). Lane County and its dedicated Community-Based Organizations (CBO’s) are eager to work with CAA to find suitable locations that maximize existing infrastructure and investments, but also meet convenience standards and cover the staffing, space, and storage costs.

- The program plan includes cost estimates for FTE and square footage (0.25 FTE & \$2 per square foot). We believe that these estimates are inadequate for many parts of Lane County, specifically Eugene and Springfield. The program plan does not account for cleaning, maintenance, customer service, scheduling pickups and communication with CAA. We are concerned that if the cost estimates above are included in CAA’s approved program plan, they may limit participation by existing recycling depots, because the true cost is more than 110% of what CAA is projecting depot operations would cost. We urge amendment of these cost estimates to more accurately reflect depot operation expenses.
- We appreciate efforts by DEQ to map proposed collection points and identify gaps throughout the state. DEQ should continue to work with CAA to ensure collection points are convenient and established in a timely manner throughout the state. We strongly encourage CAA to consult with local governments on where depots are sited within their jurisdictions to ensure equitable and convenient access.
- The third program plan relies heavily on collection events as a solution to meet the convenience standards, however events are not a viable long-term solution. We would encourage CAA to explore the possibility of multi-material depots for PRO materials, flexible enough to add or discontinue collection of materials should any be “on-ramped” to the USCL.
- We ask DEQ and CAA to clarify the difference in temporary variances and alternative compliance in the next program plan specifically for on-route collection of glass and OAR 340-090-0640(6)(a) for use of sites that do not exactly fit the convenience standard requirements as prescribed by regulation.

Thank you for the opportunity to engage and provide feedback on the review of CAA's plan, we look forward to working with CAA and DEQ to implement the Recycling Modernization Act.

Sincerely,



Angie R. Marzano
Waste Reduction Program Supervisor
Lane County

Sincerely,

Garian Cika

Digitally signed by Garian
Cika
Date: 2025.01.31
10:23:04 -08'00'

Garian Cika
AIC Waste Prevention Program Manager
City of Eugene

County Commissioners

Danielle Bethell, Chair

Colm Willis

Kevin Cameron

Chief Administrative Officer

Jan Fritz



Director
Brian Nicholas, PE

Deputy Director
Dennis Mansfield

MARION COUNTY PUBLIC WORKS

January 31, 2025

To: Department of Environmental Quality
Re: Proposed Third Draft Producer Responsibility Organization Plan,
submitted by Circular Action Alliance

Marion County desires to submit a public comment regarding Circular Action Alliance's Third Draft Producer Responsibility Organization Plan. Upon review of this draft plan, there are some errors in how it represents and/or reports out on Marion County. On page 64, CAA's reports that Marion County's response is still pending, and this is not accurate. The majority of our City jurisdiction's submitted the ORSOP and it is not reflected properly in this plan. We request that CAA publish all submitted ORSOP's publicly for review and for transparency. DEQ has confirmed that Circular Action Alliance is in the process of reviewing submitted Needs Assessments and ORSOP materials to update the proposed budget and report each jurisdiction more accurately, but that these updates will likely come after the public comment deadline. Therefore, we request review and confirmation by DEQ, before there is approval of this Third Program Draft.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian May", is written over a horizontal line.

Brian May
Environmental Services Division Manager
Marion County Public Works
(503) 365-3147
BMay@co.marion.or.us

January 31, 2025

Oregon DEQ, Nicole Portley
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Re: CAA Program Plan Draft 3 Public Comment

Dear Nicole,

Thank you for the opportunity to submit comment on the Circular Action Alliance (CAA) Third Draft Producer Responsibility Organization (PRO) Plan related to the implementation of the Plastic Pollution and Recycling Modernization Act (PPRMA). We are grateful to DEQ staff and Recycling Council members for their tireless work in moving the PPRMA through its implementation phases. We also recognize the significant effort that CAA has committed to designing and refining its extensive program plan.

This comment letter is a collaborative effort between solid waste staff from Metro, Counties of Clackamas, Multnomah, Washington, Cities of Beaverton, Gresham, Hillsboro, Lake Oswego, and Portland. Our commitment and priorities are grounded in equity, including opportunity to access recycling, protection of workers in the recycling system and communities that are home to processing and recycling facilities. Our commitment is also based on the protection of our natural resources and reduction in materials impacts at all stages of the lifecycle, in particular greenhouse gas emissions and toxics.

We applaud the tremendous effort of CAA and their partners to create this plan and move the PPRMA into the implementation phase. We largely support this plan and are excited to move forward in partnership with CAA and DEQ to elevate the Oregon recycling system to be a national leader in Extended Producer Responsibility for printed paper, packaging, and serveware.

The following are comments on the third program plan from Portland Metro area local governments.

System Expansion

We note that the estimated investment in program plan three has been significantly reduced for system expansion. The ORSOP effort was successful and provided additional data necessary for CAA to make more accurate cost estimates and project a more precise investment schedule. However, we caution that some local governments may have lacked capacity or awareness to

fully and accurately engage in the ORSOP process and thus system expansion investments may not be identified for all communities that are eligible under the PPRMA. Containing the overarching costs of the PPRMA is important, however we do not support cost containment at the expense of local governments and their constituent ratepayers that have been supporting the state's recycling system for decades. We support the Recycling Council subcommittee on system expansion's orders recommended by consensus.

PRO Collection Points

The expansion of PRO collection points throughout the Portland Metro region will provide a significant boost in recycling access for community members for items not collected on the USCL. We are eager to work with CAA to identify suitable locations that will adequately serve our community while prioritizing those that have historically lacked access to the recycling system. Specifically, we offer the following input on PRO collection points:

- We appreciate efforts by DEQ to map proposed collection points and identify potential gaps throughout the community. The PPRMA requires convenience standards that will enhance access to recycling for items on the PRO list across the state. We urge DEQ to continue to work with CAA to ensure collection points are convenient and stable.
- We understand the operational challenges associated with managing partially full aerosol containers and pressurized cylinders. Metro currently manages these items through its Household Hazardous Waste Program. We also understand CAA has raised practicability concerns related to these materials, however, note that these materials are currently being managed by our system through ratepayer funds. The PPRMA is intended to shift responsibility of properly managing these materials to producers. We are concerned that a delay in the requirement to manage these materials will result in a continued burden on local governments and rate payer funded programs. Metro is eager to work with DEQ and CAA to share how these materials are currently managed.
- We appreciate that CAA proposes to immediately build out a collection network for expanded polystyrene (EPS) in the Portland Metro region. Many community members and businesses in our community struggle to manage this material and are eager to see expanded access to drop off locations. We understand that EPS as a material is changing and that laws in other states may result in the reduction of this material entering our waste streams, however there is a current need for responsible management, and we request that EPS collection points continue to be fully implemented throughout the Portland Metro region.
- We ask DEQ and CAA to clarify the difference between temporary variances and alternative compliance in this program plan, particularly for recycling collection events and on-route glass collection. We understand collection events are a necessary solution

as the system is built out during the first program plan period, however special events are not viable as a long-term solution for the Portland Metro region.

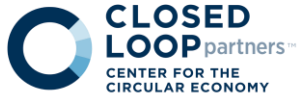
- The program plan includes cost estimates for FTE and square footage related to collection points. We caution that 0.25 FTE and \$2 per square foot of space is inadequate for staffing and locating collection points in many parts of the Portland Metro region. We are concerned that if these estimates are included in CAA's approved program plan, they may be used to limit participation by existing recycling depots because the cost is more than 110% than what CAA is projecting depot operation would cost. We urge amendment of these cost estimates to more accurately accommodate actual expenses.
- Please note that Metro no longer calls its household hazardous waste collection events "Metro Hazardous Waste Round Ups." This naming convention was discontinued after receiving feedback from community members that it projected a lack of cultural awareness.
- We support the Recycling Council PRO Collection Point sub-committee's orders recommended by consensus.

Thank you for the opportunity to engage on the review of CAA's plan. We look forward to working with CAA and DEQ to implement the Plastic Pollution and Recycling Modernization Act.

Sincerely,

Local governments

- Tom Egleston, Policy and Program Development Manager, Metro
- Scott Keller, Senior Program Manager, Sustainability & Recycling, City of Beaverton
- Shannon Martin, Solid Waste & Sustainability Manager, City of Gresham
- Andrew Bartlett, Program & Support Manager, City of Hillsboro
- Amanda Watson, Sustainability Program Manager, City of Lake Oswego
- Eben Polk, Solid Waste & Recycling Manager, City of Portland
- Ryan Largura, Environmental Specialist, City of Troutdale
- Rick Winterhalter, Solid Waste & Recycling Manager, Clackamas County
- Heidi Konopnicki, Solid Waste & Recycling Program Specialist, Multnomah County
- Erin Stein, Interim Solid Waste & Recycling Manager, Washington County



Center for the Circular Economy
Closed Loop Partners
888 7th Ave, New York, NY 10106

January 31, 2025

To Whom It May Concern,

Fiber and Polypropylene (PP) Cup Recycling in Oregon

In Response to Circular Action Alliance’s third draft program plan to DEQ for Oregon’s Recycling Modernization Act (Senate Bill 582)

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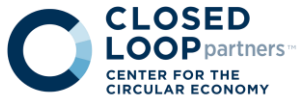
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Introduction

This letter regarding single-use cup recycling in Oregon’s Extended Producer Responsibility (EPR) Program Plan is a response to the release of [Circular Action Alliance \(CAA\)](#)'s [program plan proposal](#) (Version 3) for SB-582 [Plastic Pollution and Recycling Modernization Act](#).

We acknowledge the primary packaging types we are focused on—polypropylene and fiber cups—are categorized as either "single-use cups" or "poly-coated paper packaging" on the Specifically Identified Materials (SIMs) list. We understand that for these materials to be incorporated into the [Universal Statewide Collection Lists](#) (USCL), comprehensive studies must be completed to address the concerns of the community.

We believe that these packaging types should be added to the USCL, or alternatively, that the studies outlined by the CAA should be expedited before the end of 2025 to ensure producers can realistically comply with the new regulations. Our recommendations are detailed below.



Current State of Fiber and PP Cups in Oregon

The current state of consumer recycling for both polypropylene and fiber cups show opportunities to increase the capture and recoverability of these valuable formats and materials.

Polypropylene Cups

Polypropylene (PP) cups are an everyday packaging choice that brands and other stakeholders are committed to recovering after use. Increasing recycling access for PP and PP cups is vital to generating a sustainable supply of recycled PP materials. Nationally, residential recycling access for PP containers and cups is increasing. Today, 64% of U.S. communities accept PP tubs and 56% accept PP cups in residential recycling collection systems. With major cities accepting PP cups such as New York, NY; Los Angeles, CA; Chicago, IL, and Seattle, WA.

In Oregon, PP containers/tubs mirror the national average for recycling access amounting to 64%. PP cup recycling, however, is much lowerⁱ The high recycling access rate for PP containers suggests an opportunity to increase recycling access for PP cups, as these two formats are likely to be sorted the same at any material recovery facility (MRF) that accepts PP and are broadly accepted by reclaimers that process polypropylene.ⁱⁱ

To learn more about PP cup recycling and the important work being done to support it, reference the [Appendix](#).

Fiber Cups

Fiber, or paper cups are safe, functional, and convenient — so much so that globally it is estimated that as many as 250 billion cups are distributed and disposed of each yearⁱⁱⁱ. Most of these single-use cups are made of high-quality paper with a plastic-based liner or coating that helps prevent leaking and retain heat or cold for the beverage. Typically, the liner is made of polyethylene (PE) plastic. While the PE-liner has historically been cited as an impediment to widespread recoverability, there is increased momentum around recycling fiber cups and proven value in doing so.^{iv}

Today, more than [40 domestic mills](#) accept paper cups in mixed paper or carton bales^v. The mixed paper mills alone that accept paper cups represent 75% of North American mixed paper demand^{vi}. The mills accepting paper cups include, as of 2024, a large paper mill located in Longview, WA. While fiber cup recycling access rates in Oregon are low today, the state could pursue sorting fiber cups into either a mixed paper bale or carton bale --which is accepted in 53% of the state.



To learn more about fiber cup recycling and the important work being done to support it, reference the [Appendix](#).

Current State of Alternative Circular Solutions for Cups

The NextGen Consortium is working to reduce cup waste through alternative pathways, including material innovation for fiber cups, compostability, as well as scaling reusable cup systems. These innovations, however, are not yet widely distributed and optimized.

In parallel to working to get more PE-lined fiber cups recycled across the US, NextGen is also working to identify alternatives to the PE liner on cups that can improve cup recyclability, repulpability and compostability. NextGen continues to source and test alternative cup coatings to the polyethylene (PE) liner to help improve the material recyclability, recoverability, and potential composability of cups. Over the last several years, NextGen has tested over 20 emerging technologies and learned that replacing the PE liner requires rigorous testing and must consider commercial scalability while meeting brand performance and Food and Drug Administration (FDA) food contact standards. The benefits of new cup coatings may include increased fiber yield, as demonstrated through NextGen-led testing, greater bio-based content, as well as compostability attributes for some coating types. Many of these new technologies are still in the early development stage and are not commercially available at scale today.

Reusable Foodservice Packaging Systems Offer Long-Term Opportunity, but Much More Testing Is Needed to become fully optimized. While reusable foodservice ware has the potential to save billions of single-use items from landfills, it introduces tradeoffs that need to be mitigated and further examined. Material selection, washing infrastructure, reverse logistics, and customer behavior all need to be transformed for successful scaling of reuse systems^{vii}. The ideal reuse operation for durables would leverage shared infrastructure across food service providers for collection, distribution, and cleaning so that efficiency is increased, and economies of scale can reduce system costs. Eventual end-of-life recovery of reusable packaging that is taken out of service due to damage must also be considered, along with standardized definitions and data tracking mechanisms of key metrics like return rates and container reuse cycles.^{viii}

NextGen's 2024 multi-brand reusable cup project, the [Petaluma Reusable Cup Project](#), made reusable cups the default in 30 restaurants in [Petaluma, California](#). The test provided in-market data to substantiate material, washing, and consumer behavior learnings that will help to accelerate future scaled reuse developments. The findings are set to be released in February 2025, but we are happy to share details upon request.

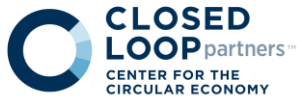
Bring Your Own (BYO) Reuse Options are Not Widely Adopted Today: BYO for foodservice wares; however, adoption rates are still too low at 1-5% in larger quick service chains, and 5-10% in highly adapted environments – optimistically^{ix}. To supplement this work, we are focusing on understanding scalable returnable systems and which materials will meet brand operational and logistical needs including design criteria of being lightweight, durable, and cost-effective.

Reusable cups also need to be recyclable. In returnable packaging models (i.e., packaging that is used, returned on-the-go by consumers, and then professionally washed and sanitized before being reused in a foodservice environments) material selection is critical and end-of-life considerations need to be considered. Polypropylene stands out as an ideal material type for this work in contrast to alternatives -- glass, metal, and other plastic types as it is lightweight, washes easily, and is durable. Even for reusable options, end-of-life considerations are key for their eventual decommissioning or should they end up accidentally in recycling. This makes the use of recyclable materials important, as demonstrated by the over 20,000 reusable PP cups that were captured at the MRF during the [Petaluma Reusable Cup Project](#). Thus, the ability to effectively capture and recycle more durable PP reusable cups will be essential to optimizing the lifecycle impact of the package, and a critical reason why wide acceptance of PP cups in the state could benefit both recycling and reuse outcomes.

There is an absence of composting infrastructure that accepts food-contact compostable packaging. While curbside organics have been rolled out across the state of Oregon, significant challenges remain to process PLA- or PHA-lined fiber packaging. According to BioCycle, as of 2023, not one organics collection program in the state currently allows lined-fiber compostable packaging to enter the organics stream.^{xix} Furthermore, six full-scale composting facilities in Oregon accept and process food scraps, and none of those facilities process bioplastic-coated paper (e.g., fiber cups with compostable liners).^{xx}

Recommendations

The NextGen Consortium is working across multiple channels to divert cups from landfill and keep them in circulation through well-informed policy. The current Oregon USCL list's exclusion of poly-coated fiber and polypropylene cups may encourage a shift towards reusable cup systems or single-use compostable cups as alternatives. Our extensive research shows that there is no current silver bullet solution to fully addressing cup waste challenges, especially as alternatives (i.e., new coatings and reusable cup systems) require additional testing and scaling to ensure packaging is properly recovered and does not end up in a landfill. That is why we think these packaging types must stay in the recyclable collection system as new viable solutions develop in parallel.



We recommend moving the timeline for the SIM packaging studies to before the end of 2025. The NextGen Consortium would be happy to work with the Circular Action Alliance to share details from previous studies and advise on trial setup and implementation. This suggested expedited timeline would assist brands in realistically complying with the regulation.

Since the beginning of the NextGen Consortium in 2018, we have been working with experts to test and scale similar trials including paper yield studies and mixed paper bale characterization studies. We welcome future collaboration and sharing of our learnings captured to date.

Sincerely,

Kate Daly
Managing Partner
The Center for the Circular Economy at Closed Loop Partners
Email: kate@closedlooppartners.com

Who We Are

[The Center for the Circular Economy](#) ('the Center') is the innovation arm of [Closed Loop Partners](#), a leading circular economy-focused investment firm in the U.S. The Center executes research and analytics, unites organizations to tackle complex material challenges and implements systemic change that advances the circular economy. The Center's expertise spans circularity across the full lifecycle of materials, connecting upstream innovation to downstream recovery infrastructure and end markets.

The [NextGen Consortium](#) is a multi-year consortium that addresses single-use foodservice packaging waste by advancing the design, commercialization and recovery of food service packaging alternatives. [Starbucks](#) and [McDonald's](#) are the founding partners of the Consortium, with [The Coca-Cola Company](#) and [PepsiCo](#) as sector lead partners. [JDE Peet's](#), [The Wendy's Company](#), [Delta Airlines](#), [Toast](#), and [Yum! Brands](#) are supporting partners.

The NextGen Consortium takes a multi-pronged approach to addressing single-use foodservice packaging waste (including fiber and polypropylene cups) holistically:

1. Strengthening materials recovery and recycling infrastructure to recapture and recycle more cups after use
2. Exploring material science innovations that enhance the recyclability, recoverability and/or compostability and
3. Advancing reusable packaging systems that keep cups in service for multiple uses

Appendix

Below is our more detailed perspective on why polypropylene and fiber cups should be accepted statewide.

a) A Case for Polypropylene (PP) Cup Recycling

Over the last several years, the NextGen Consortium has been working to improve recycling opportunities for polypropylene (PP) packaging, including cups. In addition to our Steering-level membership in The Recycling Partnership's (TRP) [Polypropylene Recycling Coalition](#), and NextGen-led polypropylene research studies, we have also engaged several subject matter experts across the recycling value chain and can offer the following perspectives:

- **A growing number of US cities and counties are adding PP packaging, including PP cups, to their lists of acceptable recycling items.**

According to TRP, PP containers/tubs have 64% national recycling access with PP cups following at 56%. PP cup recycling access has increased by nearly 3% over 2024 and 12.5% since 2022.^x With major cities accepting PP cups such as New York, NY; Los Angeles, CA; Chicago, IL, and Seattle, WA.

- **There is growing demand for recycled PP and material recycling facilities (MRFs) are investing in the necessary infrastructure to help meet demand.** There has been broad interest from domestic MRFs to improve and increase the capacity to collect and sort polypropylene. According to TRP, 64 percent of the US population has recycling access for PP tubs and other containers^{xi}. [Polypropylene Recycling Coalition](#) has awarded 60 grants totaling \$22 million to recycling facilities to support new and improved polypropylene sorting, giving new or improved access to 48 million people.^{xii}
- **Reclaimers that purchase PP and mixed plastic bales accept the PP cup.** According to a recent study from [RRS](#), as part of the [2020-21 Centralized Study of Availability of Recycling](#), reclaimers that represent 90 percent of known PP reclamation capacity, “recover and process all tubs, lids, cups and thermoforms of the same resin type together” and “did not report any formats as “prohibitive” in their systems when recovering PP”^{xiii}

- **MRFs can effectively sort PP cups with other PP packaging:** In 2024, NextGen and the Foodservice Packaging Institute (FPI) commissioned an MRF flow study conducted by RRS that showed that PP cups typically sorted effectively, and often better than other commonly accepted PP container formats.^{xiv}
- **Demand for recycled plastics far outweighs supply.** According to a [report](#) from [Closed Loop Partners](#), “Demand for plastics is strong and growing, yet the supply of recycled plastics available to meet demand is stuck at 6%”.^{xv} Initiatives, like the ones described above, are helping to address this gap.
- **Contamination has proven not to be an issue:** According to a food contamination study conducted by the [Food Packaging Institute](#) (FPI) at several MRFs, plastic foodservice packaging including PP cups had a low food contamination rate of 2%^{xvi}, a percentage lower than other formats. In NextGen-led conversations with several MRFs in 2024, contamination from PP cups was not cited as a concern when asked, especially compared with other commonly accepted food service items. Non-recyclable lookalikes (i.e. EPS cups) are sometimes cited as a potential contamination concern for adding PP cups to accepted item lists. In 2024, OR banned Styrofoam foodservice packaging which should reduce some of these concerns. In addition, clear communication to residents, including community websites, is another tactic to support behavior.
- **Clear cups and food-grade content represent a significant portion of the PP bale in markets where these items are accepted.** To mechanically recycle a PP cup into another PP cup, the recovered PP needs to be of food-grade quality. Most recovered PP today, however, goes into non-food grade applications in the recycling process. In the Fall of 2022, NextGen commissioned consulting firm RRS to do a bale characterization study to understand the volume of food grade and clear food grade content in PP bales, including cups. The study found on average that nearly half of the recovered PP in the bales (48%) were presumed food-grade, and more than a quarter of the bales were clear food-grade PP (26%). Clear PP beverage cups represented 14% of the total bale on average. The high percentage of food-grade PP suggested there is untapped value in the PP stream. To expand on these learnings, NextGen launched a more elaborate study, in collaboration with four MRFs and [Greyparrot AI](#) systems to deeply characterize the PP stream in MRFs and gain important details on the quality and composition of PP in the U.S. This study characterized millions of captured recyclable materials over the project duration and found that clear containers (including cups) comprised more than half of all PP analyzed/captured during testing. Clear PP cups represented more than 30% of the clear PP materials captured. More detailed results from these studies are available upon request.

b) A Case for Fiber Cup Recycling

Since NextGen’s inception in 2018, we have been working to increase the number of cities, material recovery facilities (MRFs), and paper mills that accept, sort, and process paper cups into specific paper-grade bales. Through these efforts, we have actively engaged with dozens

of subject matter experts and stakeholders across the recycling value chain (MRFs, mills, recycling labs, consumers, communities, etc.) and can offer the following perspectives on cup recycling efforts and opportunities:

- **The paper in fiber cups is high quality, strong, and desirable.** From our work with paper mills, and in the paper industry's public statements, we know that the fiber in cups is high quality and can serve as a valuable feedstock to help offset declining volumes of other paper types such as newsprint, magazines, high-grade office paper, and paper catalogs.^{xvii}
- **Fiber Cups have strong end markets with a growing number of paper mills that can successfully recycle them.** According to the [Foodservice Packaging Institute](#) (FPI), as of March 2024, there are more than [40 mills that accept cups](#) in bales of mixed paper or aseptic and gable top cartons in North America^{xviii}. The mills that accept cups in the mixed paper represent more than 75% of mixed paper demand.^{xix} These mills can separate the polyethylene liner in the initial pulping process so that the valuable fiber can be captured at high rates and reprocessed. Several large mill companies such as [Sonoco](#) and [Georgia Pacific](#) have conducted cup trials in recent years to demonstrate their ability to effectively recycle the cups.
 - As of 2024, a large paper mill in the State of Washington now publicly accepts fiber cups with mixed paper grades. This is the first mill to formally accept cups on the West Coast and signals critical growth in the qualified and responsible end markets for cups in North America.
- **Recycled paper cups have a high fiber yield.** NextGen's work confirms these findings, supported by results from its test at [Western Michigan University's](#) paper pilot plant, where a PE-lined paper cup passed the test, demonstrating a fiber yield of 89 percent (well above the 80 percent benchmark needed to pass that portion of the test. A copy of the full repulability test results is available upon request.^{xx}
- **Cups can be effectively sorted by MRFs.** NextGen has partnered with several MRFs across the United States (including MRFs that serve large cities in the Pacific Northwest, Midwest and South Central) to conduct flow studies to better understand how cups flow through a MRF environment. Based on this work, we know that cups can be diverted to mixed paper or poly-coated paper bales through technology (e.g. optical sorters, robotic sorters, etc.) or manual sorting efforts^{xxi}. In Dallas, Texas, NextGen, the [Foodservice Packaging Institute](#), and the [Carton Council](#) collaborated on a grant to install robotic equipment at the local MRF ([FCC Environmental Services](#)) to create a cup and carton bale with an end market customer purchasing the bales.^{xxii} As a result, Dallas promotes the recycling of paper cups to its residents.

- **A growing number of US cities and counties are adding cups to their lists of acceptable recycling items.** Several major US cities including Atlanta, Chicago, Detroit, Seattle, San Francisco, Denver, New York, Louisville, and Washington, DC among others, accept cups in their recycling stream^{xxiii}. The list of cities will continue to grow as they see more and more MRFs and mills accepting, collecting and effectively reprocessing cups. As an example, in February 2022, [Rumpke](#), one of the nation’s largest privately-owned recycling firms announced it would begin accepting fiber cups at its MRFs, as well as in its curbside and drop box programs across Indiana, Kentucky, and Ohio.^{xxiv}
- **Fiber cups are a relatively small percentage of waste and recycling streams in the United States.** In 2022, NextGen supported a Residential Mixed Paper Bale Composition Study, executed by [Resource Recycling Systems](#) (RRS), of three domestic MRFs that process materials from communities that accept paper cups^{xxv}. These composition studies found that paper cups represented less than 0.25 percent of the total bale by weight on average.^{xxvi}
- **Contamination is generally not an issue.** While some stakeholders have voiced concerns about fiber cups introducing contamination such as liquids and food into MRFs and mills, our discussions and tests with dozens of stakeholders, including domestic MRFs and mills, indicate that contamination is not a significant challenge. Liquids typically drain from cups along the journey from consumer to MRF, and while some consumers might put waste into a cup (e.g. plastic wrappers), this does not cause an issue for reprocessing at the mills. Food and liquid residue contamination was also addressed in a recent report on cup recycling by FPI.^{xxvii} In this study, FPI found that, “paper and paperboard and plastic containers, both food contact and foodservice categories had extremely low rates of significant residue (ratings of 4 and 5 totaled 0% for paper and paperboard, and 2% for plastic containers regardless of foodservice/food contact).”

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- ⁱ TRP, The Recycling Partnership National Database, (2024)
- ⁱⁱ Sustainable Packaging Coalition, [Centralized Study on Available Recycling](#) (2022)
- ⁱⁱⁱ Closed Loop Partners, [Closing the Loop on Cups: Collective Action to Advance the Recovery of Paper Cups in the U.S.](#) (2024)
- ^{iv} Closed Loop Partners, [Closing the Loop on Cups: Collective Action to Advance the Recovery of Paper Cups in the U.S.](#) (2024)
- ^v FPI End Market Map, <https://www.recyclefsp.org/end-markets-map> (2024)
- ^{vi} Waste Today, [Paper mills commit to increase recycling of paper cups](#) (2021)
- ^{vii} Closed Loop Partners, [Unpacking Customer Perspectives on Reusable Packaging](#) (2024)
- ^{viii} Closed Loop Partners, [When Reusable Cups Reach End-of-life: 5 Tips To Ensure They Don't Go To Waste](#) (2023)
- ^{ix} Closed Loop Partners, How Businesses Can Spark a Cultural Shift Towards Reduction and Reuse in Foodservice Packaging, <https://www.closedlooppartners.com/reduction-and-reuse-in-foodservice-packaging/> (2024)
- ^x TRP, The Recycling Partnership National Database, (2024)
- ^{xi} TRP, The Recycling Partnership National Database, (2024)
- ^{xii} TRP, [Polypropylene Recycling Coalition](#) (2024)
- ^{xiii} RRS, [Reclamation of PP Cups and other PP Packaging Items](#) (2021)
- ^{xiv} RRS, [PP MRF Flow Study Results](#) (2024)
- ^{xv} Closed Loop Partners, [A Landscape Mapping of the Molecular Plastics Recycling Market](#) (2024)
- ^{xvi} Food Packaging Institute, [Food Residue Study](#) (2022)
- ^{xvii} Resource Recycling, [Mills Re-commit to Buying Recycled Paper Cups](#) (2021)
- ^{xviii} Foodservice Packaging Institute, [End Markets for Post-Consumer Paper Cups](#) (2024)
- ^{xix} Waste Today, [Paper mills commit to increase recycling of paper cups](#) (2021)
- ^{xx} Western Michigan University [Pilot Paper Pilot](#) (2024)
- ^{xxi} Closed Loop Partners, [Closing the Loop on Cups: Collective Action to Advance the Recovery of Paper Cups in the U.S.](#) (2023)
- ^{xxii} Waste 360, [New Technology Enables Paper Cup Recycling and Improves Food and Beverage Carton Recycling in Dallas](#) (2023)
- ^{xxiii} City of Atlanta, Georgia, [Atlanta Expands Recycling Program to Include Paper Cups with New Partnership Ten municipalities, including 350,000 area residents, can now recycle paper cups through community curbside recycling program](#) (2021)
- Resource Recycling, [Chicago begins curbside collection of paper cups](#) (2023)
- Recycling Today, [Detroit residents can recycle paper cups, food and beverage containers](#) (2021)
- Foodservice Packaging Institute, [Paper Cups Can Be Recycled](#) (2024)
- ^{xxiv} Rumpke, [Rumpke Expands Acceptable Recycling Items List](#) (2022)
- ^{xxv} Closed Loop Partners, [Closing the Loop on Cups: Collective Action to Advance the Recovery of Paper Cups in the U.S.](#) (2023)
- ^{xxvi} Closed Loop Partners, [Closing the Loop on Cups: Collective Action to Advance the Recovery of Paper Cups in the U.S.](#) (2023)
- ^{xxvii} Foodservice Packaging Institute, [Food Residue Study 2022](#) (2022)



January 31, 2025

TO: Leah Feldon, Oregon Department of Environmental Quality, Director

FR: Derek Sangston, Oregon Business & Industry

RE: Comments on Circular Action Alliance's Third Draft Program Plan

Oregon Business & Industry (OBI) is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

Thank you for the opportunity to comment on Circular Action Alliance's (CAA) third draft program plan to help implement Oregon's Plastic Pollution and Recycling Modernization Act (RMA). OBI is grateful the third program plan (the Plan) contains more definitive information about the costs associated with the RMA and more flexibility for CAA to implement the RMA.

However, despite the Plan providing more definitive information about costs and how producers' investments will be used, OBI and its members remain nervous by the timeline on which CAA believes the RMA can be fully implemented, especially in light of the limited information producers have on key definitions of covered products, reporting and fee schedules, and fee reduction incentives.

Foremost, the Plan does not adequately provide information for producers to use to set their own fee schedules. The tables that list material types include a number of terms that are not defined. Additionally, while some of those classifications are clear, many are not and are instead acronyms for various plastics. To provide greater guidance to producers, the Plan should define those acronyms and provide examples of them.

The proposed reporting and fee payment schedules additionally raise several concerns. As OBI's comments on previous drafts have identified, the implementation timeline is extremely tight, as "[t]he final 2025 detailed fee schedule will be published in June 2025 after Oregon producers complete their supply reporting," which is due March 31, 2025. Because no specific date in June is provided, one can easily assume that fee schedules may not be published until as late as June 30 and still be in conformance with the Plan. Given that we understand initial fees to be due on July 15, 2025, businesses operating in Oregon essentially have no time at all to plan and prepare to pay these unknown fees. While CAA has provided "draft base fee estimates" in the Plan using high and low scenarios, these scenarios are of little use to producers. The estimates are not final, there is no way to know how accurate the numbers are, and the high and low ranges in many cases represent a 30% or greater spread—a significant margin for which producers to budget. Oregon businesses are not in the practice of budgeting based on unreliable data or

incomplete data, and for that reason the cost estimates in the Plan provide little comfort to producers who will have to come up with an as-yet unknown amount on July 15, 2025, with insufficient time to adjust packaging programs to reduce costs until future years. At a bare minimum to address these concerns, we encourage DEQ to require CAA to provide a date certain by which they will release the 2025 fee schedule, and for that date to provide producers with as much lead-time as possible before the initial 2025 fee payment deadline.

Moreover, the Plan lacks timeline clarity on fee payments in future program years and raises concerns about potential lag time between supply data reporting and fee payments in those years. It cannot be understated that producers need transparent, reasonable and consistent timelines to plan for compliance. For program years after 2025, the reporting and fee assessment timelines set forth in Appendix M are exceedingly difficult to read, and do not clarify what data year the fee assessments will be based upon. In education being provided to registered producers, CAA has indicated that it may use 2024 data to calculate fee payments for both the 2025 and 2026 fee payment dates, 2025 data for 2027 fees, and 2026 data for 2028 fees. Such a lag between supply data reporting and fee assessments would result in producer fee payments being based on data that is up to two years behind actual packaging usage. This could create a disincentive for producers to implement packaging changes, as the implementation costs of making those changes could be significant and the fee reductions relative to those costs would not be realized until well into the future. We strongly encourage DEQ to require CAA to provide more clarity around these timelines, and to consider better aligning fee assessments with usage so as to not disincentivize producers from making beneficial packaging improvements.

In addition to the unknown base fees, producers are having to expend significant resources on determining their obligations under the program within the current compressed implementation timelines. As just one example, an OBI member with a strong presence in Oregon reports having already worked for several months to collect data from packaging suppliers necessary to fulfill reporting obligations. With a packaging supply chain of roughly 1500 different packaging components, sourced from dozens of different suppliers (some of whom are brokers and/or distributors and not the original manufacturers of the packaging so do not themselves have the appropriate data), this OBI member had only collected about 20% of the information necessary to report on 2024 data as of the end of December. While we understand this requires a legislative fix, we continue to advocate for extending the implementation date to help ease compliance pressure on producers which will, in turn, reduce unnecessary implementation costs for Oregon businesses.

Further complicating producers' ability to account for their covered materials is the Plan's lack of guidance on how to treat packaging that include multiple material types. Of course, those materials can be calculated individually, but when they are fused, adhered, or otherwise inseparable, the Plan provides no guidance on how to report and calculate those fees. Again, the terms like "separable" and "inseparable" are not defined in either the Plan, DEQ rule, or statute.

Regarding fee reduction incentives, we encourage both DEQ and CAA to carefully consider iterative changes to the graduated fee structure, i.e. ecomodulation, provisions to best



OREGON REFUSE & RECYCLING ASSOCIATION

January 31, 2025

Ms. Nicole Portley, Oregon DEQ
700 NE Multnomah ST #600
Portland, OR 97232

Via email only: RethinkRecycling@deq.oregon.gov

RE: Comments on CAA Proposed Producer Responsibility Organization Plan

Dear Ms. Portley:

Thank you for the opportunity to comment on Circular Action Alliance's proposed Producer Responsibility Organization Plan (PRO Plan).

The Oregon Refuse and Recycling Association (ORRA) is the statewide trade association representing solid waste management companies in Oregon. ORRA members collect and process most of Oregon's residential and commercial refuse and recyclables, and operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills.

ORRA sincerely appreciates the work that Circular Action Alliance (CAA) has done to develop the PRO Plan, and the willingness of both the CAA and the Department of Environmental Quality (DEQ) to engage with ORRA and our members throughout the process. As much of the work will rely upon our members to carry out, this has been critical to the future success of implementing the Plastics Pollution and Recycling Modernization Act (RMA).

ORRA wishes to applaud the time and effort of the ORSAC and its subcommittees, and the DEQ and CAA staff that supported them in their work to evaluate this third and final PRO Plan draft. That work made our evaluation significantly easier, and we think resulted in a better end product where changes were recommended, but also an affirmation that the product, as provided, was strong. **ORRA supports all of the suggested changes to the PRO Plan that the ORSAC subcommittees offered to the entire ORSAC at its meeting on January 29.**

That being said, ORRA continues to have concerns about how the PRO Plan adheres to RMA principles when adding additional items to the Uniform Statewide Collection List (USCL). ORRA is aware that there will be a process for determining whether materials should be included in the USCL, and we and our members will be actively engaged in that process. However, ORRA wants to emphasize how important the criteria stated in ORS 459A.914(3)(a) are to evaluate whether additional materials should be included on the USCL.

Historically, the fact that a material is being collected as part of a commingled recycling program does not mean that the material is recycled. Allowing the continuance of some existing practices of collecting those materials risks undermining credibility with the public. If programs allow materials to be placed in a recycling cart or USCL collection point, the public will rightfully assume that means the material will be recycled. If the material is not recyclable in a commingled collection program, then it

should not be added to the USCL. It should only be added if there are sustainable, responsible end markets for that material as set forth in the statutory review criteria for USCL materials. This is, of course, what the PRO Plan provides as the process for including new materials onto the USCL, which does allow for a trial or pilot program for non-USCL materials for a limited duration.

Some materials have been evaluated against statutory criteria and failed to meet those standards. However, certain jurisdictions are still accepting these materials in their commingled recycling programs, despite their ineligibility for inclusion on the USCL. Strictly speaking, these materials are currently contaminants in the commingle stream. ORRA does not support this approach unless it is made clear that they are being collected on a trial basis, and for a stated limited term. At a minimum, until these materials meet the criteria for inclusion on the USCL, they should not be featured in any statewide educational campaigns about the USCL. In fact, efforts to reduce contamination would be more successful if items not included on the USCL were clearly designated as contaminants in statewide educational materials until they are successfully evaluated for inclusion.

Finally, ORRA wants to ensure that as our members are required to collect additional materials for recycling, significant consideration is given to the safety hazards associated with the collection of those additional materials. An example of this is the collection of empty/non-pressurized aerosol cans. Currently, there is no way within the waste stream to verify whether an aerosol can is empty. Handling those pressurized containers creates an inherent safety risk. That risk needs to be evaluated when deciding whether such containers should be allowed into the recycling stream. Until that is resolved, pressurized containers should move through the hazardous waste stream, for the safety of all. Regardless, these materials are still “covered materials”, and ORRA would recommend a compensation/subsidy program to assist in offsetting the costs of collecting and managing these materials safely and appropriately, until such time as a solution is found for them to be effectively managed as a PRO Depot material.

Thank you for this opportunity to comment on the PRO Plan. We look forward to continuing to work in partnership with all participants in the RMA implementation process.

Sincerely,



Craig Campbell
ORRA Governmental Affairs Director

c: ORRA Steering Committee
ORRA Board of Directors
ORRA PRO Plan Workgroup
Kim Holmes, CAA
Francis Veilleux, CAA



Oregon
Winegrowers
ASSOCIATION EST 1981

January 31, 2025

Nicole Portley
Program Plan Lead
Oregon Department of Environmental Quality
RethinkRecycling@deq.oregon.gov

Re: Comments on Circular Action Alliance 3rd Draft Program Plan

Dear Ms. Portley,

Thank you for the opportunity to submit input on the Producer Responsibility Organization (PRO) 3rd Program Plan submitted by Circular Action Alliance (CAA). The Oregon Winegrowers Association is a member-driven advocacy group representing hundreds of wineries and growers from around the state. Many of our member wineries are subject to the requirements of the Recycling Modernization Act (RMA), and we therefore have a vested interest in ensuring the Extended Producer Responsibility (EPR) program is developed in a way that mitigates costs and reporting obligations for producers while encouraging recycling and reuse.

I write to share concerns on behalf of my members about additional costs that glass producers are expected to incur as part of the EPR program for minimal environmental gain. More than 38,000 tons of glass is already collected statewide largely in separate curbside bins. CAA estimates that enhanced depot collection will add another 3,100 tons to that figure. There is an estimated 77,000 tons of glass available for collection, which equals a collection rate of 53% under the EPR program. This is higher than the required rate of 45% under the program. In fact, glass was already being collected at a rate higher than required by the program (49%). While we are pleased that costs for glass have gone down from the 2nd program plan, we believe those costs should be even lower.

Incentives to Local Government for Existing Services: Glass is included on the PRO Acceptance List and DEQ requires the PRO to provide for the recycling of glass. CAA seeks to maintain curbside glass collection where it currently exists, and to expand depot collection. It is our understanding that incentives are available to local governments that *expand* curbside service prior to the start of the program, but not incentive payments for existing services on top of service fees. We have strong concerns that CAA and DEQ are creating unnecessary and unjustifiable incentives for local governments to continue services that are already available and largely covered by ratepayers. According to the 3rd program plan, “CAA has consulted with DEQ and determined an incentive rate equal to the estimated cost of collecting glass through depots, should be offered to communities that choose to maintain curbside glass collection. Based on the estimated costs to manage glass in the Cascadia report, CAA will initially offer a \$77/ton incentive to local governments, or their designated funding recipient for the incentive. CAA will reevaluate and adjust this rate annually to ensure it remains aligned with current depot collection costs.”



**Oregon
Winegrowers**
ASSOCIATION EST 1981

We are unable to identify the authority in the legislation for an incentive that represents 38% of the low rate for glass and 27.5% of the high rate for glass. We ask that DEQ respond with legal justification for the incentive for continuing existing curbside services, in particular when the service is covered by ratepayers. Rather than offering an incentive for continuing current services, funding should be dedicated to expanding the glass depot network to rival the Oregon Beverage Recycling Cooperative's bottle drop network. For an incentive to be offered to local governments, there should be accountability to use those funds to expand service and not offer incentives on top of the fees haulers are already getting to collect glass curbside.

Eco-modulation: Many wineries have already undertaken significant steps in reducing their carbon footprint such as light weighting container packaging to the greatest extent possible without sacrificing wine quality/integrity and incorporating recycled content. A reuse program is being rolled out in Oregon. The EPR program should recognize past and future sustainability packaging efforts and not penalize producers with higher fees because of the focus on container weight. We understand more details will be available later in 2025 related to Bonus C. We ask CAA to work with our industry to determine how eco-modulation may best provide some cost relief by recognizing past and future efforts to reduce the environmental footprint for glass and other packaging.

Future Engagement: Given the uniqueness of our product in which material selection, design, performance and the environment are all critical factors when it comes to the packaging used, we would request a wine industry seat on the CAA Oregon Board.

We appreciate the opportunity to comment on the 3rd draft Program Plan submitted by CAA. We look forward to careful consideration of our comments and questions.

Jana McKamey
Executive Director
Oregon Winegrowers Association

incentivize producers to continually reduce environmental and human health impacts without creating unanticipated barriers or costs. In particular, we strongly encourage consideration of ecomodulation programs that do not require life cycle assessments (“LCAs”) in order to receive bonus incentives. As CAA itself highlights, “the cost of LCAs can vary widely, depending on whether each producer has in-house capabilities to develop LCAs or will need to contract out the development of LCAs. Third-party verification of the LCAs, which is also required by the LCE rules, will also impact the costs.” Indeed, based on the bonus structures and examples set forth in the Plan, it may be the case that the cost of developing an LCA would far exceed the benefit received by a producer through a bonus. While we understand that the requirement to conduct an LCA to receive a bonus is a creature of rule, we strongly encourage DEQ and CAA to consider revisiting this model. Requiring an LCA in order to qualify for an incentive creates a significant cost barrier that may make it not feasible or worthwhile from a financial perspective to pursue incentives. This seems counter to the legislative intent to provide producers with options to reduce fees through environmentally and socially-responsible packaging improvements, and should be reconsidered.

Thank you for your consideration.

Contract: dereksangston@oregonbusinessindustry.com

From: [Peter Bierbaum](#)
To: [RethinkRecycling * DEQ](#)
Subject: Plastic Pollution and Recycling Modernization Act, PRO Plan Third Draft Comments
Date: Friday, January 31, 2025 12:47:42 PM

You don't often get email from pmbierbaum@msn.com. [Learn why this is important](#)

Thank you for the opportunity to provide stakeholder input. I am providing comments on behalf of One World Resource, LLC. We are a small business that consults on waste management and circular economy for a variety of customers.

My recommendation pertains to Appendix B, CAA Oregon Market Share Calculation Methodology, Resulting Market Share Estimate, p 41 of appendices. I would ask that DEQ request that CAA complete the calculations of market share estimate. CAA provides a detailed analysis in estimating the range for numerator and denominator but does not complete the calculation of estimated market share. CAA points out that “there is a high degree of uncertainty in the market share projections at this point, due to the very limited data available prior to reporting deadlines in March 2025”. Nevertheless, it remains an important measurement to stakeholders. My calculations show the following range of market share estimate based on the information provided.

- $400,000 \text{ tons} / 925,807 \text{ tons} = 43.2\%$

$660,000 \text{ tons} / 925,807 \text{ tons} = 71.3\%$

However, I defer to DEQ and CAA for completing calculations.

I appreciate the opportunity to voice my suggestion.

Respectfully submitted,

Peter Bierbaum

Peter Bierbaum, P.E.

Senior Engineer

One World Resource, LLC



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January 31, 2025

Nicole Portley
Recycling Modernization Act (EPR) team
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
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Jeffrey L. Hunter
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Re: Comments on the Third Draft Proposed Producer Responsibility Organization Program Plan by Circular Action Alliance

Dear Nicole Portley:

Thank you for the opportunity to provide public comments on the third draft of the proposed Producer Responsibility Organization Program Plan (Plan) submitted by Circular Action Alliance (CAA). We look forward to continued engagement with the Department of Environmental Quality (DEQ) and CAA throughout the implementation of Oregon's Plastic Pollution and Recycling Modernization Act (RMA).

Perkins Coie LLP represents producers in various industries including home and garden, paper products, art supplies, building materials and shipping packaging. Our clients have been evaluating their obligations under the RMA and collecting data in anticipation of the upcoming reporting deadline but have faced challenges in determining how the RMA will be implemented with respect to their products and business lines.

We are submitting these comments on behalf of our clients to request that CAA update its Plan to provide producers with essential information needed to work effectively with CAA. In particular we are asking for: (1) detailed guidance on how CAA intends to collect data in Oregon, including the level and scope of information that Covered Producers need to provide by the March 31, 2025 initial reporting deadline; (2) plans for a standardized system involving DEQ that would allow producers to seek clarification on their obligations under the RMA; and (3) additional details regarding CAA's confidential fee algorithm, including how it determined fees for Covered Producers with less than 5 metric tons of Covered Products.

A. Guidance on Data Reporting Requirements

Our clients are working to meet the March 31, 2025 deadline for initial data reporting but remain concerned about the lack of information about the reporting process that was included in the Plan. Besides listing reporting categories in the financing section, the Plan only notes that reporting guidance was scheduled to be released in the fourth quarter of 2024 and that CAA will provide participant producers with access to a secure online reporting portal.

The lack of guidance has made information gathering difficult for our clients, especially ones that produce custom-made products that require special packaging. In particular, Covered

Producers require more information about the types of ancillary packaging (e.g., UPC stickers, hang tags, tape) that need to be reported; the level of detail that Covered Producers need to provide about their Covered Products; how to delegate responsibility for co-branded products; and the responsible reporting entity for shipping/service packaging that is custom printed under another company's brand.

While we recognize that CAA has recently provided some guidance in the form of webinars for Covered Producers, we are concerned that CAA's reporting guidance was developed in a vacuum with no opportunity for input from DEQ, non-founding CAA members, or industry groups. A wide variety of Covered Producers have obligations under the RMA, and it is essential that CAA address potential grey areas and points of confusion before these reporting requirements go into effect.

B. System for Seeking Clarification on the Scope and Applicability of the RMA

Covered Producers would greatly benefit from a standardized process for seeking and obtaining clarification on exemptions and potential ambiguities that involves input from DEQ. Guidance should also be anonymized and shared with Covered Producers in the event that others have similar questions. As currently drafted, the Plan does not provide for such a system.

While we recognize that CAA is not the final arbiter of decisions about Covered Products, providing a standardized process for obtaining guidance involving DEQ would prevent Covered Producers from guessing at whether their products are covered. This process would also ensure that CAA and DEQ receive more accurate data.

C. Fee Determinations

We appreciate that CAA has provided an overview of the fee setting methodology and a table of base fee rate estimates for the materials that need to be reported to the state. However, we share the same concerns as other commenters regarding the lack of transparency surrounding the fee setting process.

CAA's founding members are high volume producers of consumables or large retailers. It is unclear whether the members developing the fees understand the needs and business models of smaller producers and producers of durable goods like our clients. While we understand that the Oregon Administrative Rules allow for the protection of trade secrets, we agree with other commenters that the fee setting algorithm should be shared with member producers.

Transparency regarding fee determinations would build trust between Covered Producers and CAA; help Covered Producers accurately budget for fees; and allow Covered Producers to confidently evaluate and develop packaging alternatives.

There is also little information regarding how CAA determined the tiered uniform fees for low volume producers with gross revenues of less than \$10 million or covered materials sold for use in Oregon of less than 5 metric tons. Low volume producers should not be subject to fees without

an explanation of how those fees were calculated or what factors went in to determining those fees.

D. Conclusion

Thank you for the opportunity to comment on the Plan and we appreciate DEQ's consideration of these comments. We look forward to working with CAA and DEQ to address these issues and help our clients provide accurate data.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey L. Hunter". The signature is stylized and cursive.

Jeffrey L. Hunter



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

January 30, 2025

Oregon DEQ, Nicole Portley
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100
rethinkrecycling@deq.oregon.gov

Re: CAA Program Plan Draft 3 Public Comment

Dear Nicole,

Thank you for the opportunity to submit comment on the Circular Action Alliance (CAA) Third Draft Producer Responsibility Organization (PRO) Plan pursuant to the Plastic Pollution and Recycling Modernization Act (PPRMA). We remain grateful to DEQ staff, Recycling Council members and CAA staff for their tireless work in implementing PPRMA including the development of the program plan.

The following are concerns and recommendations regarding the draft PRO Plan from the Bureau of Planning & Sustainability at the City of Portland:

Contamination reduction measurement

- We support CAA's proposal to orchestrate sampling to measure contamination statewide. Since this sampling work is happening at least partly in order to meet an obligation that statute places on local governments to serve the purpose of tracking and managing contamination, we would like to request that CAA and DEQ offer us the option to partner with CAA in adding sampling on more routes, at the city's cost, if we find that additional targeted sampling beyond a random sampling protocol can help us better manage contamination reduction efforts. This could be the most cost-effective and time-effective approach to obtaining additional data on contamination in our community with numerous recycling routes.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portland.gov/bps
1810 SW 5th Avenue, Suite 710, Portland Oregon, 97201 | Phone: 503-823-7700 | Relay: 711

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ການຄຸ້ມຄອງ ຫຼື ການອະທິບາຍ | الترجمة التحريرية أو الشفوية | Portland.gov/bps/accommodation

Convenience standards

- We acknowledge the difficulties in siting recycling drop-off depots due to the site features and criteria required. Portland strongly recommends distributing depots equitably across our city including ensuring access for residents of multifamily properties throughout Portland.
- Upon reviewing the proposed depot locations in this plan, it appears that some areas of Portland would be underserved, such as east of 60th, or in downtown west Portland. One location among others that needs attention is the area east of I-205 and south of Division, which has a high density of multifamily properties. We ask that CAA ensure equitable geographic access and avoid a situation where some residents are relatively underserved.

Funding for Local Governments

- We appreciate clarification regarding funding we recently received from CAA staff. However, we recommend the Program Plan commit to communication with local governments about projected costs for system expansion. We recognize the numbers in this draft are modeled, not final, but providing jurisdictions with a clear picture of what CAA expects to fund ensures that local governments know whether their ORSOP requests will be addressed and allows them to plan for the subsequent improvements to their local system.

Equity

- Within CAA's proposed approach to equity, there is no mention of strategy for multifamily housing or multifamily residency as a factor influencing access and outcomes in the Oregon recycling system. We suggest that CAA add to the introduction to the Equity section, multifamily residency as a factor that may influence equity and outcomes in the Oregon recycling system.

Sincerely,



Eben Polk
Solid Waste and Recycling Division Manager
Bureau of Planning & Sustainability
eben.polk@portlandoregon.gov



From: [Daniel Domonoske](#)
To: [RethinkRecycling * DEQ](#)
Subject: public comment CAA program plan from Dan Domonoske at Potential Industries, 720 East E Street Wilmington CA 90744
Date: Wednesday, January 29, 2025 3:14:10 PM

P 139 Example End Markets: *Mixed Paper is banned in China and Vietnam. Exports of Mixed Paper from the US west coast flow primarily to Indonesia, Taiwan, Malaysia, and Thailand, but some of those countries are cracking down on Mix Paper imports due to excess contamination. Poly and wax coated fiber is considered to be contamination in Asia at mills using Mixed Paper and OCC. One of the best ways to encourage and develop REM's, is to provide them with high quality post consumer recyclable materials that have minimal contamination. The volume of covered materials collected in OR is small in comparison to those generated in CA. The vast majority of the OCC and Mix Paper collected in the western US is exported to Asia.*

P 148 Environmental Impact Measurements: ~~it shall quantify and disclose~~ it shall comply with applicable regulations and report violations

P 149 Transparency: *it is important that this information be confidential*

P 150 Yield: *many manufacturing processes utilize a combination of virgin and recycled materials which are combined together, and as such there should be some flexibility in measuring and reporting yield at the REM*

P 153 Verification of Recycling Yield for Materials Mixed Together in a Bale: *this is a very sensitive subject and many brokers may not be aware of the #s and at the same time many REM's may be reluctant to share the data so please try to minimize the administrative burden for the REM's by utilizing the third party entity conducting the verification to be efficient and sensitive to the impact on REM's and avoid creating complications with them which could cause them to no longer purchase covered materials from US origin, particularly in a competitive marketplace where supply is avail from other countries that do not have such requirements*

P 156 Review and Validation of the REM Verification Approach: *the process of periodically updating the standard should be open and include opportunities for stakeholders to review draft updates and provide public comment which is taken into consideration*

P 157 Requests for Temporary Variance in Verification: *to what extent is Valipac auditing paper mills in Asia, and are there other organizations doing similar work?*

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January 31, 2025

Nicole Portley
Oregon Department of Environmental Quality
700 NE Multnomah Street, Portland,
Oregon 97232

Re: Third Draft Producer Responsibility Program Plan submitted by Circular Action Alliance

Sent Via Electronic Mail

Ms. Portley,

The Recycled Materials Association (ReMA) is pleased to submit written comments regarding the proposed third draft of the Producer Responsibility Program Plan, submitted by Circular Action Alliance (CAA) on December 6, 2024. ReMA, formerly known as the Institute for Scrap Recycling Industries (ISRI), is a nonprofit organization that represents more than 1,600 companies in the U.S. and 40 countries around the globe. Based in Washington, D.C., ReMA provides advocacy, education, safety and compliance training, and promotes public awareness of the vital role recycled materials play in the U.S. economy, global trade, the environment and sustainable development.

ReMA represents the companies that will sort, broker, process, and consume the metals, plastic, paper and glass covered by the Oregon producer responsibility program, so ReMA's comments focus on the "Ensuring Responsible End Markets" section of the program plan. Our members are committed to environmental compliance, safe operations and support for their communities, and are in alignment with DEQ's goal of ensuring that Oregon's covered materials are recycled responsibly.

However, the Responsible End Markets (REM) verification steps that are outlined in the program plan are unprecedented in the U.S. recycling system and need to be carefully implemented to avoid jeopardizing the markets that the program relies on to succeed. ReMA welcomes Circular Action Alliance's plan for field testing and industry feedback on the REM verification process, and urges DEQ to take an iterative, nuanced approach to verification which is responsive to the results of the field-testing process. ReMA is available to support DEQ and CAA in this process. The recycled materials industry is particularly concerned with finding the right approach to the following complex aspects of verification:

- **Confidential business information:** Information about volumes, buyers, sellers, and sortation practices are highly protected information in the recycled materials industry, as these data points often represent the competitive advantage of firms in a tight-margin, commodity business. Although ReMA is aware that the law requires transparency of some information to ensure materials are truly recycled, exceptional care needs to be taken to protect this information from public disclosure and from competitors, including ensuring that certification bodies keep information confidential.
- **A one-size-fits-all approach to a varied material stream:** Although they all share a recycling bin, the recycling system for metals, plastic, paper and glass vary widely in how material flows, their market dynamics, and the entities in their supply chains. For example, steel food cans enter the ferrous recycling system, which typically involves 1) purchase by a small-medium metal recycling yard, then 2)



movement to a metal shredder and possible combination into shred with other ferrous metal products such as automobiles and appliances, before 3) reaching its end market destination at a steel mill. Steel packaging is a small percentage of the overall steel recycling stream (12% of all ferrous MSW¹, not including non-MSW ferrous scrap sources). By contrast, cardboard is typically sent directly to a mill from CPRFs, and fiber-based packaging makes up over 60% of all fiber MSW². CAA will need to account for the unique factors of each commodity stream in its verification approach, and fine tune it over time with lessons from its field testing.

- **Interaction with non-covered material streams:** The recycling system for packaging and paper is intertwined with commercial and industrial systems for recycling construction materials, vehicles, durable goods and other items not covered by the producer responsibility program. Isolating the covered materials for transparency on their chain of custody and yield is therefore not a simple task. The program plan accounts for the possibility of Oregon-sourced and non-Oregon materials, but should also address the presence of non-covered materials from within the state, which are processed by the same end market entities. Additionally, end markets need clarity on how the program will treat items included on the Uniform Statewide Collection List that are not covered materials under the program, such as scrap metal (i.e. pots and pans) and bulky plastics (i.e. storage containers).

Additionally, ReMA supports variances #1-4 requested by Circular Action Alliance on pages 157-159 of the program plan and asks DEQ to grant these variances. These changes are responsive to business realities and reduce duplicative administrative burdens, while upholding the responsible end market principles and requirements. Regarding Variance #3, ReMA requests that steel mills be considered for a similar variance on yield data. Steel cans are consumed by electric arc furnace mills³, which have an estimated yield of 88.9%⁴, well above the 60% yield threshold. ReMA recommends a conversation with domestic steel mills similar to the outreach conducted to paper mills, to validate whether a similar variance would be prudent.

Finally, we would like to address the program plan's approach to random bale tracking. The use of battery-powered tracking devices in bales would endanger lives, contaminate recycling, and create a severe risk of catastrophic property damage or environmental harm. Every day, recyclers are battling the threat of undetected, improper placement of batteries into recycling streams, and continually updating their safety programs and fire prevention and mitigation systems to handle the growing risk that the proliferation of batteries in the economy has created. This issue impacts all recyclers, including metal recycling yards, shredders, paper mills, plastics reclaimers, and any other entity shipping or receiving recyclables. ReMA adamantly opposes DEQ knowingly adding to that risk for recyclers, their employees, and their neighbors who would be impacted by a potential fire. While alkaline batteries pose a reduced fire risk, they remain a safety risk, and the tracker device itself could cause equipment damage. ReMA urges DEQ in the strongest possible manner to take an alternative path to verifying compliance with the requirement to send materials to responsible end markets, one that does not include introducing an electronic contaminant to recycling bales.

¹ Steel Can Recycled Content, RRS on behalf of Can Manufacturers Institute. Accessed 1/28/25:
<https://www.cancentral.com/wp-content/uploads/2024/04/Recycled-Content-White-Paper-with-Cover.pdf>

² *Ibid.*

³ *Ibid.*

⁴ Zhu Y, Syndergaard K, Cooper DR. Mapping the Annual Flow of Steel in the United States. Environ Sci Technol. 2019 Oct 1;53(19):11260-11268. doi: 10.1021/acs.est.9b01016. Epub 2019 Sep 17. PMID: 31468962.



In summary, it is critical to engage in dialogue with the end markets that will process the materials covered by the Producer Responsibility Program to ensure a program that can meet its goals to improve the state's recycling system while building on previous successes and existing infrastructure.

Thank you for your consideration of these comments, and we look forward to working with Oregon DEQ in the implementation of this program.

Sincerely,

Robin K Wiener

[Robin K Wiener \(Jan 30, 2025 22:16 EST\)](#)

Robin K. Wiener
ReMA President







CAA Program Plan Public Comment Jan 31 25

Final Audit Report

2025-01-31

Created:	2025-01-30
By:	Natalie Betts (nbetts@isri.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAT5vkxpI4586sdHCzQZRTPxJhvhyY8Vn

"CAA Program Plan Public Comment Jan 31 25" History

-  Document created by Natalie Betts (nbetts@isri.org)
2025-01-30 - 10:16:42 PM GMT
-  Document emailed to Robin Wiener (rwiener@recycledmaterials.org) for signature
2025-01-30 - 10:16:46 PM GMT
-  Email viewed by Robin Wiener (rwiener@recycledmaterials.org)
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-  Signer Robin Wiener (rwiener@recycledmaterials.org) entered name at signing as Robin K Wiener
2025-01-31 - 3:16:45 AM GMT
-  Document e-signed by Robin K Wiener (rwiener@recycledmaterials.org)
Signature Date: 2025-01-31 - 3:16:47 AM GMT - Time Source: server
-  Agreement completed.
2025-01-31 - 3:16:47 AM GMT



January 31, 2025

To: Oregon Department of Environmental Quality (DEQ)

Regarding: Final Draft Proposed Program Plan for the Plastic Pollution and Recycling Modernization Act (RMA)

To whom it may concern:

Thank you for the opportunity to submit comments on behalf of Revino regarding the third draft packaging Extended Producer Responsibility (EPR) program plan submitted by Circular Action Alliance (CAA). Revino is an Oregon-based company working to revive the use of reusable glass bottles in the wine and beverage industry. We are dedicated to reducing waste, carbon emissions and upstream pollution associated with single-use bottles and material processing. We believe that reuse systems and a zero-waste lens are crucial to achieving a truly circular economy.

We strongly support the Recycling Modernization Act (RMA) and appreciate CAA's efforts in developing this initial program plan. We are particularly interested in ensuring that the plan adequately addresses and prioritizes the unique needs of reusable packaging systems, such as our reusable wine bottle program.

We have had the privilege of discussing the opportunities under EPR in relation to our preventative approach to packaging waste with municipalities, manufacturers and beverage producers across the state and are eager to see this policy in action. While we acknowledge the updates made to the plan regarding reuse opportunities, we believe there is still significant room for improvement to ensure the successful integration and prioritization of reusable packaging within Oregon's recycling and material management system.

Eco-Modulated Fees:

After reviewing the program plan, we appreciate CAA's approach to supporting producers choosing reusable packaging and health-conscious material selection, such as our inert, reusable glass bottles. If structured effectively, the 'Bonus C' structure holds the potential to drive adoption of zero waste solutions like ours, but it is essential that the LCA bonus accurately reflects the environmental benefits of reusable systems, considering return rates and allowing sufficient time for these systems to reach their full potential. We urge DEQ and CAA to finalize the program plan amendment outlining Bonus C as quickly as possible. Furthermore, we insist that at no point should reusable packaging within a system for reuse be charged more than

single-use packaging, or otherwise be disincentivized. This is critical for the success of reuse models like ours.

Building Reuse Systems:

While improved from past program plans, CAA's current vision for supporting reuse should be further strengthened. Funding from obligated producers should be directly allocated to the development and maintenance of *interoperable* reuse systems for *all* covered materials, including infrastructure specifically designed for the collection, cleaning, and redistribution of reusable packaging like our bottles. Theoretically, the Oregon Material Impact Reduction and Reuse (MIRROR) Program *could* drive additional adoption of reusable systems. However, the program's mandate under [ORS 459A.941](#) (Section 32 of the Recycling Modernization Act), "to reduce the environmental impact of covered products," lacks the ambition needed to drive rapid adoption of truly zero-waste solutions. While "reducing" impact is valuable and can support many improvements, this language falls short of prioritizing the urgent shift to reuse systems that our state requires to protect our environment and public health. A stronger mandate focused specifically on reuse and zero-waste solutions is necessary.

We emphasize the need for a shared reuse infrastructure across Oregon, including collection points, transportation, sorting, processing, and cleaning facilities. While leveraging recycling depots and events is a positive step, it is not enough. *All* recycling collection points, including curbside collection, should be considered for reusable packaging. Convenience is key to achieving high return rates and maximizing the environmental benefits of reuse. We believe, and studies are beginning to demonstrate, that commingled curbside collection of reusable packaging is both logistically and economically viable. We urge CAA to prioritize this approach.

Specifically, we request that CAA prioritize the following:

- **Depot Site Prioritization:** CAA should ensure that depot sites are equipped and incentivized to handle reusable glass bottles like ours, including proper sorting, storage, and return logistics. Clear guidelines and training for depot staff are necessary to ensure the efficient handling of reusable packaging.
- **Curbside Integration:** CAA should actively explore and implement curbside collection options for reusable packaging, including the potential for a separate bin or other innovative solutions. This is crucial for scaling reuse systems and making them accessible to all consumers.
- **Collaboration with Reuse Service Providers:** CAA should actively partner with reuse service providers, like Revino, to leverage existing expertise and infrastructure and communicate solutions to producers of covered products. This collaboration will be essential for developing efficient and cost-effective reuse systems.
- **Standardization and Harmonization:** CAA should lead efforts to standardize reusable packaging formats within specific product categories, promoting interoperability and simplifying the return process for consumers. This is particularly important for glass bottles, where standardization can significantly improve efficiency.

- **Consumer Education:** CAA should invest in robust consumer education campaigns to raise awareness about the benefits of reusable packaging and how to properly return them.

Reusable Glass Packaging Prioritization:

We specifically request that the program plan explicitly acknowledge and prioritize the unique needs of reusable glass packaging covered under the RMA. These bottles require specialized handling and cleaning processes, and the infrastructure should be designed to accommodate these requirements. Revino is willing to work closely with CAA to develop specific protocols and best practices for the collection and processing of reusable glass bottles.

We urge CAA and Oregon DEQ to **ensure the proper handling of reusable packaging**. CAA must highlight the importance of ensuring reusable glass containers and packaging are not destroyed or crushed in systems such as drop bins or reverse vending machines. Destruction of this packaging will significantly harm both the economic viability and environmental benefit of these reuse solutions.

Regulatory Costs and Waste Prevention and Reuse Fund:

We echo past comments of others regarding regulatory costs and the Waste Prevention and Reuse Fund. The “potential” contributions should be clarified as mandatory, and the plan should detail how these funds will be used to support reuse infrastructure and initiatives.

Measures to Protect Ratepayers from Increased Costs:

We believe that reuse offers significant opportunities to reduce costs for ratepayers. We urge CAA to further elaborate on this vision and prioritize investments in reuse systems as a key strategy for achieving this goal.

We believe that by prioritizing reuse and actively supporting the development of robust reuse infrastructure, Oregon can become a leader in the transition to a circular economy. We are eager to collaborate with CAA and DEQ to ensure that the final program plan reflects these priorities and supports the success of reusable packaging systems like ours.

Thank you for considering our comments.

Sincerely,

Adam Rack

Co-Founder & COO

Revino



January 31, 2025

Submitted via electronic submission to RethinkRecycling@deq.oregon.gov

The Department of Environmental Quality (DEQ)
Oregon Recycling Modernization Act
700 NE Multnomah St.
Suite 600
Portland, OR 97232

Re: Public Comment on the Third Draft of CAA's Program Plan for Oregon's Recycling Modernization Act

To Whom it May Concern:

On behalf of Ridwell, thank you for the opportunity to provide comments on the third draft of the program plan submitted by the Circular Action Alliance (CAA) for Oregon's Recycling Modernization Act (RMA). We applaud the thoughtful revisions in this draft and appreciate the emphasis on collaboration, accessibility, and equity in achieving the RMA's goals.

As we have stated previously, Ridwell strongly supports Oregon's efforts to modernize its recycling system and expand diversion opportunities for materials that are difficult to manage through traditional programs. We recognize the significant effort CAA has invested in developing a robust plan and appreciate the inclusion of flexibility to adapt as markets, infrastructure, and stakeholder needs evolve.

While we commend CAA's efforts to leverage existing community-based organizations, non-profit organizations, and haulers to engage underserved populations and fulfill convenience standards for the PRO's recycling acceptance list (RAL), we also believe other alternative service providers like Ridwell could be well-positioned to partner with CAA to support these efforts as needs arise or new challenges emerge. Ridwell is eager to collaborate to ensure all Oregonians benefit from expanded recycling opportunities. As demonstrated through our operations, we share CAA's commitment to increasing access to and participation in recycling opportunities across diverse communities.

We are also willing and able to collaborate on market development for challenging materials the PRO is interested in recycling, including PET thermoforms and block white EPS. Ridwell's infrastructure and expertise can support targeted pilot projects and contribute to long-term solutions for these challenging materials. Additionally, we can provide data and reporting on

these items, which are already included in the services we offer to our Oregon subscribers. We encourage the thoughtful and timely implementation of collection systems for these materials and are ready to lend our expertise in designing efficient and effective collection strategies.

Finally, we appreciate CAA's acknowledgment and desire to work with local jurisdictions on strategies to reduce wait times and vehicle idling to reduce the environmental impact of collection events (page 91). While there are well-established models for hosting collection events that the CAA intends to leverage, we encourage CAA to further explore how alternative collection systems, such as Ridwell's service, can complement the PRO's efforts to provide additional convenience for residents, reduce reliance on traditional collection events, and ensure a higher capture rate for hard-to-recycle materials that are part of the RAL.

Ridwell looks forward to continuing to work with the CAA and DEQ as the RMA is implemented. We are committed to helping the PRO achieve its goals under the RMA and to supporting innovative, effective solutions for Oregon's recycling system, both now and as packaging and recycling markets continue to evolve.

Thank you for considering our comments. As always, we welcome further dialogue and stand ready to assist as needed.

Sincerely,

A handwritten signature in black ink that reads "Caleb Weaver". The signature is written in a cursive style with a long horizontal flourish at the end.

Caleb Weaver
Vice President of Public Affairs
Ridwell



City of Stayton

Administration • Finance

362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-3425 • Fax (503) 769-1456

January 30, 2025

RE: Proposed Third Draft Producer Responsibility Organization Plan

The City of Stayton desires to submit a public comment regarding Circular Action Alliance’s Third Draft Producer Responsibility Organization Plan. Upon review of this draft plan, the City of Stayton’s support for a recycling depot has been omitted. Stayton is not slated for any funding for the first program period. Stayton completed both the Needs Assessment and ORSOP on time and were assured by DEQ that Stayton would qualify for depot support. Submission confirmed by Eunomia’s Local Government Needs Assessment Results May 2023. DEQ has confirmed that Circular Action Alliance is in the process of reviewing submitted Needs Assessments and ORSOP materials to update the proposed budget and report each jurisdiction more accurately, but that these updates will likely come after the public comment deadline. Therefore, we request review and confirmation by DEQ, before there is approval of this Third Program Draft.

Sincerely,

Julia
Hajduk
Julia Hajduk
City Manager

Digitally signed by
Julia Hajduk
Date: 2025.01.30
17:50:09 -08'00'

THIS INSTITUTION IS AN EQUAL OPPORTUNITY PROVIDER.

POLICE
386 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-3423
FAX (503) 769-7497

PLANNING
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2998
FAX (503) 767-2134

POOL
400 W. VIRGINIA STREET
STAYTON, OR 97383
(503) 767-7665

PUBLIC WORKS
362 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-2919
FAX (503) 767-2134

WASTEWATER
950 JETTERS WAY
STAYTON, OR 97383
(503) 769-2810
FAX (503) 769-7413

LIBRARY
515 N. FIRST AVENUE
STAYTON, OR 97383
(503) 769-3313
FAX (503) 769-3218



January 31, 2025

To: Oregon Department of Environmental Quality (DEQ)

RE: Final Draft Proposed Program Plan for the Plastic Pollution and Recycling Modernization Act

To whom it may concern:

Thank you for the opportunity to submit comments on behalf of Upstream regarding the third draft packaging Extended Producer Responsibility (EPR) program plan submitted by Circular Action Alliance (CAA). Upstream is a US-based non-profit and leading change agency for the reuse movement in the US and Canada. We accelerate the transition from our current throw-away economy to one that is regenerative, circular and equitable by normalizing reuse, growing and supporting the reuse industry, and creating an enabling policy environment for reuse. We were also honored to have been one of the organizations appointed to the second Rulemaking Advisory Committee for the Plastic Pollution and Recycling Modernization Act (RMA), and appreciate this chance to provide further comments on the program.

Packaging EPR programs like Oregon's represent a vital opportunity to scale reuse systems. While decades of experience across Canada, Europe and elsewhere have demonstrated that EPR improves collection and recycling, its application to waste prevention and reuse is both a new frontier and an absolute necessity. These programs must emphasize source reduction and reuse over recycling if we wish to address the significant carbon footprint of everyday packaged goods - one of the greatest contributors to US greenhouse gas emissions when analyzed through a consumption-based lens.¹ **According to DEQ's own estimates, even flawless recycling implemented nation-wide could only deliver roughly one third of the necessary greenhouse gas emissions reductions we desperately need within the packaging sector to live within our planetary boundaries.**² Reduction and reuse are crucial strategies for filling in the gaps.

Oregon's first program plan is an early milestone that will set the tone for years to come. We appreciate the significant efforts of CAA in compiling this initial plan - the first of its kind in the United States. We

¹ US EPA, "Resources, Waste and Climate Change." Updated January 10, 2024.

<https://www.epa.gov/smm/resources-waste-and-climate-change>

² Oregon Department of Environmental Quality, *Background Document: Guidance on Ecomodulated Fees*, Plastic Pollution and Recycling Modernization Act (SB 582, 2021) Rulemaking Advisory Committee Meeting 5, Rulemaking 2. February 1, 2024. <https://ormswd2.synergycs.com/HPRMWebDrawer/Record/6587046/File/document>

Upstream

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www.upstreamolutions.org | (813) 445-8981

are also pleased to see that updates have been made since the first draft that better outline CAA's consideration of reuse opportunities, such as the need for impact reduction from the production of packaging materials, the intent to provide an LCA bonus (Bonus C) in the program's fee structure to producers that transition from single-use packaging to reusable or refillable packaging, and a commitment to *"consider how PRO collection points could potentially serve as collection points for reusable or refillable packaging."*

However, we continue to feel that the final plan proposal leaves room for improvement with respect to a robust incorporation of packaging reduction and reuse. We have outlined our comments in detail below.

Eco-Modulated Fees:

As noted above, we appreciate CAA's commitment to creating a third LCA bonus for producers that transition from single-use packaging to reusable or refillable packaging, where this transition demonstrates a reduced impact. We anticipate that most if not all transitions to reusable packaging will demonstrate a reduced impact compared to single-use alternatives, but wish to emphasize that [a systems-thinking approach](#) **must be employed when assessing the environmental benefits and impacts of reusables**. Their anticipated or actual return and recirculation rates must be taken into account for a true comparison with single-use packaging, [and an allowance of time](#) - in some cases several years - must be granted to reach environmental break-even points through sufficient return rates, especially in the early program stages when infrastructure is being scaled.

We urge DEQ and CAA to finalize the program plan amendment outlining Bonus C as soon as possible to ensure that reusables receive the incentives they deserve. **At no point during the implementation of the RMA should reusable packaging in a system for reuse be charged more than single-use packaging, or otherwise be at all disincentivized.**

Building reuse systems:

We note that CAA has updated the short section of its proposed plan that addresses reuse. While marginally improved since the first plan draft, this vision continues to be insufficient for the role that CAA should be playing in supporting its members to transition to reusable packaging. Funding from obligated producers under packaging EPR schemes should be used in direct support of the buildout and maintenance of interoperable reuse systems.

Without an efficient, shared infrastructure available to all producers (including collection points, transportation mechanisms, sorting and processing facilities, and cleaning operations), reusable packaging will not scale. **Leveraging PRO depots and collection events as return locations is certainly a step in the right direction, but CAA should be exploring partnerships with *all* recycling collection operators, including the option to implement an additional curbside bin, for the capture of reusables.** While we understand the appeal of having staffed collection points for reusables, there are dozens of reusable packaging systems in operation today around the world that do not require staffed collection. There is no need to limit the co-location of collection points for reusables and recyclables in Oregon to those that are staffed.

We encourage CAA to coordinate closely with the Oregon Beverage Recycling Cooperative (OBRC) on the collection of reusable packaging. OBRC depots already have experience accepting reusable beverage containers and could be leveraged to collect additional types and formats of reusable packaging under a formal partnership with CAA. We also encourage CAA to coordinate with any Oregon municipalities interested in trialing and/or implementing a “fourth bin”³ for curbside collection of reusable covered materials.

The best way to spend EPR funds on reuse is to build a shared infrastructure across the entire state that enables producers to sell their goods in reusable packaging. As CAA makes investments into the expansion of recycling services statewide in Oregon, it should be ensuring those investments and any new infrastructure can accommodate an increasing market share of reusable packaging from its members.

A Note on Glass:

Given the emphasis on depot collection of reusables in this plan, we urge CAA and DEQ to pay special attention to the importance of *not* crushing reusable glass containers, such as in reverse vending machines. Obviously, destroying glass before it can be reused will have a detrimental effect on would-be reuse systems and must be avoided at all costs.

“Working with Producers” on Reuse:

In its brief overview of anticipated reuse programming, CAA mentions that it will *“work with producers to monitor trends in reusable/refillable packaging and anticipate how the depot system can play a role in the return system.”* For this type of technical support to be robust, we recommend specifically that CAA **hire a full-time staff member to assist its member producers wishing to explore reusable packaging.** This staff member could support CAA members beyond Oregon as well. Providing technical support and active encouragement **to producers to help them make this necessary transition is a crucial role for a best-in-class PRO.**

Thank you again for the opportunity to comment on CAA’s proposed program plan for packaging EPR in Oregon. For any questions, please feel free to contact me at sydney@upstreamolutions.org. We look forward to continuing to work directly with DEQ and CAA staff to support the incorporation of a strong reuse vision into Oregon’s packaging EPR program.

Sincerely,

Sydney Harris
Policy Director
Upstream

³ In addition to trash, recycling, and composting bins.



January 31, 2025

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Re: Circular Action Alliance (CAA), Pro-Plan Version 3 – comments

Greetings,

Washington County (County) appreciates the opportunity to participate in DEQ's assessment of Circular Action Alliance's Producer Responsibility Organization Plan by providing comments on the proposed plan version dated December 6, 2024. DEQ's acknowledgment that each community's needs are unique by maintaining rules and approving a Producers Responsibility Organization (PRO) plan that is flexible and adaptable is appreciated. The County appreciates DEQ staff's and the Recycling Advisory Committee's time and attention to date, and the overall alignment with our strategic priorities which lean into rebuilding a system that continues to benefit the environment while remaining accessible and easily understood.

Comments:

Local Government Funding Schedule, Table 2

Regarding the Metro wasteshed, in which Washington County jurisdictions reside, only two unique cities in Washington County have been named in Table 2: Banks and Cornelius. Table 2 does not accurately represent the Washington County ORSOP submission; unincorporated Washington County services approximately 65,000 single-family households, 52,00 multifamily units and 12,700 businesses. It appears that CAA possibly aggregated all the remaining cities and the unincorporated area of Washington County into a single funding bucket. While there are many shared resources among the garbage and recycling service providers operating in Washington County, the County does not have the authority to represent any city's interests with regard to System Expansion Funding.

Washington County would like assurances that Circular Action Alliance is clear that Metro is the region's wasteshed authority. The County is not opposed to a regional approach for determining the required investments; however, each city and unincorporated Washington County are distinct jurisdictions and would require individual agreements to receive System Expansion Funding directly or have it allocated to the service providers. While Washington County does coordinate a technical wasteshed committee, the scope and reach of that coordination does not cover operational actions and is currently education and outreach focused only.

Table 2 Excerpt, Metro Wasteshed (pg. 38, 39)

Wasteshed Name	Name	Priority	2025	2026	2027	Total	Annual Operating and Education	Containers	Trucks	Depot	Reload
Metro	Banks*	D		\$10,000	\$40,000	\$50,000					
Metro	Clackamas County	B	\$1,429	\$5,714		\$7,143					
Metro	Cornelius	E		\$10,000	\$40,000	\$50,000					
Metro	Oregon City	B	\$1,071	\$4,286		\$5,357					
Metro	Oregon City	F		\$342,902	\$1,371,608	\$1,714,510		✓	✓	✓	
Metro	Portland	E		\$10,000	\$40,000	\$50,000					
Metro	Portland	F		\$860,206	\$3,440,824	\$4,301,030		✓		✓	
Metro	Sherwood	C		\$9,821		\$9,821					
Metro	Troutdale	E		\$10,000	\$40,000	\$50,000					
Metro	Washington County	F		\$527,080	\$2,108,320	\$2,635,400		✓	✓		
Metro Total			\$2,500	\$1,790,009	\$7,080,752	\$8,873,261	\$793,809				

Dispute Settlement Process Relating to Service Expansion Funding Requests, Table 3

On January 21, 2025, Washington County staff submitted comments directly to CAA related to the Draft Funding Authorization Agreement and association addendums. A specific concern raised by Washington County legal counsel relates to binding arbitration as the method outlined to mitigate disputes as summarized in Table 3. It is the County’s preference that outstanding disputes, controversies or claims be managed by litigation, and it prefers that all contracts stipulate Washington County as the venue.

Washington County would like DEQ to consider litigation as an alternative pathway to better align with the County’s practices.

Table 3 Dispute Resolution Approach (Pg 44)

Step	Dispute Resolution Approach	Summary	Duration of the Process
1	Working group review (with CAA, local governments, service providers, and DEQ to address anticipated agreements)	This group will offer review and interpretation on areas of ambiguity where CAA's obligations are not clearly defined in statute or rule. This group could choose to offer an interpretation of the issue for the parties to consider.	90 days
2	Mandatory negotiation	When parties do not both agree to the recommendation from the working group, the issue would be elevated to mandatory negotiation. This would require both parties to meet and make a good-faith effort to resolve such dispute themselves through designated representatives.	90 days
3	Mediation	If resolution cannot be reached by the parties themselves within ninety (90) days, the parties shall engage in non-binding mediation with a mediator (who, for the avoidance of doubt, may be selected from a mediation tribunal panel of neutrals) to be mutually agreed on by the parties. The parties shall participate in mediation in good faith, including by cooperating to select a mediator and in scheduling the mediation proceedings. Mediation costs will be shared equally between the parties. Mediation may be conducted in person or remotely through a videoconference platform approved by the mediator and parties.	90 days
4	Binding arbitration	If resolution cannot be reached by the parties through non-binding mediation, or the parties fail to complete mediation within ninety (90) days of submission of the dispute to the mediator, any outstanding dispute, controversy, or claim shall be resolved by binding arbitration. The decision of the arbitrator(s) shall be final and binding on the parties, and the parties waive any right to appeal the decision, to the extent that a waiver can be made under applicable law.	

Washington County thanks the DEQ for its efforts to modernize Oregon's recycling system. The exciting journey of updating the recycling system is just beginning, and the County looks forward to continuing to inform and support these efforts.

Best regards,

Erin Stein
 Interim Solid Waste & Recycling Manager
 Washington County