



Oregon Department of Environmental Quality

Recycling Modernization Act and Local Government Opportunity to Recycle Requirements

Dear local governments and service providers,

The Recycling Modernization Act, or RMA, which was signed into law in 2021, requires producers of packaging, printing and writing paper, and food serviceware to, among other things, share responsibility for effective management of their products after use. Producers will be required to join and pay a membership fee to a Producer Responsibility Organization, referred to as a PRO, and the funding generated from membership fees will be used to finance improvements to Oregon's recycling system, making recycling programs more convenient, accessible, and responsible. The prospective PRO in Oregon is Circular Action Alliance.

The RMA also requires local governments to improve recycling services beginning July 2025. **This document is a summary of new Opportunity to Recycle, or OTR, requirements for local governments** resulting from the enactment of the RMA.

Funding from the PRO will be available for several of the new requirements detailed below, including some recycling program costs. However, local governments will maintain their role overseeing recycling collection in their communities, and some costs will continue to be borne by ratepayers (e.g., households and businesses) and local governments. This document does not describe the different mechanisms by which local governments, or their service providers may be reimbursed, but rather focuses on regulatory requirements of the local governments.

How This Will Impact Your Communities

The RMA creates new requirements for cities 4,000 and greater in population, the areas within their urban growth boundaries (which counties are responsible for), and all cities in the Metro Regional Service District. For cities with less than 4,000 people and unincorporated communities, there are just a few requirements.

The RMA builds upon existing standards and requirements contained in Oregon's Opportunity to Recycle Act (ORS 459A.005 and .007). The new requirements are in addition to the current Opportunity to Recycle requirements.

The complete Opportunity to Recycle rules as well as other administrative rules cited in this document may be found on the [Oregon Secretary of State's website](#).

Please note that the RMA is still evolving, and more details may be added over the coming year. DEQ recognizes the challenges associated with planning for requirements that are still developing. DEQ will send timely updates to local governments and service providers, highlighting changes in **red**.

Translation or other formats

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Part 1 – Required for all local Governments

✓ **At depots only that are designated to meet the Opportunity to Recycle requirements (OAR 340-090-0030(1)): Begins July 1, 2025**

- Permitted disposal sites that are providing a place for collecting source-separated recyclable materials at the disposal site or a more convenient location will be required to collect materials identified on the recycling acceptance list for depots in 340-090-0630(4)(a).

✓ **Ensure that commingled materials are directed to approved processors (OAR 340-090-0030(2)): Begins July 1, 2025**

- Commingled recyclables collected under the Opportunity to Recycle Act will be prohibited from being delivered to commingled processing facilities unless such facilities have a valid Commingled Recycling Processor Facility permit for an in-state facility, or an approved and certified facility out of state.

✓ **A material may NOT be collected as part of the commingled recycling program unless the material is identified for collection on the Uniform Statewide Collection List, or USCL. (OAR 340-090-0030(5)). Begins July 1, 2025**

- Prohibits the commingling of any material not on the USCL. Cities below the population of 4,000 are not required to collect every material on the list; however, all local governments are prohibited from putting in the **commingled recycling cart** any material that is not on the USCL identified in OAR 340-090-0630(4)(e).

✓ **Use recycled plastic in newly purchased recycling and waste containers (OAR 340-090-0030(4)): Begins Jan 1, 2026**

- Ensure new recycling and waste containers purchased by the local government or service providers contain at least 10 percent verified post-consumer recycled content.

Part 2 – Required for cities 4,000 and greater, areas inside the UGB of those cities, and cities in the metro service district

✓ Collect on-route ALL materials designated for recycling collection from collection service customers at least monthly (OAR 340-090-0030 (7)(a)): Begins July 1, 2025

- Collect materials identified in 340-090-0630(4)(b).
- Materials on this list may be commingled together (but commingling is not required). Additional materials may be collected separately (e.g., motor oil), but not commingled with the USCL materials.
- Inside the **Metro region only**, local governments are also required to provide for the on-route collection of glass from non-residential sources, such as bars and restaurants.
- Inside the **Metro region only**, local governments are also required to provide collection of yard debris at depots as part of the opportunity to recycle.

✓ Implement new contamination reduction programs (OAR 340-090-0030 (7)(c)) Begins July 1, 2025

- Set contamination reduction goals consistent with statewide goal(s).
- Choose and implement contamination reduction program elements from a DEQ-approved list, including at least one element from each of the three categories:
 1. Provide customer-facing contamination reduction materials and methods that are responsive to diverse populations.
 2. Provide feedback to generators who contribute to contamination that is responsive to diverse populations.
 3. Provide financial or service consequences to generators that are significant and repeated sources of contamination. Consequences must be responsive to diverse populations.
- At least every five years, review and revise as appropriate the local contamination reduction goals and elements being implemented.
- Periodically evaluate source-separated recyclable materials for quality and contamination if sent to a recycling reload facility in accordance with forms and procedures established by the Department. (Note: Commingled recyclables which bypass a reload facility and are delivered directly to a commingled recycling processing facility will be subject to similar periodic evaluation, but that will be the responsibility of the permitted or certified processing facility.)

Notes: By fall of 2024, DEQ will establish a statewide contamination reduction goal and the list of approved contamination reduction program elements to choose for implementation. Stay tuned for more information. The PRO will compensate local governments or their service providers \$3 per capita per year for contamination reduction programming. **Local governments are only required to implement contamination programming to the extent that such funding is provided.** The PRO will also provide compensation for required contamination evaluation, if it occurs at a location other than a commingled recycling processing facility.

✓ **Use education resources created by the PRO (OAR 340-090-0030 (8)(h)):
Begins July 1, 2025**

The PRO will be required to develop and make available to local governments culturally responsive educational resources to promote the uniform statewide collection list.

- Use education resources created by the PRO. Local governments will have an opportunity to provide feedback on these materials during development and ensure that these resources meet the needs of diverse audiences.
- Local governments will maintain their existing responsibilities to conduct other community education about recycling and waste prevention as specified in the opportunity to recycle requirements.

Note: The PRO will begin working with local governments and service providers in the summer and fall of 2024, so materials can be ready for local government use in early 2025. Stay tuned for more information.

✓ **IF a local government chooses any of the following recycling program elements from (OAR 340-090-0040 (3)): Begins July 1, 2025**

(b) weekly on route residential collection,

(d) multifamily collection

(f) commercial collection

- Must collect materials identified in 340-090-0630(4)(b).

(g) providing an expanded recycling depot

- Must collect materials identified in 340-090-0630(4)(a) there could be exceptions for used oil and appliances.

✓ **Ensure adequate collection and access for multifamily residents (OAR 340-090-0030 (7)(b)): Begins July 1, 2026**

- Ensure there is adequate space onsite for collection of recyclables at multifamily properties.
- Demonstrate a plan to ensure that newly constructed properties and properties that undergo significant remodeling provide adequate space for recycling.
- Establish or ensure that service standards for collection include standards for adequate collection through volume, collection frequency or a combination of both.
- Ensure containers are accessible to children and people using wheelchairs.

Note: DEQ is proposing new rule language that could change what is required by local governments, including pushing the implementation date of this requirement out a few years. In addition, DEQ is conducting a multifamily needs assessment at this time that could make recommendations on how this requirement might be implemented. Stay tuned for more information.

Part 3 – Optional for all communities

- ✓ **Participate in future needs assessments to expand recycling collection (ORS 459A. 890 (8)): First assessment completed in July 2023, will repeat periodically.**
 - DEQ has completed the first needs assessment and worked with local governments and service providers around the state to determine interest in adding or expanding recycling programs. The PRO will provide funding for new or expanded services identified in the need assessment. For those local governments that participated in the initial needs assessment, funding from the PRO is planned to begin no earlier than July 1, 2025, with all funding to be provided no later than Dec. 31, 2027. The next needs assessment will be conducted in 2026.

- ✓ **Authorize service providers that may receive compensation directly from the PRO (ORS 459A.890): Compensation begins July 1, 2025; designation begins earlier**
 - Local governments that choose to seek compensation from the PRO shall identify which service providers (if any), or other persons are authorized to receive compensation directly from the PRO on the local government's behalf. The official authorization form will be sent to local governments with the Opportunity to Recycle reports in December of 2024 and the forms will be due back to DEQ in the spring of 2025. Stay tuned for more information.

Summary of Tentative Deadlines

Mar 31, 2024 – Initial Producer Responsibility Organization, or PRO, Plan has been submitted by Circular Action Alliance and is under review.

Fall 2024 – PRO begins working with Local Governments, or LG's, and service provider, or SP, on new educational resources.

Dec 2024 - Funding authorization form sent with OTR reports for LG's that want to designate one or more SP to receive PRO funding on the LG's behalf.

Feb 2025 – The first batch of USCL educational materials are ready for LG's and SP use.

Spring, 2025 – Funding authorization forms due back to DEQ.

Starting July 1, 2025 – Required for LG's

- Depots at permitted sites or more convenient locations must collect materials on the new depot acceptance list plus any materials newly on-ramped to the USCL.
- LG's and SP must ensure that materials are delivered to permitted CRPF or to a facility certified that it meets the requirements of OAR 340-090-0030 (2).
- LG's cannot commingle materials that are not on the USCL.
- LG's 4,000 and greater must also:
 - Provide at least monthly on-route collection of materials on the new acceptance list.
 - Provide contamination reduction programming, as funding is available.
 - LG's required to use USCL educational resources created by PRO.
 - Program elements (b), (d), (f) (g) collect materials on the new acceptance lists.
- LG's in the Metro area must provide on-route collection of glass from non-residential generators.
- LG's in the Metro area must provide depot collection and on-route collection of yard debris.

Producers and PRO

- Deadline for all producers to join PRO
- PRO begins implementing plan.

Commingled Recycling Processing Facilities

- Processors accept all materials on the Uniform Statewide Collection List.
- Processors that meet the requirements (of ORS 459A.955 and .956) are eligible to receive PRO contamination management and processor commodity risk fee funding.
- Processors must meet all the requirements of the permit or certification programs such as marketing materials to responsible end markets and reporting on final disposition. Specifics will be determined in the second rulemaking process.

Starting Jan 1, 2026

- LG's required to ensure that roll carts, bins and containers purchased by service providers are manufactured from at least 10 percent post-consumer recycled material.

Starting July 1, 2026

- LG's 4,000 and greater must also:
 - Implement new collection and standards for multifamily residents.
 - The opportunity to recycle must be offered to residential and commercial tenants.

Non-discrimination statement

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