



State of Oregon Department of Environmental Quality

# Meeting Summary

Plastic Pollution and Recycling Modernization Act (SB 582, 2001)  
Rulemaking Advisory Committee Meeting 3, Nov. 9, 2022

## Purpose of Meeting

On Nov. 9, 2022, DEQ convened the third meeting of the Plastic Pollution and Recycling Modernization Act (RMA) Rulemaking Advisory Committee (RAC) for the first of two rulemakings via Zoom Webinar. The purpose of the meeting was to:

- Provide follow-up information regarding previously presented concepts including contamination reduction programming and recycling service expansion.
- Present a proposed rule concept for transportation costs reimbursement, related to Local Government Compensation.
- Present the first part of two, about the Materials Acceptance List topic.

## Meeting Attendees

The meeting attendees include members of the RMA Rulemaking 1 Rulemaking Advisory Committee (see Attachment 1 for RAC members in attendance), staff members from Oregon Department of Environmental Quality (DEQ), and members of the public.

## Welcome, Opening Remarks, and Introductions

Cheryl Grabham, DEQ welcomed everyone to the meeting. Roxann Nayar, DEQ, provided an overview of how to use the tools in the Zoom webinar, and how to participate if a member wanted to ask questions. Cheryl went on to discuss protocols, provided an overview of the agenda, meeting ground rules, and goals for the meeting.

DEQ project staff participating on the call were introduced, and Alternate members, the newest RAC members, Scott Cassel and Lauren Janes, introduced themselves. Then there was a roll call of the committee members, who were asked to introduce themselves and identify which organizations they were representing.

## Input and engagement

Cheryl Grabham described the ways RAC members could provide input throughout the process. DEQ clarified that while receiving comments within the 10-day input period helps staff prepare in advance of the following meeting, RAC input is welcome at any point.

## Rulemaking 1 timeline

Cheryl Grabham reviewed the rulemaking timeline, reminding everyone that the fourth meeting was rescheduled to January 11, 2023, and that a fifth meeting will be held on Friday, March 10<sup>th</sup> 2023.

## Statute, rule, and program plans

Cheryl Grabham described the level of detail that will be addressed in the different processes being developed for this effort, including statute, administrative rule and PRO program plans.

## Follow-up from the second RAC meeting

David Allaway presented a review of questions that were asked during the second meeting related to the needs assessment, recycling service expansion and responsible end markets rule concepts.

## Local government compensation

Cheryl Grabham provided an overview of the three topics and categories of eligible expenses that are being addressed in the first rulemaking. Cheryl introduced Justin Gast, who presented the remaining local government compensation topic, transportation costs reimbursement.

## Transportation costs reimbursement

A RAC member asked about where the written comments received from the last RAC meeting were located and about outreach to local governments about the needs assessment. DEQ provided a link to where the [written comments](#) are posted online.

Justin Gast provided an overview of the transportation costs reimbursement rule concept.

DEQ opened the meeting to comments. Multiple RAC members presented different questions and scenarios asking for clarification around how the transportation reimbursement portion of the act will work. There were several comments and questions about the 50-mile minimum distance, minimum weights, concern about how prescriptive the statute already is, and various other considerations.

A RAC member suggested ensuring minimum weights per commodity, clarifying who is loading a trailer because it will impact who responsible for meeting any weight standards, having a monthly fuel adjustment to be sensitive to fuel cost volatility, and finally, considering loading times. The RAC member suggested DEQ look at loading times as a part of the formula, understanding that sometimes loading/unloading may be limited to certain windows of time at a MRF. Another factor they added, is considering what kind of equipment is at the MRF and remembering what kind of size, front or back-end compactors, may also impact these times.

Related to minimum weights a RAC member commented that materials which are compacted will be difficult to separate, and consideration should be given to what are the minimum loads, and the minimum's impact on ability to process materials. They then asked a question about how this proposal would work if a processing facility were built in central or eastern Oregon. They noted that with recent and projected area population growth (Bend/Deschutes County), having a processing facility located in the area may be worthwhile and it is something they are researching.

DEQ responded to the last question and explained the statute language regarding the 50-mile threshold for transportation cost reimbursement.

Another committee member asked how much control or input the PRO will have in designing this process. Should this be in administrative rule, instead should it be established through negotiation as the PRO? The concept is too detailed. DEQ clarified that the 50 mile or great threshold is in statute, and that the concept is built around this statute language. He also noted that the PRO and local government will reach an agreement on the method for calculating costs as part of the PRO program plan.

A RAC member commented that in reviewing the breakdown of the materials costs, the timing of the studies, and what data the PRO's expenses will be based on, could result in assessed expenses being paid by out-of-date information. DEQ should consider adjusting the timing of the studies so that the costs are based on current information.

Another committee member asked how the 50-mile threshold was chosen and included in statute, and for clarification regarding the exclusion of reimbursable costs for materials collected from generators (e.g. multifamily collection events). DEQ confirmed that transportation costs reimbursement is from a recycling depot or recycling reload facility to a commingled facility or responsible end market. A follow-up question asked when DEQ will present and discuss issues about convenience. DEQ added, regarding the 50-mile threshold question was obtained through a consensus process from the Recycling Steering Committee process. The decision for this distance was part of the negotiation process when the legislation was being written.

A RAC member wanted to follow-up and build on a comment already noted, that because so much detail is already in statute, that the PRO will have limited influence. They are also interested to see how much the operational costs will differ from the administrative costs since the statute requires the need for on-going studies of covered products.

A RAC member had specific questions about which costs are reimbursable, about eligible costs and the facilities with capacity, regarding the PRO-funded study, who selects the contractor to conduct the study (DEQ, the PRO, other?). They added that under 2(b) if there is a study to assess the proportion of covered materials, that service providers should be included. Regarding 2(c), they have asked DEQ to spend more time considering what the method for isolating costs will be. The phrasing under #4 should be revised.

Regarding eligible activities, DEQ should specify that storage is included. Can DEQ specify what 'other costs covered' includes. For method of calculating costs (section III) has there been any progress for understanding what the use of zonal maps would look like, with either a single or multiple PROs, as well and what the dispute resolution process will entail. Knowing more about when DEQ will have more information about the dispute resolution process.

DEQ reminded members about the July RAC rule concept that proposes in the event of multiple PROs, it is DEQ's intent that there will be a single point-of-contact for reimbursements, and the concept outlines a couple of options on how that could be designed.

A RAC member commented that there should be an estimate provided to the PRO and members about the annual cost to help producers with planning. Another member asked for clarification about the minimum 50-mile distance, does this apply to a depot taking directly to a reload facility or to a processor. DEQ confirmed that it does not. They followed-up, commenting that minimum weights will be difficult for loose load depots. They also pointed out that for when calculating the shortest travel distance, legal vehicular weight limits for trucks will be different on certain roads than they would be for cars.

There was some further discussion about eligible costs for the different combinations of transportation to/from different facilities, and clarification from DEQ.

## **Recycling acceptance lists**

David Allaway introduced the first part of material acceptance lists rule topic. This is a two-part topic, the second part will be brought to the RAC in the fourth meeting.

This topic generated a lot of questions, comments and discussion from the RAC committee, covering several themes about the length of list, the understandability of the list, specific materials including plastic buckets, aerosols, resins, and the value of having a simple list.

DEQ received one comment specifically about aerosols and approved of aerosols only being accepted at a PRO depot. They added that there should be strong communication about why there are specific requirements about aerosols.

One RAC member recommended that instead of measuring and restricting plastics by net weight (e.g. 6 ounces) to refer to the Association of Plastics Recyclers (APR) design guide. The APR standards provide dimensional guidelines and informs the design of a lot of packaging. They recommend using dimensions instead of weight.

A RAC member commented that the simpler the acceptance list, the easier and less confusing it will make collection. For any materials that were unexpected additions, it would be helpful to receive resources/documentation that informed the decision for inclusion on the list. DEQ explained the process used for evaluating materials for the list. DEQ will go back and look at the materials that received average scores. Can DEQ provide more specific evaluation information for the specific materials?

Another RAC member commented on films and mixed resin containers, and asked if DEQ has considered recommending proportion of blends which would improve recyclability.

The RAC was asked to reflect about the list and what would be preferable and prioritized (e.g. shorter, level of understandability). RAC members provided feedback ranging from the need to plan and ready for outreach and education, transparency about end markets and explaining why materials not previously accepted are now recyclable, and what is not recyclable. Others voiced support for the measures in place which compensate the MRFs and/or that ensure the producers are paying the costs. Another expressed difficulty understanding the economics of the markets, and that more information is needed.

DEQ asked the committee to reflect on the discussion about a shorter list versus an exhaustive list, and what may be easier or more challenging to communicate to the public. There was a lot of discussion about the different aspects of communicating such a list, and the granularity about how to explain how the materials were evaluated and came to be included or excluded. Contrasting comments, concerns and praise, were received, for a more expansive list and the opportunities it will provide for Oregonians to recycle more, but along with that was a strong desire to make sure there is proper education and that the is time taken to translate the current list from technical terms to more simple terms.

## **Public input period**

One commentor encouraged RAC members to be forward thinking, to not shy away from modernization, and to embrace the inevitable growing pains that will accompany this process knowing that the act is our north star on the path of a new EPR system for Oregon.

Another commentor asked a question regarding the transportation cost, since it is only covers the costs of the covered products, who would be responsible for paying the transportation costs of the contamination?

The last public comment was similar to the first in that the commentor acknowledged the current barriers and that they have an important place in this conversation, but that the members of RAC to not let the barriers of today stifle the innovation of tomorrow.

## **Proposed PRO Recycling Acceptance List**

Ahead of the fourth Rulemaking Advisory Committee meeting, David Allaway introduced the topic of PRO Recycling Acceptance List.

DEQ opened the conversation for discussion among the RAC. The first question received asked about aerosol containers. DEQ clarified that it is the product inside the aerosol containers, with concerns coming from reports of personal injuries and fires occurring, or contents being released into the environment when containers go through shredding process. Out of an abundance of caution they are proposed for only the PRO acceptance list. There will be a study that will measure how much of these materials are still in the container and how hazardous they are.

A committee member observed that glass is not included on either list, and how it fits into this system. DEQ has not prepared a recommendation for glass at this time.

A committee member asked if there was more information available about the evaluation or criteria used to assign materials to this list.

DEQ asked the committee what they liked about this list. Committee members responded with positive sentiment for the allowance that even if materials are taken off the list, there will be other ways for the materials (film plastic, foil) to be recycled. DEQ was asked if there is data about existing collection rates, to be able to inform future comments on collection targets.

One member expressed concern that there is a reliance on the expectation of the availability of depots.

## Materials still under evaluation

David Allaway introduced the last topic for RAC feedback. DEQ is currently still evaluating nine materials including, glass packaging, plastic nursery packaging, block white expanded polystyrene, PET thermoform packaging (that is not food serviceware), polyethylene and polypropylene lids and HDPE lids, and paper cans with lids, large metal appliances, and single-use liquid fuel canisters. DEQ provided an overview of the current understanding of the materials relative for inclusion on the list, alternating material types with discussion.

One member commented that 50 percent of glass packaging is from beer, and 30 percent is from wine bottles. How does this impact DEQ's thinking about collection? DEQ's response described the analysis of curbside collection of glass. The environmental benefits of recycling glass are relatively modest compared to the impacts of driving the glass by truck. Meanwhile, depot collection of glass is environmentally preferable. Hypothetically, if the Bottle Bill is expanded to include wine bottles, the recovery rate will be very high. The Bottle Bill is essentially a depot system with a financial benefit for the user. The cost of moving wine bottle glass into the Bottle Bill system will not reduce the cost of glass collection very much because the trucks are going past every house anyway. However, for the glass recovery system, 30 percentage of tonnage will be lost if the wine glass moves into the Bottle Bill system, making on-route glass collection even less cost effective than it currently is.

Other members discussed themes around the environmental impacts of the lifecycle impacts of recycling and reusing glass, and bottle reuse, and the assumptions about user behavior if a depot-system was implemented.

There was support for the use of the emerging sortation technology (if it works) because a significant portion of nursery packaging is currently diverted to the landfill.

There were no comments or discussion regarding block white expanded polystyrene.

A RAC member provided some background about PET thermoform markets, including the percentage of accepted PET Thermoform (currently approximately 10 percent), though some mills are considering expanding to 40 percent. Historically PET was used to make products like clamshells, but now are being used for bottles. With new PET content requirements, there are facilities looking for PET-rich bales.

Regarding polyethylene, polypropylene and HDPE lids, there was discussion among the committee, where members expressed opposing opinions about whether relying on the public/retail drop-off locations for collection would be effective.

Discussion around paper cans with metal lids generated questions around the themes about the credibility of saying the materials that are only partially recoverable, are actually recyclable.

DEQ was asked if MRF representatives had been consulted about the liquid fuel canisters. DEQ responded that the MRF's position is already known, which is that they do not want these materials. Another question was asked about a voluntary propane canister EPR system, but producers were not in favor. DEQ is considering inclusion on the list, where the PRO would work with the producer to set-up drop-off locations similar to existing propane canister.

A RAC member asked about the need for including metal appliances since there is already a ban from landfill disposal. DEQ is explained that there is a small regulatory issue that needs to be addressed under the Opportunity to Recycle law, to ensure that locations statewide provide a pathway for appropriate disposal.

## Next steps, meeting schedule, and more information

Cheryl Grabham concluded the meeting and reminded everyone that input can be sent to [recycling.2023@deq.oregon.gov](mailto:recycling.2023@deq.oregon.gov).

## Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).

El DEQ puede proporcionar los documentos en un formato alternativo o en un idioma distinto al inglés si así lo solicita. Llame al DEQ al 800-452-4011 o envíe un correo electrónico a [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).

DEQ 可以根據要求提供另一種格式的文件或英語和西班牙語以外的語言。請致電 DEQ : 800-452-4011 或發送電子郵件至 : [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).

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Tùy theo yêu cầu, cơ quan DEQ có thể cung cấp các tài liệu ở định dạng thay thế hoặc bằng ngôn ngữ khác ngoài tiếng Anh và tiếng Tây Ban Nha. Liên hệ với DEQ theo số 800-452-4011 hoặc gửi email đến [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).

## Attachment 1: RAC Member List

<b>Rulemaking Advisory Committee Meeting in Attendance for all or part of the Nov. 9, 2022 meeting</b>	
<b>Name</b>	<b>Organization/Affiliation</b>
Trevor Beltz	Tillamook County Creamery Association
Udara Abeysekera Bickett	The Environment Center
Rosalynn Greene	Metro
Sydney Harris	Product Stewardship Institute
Michael McHenry	Pendleton Sanitary Service, Inc.
Kristan Mitchell	Oregon Refuse and Recycling Association
Jeff Murray	EFI Recycling, Inc.
Deveron Musgrave	City of Eugene
Jerry Powell	Resident
Craig Smith	Food Northwest
Taylor Cass Talbott	Trash for Peace
Jared Rothstein	Consumer Brands Association
Michael Burdick (alternate for Mallorie Roberts)	Association of Oregon Counties
John Salvador	Georgia-Pacific Professional
Nicole Willett	Resource Recovery Alliance
Tim Brownell	Deschutes County
Allen Langdon	Circular Materials
Paloma Sparks	Oregon Business and Industry