

# Rigid Plastic Container Rules Summary

## Background

Historically, plastics recycling was not addressed as early as other materials such as newspaper, glass, and tin. But as the use of plastics mushroomed, so did the need to reuse and recycle them. To address this need, the 1991 Oregon Legislature adopted landmark legislation requiring that rigid plastic containers (for example, soda bottles, various tubs and pails, jars, and "clamshell" containers) meet certain standards for recycling rates, reuse or recycled content. The law requires that all rigid plastic containers sold in Oregon meet certain criteria. However, rigid plastic containers which contain food (other than beverage bottles) are exempt.

The Oregon Department of Environmental Quality (DEQ) was charged with implementing the legislation. Rules for implementation were adopted by the Environmental Quality Commission, DEQ's governing board, in October 1994, and were amended in 1996 and 1998 based on amendments to the law.

## How do the Rules Affect Business?

The law affects rigid plastic container manufacturers and product manufacturers who use rigid plastic containers. These include manufacturers of beverages, personal care products, household and commercial chemicals, pesticides, automotive accessories, consumer commodities, and any other product except food sold in Oregon in a rigid plastic container holding at least eight ounces and not more than five gallons. Point-of-sale packagers (e.g. street vendors, etc.) are also affected by the law if they sell products in rigid plastic containers.

### How do the Rules Affect the Public?

While not directly affected by the law, the public has seen an increased opportunity to recycle plastics and benefit from increased job opportunities in the plastics recycling field. There is potential that the law might increase packaging costs, but to date there has been little, if any, effect on packaging costs.

## What is Required?

The law requires that all rigid plastic containers meet one of three criteria:

- I.** Twenty-five percent recycling rate: The container must be made of a specific type of plastic that is being recycled at a rate of 25% or greater, or the recycling rate of all rigid plastic containers, in aggregate, must exceed 25%, or,
- II.** Twenty-five percent recycled content: Containers must be made of 25 percent post-consumer recycled plastic content; or

- III.** Reuse: The container must be reused or refilled at least five times.

## Compliance/Enforcement, and the Current Recycling Rate

Ever since the law has taken effect, DEQ has determined that the aggregate recycling rate for compliance purposes has exceeded 25%. This means that all businesses that rely package their products in rigid plastic containers are in compliance with the law by using the aggregate recycling rate. At the end of 2006 DEQ did announce that the recycling rate for compliance purposes for 2007 would be below 25%, based on data showing a continued decline in recycling. However, new data obtained in early 2007 showed that the recycling rate for 2006 had increased substantially over 2004 and 2005 rates, and new projections indicated that the 2007 rate would in fact remain above 25%. Based on this new information, DEQ issued a new determination that the recycling rate for compliance purposes would remain above 25% through 2007. See "2005/07 Oregon Rigid Plastic Container Recycling Rate" for more information on the recycling rate and how it is determined, and the supplement issued June 20, 2007 for the most recent recycling rate data.

## Rule Exemptions

Plastic containers used for drugs, food other than beverages in bottles, medical devices/foods, and infant formula are exempt. The law also allows for an exemption for containers where container to product weight is reduced by 10 percent over that of five years ago.

## For Information

The rigid plastic container recycling rules are available on the Secretary of State's web site at: [http://arcweb.sos.state.or.us/rules/OARs\\_300/OAR\\_340/340\\_090.html](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/340_090.html).

Scroll down to OAR 340-090-0310 through 340-090-0430 for the rules pertaining to rigid plastic containers. For other information, contact DEQ by email: [solwaste@deq.state.or.us](mailto:solwaste@deq.state.or.us); or call (503) 229-5913 or dial 1-800-452-4011, toll-free within Oregon.

## Alternative formats

*Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.*



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