

August 8, 2025

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

Re: Input on 2026 program plans by Metro

Dear DEQ team,

Thank you for taking public comment on the proposed Producer Responsibility Organization (PRO) program plans for the Oregon E-Cycles program. The Portland metro region accounts for more than 40 percent of Oregon's population and is home to communities of color, lower income, and other historically underserved communities that are prioritized under the new law for convenient, equitable service and engagement. Metro's publicly owned transfer stations served over 300,000 self-haul customers in 2024 and expects this number to increase every year. Our customers are currently able to deposit qualifying electronics free of charge in a self-serve recycling location. With the upcoming implementation of the Oregon E-Cycles January 1, 2026, we welcome the collection of more electronics through an increasingly convenient, equitable, and stable collection network that receives fair compensation and timely, effective oversight by the Oregon Department of Environmental Quality (DEQ).

Specific areas we would like to comment on the PRO program plans are included below. When a comment only applies to one plan, that plan is named.

#### **Collection Site Compensation**

- Clarify the types of national data that will be used to identify costs in the Dynamic plan. The Dynamic plan proposes to use national figures as part of calculating fair compensation in addition to Oregon-specific data, while the Oregon E-Cycles administrative rules specify the review consider a range of Oregon collection sites (OAR 340-098-0250 (1)). National data may not reflect conditions experienced by collection sites in Oregon.
- Clarify how commodity values play a role in setting fair compensation in the MRM plan. The MRM plan identifies that "compensation models are calculated partially on the basis of...downstream commodity value." It is unclear how commodity values impact "the costs of collecting, storing, managing and transporting covered electronic devices" (OAR 340-098-0240 3 (c)).
- Identify the similar geographic areas that will be used in the fair compensation model (OAR 340-098-0240 (B)).
- Set a threshold for turn-around times on picking up material from collection sites that ensures sites are compensated for delays. When material is waiting for pick up, it is taking up space in our already limited floorplans.

#### **Program Operations**

- Set a reliable expectation for PRO and PRO-contracted entities to communicate with collection sites, pick up material and replace containers in both plans. Given the high volume of material moving through our two publicly owned transfer stations, we find clearly articulated standards for material pick-up a necessity for continuing to provide convenient service, protect health and safety and minimize environmental impact (OAR 340-098-0245). Dynamic's plan includes a 24-hour turn-around time for responding to a request for pick up. We request clarification on whether this is a 24 maximum on booking when the pickup will occur or if this is a 24 hour maximum for a first response. Additionally, the Dynamic plan is missing a timeline for how quickly material will be picked up and containers replaced. MRM's plan is missing a timeline on responses, pick up and container replacement.
- Establish that as soon as the PRO or third party takes possession of the material in their transport, they have ownership of the material.

**Collection service**

We are requesting additional information on data sources and collection site standards to provide transparency on how collection sites are sufficient to provide convenient and equitable service. Dynamic's use of data from Portland State University seems to be in line with DEQ's interest in the use of GIS at the Oregon E-Cycles program meeting with the Environmental Quality Commission. We also applaud MRM's establishment of "collection standards" as a way to set a measurable threshold. We recognize that the information for this section may be sufficiently provided to DEQ in the redacted portions.

Comments on this section of the plan include:

- Clarify which data tools were used to determine collection site suitability in the MRM plan. Dynamic identified the Portland State University dataset.
- Identify the minimum staffing levels and operating hours of the collection sites for meeting the needs of rural areas; minority communities; lower-income communities; and other historically underserved populations in both plans. In our experience serving communities across Multnomah, Washington, and Clackamas counties, identifying the characteristics of adequate and regular operations in the planning phase is key to meeting the needs of the area served during implementation (OAR 340-098-0240 (3)(h)).
- Establish a prompt timeline for notifying DEQ of changes to the collection network. MRM proposes to email the designated DEQ contact the first week of each month if there is an update, which means communities could have incorrect information about a site for three weeks. Dynamic does not provide a timeline.

**Financing**

- Disclose the estimated annual budget for the cost to fulfill PRO obligations to advertise and promote the program (ORS 459A.320); achieve high public awareness (ORS 459A.327); achieve environmentally sound management practices such as sufficient monitoring and technical assistance to collection sites (OAR 340-098-0245). Due to the redactions in both Dynamic and MRM's financing proposal, it is not clear whether this information is considered confidential or is not present. Evidence from the approved Oregon Mattress PRO plan points to budget information being publicly available, as that plan includes estimates

for advertising and consumer education, 3<sup>rd</sup> party PR agencies, industry and stakeholder outreach, conferences and events, site field visits and program compliance audits.<sup>1</sup>

**Environmentally sound management practices**

- Clarify how quickly “fines, violations, or issues, including safety or security incidents” (OAR 340-098-0245) 2F(f)) will be required to be communicated to the PRO or, where appropriate, the coordinating body. Likewise, please clarify the process, including the timeline, to achieve prompt notification of DEQ (OAR 340-098-0245 2F(f)).
- Require recordkeeping that ensures issues will be tracked with enough individual detail to calculate the annual total of fires and other battery related issues along the chain of custody and provided in the annual report. Facility fires pose a significant risk to Oregon’s solid waste system.
- Identify the number of tracking devices that are planned to be deployed annually to verify chain of custody and the fate of covered electronic device materials.

**Education and awareness**

Our decades of experience conducting outreach and measuring awareness among historically underserved groups in Oregon have highlighted the importance of including sufficient details in implementation plans, including timelines for key deliverables, role clarity, and standards for accessibility and measurement. These details are also needed to demonstrate that the PRO plan is designed to be implemented within Oregon’s unique context, delivering on the law’s promise of serving minority, lower income, rural and other historically underserved communities (ORS 459A.327). We appreciate Dynamic’s commitment to utilizing the NCER to commission statistically valid surveys and MRM’s identification of key questions and specific community partners.

Comments on this section of the plan include:

- Provide transparency, such as by identifying the partnerships that will be implemented, on “how materials will be distributed, at what frequency and to which audiences” (Oregon E-Cycles Plan Guide) in the Dynamic plan.
- Establish the timeline for individually or jointly implementing education and awareness activities (340-098-0240 (3)(e)) for the program plan year.
- Describe the methodology for measuring awareness in enough detail so that we can understand how it allows for a meaningful analysis of data from historically underserved communities to guide improvements to achieve high awareness over time. For example, zip code analysis can identify how awareness compares in low-income vs high income communities.
- Clarify what level of statistical validity will be achieved for “statistically valid surveys” and which groups that applies to in the Dynamic plan (e.g. 95% for rural residents with a 6% margin of error, etc.).

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<sup>1</sup> <https://www.oregon.gov/deq/recycling/Documents/mrcProgPlan0724.pdf> TABLE 11: Operational Costs. TABLE 13: Public Education, Advertising and Promotion Costs.

- Identify the components of the surveys, targeted focus groups, and other techniques that would measure public awareness in the MRM plan, such as what statistical validity, if any, will be achieved.
- Identify which materials and advertisements will be available in multiple languages.

**Goals and continuous improvement**

- Set a collection goal, such as amount collected or usage rates of collection services, in the MRM plan for the first year. Dynamic set a redacted goal for pounds collected and recycled. As MRM noted, Oregon E-Cycles has historical program data on the collection rate of currently covered products.

Thank you for your leadership in developing Oregon's electronics recycling system to maximize benefits for underserved communities and our environment.

Tom Egleston  
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Waste Prevention and Environmental Services  
Metro