



Introduction to Responsible End Markets

Background Paper for August 18, 2022, Oregon Recycling Council Meeting

This document provides a high-level overview on the topic of responsible end markets. A more detailed summary including rule concepts under consideration in the [current rulemaking](#) can be found [here](#).

Background

The Plastic Pollution and Recycling Modernization Act includes a requirement that covered products collected for recycling are delivered to "responsible end markets." Responsible end market is defined as follows in ORS 459A.863: "a materials market in which the recycling or recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety."

For producer responsibility organizations, per ORS 459A.869(7), this obligation is to be fulfilled "to the extent practicable" and applies to covered products that are:

1. Collected for recycling pursuant to ORS 459A.896 (materials collected by PROs at depots or through mobile collection efforts)
2. Identified on the uniform statewide collection list (established under ORS 459A.914) and collected pursuant to a collection program providing the opportunity to recycle
3. Identified on the list of specifically identified materials (established under ORS 459A.917); or
4. Recycled in an effort to achieve the statewide plastic recycling goal established under ORS 459A.926.

For products in categories (2) and (4) and managed and marketed by a commingled recycling processing facility, the responsible end market obligation is shared between the PROs and the processing facilities.

Current Rule Concepts

As part of establishing rules regarding PRO obligations during the current rulemaking, DEQ has presented the following four rule concepts to the Rulemaking Advisory Committee for feedback:

- 1) Definitions for "end market" that specify which persons (i.e., companies or facilities) in the recycling supply chain are considered the "end market." These definitions extend as far down the supply chain as would make a meaningful difference to the environmental, social, economic and health impacts of materials. For most recycling pathways the end market is defined as the persons producing recycle. Glass and plastics for certain end uses (food and beverage, children's toys) are the exceptions, with DEQ proposing to require accountability further downstream given the potential for significant environmental and human health impacts associated with the use of post-consumer content during production.
- 2) A four-element standard for "responsible" to be applied to all persons in the supply chain up to and including the end market. To be "responsible," the supply chain entities must be compliant, transparent, environmentally-sound, and achieving material-specific recycling yields.

- 3) Auditing requirements including random GPS bale tracking and verification that supply chain entities meet the "responsible" standard.
- 4) A definition for "practicable" that encompasses examples of practicable solution and a process for addressing a claim that no practicable solution exists.

DEQ is currently considering clarifying edits to the rulemaking concepts that would specify the envisioned approaches to enforcement and to evaluating a claim that a solution is impracticable because transactional costs are not justified given the resulting societal benefits.

Announcements and updates

Sign up for DEQ's GovDelivery [email list](#).

Alternate 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.

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

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.

ДЭК может предоставить документы в другом формате или на другом языке, помимо английского и испанского, по запросу. Позвоните в ДЭК по телефону 800-452-4011 или свяжитесь по электронной почте deqinfo@deq.oregon.gov.

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