



Submitted via email to the Oregon Department of Environmental Quality

March 27, 2026

RE: Circular Action Alliance’s Second Draft of Proposed Program Plan Amendments to the Responsible End Market Verification Process for Oregon’s Recycling Modernization Act

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to provide feedback concerning the proposed changes to Circular Action Alliance (CAA)’s approach to verify Responsible End Markets (REM) to meet Oregon’s Recycling Modernization Act REM requirements.

The American Forest & Paper Association (AF&PA) serves to advance public policies that foster economic growth, job creation and global competitiveness for a vital sector that makes the essential paper and packaging products Americans use every day. The U.S. forest products industry employs more than 925,000 people, largely in rural America, and is among the top 10 manufacturing sector employers in 44 states. Our industry accounts for approximately 4.7% of the total U.S. manufacturing GDP, manufacturing more than \$435 billion in products annually. AF&PA member companies are committed to making sustainable products for a sustainable future through the industry’s decades-long initiative — [Better Practices, Better Planet 2030](#).

Paper Recycling Works

Paper recycling is essential to our industry’s efforts to achieve important sustainability goals and build a more circular value chain. Paper is one of the most widely recycled materials in America, turning used paper into new, essential products Americans rely on. In fact, more than 2/3 of all paper recycled in the U.S. is turned into new products at mills nationwide. In 2024, we recycled around 46 million tons, translating to an overall paper recycling rate of 60%-64%.

Paper recycling is also vital to our national supply chain. AF&PA members own and operate more than 100 materials recovery facilities across the country. About 80% of U.S. paper mills use some recycled paper to make new, sustainable products. Our industry is scaling up the use of recycled paper. U.S. mills used 1.29 million more tons of recycled paper to make new products in 2024 – that’s 32.7 million tons compared to 31.3 million tons in 2023.

Our industry has prioritized recycling for over 30 years, and we are committed to continued progress. AF&PA members are not just participants in the recycling system, we are helping build and improve it through voluntary industry investments that use more recycled paper, create jobs, and innovate in our U.S. manufacturing processes. During 2019-2025, our industry invested in projects at paper mills that will use over 4.5 million additional tons of recycled paper. Companies built new mills, upgraded old ones, and modernized equipment.

We are invested in the continued development of a successful, effective recycling industry. Please find below comments focused on the areas of the REM requirements that the paper and fiber-based packaging industry would like to see improved for greater clarity in roles, responsibilities, and requirements.

Comments

Ensuring Responsible End Markets

Example of End Markets

The opening of the ReCB California recycling facility in April 2026 will change North American accessibility and processing capacity for food and beverage cartons. ReCB will consume some cartons from Oregon, lessening that commodities' reliance on overseas markets. This could make the information presented in the example section out of date by the time the program plan amendment is approved.

CAA Initial Approach for REM Verification

This approach for REM verification still risks being needlessly costly and excessively bureaucratic. DEQ and CAA need to carefully consider costs weighed against benefits of the regulatory requirements.

We recommend that if an auditor comes across something that is immediately disqualifying or non-compliant, the result should be the audit immediately being failed, rather than suspended. Unless conditions are hazardous to their well-being and safety, it is important for the auditor to gather all the necessary information even if the audit is already failed.

While improved, proceeding with the current framework risks a systemic failure, creating an incentive for end markets in the pulp and paper industry to find alternative sources of recovered paper to avoid unnecessary regulatory costs. In the current challenging economic environment, these regulations should not be developed without consideration of cost and other economic impacts. We believe that it is possible to create a legally compliant system that also leverages existing certification systems to allow for a simplified self-attestation process.

Results from Consultations with the Recycling Industry

We appreciate CAA's diligence in engaging us and other end market entities to ensure that the REM requirements meet the legislative intent and are actionable for industry. We agree with the key takeaways presented in the Conclusions from REM Engagements section and urge DEQ to value this feedback and support the development of REM criteria that safeguard environmental soundness and human health & dignity, while being implementable and protective of sensitive business information.

Proposed REM Amendment

We appreciate the phased-in REM process proposed for the first program plan period. It is essential that the initial phase of information disclosures minimize administrative burdens as much as possible. The creation of the REM Certification Standard will help achieve robust industry compliance and engagement. However, more clarity is needed on the maintenance and evolution of the certification standard after it is developed. Do the various REM requirements mandate continual improvement?

The limited number of self-attested domestic mills significantly narrows access to compliant sales options. This situation may reduce market access options and operational flexibility because relying on a single or very few buyers could concentrate market material flow in a way that could be anticompetitive.

The plan should be revised to explicitly acknowledge the importance of monitoring market concentration when only a few self-attested buyers are available. It should also establish a process for ongoing review and for requesting variances or alternative compliance pathways to maintain operational flexibility and ensure fair market participation.

Additionally, the plan should be revised to allow for alternative compliance or safe harbor provisions when overseas mills refuse to self-attest despite good-faith outreach. It should formalize the use of third-party certifications or existing regulatory permits to meet the requirements and provide a clear process for documenting and reporting unsuccessful outreach.

REM Disclosure Overall Approach

The roles of the end market and the Comingled Recycling Processing Facilities (CRPF) require further refinement in this section. The chart outlining the disclosure process creates confusion around who does the self-attestation reporting. Listing “CAA for PRO Materials” and “CRPFs for USCL Materials” under “Who” makes it seem like CAA and the CRPFs fill out and complete the self-attestation form. The OR REM Screening and Self Attestation form states that “all businesses or entities that receive processed recycled material from an Oregon commingled recycling processing facility or collection program must be screened as ‘responsible’ prior to receiving Oregon material. To continue receiving Oregon material, please complete this form and provide written verification and corroborating documentation that your facility meets responsible end market standards.” It needs to be crystal clear that only end markets complete the Self Attestation process.

Initial Screening Steps

We appreciate that the differences between how materials on the Uniform Statewide Collection List and Producer Responsibility Organization recycling list have been clarified and simplified.

The plan should be revised to explicitly clarify the chain of responsibility for attestations, including who completes which form at each transaction point, what documentation is required when materials pass through multiple brokers, and what to do if a broker or end market refuses to provide information due to confidentiality. The plan should also allow for aggregated or anonymized reporting where direct disclosure is not feasible, provided that sufficient transparency is maintained for regulatory compliance.

Data Review Steps

More clarity is needed on what chain of custody information from the end markets will be available to the CRPFs in the Service Provider Portal. It is imperative that certain information, such as yield, remain confidential. CRPFs should not be able to obtain proprietary permit and certification information from the end markets; that is anti-competitive and unnecessary. This section would benefit from being labeled “CRPF Data Review Steps.” It has been easy to misinterpret this section as being for the end market entities, rather than the CRPFs.

REM Disclosure Steps

We encourage CAA to once again make the disclosure steps voluntary as the REM standard development process takes place. This still lacks an adequate process explaining how the verification body will protect the disclosed information from the REMs.

REM Requirements

Compliance with law and regulations

Both the Free Labor and Child Labor section reference ILO conventions that the US has not ratified. Clarification is needed on how domestic end markets may comply when the ILO conventions do not apply in the US context.

Environmentally-sound

Containment of Waste:

It is unclear how entities can prove compliance with the containment of waste requirement. "Obvious contamination" is too vague and raises due process concerns.

Environmental Management System Components:

More clarity is needed on the management of chemical inputs to operations. We suggest that chemicals used for maintenance not be included under "operations." Some chemical additives may be trade secrets. This section should clearly state that trade secret information will be kept confidential from the PRO and regulating state agencies.

Environmental Impact Measurement:

Emissions to Air: The use of "Any" for emissions to air implies all, including de minimis emissions that aren't federally required to be reported. Requiring "any" could be unnecessarily burdensome, especially for small facilities that may not be required to report because their emissions are lower than the threshold. This should be revised to be consistent with Clean Air Act and Emergency Planning and Community Right-to-Know Act requirements and can be revised as follows:

"Any ~~material~~ air emissions to air at or above the reporting thresholds in 40 CFR Part 51 Subpart A (Table 1 to Appendix A) or at or above the de minimis thresholds for EPA's Toxics Release Inventory (TRI) program, including regulated air pollutants or pollutants of concern;"

Waste Management: U.S. based end markets should be able to use RCRA to show compliance with this requirement.

Discharges to Water: End markets need guidance on the definition of and analytical methods for the characterization and quantification method of microplastics (MP). Most analytical methods require separation steps that are onerous and can affect MP quantification. Regardless of the method, there are few accredited labs, matrix-related bias is high in complex samples, and the cost/sample is high. The cost and administrative burden to measure the impact of MPs is greater than the environmental risk associated with MPs in paper recycling facilities. A key challenge associated with quantifying MPs is that the size is not conserved over space and time; individual particles can fragment into smaller particles over time as they pass through the environment (or a manufacturing process and wastewater treatment).

Facilities are often already regulated for Total Suspended Solids (TSS) in their NPDES permit. Research from The National Council for Air and Stream Improvement (NCASI) has shown that microplastics make up a small fraction of effluent solids that were detectable only because of high sample volume. Theoretically, a facility could likely meet the discharge requirements of TSS. However, it would be challenging and unnecessary in the Responsible End Market context to demonstrate the microplastic (MP) component of their effluent or indirect discharge via land application and "minimize impacts".

Chemicals of concern: We suggest that "for an intended purpose with desired properties and performance" be added after "the intentional addition of chemicals." The Toxics in Packaging Clearinghouse (TPCH) lacks legal authority and this should instead be set based on state, national, or ISO standards. Rather, we support the use of SDS sheets to help meet this criteria.

Transparency

These sections seem to only apply to CRPFs. To keep equanimity, this section should apply to material coming from both CRPFs and PRO depots.

Yield

It is essential that yield information, which is a function of processing capability, technology, and the quality of incoming material, remain confidential and that the appropriate protections are put in place to ensure that this information is not shared with DEQ. Clarity is needed around how yield will be calculated and measured. If the yield information required is based only on Oregon-sourced recycled material, that information is not readily available or compatible with current manufacturing processes. It would require significant new data collection methods that neither meaningfully contribute to the stated goals of the legislation, nor conform with the statutory language or legislative intent.

REM Disclosure Verification Process

Risk Assessment: We tentatively support this desktop review and risk assessment process. A temporary variance should be available for question 3 if a facility is unable to have an on-site audit due to either geopolitical or public health reasons. Additionally, another variance should be in place for facilities that have not received an on-site audit in the last 2 years. It is extremely common for backlogs of audits and inspections to occur. This could create material flow bottlenecks. A facility may be in compliance and have made reasonable efforts to have an on-site audit, but due to forces outside their control no longer pass the risk assessment step in this process.

When the compliance result summary information is insufficient for DEQ to make a compliance determination, more protections need to be put in place to protect any substantiating information that is asked to be disclosed by the REMs. If that information is trade secret, a better pathway is needed to protect this sensitive information instead of disclosure to DEQ.

Specific Considerations for Disclosure of Chain of Custody

This section could be combined with the Data Review Steps section.

Specific Considerations for Microplastic Pollution

The U.S. does not have a consistent and widely accepted definition of microplastics, nor an accepted analytical methodology that allows quantitation and comparability of microplastics in wastewater or residuals samples. It is questionable whether a reasonable technique may be practicable and feasible by the time this standard is active. Rather than using an unverified method to look at total suspended solid levels, there should be a phased in approach of this criterion once an applicable standard exists.

Whistleblower Process

If the reported misalignment is outside of the scope of REM compliance and obligations, no investigation or further action should need to be taken by CAA, the verification body, or the REM.

Actions to Address Non-Compliance

Often, the “capacity of the end market to resolve it in a timely manner” is outside of the end market’s control. Rather than capacity, this should be based on the end market’s actions to address the non-compliance.

Requests for Temporary Variance in REM Disclosure

We support the variances requested by CAA.

Other Components of REMs

Random Bale Auditing

We are pleased to hear that DEQ has granted CAA Oregon a 30-month delay on the obligation to conduct random bale tracking. It is essential when this obligation commences, that battery powered tracking devices are not used to audit paper bales. Our full comments on this are included as an appendix at the end of this comment letter.

Supporting Responsible End Markets

The fees to support each end market should only be levied upon the commodities that use that end market. The no cross subsidization guiding principle needs to be clearer here.

Responsible End Market Development Guiding Principles

We support the “no cross-subsidization” key principle. The producer fees used to support REM development should come from the covered materials that flow through each end market. Paper fees should not support the development of other commodity end markets and vice versa.

CAA Oregon should include trade associations in its stakeholder process when considering what REM funding and infrastructure needs should be addressed. The use of these targeted funds would be more impactful with a wider industry perspective. Additionally, trade association involvement could help protect against antitrust concerns.

We support free, but fair trade. It is essential that guiding principle number 10 does not impede the already successful market-based system in place for recovered fiber. Every day there are shifts between buyers and sellers, as well as availability and quality of materials for processing taking place. Investments or incentives shouldn't distort or impede the market and flow of materials. Export markets exist because all the material that is recovered does not have a domestic home, and without flexible markets that can manage constantly changing dynamics of quality, price and availability, materials can be left stranded. Recovered fiber is complex and not comprised of just one material type. Investments could be misaligned if directed to materials that are in low or declining demand.

Conclusion

Thank you for your consideration of our comments. We appreciate the ongoing collaboration to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon, Manager, Recycling and Packaging Sustainability, at shoshana_micon@afandpa.org if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Pitts", written over a horizontal line.

Mark Pitts

Interim Vice President, Industry Affairs

American Forest & Paper Association



Appendix A: Random Bale Auditing Comments

August 30, 2024

Ms. Kim Holmes
Executive Director, Oregon
Circular Action Alliance
via email: kim.holmes@circularaction.org

RE: Concerns with Battery Powered Tracking Devices in Paper Bales

Dear Ms. Holmes,

On behalf of the American Forest & Paper Association (AF&PA), we appreciate the opportunity to weigh in on the use of battery-powered tracking devices in bales to address the random bale tracking requirements of Oregon's Plastic Pollution and Recycling Modernization Act (the Act). On this subject, AF&PA must firmly advise against this course of action as an unnecessary, duplicative measure that raises serious safety concerns.

AF&PA serves to advance U.S. paper and wood products manufacturers through fact-based public policy and marketplace advocacy. The forest products industry is circular by nature. AF&PA member companies make essential products from renewable and recyclable resources, generate renewable bioenergy and are committed to continuous improvement through the industry's sustainability initiative — [Better Practices, Better Planet 2030: Sustainable Products for a Sustainable Future](#). The forest products industry accounts for approximately 5% of the total U.S. manufacturing GDP, manufactures about \$350 billion in products annually and employs about 925,000 people. The industry meets a payroll of about \$65 billion annually and is among the top 10 manufacturing sector employers in 43 states.

Recycling is integrated into our business to an extent that makes us unique among material manufacturing industries – our members own and operate over 100 materials recovery facilities (MRFs) and 80 percent of U.S. paper mills use some amount of recycled fiber. With our members both owning many MRFs that process recovered material and representing nearly 80 percent of US consumption of recovered fiber, AF&PA is particularly qualified to weigh in on subjects related to safe and effective recycling methods.

GPS-Based Tracking Device in Bales is Unnecessary

Existing chain of custody standards such as the Sustainable Forestry Initiative (SFI) and Forest Stewardship Council (FSC) are sufficient to track the needed information for responsible end markets under the Act. Chain-of-custody standards, which apply to suppliers and manufacturers, require the tracking of certified fiber through the supply chain, and allow use of certified content claims and labels on products. These standards function as an accounting system to track forest fiber content through production and manufacturing to the end product. They are backed by extensive research to capture the necessary data without double-counting or putting facilities at risk. A secondary process involving inserting GPS tracking devices into bales adds complexity but is unlikely to result in new or more useful information than is already registered by AF&PA members through SFI and FSC requirements.

Safety is AF&PA's Top Priority

Companies that process large amounts of flammable material, such as paper facilities, need to be vigilant in managing fire safety risks and liability. Knowingly exposing those facilities, and their employees, to heightened fire risk by introducing mandated GPS trackers that would most likely use lithium batteries is irresponsible and unnecessary. The obligation under the Act could be accomplished in a less dangerous manner. The National Fire Protection Association

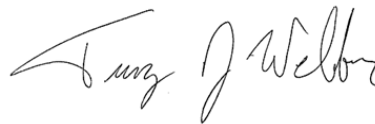
states “the likelihood of them [batteries] overheating, catching on fire, and even leading to explosions increases when they are damaged or improperly used, charged, or stored.”ⁱ The environmental stressors (such as heat and water exposure) and physical manipulation of bales that can be inherent in the shipping, sorting, and processing of recyclable materials are counter to most guidelines for battery safety and best practices.

The random bale tracking program would entail intentionally adding batteries to paper bales despite guidelines from Oregon officials explicitly advising against similar actions.

1. The City of Portland launched a curbside battery recycling service in June 2024 to reduce battery fires in garbage trucks and recycling centers. Their battery recycling page states:
“Never put batteries - or things with batteries in them - in your garbage or mixed recycling. They can spark and cause fires... Battery-caused fires in garbage trucks and waste processing facilities have increased dramatically in recent years. These fires put workers’ lives in danger and can cost millions of dollars in damage. To prevent fires, batteries must be collected separately from other waste, and the batteries most likely to cause fires must be taped.”ⁱⁱ
2. Similarly, Beaverton, OR advises “discarded batteries can spark fires. Please, never place batteries or items with batteries in them into your garbage or mixed recycling.”ⁱⁱⁱ
3. Clackamas County says, “Discarded batteries can spark and cause fires when not handled properly, creating dangerous situations for garbage and recycling truck drivers, processing facilities, and our communities.”^{iv}

Thank you for the opportunity to weigh in on this important topic. AF&PA believes that intentionally introducing lithium batteries to paper bales is an unnecessary risk to our members’ employees and facilities when there is already a proven and internationally accepted process to track recovered fiber. Any steps taken to lessen the potential risk of adding batteries to the bales is still adding risk when a safe, proven procedure is already in effect. We look forward to continued dialogue with Circular Action Alliance and the State of Oregon on this and other matters.

Sincerely,



Terry Webber
Vice President, Industry Affairs
American Forest & Paper Association

ⁱ <https://www.nfpa.org/education-and-research/home-fire-safety/lithium-ion-batteries>

ⁱⁱ <https://www.portland.gov/bps/garbage-recycling/battery-recycling>

ⁱⁱⁱ <https://beavertonoregon.gov/1542/Batteries>

^{iv} <https://www.clackamas.us/recycling/batteries>

March 27, 2026

Oregon Department of Environmental Quality
Via email to RethinkRecycling@deq.oregon.gov
RE: CAA Plan Amendment #2 (submitted Feb. 9, 2026)

Dear Oregon DEQ staff:

The Association of Plastic Recyclers (APR) is committed to improving plastics recycling in Oregon and supporting the effective implementation of the Plastic Pollution and Recycling Modernization Act (RMA). We appreciate the opportunity to provide written comments on the CAA Plan Amendment #2 submitted Feb. 9, 2026.

[The APR is a U.S.-based, international non-profit association](#) and the only North American organization focused exclusively on improving the recycling of plastics. APR members are the entirety of the plastics recycling industry from design to collection to recovery to remanufacturing, **including two Oregon-based processors (reclaimers) and 10 regional West Coast processors.**

We respectfully submit the following comments and are available at your convenience to provide further information.

RECOMMENDATIONS

1. **Approve the Plan Amendment.** APR recommends DEQ adopt the CAA's Program Plan Amendment #2. As noted by CAA, *"the verification approach proposed in the plan amendment meets statutory and regulatory requirements and establishes the most comprehensive end market verification program in the world, surpassing the requirements of Canadian and European programs in many ways."* CAA has undergone extensive stakeholder work to develop this program, and their approach reflects the necessary time to work through the challenging details of implementing this first-of-its-kind program. Notably, there are 15 self-attested REM sites for recovered plastics, all located within North America, which suggests that the self-attestation has already served to filter out under-performing facilities primarily located overseas, supporting the intent of the law. The Amendment provides a strong framework for continued progress in the REM standards process.

2. **Support interim verification and benchmarking of existing standards.** The interim REM verification process is a practical and meaningful entry point to the REM process while CAA takes the needed time to develop an independent standard with SCS. APR appreciates the collaborative approach to refine the standard language. APR has and will continue to commit significant staff resources to engaging in the development of the REM verification process and the emerging certification process. Further, APR strongly supports the use of existing standards as a benchmark for the interim verification. Facilities are already undergoing substantial auditing under the APR PCR certification program and other industry standards. We support additional reporting as needed for any further data verification, but strongly emphasize the efficiency and effectiveness of building upon the existing industry standards. We will continue to work collaboratively with CAA and OR DEQ to provide needed information to accurately benchmark the APR PCR certification program with the Oregon process.

3. **Clarification on measurement of wastewater discharge.** APR agrees with the intent expressed in terms of minimizing air, water and land impacts. However, we would like to raise concerns around the measurement specificity and data usage in Table 20. **Plastic reclaimers do not have the ability to provide continuous point-in-time data measurements of the amount of total dissolved solids in wastewater.** There is no “meter” like there would be for electricity use or other utilities. Current data is based on random sampling and then monthly estimates, rather than continuous monitoring. Reclaimers can submit this data under the REM standard, but we want to underscore that this data would be based on estimates used under current best management practices and not on a metered flow. Similarly, microplastics would be considered part of the total dissolved solids and not measured separately.

For a standalone plastic reclaimer, the regional oversight body (such as the city or water district) conducts random sampling of effluent quality (e.g., 1x per month). Effluent quality sample results are averaged and applied across total water purchase volume over a given time period, which is assumed to be equivalent to total water discharge volume. This gives a reasonable estimate of discharge water quality, but is not a continuous point in time measurement like a utility meter. If a plastic reclaimer is co-located with other businesses in a shared industrial park with shared utilities, it will be more challenging to determine the exact discharge amount from the reclaimer operations, and again

best-case estimates will need to be used. **Since the data can only be provided as functional estimates, any use of this data must clearly communicate that these are only estimated values.**

These estimates are the best indicators under current wastewater standards and best management practices (BMP). **We request that the REM standard documentation specifically clarify that estimated data will be acceptable.**


4. **Limit chemicals of concerns to REM facilities and permit disclosures.** The current language in Table 20, page 153 (e), “Chemicals of concern: the intentional addition of chemicals identified in its permits or, in absence of such obligation, by the Toxics in Packaging Clearinghouse (TPCH)” suggests that the state may be looking to regulate chemicals used in the supply chain beyond the REM facility or the REMs’ control. APR recommends that the tracking of chemicals:
 - a. **Only applies to chemicals intentionally added by the REM** and does not imply that the REM has any responsibility for the presence of chemicals used in other parts of the supply chain.
 - b. **Does not include equipment maintenance.** Products used for equipment maintenance are standard across numerous manufacturing industries and should also be regulated at a statewide level rather than just within the recycling industry.
5. **Support converter variance for REM verification and for chemical tracking.** In the variance request, CAA identified several existing laws that already oversee any use of chemicals in both new virgin plastic and recycled plastic, including the US FDA process, the Oregon’s Toxic-Free Kids law, and additional ASTM testing on children’s toys for small children. APR supports Variance #3 for all aspects of REM reporting, including chemicals of concern. Reporting and oversight of chemicals is most effectively applied at a broad level, rather than just within the narrow scope of recycling facility regulations. Further, plastic REMs are very limited in the types and amounts of any chemicals used in the process, and this usage can be reported through submission of Safety Data Sheets (SDS).
6. **Support CAA technical assistance for minor violations, but allow for more aggressive action for major violations.** We appreciate CAA’s approach to provide technical assistance to REMs that are struggling to comply with the requirements. Many REMs have small teams that are focused on daily plant

operations and may need assistance with the reporting and certification process. REMs can be encouraged to find ways to improve yield and environmental performance, and be supported by CAA with funding and technical support to do so. However, we do not want this technical assistance to be misused by bad actors that are not operating in the spirit of the REM regulations. We suggest that CAA can offer this assistance at their discretion based on the types of needs and the severity of the violations at a processing facility. Allowing violators to stay in the system too long will undermine the competitiveness of the compliant REMs and the goals of the RMA. We believe this to be CAA's intention but suggest clarification here.

MOVING FORWARD

Our staff and members are available at your convenience to discuss these comments, share further information, and collaboratively craft solutions for the effective implementation of the RMA. Please contact Kate Bailey, Chief Policy Officer, at katebailey@plasticsrecycling.org.

Sincerely,

A handwritten signature in black ink that reads "Kate Bailey".

Kate Bailey
Chief Policy Officer
Association of Plastic Recyclers (APR)



Michael J. Smaha
Vice President, Government Relations
The Homer Building
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March 27, 2026

Nicole Portley
PRO Program Plan Lead
Department of Environmental Quality Portland Administrative Office
700 NE Multnomah Street, Suite 600
Portland, Oregon, 97232-4100
VIA EMAIL: rethinkrecycling@deq.oregon.gov

Subject: Plan amendment #2 under current review: Responsible end markets

Dear Ms. Portley:

The Can Manufacturers Institute (CMI or the "Institute") appreciates the opportunity to provide feedback and provide minor suggestions to Circular Action Alliance's (CAA) plan amendment #2 on responsible end markets (REM). CMI is the U.S. trade association representing metal can manufacturers and their suppliers. Our members are proud to make a highly recyclable and sustainable package that protects the country's food, beverage and household products supply chain.

REM Development Support

CMI supports the proposed strategy to create a materials tracking system that supports REM verification for all system participants. The Institute wishes to reiterate the importance of ensuring there is no cross subsidization of funds from material scrap value going towards supporting REM development. CMI opposes any scrap revenue from the sale of steel or aluminum cans being used to fund end markets for competing materials listed on page 164, including:

- Mixed paper (grade 54)
- Cartons (grade 52)
- Glass
- Mixed plastics
- Flexible PE plastics
- Polystyrene
- PET thermoforms

CMI is pleased to see that CAA addresses this on page 163 in principle #8 on the list of “Responsible End Market Development Guiding Principles”.

“No cross-subsidization. CAA, wherever possible, will avoid cross-subsidization of material specific market development. For example, glass producers will be responsible for funding glass market development activities that CAA approves. Where investments benefit a range of materials, costs will be allocated across all benefiting materials.”

The Institute believes this aligns with **the spirit of CAA’s fee calculation methodology, where each material type funds its own collection and processing costs.** Cross subsidization is an unfair burden on the producers who choose metal cans and their superior sustainability benefits to pay such investment costs for the lower performing materials.

Accounting For Disposition

Page 162 discusses chain of custody models defined by ISO 22095:2020. CMI appreciates CAA’s inclusion of allowing for the combination of materials sources from both inside Oregon and outside states. Because steel and aluminum can sheet processing is decentralized, used cans from around the country are bailed and shipped to various states around the country. Many times, cans from different states are mixed during the processing and melting process required to make steel or aluminum can sheet.

Mass Balance

On page 162, CAA addresses mass balance model with rolling average percentage. CMI suggests calculating the average on an annual basis, versus a quarterly basis. Other than that suggestion, CMI does not have any other concerns.

Requests for Temporary Variance in REM Disclosure

On page 158, CAA suggests allowing for a temporary variance for REM certification until a new standard for certification is developed. CMI supports a temporary variance until CAA and the REM can find a workable solution, providing certainty and uniformity that can also be used in other states where CAA operates the producer responsibility organization. The concept of a REM verification standard is discussed on page 148.

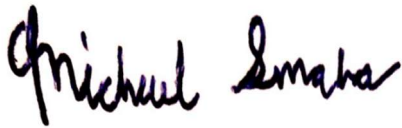
If you are looking for an REM verification entity for aluminum, the Aluminum Association recommends the [Aluminum Stewardship Initiative](#). It is substantially well-aligned with many of the REM requirements already.

Miscellaneous

While not within scope of this proposal, CMI wants to remind Oregon DEQ and CAA about the recyclability of aluminum and steel aerosol cans. CMI supports CAA's intention to on-ramp aluminum aerosol cans onto the USCL as part of the second program plan period. The Institute believes that aluminum aerosol cans can be safely managed in curbside recycling systems and that the aluminum contained in them is valuable feedstock material for manufacture of new aluminum products. We have a partnership with the HCPA and launched the [aerosol recycling initiative](#). We hope the information developed for this initiative will be useful for Oregon DEQ and CAA you consider how best to implement the on-ramp and manage the MRF safety concerns.

CMI appreciates the opportunity to provide our feedback and looks forward to continuing to work with Oregon DEQ and CAA in optimizing management of post-consumer recyclable metal packaging generated from Oregon material recovery facilities and RecycleON collection points. If you have any questions about these comments or require any additional information for their implementation, please contact me at msmaha@cancentral.com.

Best regards,

A handwritten signature in black ink that reads "Michael Smaha". The signature is written in a cursive, slightly slanted style.

Michael Smaha
Vice President of Government Relations



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●●● Innovative solutions for a sustainable future

March 27, 2026

Arianne Sperry
Recycling Program Implementation Lead
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 700
Portland, Oregon 97232

Via email only
rethinkrecycling@deq.oregon.gov.

Re: Comments to Circular Action Alliance – 2nd Amended Program Plan

Dear Arianne Sperry:

Please consider these comments to Circular Action Alliance's (CAA) 2nd Amended Program Plan in support of an operationally sound depot collection system for expanded polystyrene (EPS) protective packaging.

Certain elements of the Plan may inadvertently create structural disadvantages for EPS relative to other foam materials such as expanded polyethylene (EPE) and expanded polypropylene (EPP). Because EPS protective packaging is a designated depot material under current law and rule, it is essential that program design, infrastructure, and fee allocation decisions remain firmly grounded in the statutory material scope and do not incorporate speculative assumptions regarding substitution into non-collected materials.

Under Oregon's RMA framework, EPS protective packaging (designated as block white EPS) is included as a depot material subject to base convenience standards. The PRO's obligation is to design and implement a collection and management system for the materials designated through statute and rulemaking.

The current Plan references potential future shifts in protective packaging materials toward EPE and EPP and uses that premise to justify infrastructure decisions intended to avoid "stranded assets." While forward-looking planning is understandable, it is critical that compliance determinations be evaluated against the current legally designated material list. EPE and EPP are not presently designated depot materials under the RMA.

Infrastructure decisions, alternative compliance requests, or phased rollout justifications should therefore be based on the operational realities of EPS protective packaging collection—not on speculative future substitution into materials outside the current legal scope.

If infrastructure investments are justified in part by the desire to accommodate non-collected foam materials, and if the costs of those investments are allocated through

material-class fee structures, producers using EPS to protect their products may bear costs not directly attributable to their statutory obligations.

This creates two related risks:

1. Cross-Subsidization: Users of EPS packaging could be required to finance system capacity or equipment flexibility intended to manage materials not currently designated under the depot list.
2. Competitive Distortion: If EPS is subject to depot obligations and associated fees while alternative foams are not, significant fee differentials may accelerate substitution away from EPS to materials that do not have the developed recycling infrastructure of EPS. Reduced EPS volumes could then increase per-ton system costs, increasing fees and reinforcing a negative feedback loop.

The Plan references estimated scrap values of approximately \$500 per ton for thermally densified EPS and \$6–25 per ton for cold-pressed EPS. These figures likely represent information from a single source.

Cold-pressed EPS is preferred by a significant number of North American processors and producers of recycled content expandable polystyrene resins because of the preserved polymer length resultant from the reduced heat history. Scrap markets do fluctuate and certain purchasers may prefer thermally densified because of unique logistics and uses, but prices for densified EPS by either method are approximately equal and historically higher than \$500 per ton. Additional assessment of the broader scrap market is warranted.

To ensure statutory fidelity and prevent unintended market distortions, we request that DEQ clarify in its approval process that:

- Infrastructure and equipment decisions must be justified based on the needs of currently designated depot materials.
- Costs associated with multi-material flexibility or speculative future substitution are not disproportionately allocated to users of EPS packaging.
- Fee structures reflect material-specific system costs and do not create structural disadvantages relative to non-collected alternatives.

We appreciate DEQ's review of these issues and welcome further dialogue to ensure the successful and equitable implementation of Oregon's Recycling Modernization Act.

Respectfully submitted,



Walter A. Reiter, III
EPS Industry Alliance



March 27, 2025

Oregon DEQ, Nicole Portley
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

Re: CAA program plan amendment: responsible end markets (REM)

Dear Ms. Portley,

On behalf of local governments engaged in implementation of Oregon's Recycling Modernization Act (ORS 459A.860–459A.975), we appreciate the opportunity to provide comments on the proposed amendments to the Responsible End Market (REM) framework.

Local governments are directly responsible for protecting public health, ensuring environmental compliance, and maintaining public trust in Oregon's recycling system. The REM provisions are foundational to ensuring that materials collected from Oregon residents are managed in a manner that is legally compliant, environmentally sound, and transparent.

We appreciate the efforts of the Circular Action Alliance (CAA) to respond to Recycling Council feedback and refine the REM verification framework. The revised approach reflects meaningful progress in aligning regulatory intent with operational feasibility. Below are our comments on key elements discussed by the REM Subcommittee.

Yield Verification

We support retention of the statutory 60 percent minimum yield requirement. Documentation of inputs, disposal, and material losses are essential to ensure transparency and accountability.

While temporary variances and self-attestation for certain mixed bales may be operationally practical, additional scrutiny is appropriate for higher-risk material categories, including PET thermoforms, flexible plastics, cartons, and mixed paper bales. Clear reporting to DEQ in a pass/fail format will help maintain regulatory clarity.

Plastic Pollution & Microplastics

We recognize the use of wastewater permit compliance and Operation Clean Sweep documentation as mechanisms to address pellet loss and fugitive plastics. However, we encourage continued evaluation of whether these measures are sufficient to address microplastic leakage comprehensively.

If converters receive temporary variances under the plan, safeguards addressing pellet containment and spill prevention should remain in place. Environmental soundness must apply throughout the recycling chain.

Site Visits vs. Desktop Assessments

We support the risk-based sampling model that prioritizes tonnage, prior audit findings, overseas facilities, and material risk profiles. However, defined triggers for mandatory on-site audits should be clearly articulated.

We recommend:

- At least one on-site audit within the first three years for all facilities handling Oregon material.
- Automatic on-site audits triggered by credible whistleblower reports.
- Heightened review for facilities handling higher-risk material categories.

Maintaining robust verification is critical to upholding public confidence in Oregon's recycling system.

Variance for Landfills

Pre-approval of permitted landfills may be reasonable where facilities operate within established legal and regulatory frameworks. However, additional safeguards should apply where such frameworks are absent or insufficient.

We support evaluation against risk assessment criteria developed in coordination with the REM Subcommittee to ensure that landfill disposition remains consistent with statutory environmental standards.

Chemicals of Concern

The environmental soundness of end markets includes consideration of chemicals used in recycling and conversion processes.

We encourage clarity on three issues:

A. Chemical List for Benchmarking

We recommend consideration of a hybrid approach that incorporates the Toxics in

Packaging Clearinghouse list as a baseline while evaluating alignment with DEQ's more expansive Chemicals of Concern list phased in once DEQ better understands what chemicals are intentionally added or used in process. The list used should be practical, transparent, and focused on chemicals commonly added during plastics processing and sent to DEQ in anonymized format by the certification body during their analysis through on-site or desk top audits.

B. Scope of Chemical Disclosure

We recommend that disclosure focus on:

- Chemicals intentionally added to products, and
- Chemicals used in recycling or conversion processes.

We do not recommend expanding scope to equipment maintenance chemicals or contaminants already present in incoming recycled feedstock.

C. Applicability to Converters

If converters receive a temporary variance under the plan, DEQ should clarify whether chemical disclosure requirements apply only to reclaimers or to both reclaimers and converters. From an environmental protection standpoint, disclosure requirements should follow the points in the system where chemicals are intentionally added or used in processing.

Conclusion

The Responsible End Market framework is central to the credibility and integrity of Oregon's recycling system. We appreciate the collaborative efforts between DEQ, CAA, and the Recycling Council to strengthen verification standards while maintaining practical implementation pathways.

We urge DEQ to ensure that any variances or benchmarking approaches preserve statutory requirements for legal compliance, environmental soundness, transparency, and material yield. Oregon residents expect that materials placed in recycling carts are managed responsibly, and local governments share accountability in maintaining that trust.

Thank you for the opportunity to provide comments.

Sincerely,

Local governments

- Thomas Egleston, Policy and Program Development Manager, Metro

- Scott Keller, Senior Program Manager, Sustainability & Recycling, City of Beaverton
- Donny Addison, Waste Prevention & Green Building Manager (interim) City of Eugene
- Shannon Martin, Solid Waste & Sustainability Manager, City of Gresham
- Andrew Bartlett, Program & Support Manager, City of Hillsboro
- Eben Polk, Solid Waste & Recycling Manager, City of Portland
- Pete Chism-Winfield, Sustainable Materials and Waste Policy Manager, City of Portland
- Ryan Largura, Environmental Specialist, City of Troutdale
- Rick Winterhalter, Solid Waste & Recycling Manager, Clackamas County
- Susan Baker, Diversion & Franchise Services Manager, Deschutes County
- Angie Marzano, Waste Reduction Program Manager, Lane County
- Heidi Konopnicki, Solid Waste & Recycling Program Specialist, Multnomah County
- Rusty Davis, Solid Waste & Recycling Manager, Washington County



OREGON REFUSE & RECYCLING ASSOCIATION

March 25, 2026

Ms. Nicole Portley, Oregon DEQ
700 NE Multnomah ST #600
Portland, OR 97232

Via email only: RethinkRecycling@deq.oregon.gov

RE: Comments on Proposed Amendments to CAA Producer Responsibility Organization Plan

Dear Ms. Portley:

Thank you for the opportunity to comment on Circular Action Alliance's proposed Producer Responsibility Organization Plan (PRO Plan).

The Oregon Refuse and Recycling Association (ORRA) is the statewide trade association representing solid waste management companies in Oregon. ORRA members collect and process most of Oregon's residential and commercial refuse and recyclables, and operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills.

ORRA sincerely appreciates the work that the Circular Action Alliance (CAA) has undertaken to develop these amendments to the PRO Plan, as well as the willingness of both CAA and the Department of Environmental Quality (DEQ) to engage with ORRA and our members throughout the process. Many of our members operate Commingled Recycling Processing Facilities (CRPFs), and all of our members manage recyclable materials that require robust Responsible End Markets (REMs). Their knowledge of how end markets function and what concerns those markets may have has, we believe, enabled ORRA to offer meaningful guidance and help avoid foreseeable disruptions to the establishment of a REM network for all recyclable materials.

We further wish to applaud CAA for its responsiveness to end-market concerns, particularly regarding the importance of limiting data collection to what is necessary to verify alignment with the principles stated in the Plastic Packaging and Recycling Modernization Act (RMA). Doing so increases the likelihood that brokers, secondary markets, and end markets will be willing to take the steps necessary to be recognized as—and continue to operate as—REMs, thereby maximizing access to markets for Oregon's recyclable materials. Overall, the approach

reflected in the proposed amendments is commendable, and we believe it provides a greater likelihood of long-term success.

Since discussions began in 2018 that led to the introduction and passage of the RMA, ORRA has consistently advocated for the need for REMs. Our members—and their customers—want assurance that materials collected as recyclable ultimately reach markets where they will be transformed into feedstock for manufacturing rather than being illicitly disposed of. However, it is critical to strike the right balance. Oregon’s recycling markets are simply not robust enough to demand that regional, national, and global markets comply with regulations that are overly intrusive, burdensome, costly, or complex. At the same time, Oregon’s certification requirements must be strong enough to effectively exclude end markets that cannot or will not meet Oregon’s RMA principles.

ORRA supports the use of a Verification Entity to Facilitate Staged Implementation – The implementation comparator of a “dial vs. a switch” has often been used when conveying how the RMA would be implemented, with a clear emphasis on dialing up the program in recognition that RMA implementation is a tremendous undertaking. A concern ORRA has raised in the past is that the implementation of the REM provisions has more closely resembled a switch. This is particularly troubling given the complexity of the REM requirements and the risk that excessive regulatory reach could lead end markets to forgo purchasing Oregon’s recyclable materials rather than exposing themselves to additional administrative burdens or risking the release of trade secret or confidential information that could affect their ability to compete in an open market.

By establishing a verification entity to review REM compliance, the program addresses the goal of actively evaluating REMs while avoiding the unnecessary exposure of sensitive information. In effect, the verification entity serves as a proxy for DEQ and CAA as the compliance evaluator for REMs.

The proposed amendments also support a “dial” approach by allowing end markets, in many circumstances, to demonstrate alignment with RMA principles through existing licenses, permits, process documentation, and other compliance mechanisms under which they already operate. This approach meaningfully reduces the administrative burden on end markets by recognizing verified regulatory submissions as sufficient proof of alignment, thereby avoiding redundant reporting to CAA and its REM verification entity.

ORRA supports considering Feedstock as a Regulatory End Point for RMA – There is one recommendation that ORRA has consistently provided throughout the rulemaking process and during PRO Plan adoption and amendments. We firmly believe that the purposes of the RMA would be better served—and the administrative burden associated with REM certification significantly reduced—if RMA compliance ended at the point where recyclable material

becomes feedstock. At that stage, the material is no longer recyclable solid waste, and the likelihood that it will be disposed of rather than used in production is substantially diminished.

An example of where this approach would have an impact relates to the *Specific Considerations for Microplastic Pollution* section beginning on page 161. Efforts to use the RMA to collect environmental impact data beyond the point of transformation into feedstock provide de minimis value in increasing the amount of recyclable material Oregon collects and delivers to market for use in new products. As stated in the amendment, “[t]here is currently no standard definition or testing protocol on microplastic pollution for any industry.” Nevertheless, it had been suggested that data on microplastic content in wastewater be gathered and submitted as part of the verification process.

In these amendments, CAA suggests that it should be sufficient to assess whether testing of total suspended solids is part of existing permit obligations at plastic recycling facilities. If microplastic content is to be regulated, that should occur under targeted policy and regulation at the appropriate level of government, with clear enforcement authority, defined guidelines, and dedicated resources. Using the RMA to pursue this objective appears to deviate from the statute’s core purpose and seems to apply the RMA to an issue it was not designed to address.

By concluding verification of recyclable materials at the point they become feedstock, the state would establish a clear policy boundary, making REM verification significantly more straightforward and reducing the risk of losing end markets due to concerns about regulatory overreach.

CRPFs should not serve as Surrogates for Data Collection – Another general concern is ensuring that CRPFs are not burdened with requirements to collect data beyond what they can reasonably obtain. CRPFs often sell material to brokers who do not disclose information about subsequent sales to end markets, as exclusive access to and knowledge of those markets is central to their business model. ORRA understands that DEQ does not have enforcement authority outside the State of Oregon and that its primary leverage is the interest of end markets in acquiring recyclable materials from Oregon. DEQ does, however, have regulatory oversight of CRPFs. And while DEQ has demonstrated a stronger understanding of the commercial dynamics of end markets, there remains concern that this oversight could lead to expectations that CRPFs obtain data DEQ does not have the authority to require directly. The proposed amendments do not appear to move in this direction. However, it is better to provide clarification when it may not be strictly necessary than to remain silent and risk unintended consequences.

Another issue arises under the verification process criteria in Table 20, beginning on page 151—specifically the criteria in paragraph (e) of the *Environmental Impact Measurement* section of the *Environmentally Sound REM Requirement* on page 153. Paragraph (e) identifies that one of the criteria relates to the intentional addition of chemicals in processes occurring downstream from the CRPFs. ORRA’s concern is that any such information should be required from the entity that is adding the chemical, not from the CRPF, as CRPFs have neither access to nor knowledge of

the processes applied to recyclable materials after they have been sold to an end market. While it may not be the intent to require CRPFs to supply this information, it is important to clearly state this concern and to clarify that any related reporting requirements should be directed to the entity that adds the chemical.

ORRA urges early Notification to CRPFs of Non-Compliance by End Markets – The final issue we would like to draw your attention to in our comments relates to the type and level of communication and the different actions that may be taken to address non-compliance by end market entities. In the section addressing this issue, *Actions to Address Non-Compliance* beginning on page 157, several approaches are outlined for the verification entity, CAA, and DEQ to address “end market entities found to be operating in misalignment with REM principles....”


It is important to CRPFs that they receive sufficient notice of any potential changes to REM status. As proposed in the PRO Plan Amendment, we envision notification could happen:

- when CAA takes actions to address misalignment, such as identifying a REM as “under review”;
- if and when CAA submits an end market verification report to DEQ with recommendations for technical assistance, such as identifying a REM as “technical assistance recommended”; or
- when DEQ begins its evaluation of whether an end market should retain its “responsible” designation, be required to implement technical assistance, or be deemed not to meet the responsible standard, ensuring adequate lead time for CRPFs to redirect materials to alternate REMs.

Removing an end market from the allowable list of REMs and providing a transition period of several months for CRPFs to redirect recyclable materials to another end market is certainly one option. However, an approach that is more aligned with the goals of CRPFs is early communication when deficiencies are under review. This allows CRPFs to proactively choose whether to move to a different end market in response to identified concerns, or to develop contingency plans in case the end market cannot resolve its non-compliance issues in a timely manner. CRPFs often enter into contracts one to three months in advance of the transfer date, and sometimes with even longer lead times. While those contracts may include clauses releasing the obligation to sell to an end market that is removed from Oregon’s REM list, securing a replacement market is rarely swift or straightforward, depending on the type of recyclable material being sold.

ORRA understands that the RMA and PRO Plan implementation is an iterative process that will continue to evolve. ORRA appreciates the opportunity to provide input on the proposed PRO Plan Amendment. It is our hope that these comments are received as representing our shared desire to see the RMA implemented successfully and in such a way that it meets the goals that are the foundation of the legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Campbell". The signature is fluid and cursive, with the first name "Craig" and last name "Campbell" clearly distinguishable.

Craig Campbell
Executive Director and CEO

c: ORRA Steering Committee
ORRA Board of Directors
ORRA PRO Plan Workgroup
Kim Holmes, CAA
Francis Veilleux, CAA

RE: Circular Action Alliance Oregon Program Plan, submitted to DEQ 2/9/26

Submitted by:

PakTech
Jonathan Levy
Manager, Public Policy and Sustainability
Jonathan.Levy@paktech-opi.com



March 23, 2026

Nicole Portley
Oregon DEQ
700 NE Multnomah
Materials Management
Suite 600
Portland, Oregon 97232

RE: Circular Action Alliance Oregon Program Plan, submitted to DEQ 2/9/26

Dear Ms. Portley,

PakTech would like to thank DEQ for giving us an opportunity to share our thoughts related to Circular Action Alliance's Oregon Program Plan (Program Plan) which they submitted to DEQ on February 9, 2026. Overall, we are supportive of the Program Plan. We hope our comments are received in the spirit it was written and hope DEQ finds it helpful as they come to their final decision.

Paktech is a manufacturer of HDPE plastic handles that utilize recycled resin as a feedstock. With facilities located in Eugene, Oregon, PakTech's products are made from post-consumer recycled HDPE resin ("rHDPE") sourced from curbside collection programs. Using rHDPE feedstock is part of our commitment to sustainability and ensuring this material remains in the circular economy. You may be familiar with PakTech's carrier handles as they can be found in retail and neighborhood grocery stores across Oregon where beer and wine are sold. For the last year we have data, January to December 2025, we consumed approximately 12 million pounds of recycled HDPE which makes us a major demand driver for recycled HDPE on the West Coast. While our company may be small in size, our consumer footprint is considerable. As such, we are experts when it comes to discussing issues related to recycling programs, the cycles of supply and demand, and having a broad view of how the plastic recycling industry works. The demand we (and other manufacturers) create for rHDPE is the engine that drives the entire plastic recycling industry.

DISCUSSION:

1. The PRO Recycling Acceptance List/Materials Strategy

4-pack and 6-pack HDPE package handles are currently designated as materials on the PRO Recycling Acceptance List. As we have discussed in other public filings with DEQ, we do not believe that our 4-pack and 6-pack package handles should be collected through the depot system, and it would be more efficient and convenient for the public if they were allowed to be placed in the curbside bin. Nevertheless, for the time being our



package handles are to be collected through the PRO Depot Network and as such we find it imperative PRO Depot operators receive extensive training on the types of materials that can be collected. To that end, we ask CAA to commit to an aggressive outreach effort to train Depot Operators regarding what is allowed, and ask DEQ to conduct snap audits of the Depot network to ensure such materials are indeed being accepted.

PakTech makes no secret of its frustration of being collected through the PRO Depot Network and is working tirelessly to ensure we are onboarded into the curbside bin. To that end we have, since the start of the RMA's implementation, been working with stakeholders to correct the glaring mistake of including us in the PRO Depot Network in the first place. We are pleased with DEQ's and CAA's willingness to hear our petition and the steps that are currently being taken to correct this oversight. Specifically, we are encouraged that CAA looks at our package handles as a material to be onboarded into the curbside bin. Specifically, CAA states:

“CAA believes this material, inclusive of HDPE package handles, should eventually be introduced into the USCL list, as lids and caps that are screwed or snapped onto containers are already an accepted USCL material. CAA is in contact with an Oregon-based manufacturer of HDPE package handles that has completed further CRPF-focused studies since the rulemaking process. CAA proposes to discuss the findings of this new research with DEQ and Oregon CRPFs, as well as exploring other research needs, potential design improvements among producer members and ways of better communicating to residents once the Program commences, with a view to making the case for their inclusion on the USCL”¹

Accordingly, we have held several conversations with CAA, and DEQ, regarding the status of onboarding our handles into the curbside bin and have been informed CAA intends to conduct a MRF flow trial at several MRFs across the state which will determine the applicability of onboarding our handles. We believe data already shared with DEQ and CAA indicates our handles would flow properly and an additional test is unnecessary. Although we continue to approach this as a supportive partner in this process we are growing increasingly frustrated at the delay and slow pace this onboarding process is taking.

We have found the onboarding process so far to be opaque, confusing, and cumbersome. Our frustration lies in our feeling that we have not been embraced as a willing participant and partner, but rather as a customer who is awaiting service. We believe this is not the right approach and suggest that CAA develop pathways and processes that will more fully embrace the expertise of the manufacturers of materials that are eager to be onboarded. We understand that since our handles are one of the first materials to go through this process, there will be missteps made by all stakeholders involved.

¹ CAA, Oregon Program Plan (2025-2027), 113.



As a remedy, we suggest CAA and DEQ look at ways this onboarding process can be accelerated. As a suggestion, we think CAA should be given more leeway to onboard products as they deem necessary without encumbering them with the bureaucratic steps they require for approval.

As stated in the opening paragraphs of our comments, we hope DEQ and CAA will embrace our critique not as something meant to be adversarial, but the views and opinions of a company that has supported the RMA from before it was approved and is always looking for opportunities to make the program better and stronger.

2. Responsible End Markets

PakTech notes with significant concern regarding CAA's proposal to mandate testing for microplastic pollution. By the CAA's own admission, there is currently no consensus-based standard for such testing among domestic or international regulatory agencies². Implementation of a testing requirement in the absence of a validated, reproducible, and peer-reviewed methodology is premature and legally indefensible. Any data generated under these unstandardized conditions would be scientifically unreliable and subject to immediate legal challenge.

Further, we strongly contest CAA's assertion that "by definition, microplastic generated from a mechanical recycling process will be ending in suspended solid waste in the wastewater."³ This statement is inflammatory, lacks empirical merit, and presumes environmental harm without a basis in fact. Such a "presumption of guilt" regarding mechanical recycling processes undermines the objectivity required of a program administrator. Furthermore, this bias unfairly penalizes plastic reclaimers by imposing arbitrary compliance costs and administrative burdens that are not grounded in established science.

The Department of Environmental Quality (DEQ) has a responsibility to ensure that regulatory requirements are technically feasible and objectively applied. Accordingly, we request DEQ strike this testing requirement from the current program. Mandatory testing should be deferred until the scientific community and recognized standard-setting bodies develop a repeatable, universally accepted protocol for microplastic quantification. Until such a benchmark exists, the proposed requirement serves only to introduce systemic bias and unnecessary economic friction into the reclamation process.

² CAA, Oregon Program Plan, 157

³ CAA, Oregon Program Plan, 157

3. Fees

As the only company in Oregon that manufactures a product that is specifically called out by package type and placed in the PRO Depot Network, PakTech maintains a significant interest in ensuring that fees levied on High-Density Polyethylene (HDPE) package handles are established at an equitable and rational level. Early program implementation provided inequitable treatment of HDPE Package Handles when compared to polycoated paperboard (used for fiber-based multi-beverage carriers) as both items were assessed at the same rate despite polycoated paperboard being classified as a "non-acceptable" item. While PakTech successfully petitioned DEQ, CAA, and the Legislature for relief, the resulting rate adjustments were achieved only through an exceedingly cumbersome and inefficient process. This history underscores the need for a more "consumer friendly" approach based on open dialogue and a streamlined review process where all parties understand how such issues will be resolved.

As such, we request DEQ and CAA streamline the fee-setting and inquiry processes. The current program framework is characterized by opacity and a lack of responsiveness to stakeholder concerns. To date, CAA has failed to disclose the specific methodology used to determine fee structures for disparate materials. A high-level overview is insufficient for regulated parties to assess compliance or equity as "the devil is in the details". Furthermore, we reject CAA's assertion that confidentiality prevents a more granular disclosure of the fee-making process. It is standard practice in such situations for data to be aggregated, anonymized, and scrubbed of proprietary information. The continued withholding of this data undermines the program's credibility and prevents meaningful public participation.

Under the Recycling Modernization Act (RMA), the management of post-consumer waste is a designated public good. While CAA is not a government entity, it performs a fundamentally public function by managing waste streams that hold significant secondary market value. Because CAA acts as a quasi-public authority, it must be held to the same standards of transparency and accountability as any other public agency.

Accordingly, we urge DEQ to develop procedures requiring CAA to provide public access to its primary data sets and the internal algorithms utilized to establish fee schedules. Transparency is not merely a preference but a regulatory necessity to ensure the RMA achieves its objective of proper, equitable waste management.

CONCLUSION

As noted throughout our comments, PakTech encourages DEQ to look favorably upon the program draft and to work with CAA to resolve any deficiencies it may find. As a major purchaser of PCR HDPE pellets and an important business located in Oregon, PakTech has a vested interest in seeing this plan work as intended. We stand ready to collaborate with all stakeholders to help make the vision of the RMA as intended by the Legislature a reality.





March 27, 2026

Nicole Portley
Oregon Department of Environmental Quality
700 NE Multnomah Street, Portland,
Oregon 97232

Re: Program Plan Amendment Draft #2 submitted by Circular Action Alliance on February 9, 2026

Sent Via Electronic Mail

Dear Ms. Portley,

Thank you for your continued work to strengthen Oregon's recycling system through the implementation of the Plastic Pollution and Recycling Modernization Act. The Recycled Materials Association (ReMA) is the trade association representing over 1,600 companies who process, sort, broker, and consume recycled materials including metals, paper, plastic and glass. Our member companies are located in the U.S. and around the globe and play a critical part in providing recycled materials to America's manufacturing industries. ReMA is the organization that manages the ISRI specifications which define the quality standards or composition of recycled materials traded across the country and around the world.

Circular Action Alliance's February 2026 program plan amendment (Amendment) on Responsible End Markets takes into consideration important elements for ReMA members, such as protection of confidential business information and a risk-based framework to minimize administrative burden. However, there are several areas where additional refinement would provide more clarity for recycling markets and their supply chains:

Use of Independent Third-Party Verification Bodies & Confidential Business Information

ReMA supports the use of independent third-party verification bodies to conduct onsite and desk audits, which will protect the confidential business information of markets and supply chain entities. However, there are three sections of the Amendment which could undermine this protection.

First, on pg. 150, one of the criteria for selecting verification bodies is: "Willingness to allow CAA representatives to monitor on-site audits if necessary." The participation of CAA representatives in on-site audits risks the confidentiality of the information that would be shared during the verification process by entities seeking verification. Although CAA is a non-profit organization, its board members are producers who may, due to vertical integration of the industry, include direct competitors of entities being audited.

Second, on pg. 156, the compliance results summary appears to provide more detail than necessary to CAA and to DEQ. ReMA recommends that section be adjusted to provide only whether the entity is or is not aligned with all requirements.

Additionally, Figure 5 is inconsistent with the information on pg. 156. Pg. 156 states that the detailed audit results report will be shared with the end market entity only, but Figure 5 indicates that this will be shared with the DEQ upon request. The Figure should be modified to reflect what is outlined on pg. 156.



Supply Chain Entity/ 'Intermediary' Requirements

ReMA's membership includes many brokers and intermediate processors who will own, transport, handle, clean, densify, or perform an intermediate process before a material reaches its end market, referred to as 'intermediaries' in the amendment. Not all verification requirements or criteria included can logically apply to these entities, especially those who do not physically possess the material, and this is not clearly outlined in the Amendment. ReMA recommends that CAA add clarity on which criteria apply and do not apply to intermediaries.

Risk Assessment

ReMA supports the Amendment's use of a risk assessment to determine the level of audit required, but would recommend removing Question #2 from the assessment. Inbound quality is not a demonstration of the responsibility of the recipient entity, but of the process of its supplier. Additionally, this risk criteria is not applicable to brokers who may legally own but never take physical possession of REM material (see Supply Chain Entity Requirements section above).

Furthermore, the Amendment treats those entities who receive a 'Green' and 'Yellow' rating from the onsite audit identically, but these should be stratified given that they present a different risk profile. ReMA recommends that entities who receive a "Green" determination receive a Risk Assessment comprising Question 1 only. Entities which demonstrate full legal compliance, located in a jurisdiction with a strong legal framework, should not require an onsite audit during this interim phase. Smaller businesses are less likely to have had an onsite audit in the last two years, and should not be disadvantaged in this interim phase of the program if their desktop audit result is "Green", meaning they are likely to meet REM requirements.

Remedy & Withdrawal Verification

The Amendment should more clearly outline the process for companies to rectify misalignments and/or withdraw from consideration as a REM. Currently, Figure 5 of the Amendment indicates that entities receiving a "Red" are immediately removed from consideration as a REM. The Amendment should provide a process for REMs come into alignment with requirements or to appeal the determination within a specific timeframe if they receive a 'Red' outcome from the desktop audit. The Amendment should also clarify how entities' use of the technical assistance (referenced on pgs. 155 and 158) impacts the verification process.

Additionally, the potential for publication through public information requests of documents outlining misalignment with REM requirements carries significant reputational risk for entities considering whether to complete the REM verification process. The Amendment should include a step within the "Actions to Address Non-Compliance" section which allows entities who are notified that they will not be considered in alignment to withdraw from the process before their compliance results summary is provided to DEQ.

Practicable Actions

ReMA strongly recommends that CAA reconsider and clarify its intended use of the criteria of "end markets' strategic role in CAA's national material strategy" and "existing capacity at other end markets" when determining CAA's 'practicable actions' that will be taken if an entity is not in compliance (pg. 158). If the practicable actions that could be taken include



additional support or additional technical assistance, those supports should be provided solely on the basis of the first criteria: "The type of non-compliance and the capacity of the end market to resolve it in a timely manner." Recycling businesses could be cut off from sources of material if they are not verified as REMs, which may hinge on the level of support provided through this process. The strategy outlined in the Amendment could unfairly disadvantage certain REMs and certain materials if supports are based on these factors, which are fully outside the business's control.

Variance #3 – End Market Entity Definition

ReMA supports Variance #3 but recommends a change to CAA and Oregon DEQ's approach to the definition of an end market entity. ReMA represents recyclers across all packaging commodities: glass, plastic, metals, paper, etc. The current material-specific approach, which defines a different processing step as the "end market" for each commodity, has created inconsistencies that make compliance and interpretation difficult.

ReMA recommends defining the end market entity as:

"The first entity beyond the MRF, depot or drop-off which processes a recyclable material into a recycled feedstock which can be used for manufacturing as a virgin feedstock substitute or in a substantially similar manner as a virgin or primary feedstock would be used."

This approach establishes a consistent standard that will remain applicable as processing technology and market dynamics evolve over time. It is also more reflective of how metals are processed at MRFs. For example, materials that are sometimes smelted directly by a mill may also be processed into feedstock by a metal shredder, who would then be the appropriate end market entity.

End Market Development

There are apparent contradictions in the Amendment's approach to End Market Development (pgs. 163-164). ReMA supports prioritizing existing end markets in any end market development strategy and supports CAA's 'competitive proposals' principle. ReMA also opposes any PRO becoming a market participant and directly processing materials. The Amendment also states that CAA will not take action if "other REMs already exist for the relevant material." It is not sufficiently clear what is meant by 'take action,' but if it includes end market funding investments, this statement appears to rule out investments in existing facility upgrades, which would be a significant missed opportunity. Furthermore, true competition is not feasible if current REMs and their competitors within a given material type are not eligible for market development funds. CAA should update this section to clarify the types of actions it is contemplating and to ensure that all end markets have opportunities to access market development funds that would grow or improve end markets for the state's covered materials.

Random Bale Tracking

The amendment notes that DEQ has granted CAA Oregon a 30-month delay on the obligation to conduct random bale tracking but may conduct this tracking itself. ReMA supports this delay but would like to reiterate its firm opposition to any entity, including DEQ, using battery-powered tracking devices in bales. Introducing battery-powered devices to bales would endanger lives, contaminate recycling, and create a severe risk of



catastrophic property damage or environmental harm. Every day, recyclers are battling the threat of undetected, improper placement of batteries into recycling streams, and continually updating their safety programs and fire prevention and mitigation systems to handle the growing risk that the proliferation of batteries in the economy has created. This issue impacts all recyclers, including metal recycling yards, shredders, paper mills, plastics reclaimers, and any other entity shipping or receiving recyclables. Neither DEQ nor CAA should knowingly add to that risk for recyclers, their employees, and their neighbors who would be impacted by a potential fire.

ReMA appreciates Oregon DEQ's flexibility and responsiveness in refining the Responsible End Markets approach and finding workable solutions as the REM verification system is developed. We look forward to continuing our dialogue with DEQ, CAA, and ORSAC and working together to ensure the REM verification process is clear, fair, and effective.

Thank you for your consideration of these comments and for your ongoing efforts to build a more transparent and sustainable recycling system.

Thank you,

Natalie Messer Betts, VP Sustainability & Materials Systems

Recycled Materials Association



March 27, 2026

Submitted via email to rethinkrecycling@deq.oregon.gov

Nicole Portley
PRO Program Plan Lead – Oregon Department of Environmental Quality
Portland Administrative Office
700 NE Multnomah Street, Suite 600
Portland, Oregon, 97232-4100

RE: Request for Comment on Circular Action Alliance Program Plan REM Amendment V2

Dear Ms. Portley:

The Aluminum Association (the “Association”) and its members welcome the opportunity to provide input on the Circular Action Alliance (CAA) Responsible End Markets Amendment V2 as submitted to Oregon DEQ on February 9, 2026 and noticed for comment until March 27, 2026 here - <https://www.oregon.gov/deq/recycling/pages/modernizing-oregons-recycling-system.aspx>

Introduction

The Association is the voice of the aluminum industry in the United States, representing aluminum producing companies and their workers that span the entire aluminum value chain from primary production to value-added products to recycling, as well as suppliers to the industry. Relevant to the implementation of Oregon’s REM requirements, Association members include traders, processors, beneficiators, and remelters of aluminum scrap.

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Throughout the Recycling Modernization Act (RMA) implementation process in Oregon, the Association has been happy to provide DEQ and CAA with perspective and insight into the aluminum recycling industry to help align the REM process with the actual operations of the industry in the marketplace. Consistent with that past engagement, below are the comments of the Association on the Program Plan REM Amendment V2:

Variance #2 - List end market aligned with REM requirements when a recognized certification has already verified and approved the end market

The Association strongly supports variance request #2 as regards the ability of other industry responsible production standards to provide reciprocity for Oregon REM provisions during the interim period before a REM standard is finalized in 2027. However, the Association recommends that in the interim period, certification to these other responsible production standards applicable to the different materials industries be considered by ODEQ and CAA to satisfy the REM requirements (full reciprocal compliance). In addition, the reciprocity provisions should extend past finalization of the REM standard when the compliance coverage is substantially similar (as shown in the CAA chart below) such that only the non-reciprocal provisions are covered by and audited against the new REM standard (non-gap reciprocal coverage only).

Most notable for aluminum, the [Aluminium Stewardship Initiative](#) is substantially well-aligned with many of the REM requirements already.

Aspects covered in certification schemes	SMETA	ASI	SFI	FSC	ISCC+	APR	RiOS	RMS
Laws & regulations	No	Yes	No	No	Yes	Yes	Partial	Yes
Health & safety	Yes	Yes	Yes	Yes	Partial	Partial	Partial	Partial
Environmental impacts	No	Partial	No	No	Yes	Partial	Partial	Partial

End Market Development Initiatives

The Association recognizes that different materials have different end market development needs and is supportive of the general approach proposed. However, given its high economic value and infinite recyclability, aluminum has strong pull from end markets and any market development initiatives needed would be minor. Therefore, when end market development is pursued with funds generated from EPR programs, it MUST be allocated

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consistent with the CAA's Responsible End Market Guiding Principle 8 regarding the prohibition of cross-subsidization as noted below:

8. No cross-subsidization. CAA, wherever possible, will avoid cross-subsidization of material specific market development. For example, glass producers will be responsible for funding glass market development activities that CAA approves. Where investments benefit a range of materials, costs will be allocated across all benefiting materials.

Additionally, although they are not part of the Program Plan REM Amendment V2 per se, the Association also provides the following comments on the overall program plan:

Aluminum foil and aluminum foil pressed products

The Association appreciates the willingness of ODEQ and CAA to continue work to on-ramp aluminum foil and aluminum pressed foil products onto the Uniform Statewide Collection List (USCL). Instrumental in this was the ODEQ's approval of the request to allow Metro Portland to continue curbside collection of these materials to provide a testing laboratory and data on consumer education messaging effectiveness, collection amounts per capita, material segregation effectiveness at MRF's, and end market demand for co-mingled MRF generated aluminum. The Association stands ready to provide further support for these efforts with the ultimate goal of on-ramping foil and pressed foil products onto the USCL statewide in Oregon.

Aluminum aerosol cans

The Association supports CAA's intention to on-ramp aluminum aerosol cans onto the USCL as part of the second program plan period. The Association believes that aluminum aerosol cans can be safely managed in curbside recycling systems and that the aluminum contained in them is valuable feedstock material for manufacture of new aluminum products. The Association has been a long-time supporter of the HCPA/CMI [aerosol recycling initiative](#) and the information developed for this initiative should be very useful for ODEQ and CAA as they consider how best to implement the on-ramp and manage the MRF safety concerns.

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The Association again notes its appreciation for the opportunity to provide this input and looks forward to continuing to work with ODEQ and CAA in optimizing management of post-consumer recyclable aluminum generated from Oregon MRF's and RecycleON collection points. If you have any questions about these comments or require any additional information for their implementation, please contact us at policy@aluminum.org or 703-358-2980.

Respectfully,

The Aluminum Association

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Dear DEQ staff,

Thank you for the opportunity to comment on the second version of Circular Action Alliance's program plan amendment focused on responsible end markets (REMs).

The Recycling Partnership is a purpose-driven organization with the mission of solving recycling's toughest challenges, together. As that statement makes clear, we deeply value collaboration, viewing dialogue and compromise as key elements of any effort to effectively evolve our complex, global industry.

With that, we would like to take this opportunity to applaud the way DEQ and CAA have worked together to move the REMs segment of the Recycling Modernization Act to a place that upholds the rigor in end market verification required under the law while also allowing the necessary time and parameters to start to put into practice an important concept that is new to packaging EPR.

DEQ has previously indicated it is planning to accept the variance request from CAA in this amendment that would designate the plastic reclaimer as the REM point for all plastic covered materials. DEQ has also signaled it is amenable to designating glass beneficiation sites as the REM point for glass.

DEQ's willingness to move the REM point for plastic and glass will help ensure buy-in from material users downstream from commingled processing facilities, allowing the REMs framework to more easily move from idea to reality over the next two years. Along the way, CAA and other interest holders will surely develop important learnings that can be integrated during the second program plan period and can help shape future possible rulemaking around REM requirements.

CAA, meanwhile, has in this version of the amendment removed a variance request that would have kept any level of yield documentation out of the PRO's proposed REM verification process. While we recognize that yield is a sensitive data point for end market operators, this is a critical metric for understanding whether a facility is in fact handling material in a way that minimizes risk to human health and the environment.

We support CAA's proposal to require end markets to disclose to verification bodies their estimated yield, with the auditor then indicating in its report to CAA (and, subsequently, DEQ) whether the market has met

this criterion but with no specific percentages stated. This “pass/fail” framework represents a sound process of bringing more accountability and transparency to end market activities, without risking disclosure of proprietary data.

These two actions – DEQ allowing movement in which sites are deemed REMs and CAA bringing yield back into the verification process – represent skillful compromise on the part of the regulator and the PRO in Oregon’s budding packaging EPR program. We recognize that finding consensus on these complicated issues could not have come without meaningful conversation and trust-building on both sides of the table. Because packaging EPR systems are inherently multifaceted and are bringing new costs and reporting requirements to established industries, there must be a sense of open dialogue between interested parties for programs to successfully move through the implementation process.

The REMs process in Oregon shows what successful collaboration looks like, and will ultimately be delivering a stronger, more transparent end market system key to growing the public’s trust in recycling. We look forward to seeing the amendment approved and a robust verification system launched soon by CAA.

Please feel free to reach out with any questions.

Sincerely,

Dan Leif

Dan Leif
Director, Policy Implementation
The Recycling Partnership