

Frequently Asked Questions: Large Producer Life Cycle Evaluations

Updated 25 Feb. 2026

Introduction

This FAQ contains answers to questions on large producer life cycle evaluations received during a webinar organized by Circular Action Alliance on Jan. 7, 2026, as well as questions received from individual producers and other interested parties in late 2025 and early 2026. It will be updated as additional questions of general applicability come to the department for consideration.

Background

Pursuant to ORS 459A.944(2) and OAR 340-090-0910(2), the Plastic Pollution and Recycling Modernization Act established requirements for the top 25 largest producers in the state to fulfill an obligation to evaluate and disclose environmental impacts of 1% of their covered products on a biennial basis. The first due date for evaluations submitted to comply with this mandate is Dec. 31, 2026. Leading up to this deadline, DEQ is providing technical assistance to producers subject to this mandate.

Question #1: clarification of data year

What date ranges (i.e. Calendar year 2024) should we be using for data for both (1) assessing our top 1% of SKUs and (2) production data for the LCA itself. Should they be using the same time period?

Answer #1: clarification of data year

For the sake of consistency, DEQ guides large producers to use data from 2024 to both assess the top 1% of SKUs and as production data for the LCA itself for the assessments due in the current reporting cycle (e.g. due on Dec. 31, 2026).

Question #2: confidentiality of independent review

Does the critical review report have to be part of the public version of the LCA report?

Answer #2: confidentiality of independent review

DEQ interprets OAR 340-090-0920(4)(c) to indicate that the critical review report must be made public. As with the LCE itself, if a producer considers that portions of the critical review report are trade secrets or otherwise confidential, the producer may claim the information as such and move it into a separate document labeled confidential. But if a considerable amount of the critical review report is claimed confidential, at a certain point it will not comport with OAR 340-090-0920(4)(c) and DEQ may reject the report.

Question #3: confidentiality of large producer market share

Given the huge cost variation from being number 25 and number 26 on the large producer list, why won't DEQ disclose volumes to all producers and the list in order?

Answer #3: confidentiality of large producer market share

The statute protects disaggregated supply reporting data as confidential, pursuant to ORS 459A.887(3)(a); therefore, DEQ is not publishing the list in order with volumes of each producer listed, although this information is provided to DEQ by CAA.

Pursuant to OAR 340-090-0710(4)(c), the list of large producers in alphabetical order and without associated supply data is not proprietary and therefore DEQ is comfortable with publishing the list in this format.

Question #4: secondary and tertiary packaging

Can you give some guidance on how to approach the scoping for the LCA that includes secondary and tertiary packaging?

Answer #4: secondary and tertiary packaging

Pursuant to OAR 340-090-0910(2)(b)(B), life cycle evaluations must include any primary, secondary, and tertiary packaging associated with the Stock Keeping Unit under evaluation, as well as the product contained or protected by the packaging if it is a covered product.

Producers are guided to determine the functional unit of product that is being delivered by the packaging and then determine the volume of primary, secondary, and tertiary packaging necessary to deliver this functional unit.

Question #5: determining the top 1% of SKUs

Can you confirm how the "top 1% of SKUs" is defined? I've heard conflicting guidance as to whether it's top 1% of total volume vs top 1% of unique SKUs by volume.

Answer #5: determining the top 1% of SKUs

See OAR 340-090-0910(2)(b)(A) -- the top 1% of SKUs is the top 1% of unique sellable Stock Keeping Units (SKUs) ranked by number of units sold or distributed in or into the state.

Question #6: determining the top 1% of SKUs (2)

If you are able to batch SKUs that are in and out of the 1% threshold, can those under the 1% threshold be eligible for the disclosure bonus?

Answer #6: determining the top 1% of SKUs (2)

Pursuant to OAR 340-090-0910(3)(a), the bonus for simple evaluation and disclosure (Circular Action Alliance's Bonus A) is only available for SKUs that have been voluntarily evaluated. Therefore, if you wish to receive Bonus A for evaluation of a given SKU that is not in your top 1% (not mandated for disclosure), you should not batch it into a mandatory LCA submission.

Large producers may pursue a bonus for substantial impact reduction (Circular Action Alliance's Bonuses B and C) for a SKU that has been evaluated in order to fulfill the mandatory evaluation and disclosure requirement, but note that the substantial impact reduction bonus methodology involves a before-after scenario analysis not required of the large producer evaluations and disclosures.

Question #7: determining the top 1% of SKUs (3)

If my total sales are \$100 and 1 SKU makes up \$1 of sales, I only have to report that 1 SKU. Or do I need to look at all my SKUs and if I have 200 SKUs, I report the top 2 by sales?

Answer #7: determining the top 1% of SKUs (3)

The top 1% of SKUs are determined based on the number of units sold and not on sales (dollars). Solve the following equation for 'x' to determine how many SKUs must be evaluated to fulfill your obligation:

$$1\% = \frac{x}{\text{total number of SKUs sold in Oregon}}$$

In your case, you need to report the top two SKUs by sales, as $2/200 = 0.01$.

Question #8: determining the top 1% of SKUs (4)

What if "x" in the above equation does not come out to a round number?

Answer #8: determining the top 1% of SKUs (4)

Unless it is less than one, "x" may be rounded to the nearest whole integer if it is not a round number – for example, if "x" is 2.4 you can round down to "2" (only two SKUs need to be evaluated), but if it is "2.5" it should be rounded up to "3" (three SKUs need to be evaluated). If "x" is less than one, in all cases you should round up to "1" (at least one SKU must be evaluated in all cases).

Question #9: determining the top 1% of SKUs (5)

Should a SKU that has been sold in or into the state for less than a full year of the data year be included in the analysis for determining the top 1% of SKUs?

Answer #9: determining the top 1% of SKUs (5)

Yes, whereas CAA has, pursuant to OAR 340-090-0910(3)(d), through its program plan set a one-year-on-the-market-requirement for ecomodulation bonus LCE submissions, there is no such requirement in effect for the large producer mandatory assessments.

Question #10: determining the top 1% of SKUs (6)

Should items for which the primary packaging is exempt from the RMA - for example, bottle deposit beverage containers, be included in the SKU list to determine the 1%?

Answer #10: determining the top 1% of SKUs (6)

If the SKU has secondary and tertiary packaging that remains in scope, then the SKU should be included in the list despite the exemption status of the primary packaging. Note that when conducting the evaluation you will include the bottle in the scope and as part of the functional unit even though it is exempt, pursuant to OAR 340-090-0910(2)(b)(B).

Question #11: SKU batching and the top 1%

How does SKU batching factor into determination of a large producer's 1% of SKUs?

Answer #11: SKU batching and the top 1%

Each top 25 producer needs to order its 2024 sales data by number of each SKU sold in or into Oregon, and then take the top 1% of SKUs from that list. If any of the SKUs in the top 1% can be batched with SKUs further down the list, you can limit the number of project reports you need to submit -- for example, if a producer has 1,000 SKUs then SKUs 1-10 are the top 1% -- that means 10 project report submissions. However, if SKU #9 is batchable with SKU #200, the producer needs to submit only nine project reports -- one report each for SKUs #1-8 and then a batch report for SKUs 9 and 200.

Question #12: Final market share and large producer list changes

Is there possibility to fall off the Top Producer list on Mar. 31, 2026, based on updated evaluation?

Answer #12: Final market share and large producer list changes

It is possible to fall off of the Large Producer list in between the issuance of the initial large producer list (which is based on preliminary/interim market share data) and the final large producer list (which is based on final market share data) due to corrections being made retroactively by producers to their supply reports.

See OAR 340-090-0700(3)-(5) where relevant rules on market share are laid out.

Question #13: Third-Party Reviewers

Is there a list of third-parties for verification available or we can use any third party?

Answer #13: Third-Party Reviewers

DEQ does not have a list of third-party verifiers available at this time, but is aware that multiple consultancies in the life cycle assessment sector have begun offering evaluative services that meet our requirements. Note that, pursuant to OAR 340-090-0920(4)(a), third-party verifiers must be independent (e.g. not employed by the producer or one of its subsidiaries) and qualified (according to a European Union Product Environmental Footprint scoring method).

Question #14: confidentiality claims

If I am asked to substantiate a confidentiality claim in my LCE, will my substantiation be publicly shared?

Answer #14: confidentiality claims

If during review of a producer life cycle evaluation DEQ requests substantiation for a confidentiality claim, DEQ generally would not make said substantiation public, unless a public records request were filed and the information was found to not be a trade secret or otherwise confidential business information.

Question #15: rulemaking

Are the Life Cycle Evaluation rules currently being reopened? How does that impact the assessments due in 2026?

Answer #15: rulemaking

Changes to the LCE rules are currently under consideration as part of rulemaking 3 for the Recycling Modernization Act. The amendments proposed are narrow and focused -- things like updates to the impact assessment versions to be used -- and the rules will not be adopted until early 2027, meaning that they do not apply to those assessments due on Dec. 31, 2026.

See the rulemaking webpage for more information:

<https://www.oregon.gov/deq/rulemaking/Pages/rma2026.aspx>

Question #16: assessing plastic leakage

What is required of producers with respect to assessment of plastic leakage?

Answer #16: assessing plastic leakage

Life cycle inventory analysis for plastic leakage is a required component of large producer life cycle evaluations, but plastic impact assessment is not required for the large producer mandatory disclosures.

For life cycle inventory analysis for plastic leakage, pursuant to OAR 340-090-0930(2)(h), producers must use the Plastic Footprint Network methodology V1. Producers are recommended to apply the Macroplastic –

packaging and Microplastic – tires modules of the methodology when doing so. Data spreadsheets (regional averages that can be used in the absence of primary data on leakage) for these modules are available on the [PFN website](#), and methodological inquiries can be submitted to contact@plasticfootprint.earth.

Question #17: functional unit

What is the functional unit for the mandatory LCE disclosure?

Answer #17: functional unit

See the "Functional Unit" section of [DEQ's guidance](#) for top 25 producers for relevant information. If the packaging contains something the default functional unit is the amount of covered product needed to deliver 1m3 of product. If the packaging rather covers or wraps something the default functional unit is 1m2 of coverage. If the defaults don't work for your scenario you may propose an alternative functional unit to DEQ via email to RethinkRecycling@deq.oregon.gov.

Question #18: large producer lists

Will the Top 25 list be generated every year and, if so, do you have to continue to report bi-annually if you come off the list, or does the list just grow?

Answer #18: large producer lists

The large producer list will be generated every two years, as this is a biennial obligation. The next large producer list, for producers that must evaluate and disclose for a deadline of Dec. 31, 2028, will be released in mid-2027 on the basis of 2026 data. If you come off of the list for a particular reporting cycle you are not required to report in that cycle.

Question #19: confidentiality

Where is Oregon's public records law, relevant to confidentiality claims made in LCE evaluations, located?

Answer #19: confidentiality

See ORS 192.311 to 192.478.

Question #20: LCE scope

Are bottle deposit items excluded from the scope of an LCE? (since we only reported tertiary packaging to the PRO in our supply reporting)?

Answer #20: LCE scope

If the SKU consists only of exempt primary packaging and tertiary corrugated cardboard (which for the 2025 fee year was entirely exempt and charged a fee of \$0/lb by CAA through the exemption for private recycling ORS 459A.869(13)), then it can be removed from the SKU list. If rather the SKU includes any packaging that remains in scope as a covered product, then it should stay in the SKU list.

Question #21: Public posting of LCEs

Where on the internet will my life cycle evaluation public report be posted?

Answer #21: Public posting of LCEs

Mandatory (as well as ecomodulation bonus LCEs) must be posted by the PRO to its website. Circular Action Alliance has begun posting LCEs to its RecycleOn website: <https://recycleon.org/or-lca/>.

Question #22: Review and approval of LCEs

Who will review and approve my LCE submission, DEQ or CAA?

Answer #22: Review and approval of LCEs

The large producer evaluation and disclosure reports submitted to comply with the mandate will be reviewed and accepted by DEQ.

The statute meanwhile mandates the PRO with implementing ecomodulated fees, with DEQ exercising oversight through the program plan. Therefore, CAA will review and approve bonus LCE submissions. Questions directed toward Circular Action Alliance regarding LCE bonus submissions may be submitted to Producer.support@circularaction.org.

Question #23: Review and approval of LCEs (2)

Can DEQ guarantee that a report with a favorable third-party review will be approved?

Answer #23: Review and approval of LCEs (2)

While the independent review serves as a main check on deviation from methodology, DEQ retains the authority to flag assessments that deviate from methodology or are not approvable for another reason. In such cases, DEQ will reach back to the source producer to request corrections.

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