



Request for Information

February 3, 2022

Request for Information: Oregon statewide recycling collection list and producer-collected materials (for recycling)

The Oregon Department of Environmental Quality is requesting technical information that can be used to evaluate materials against evaluation criteria set forth in statute. **Information is requested by March 20, 2022.** Information will be used by DEQ in order to evaluate materials as part of developing recommendations for inclusion (or exclusion) of materials from statewide recycling lists, which are being developed in accordance with Section 22 of Oregon's Plastic Pollution and Recycling Modernization Act (Senate Bill 582).

Background and Context

In 2021, the Oregon Legislature adopted, and Governor Kate Brown signed into law, [Senate Bill 582](#), the Oregon Plastic Pollution and Recycling Modernization Act. The Act requires numerous changes that are intended to modernize and stabilize recycling services in Oregon and further reduce the environmental impacts of certain materials across their full life cycle.

Section 22 of the Act requires the Environmental Quality Commission to identify two lists of materials by administrative rule. Both lists, and the requirements to collect and recycle the materials on those lists, will go into effect on July 1, 2025.

Statewide collection recycling list [per Section 22(1)(a)]

The first list is for "materials collected to provide the opportunity to recycle". This refers to on-route and drop-off recycling collection opportunities provided by all local governments in the state with populations over 4,000, and requirements for solid waste disposal sites to collect materials for recycling .

To the extent that some of these materials will be collected commingled with others, that subset of the first list will form the basis of what is called the "uniform statewide collection list". The uniform statewide collection list can be expanded to include new items if producer responsibility organizations (PROs) propose via a program plan, and DEQ approves, such additions to the uniform statewide collection list. Local governments offering commingled collection will be required to collect all of the materials on the uniform statewide collection list, and will not be allowed to promote for acceptance other materials in commingled collection. Administrative rules may also require local governments to collect additional materials using separate (not commingled) collection.

Note: The Recycling Modernization Act defines covered products to include packaging, printing and writing paper, and food serviceware. However, the list of materials to be collected under the opportunity to recycle may extend *beyond* covered products to include other materials appropriate for on-route or drop-off collection, such as motor oil and scrap metal. While the Act provides no producer obligations for the recycling of such materials, DEQ could still require collection and proper sortation and marketing of them by local governments, their service providers, and permitted processing facilities. Therefore, this Request for Information includes and extends beyond covered products under the Recycling Modernization Act.

Producer-collected materials list [per Section 22(1)(b)]

The second list to be identified by administrative rule includes “covered products of which a producer responsibility organization must provide for the collection through recycling depot or mobile collection events as provided in section 15” of the Act. For purposes of illustration, an example might involve some film plastics, which are recyclable but largely incompatible with commingled processing systems, thereby requiring separate collection and handling. Section 22 also requires the Commission to establish via rule collection targets, performance standards, and convenience standards for materials on this list.

DEQ plans to propose draft rules to the Commission for consideration and potential adoption around September 2023. Draft rules for implementation of Section 22 will be bundled with several other rules relating to the Recycling Modernization Act as part of a single, larger rulemaking. For further information about Section 22 and DEQ’s plans to evaluate materials, please refer to that [project’s web page](#). For information about the larger Recycling Modernization Act, please refer to the [Act’s main web page](#).

Statutory Criteria

Section 22 of the Recycling Modernization Act requires the Commission to consider multiple criteria when determining whether a material should be included in one of the state’s lists of materials to be recycled. These criteria are as follows:

- (a) The stability, maturity, accessibility and viability of responsible end markets;
- (b) Environmental health and safety considerations;
- (c) The anticipated yield loss for the material during the recycling process;
- (d) The material’s compatibility with existing (Oregon) recycling infrastructure;
- (e) The amount of the material available;
- (f) The practicalities of sorting and storing the material;
- (g) Contamination;
- (h) The ability for waste generators to easily identify and properly prepare the material;
- (i) Economic factors;
- (j) Environmental factors from a life cycle perspective; and
- (k) The policy expressed in Oregon Revised Statutes 459.015 (2)(a) to (c), as amended by Section 46 of the Recycling Modernization Act.

Request for Information

DEQ is requesting information that can be used to evaluate materials that might be considered for recycling against the criteria listed above. Information should relate to the specific criteria, and should be supported with citations, technical reports, and/or other documentary evidence where available.

Respondents are invited to provide information for one or multiple materials, and for one or multiple criteria; respondents do not need to provide information for all criteria. Respondents may also submit more than one response (for example, a different response for each of three different materials). If a single response document addresses more than one material, please organize the response by material.

Responses should clearly identify and define each material for which information is being provided. Information in the form of supplemental reports or evidence can be provided via separate attachments or hyperlinks to documents that can be viewed or downloaded from the internet.

All responses should clearly identify the contact name, phone number, and email address of the submitter so that DEQ can follow-up in the event that additional information is requested.

Please submit all responses via email to rethinkrecycling@deq.oregon.gov. Responses should be submitted by midnight (Pacific time) on March 20, 2022. DEQ may be able to consider information submitted after that deadline, but strongly encourages potential respondents to submit as much information as available by that date.

Materials of Interest

DEQ has begun an internal review of materials against the above-referenced statutory criteria. This has resulted in some initial sorting of materials into two categories:

- **Materials easily justified for inclusion in commingled recycling collection programs.** These include uncoated corrugated containers, newsprint, printing and writing paper, steel and aluminum cans, PET bottles and HDPE bottles. While DEQ is required to evaluate all materials against statutory criteria prior to recommending them to the Commission for inclusion in the uniform statewide collection list, less new evidence is needed to justify the inclusion of these materials. Potential respondents to this Request for Information would be justified in making these materials a low (or lower) priority for purposes of responding.
- **All other materials, not mentioned above.** This includes some materials that are collected for recycling in some but not all collection programs at present (e.g., gable top cartons), and some that are not collected for recycling in Oregon but are collected elsewhere (e.g., PET thermoforms). DEQ is focusing its research on these types of materials, and most strongly encourages submittals of information that will aid in such evaluation.

Please note that "recycling" in the context of this request does **not** include composting, anaerobic digestion, or the recovery of energy through combustion of the material; yard and food wastes, and the composting of technical nutrients such as paper or bioplastics are not the subject of this assessment. In addition, DEQ is only evaluating under Section 22 materials that are present in the municipal solid waste stream and which could be considered available and appropriate for recycling through on-route or drop-off collection. The scope of this

evaluation further excludes materials that primarily originate through construction or demolition activities (e.g., lumber, drywall) as well as most hazardous materials (paint, mercury thermostats, etc.), except for used motor oil. Further, as part of this project, DEQ does not intend to evaluate the recycling of furniture, electronic devices (other than appliances), textiles, fats/oils/greases, or animal mortalities.

How Information May Be Used

DEQ will review submitted materials and may request clarification or additional information.

All information transmitted to DEQ through this process will become a public record and will be subject to Oregon's public records laws. DEQ may share all or a portion of any submittal with a technical workgroup, a rulemaking advisory committee, the Environmental Quality Commission, or other parties, including the media. Submittals may be re-posted by the Department. Respondents should not share information that is considered proprietary or confidential in nature.

DEQ will use information submitted through this process as part of a larger assessment to evaluate materials against the criteria listed in Section 22(3) of the Recycling Modernization Act. That assessment will inform DEQ's recommendations for material to include on the uniform statewide collection list, other materials that local governments are obligated to collect for recycling as part of providing the opportunity to recycle, and the list of materials that producer responsibility organizations are required to provide recycling services for. Ultimately, the decisions about which materials to collect for recycling may have regulatory, economic, and environmental impacts.

Potential respondents should provide evidence and documentation and submit responses that are accurate. Speculation, if any, should be clearly noted. If respondents believe that submitted information is likely to change in the near future (for example, due to emerging technologies or new markets), please describe both the current state of affairs as well as the predicted change, including anticipated dates and reasons for it.

Next Steps and Additional Opportunities for Involvement

Following review of submitted materials, DEQ may request additional information from respondents. In some cases, DEQ may also invite a respondent to participate in a meeting with a technical workgroup in order to further discuss their submittal.

Meetings of the technical workgroup (and rule advisory committee) will be open to the public and DEQ will provide an opportunity for remote participation and public comment. Meeting materials for the technical workgroup will be posted on [this page](#). The webpage for the rules advisory committee has not yet been created but will be available later in 2022.

Questions

For questions regarding this Request for Information, please email DEQ's project manager for implementation of Section 22 of the Recycling Modernization Act, David Allaway: david.allaway@deq.oregon.gov.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.