

Responsible End Market Plan Amendment: DEQ Preliminary Recommendations

Checklist for Recycling Council plan amendment review

Oct. 16, 2025

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Focal program plan section: Ensuring Responsible End Markets

Overall DEQ Feedback on Plan Section:

DEQ acknowledges that CAA is facing challenges implementing its program plan as currently written, and that a plan amendment is the correct tool to deploy in such an instance. Therefore, although DEQ is satisfied with the currently approved program plan, we welcome this plan amendment as an opportunity for interested parties to collectively think through the best path forward.

To be approved, the program plan (amendment) must meet all applicable requirements in statute and rule. There are several elements of the amendment that DEQ considers to not substantially meet requirements, and those are noted in the table below in **bold** font. DEQ will submit a formal response with recommendations to CAA by Dec. 11, 2025.

In addition to substantial areas where requirements are not met, there are more minor requirements that also appear unmet and are noted in the table, as well as some additional DEQ concerns regarding excerpts of the plan that contradict one another, excerpts of the plan that contradict statute and/or rule, use of vague language, and variances that DEQ is not inclined to approve as currently formulated.

There are also several strengths in the proposed amendment. DEQ acknowledges that CAA conducted successful outreach to industry to develop the proposed plan amendment and proposed some constructive solutions to address challenges faced. For example, benchmarking the “responsible” standard against other existing standards for an end market to be able to count the results of existing certifications toward meeting REM requirements could reduce administrative burden. DEQ also acknowledges that the approved plan was written before such outreach was completed, and that CAA’s outreach uncovered some additional concerns and challenges. DEQ has been and remains committed to working with CAA to work through those challenges so that the letter and intent of the RMA can be met in a manner that is practical for CAA and other parties to implement.

Generally, DEQ is confident that interested parties working together to review this plan amendment can help CAA to identify additional solutions that lead us collectively forward.

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Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation
Ensure that four classes of covered products, identified in ORS 459A.869(7), and contaminants collected with those covered products, are managed and disposed of consistent with the goals, standards and practices required by ORS 459A.860 to 459A.975 and transferred to responsible end markets.	ORS 459A.875(2)(a)(G)-(I) and OAR 340-090-0670	Ensuring Responsible End Markets, pg 141-162	No	Recommended changes are described in the table below.
Provide examples of end markets, as defined in OAR 340-090-0670(1), that may use the material collected from covered products in the manufacturing of new products;	ORS 459A.875(2)(a)(H)(i)	n/a	No	This is a minor requirement, but it appears to not be met in the proposed amended version of the plan. The section "Example End Markets" from the currently-approved plan has been removed in the amended version. CAA could reinstate that section to meet the requirement.
Describe how the prospective PRO will verify that the recycling supply chains up through and including the end markets are meeting the "responsible" standard, including through (scroll to next rows):	ORS 459A.875(2)(A)(H) and OAR 340-090-0670(2), (3), and (6)	Proposed REM amendment, pg 146-154	No	The statute at ORS 459A.896(2) and ORS 459A.887(6), and the rules at OAR 340-090-0670, require a PRO to enable flow of four classes of materials (listed at ORS 459A.869(7)) to responsible end markets if practicable, with end markets and other downstream facilities considered "responsible" if they have <ul style="list-style-type: none"> a) self-attested as "responsible" by July 1, 2025, b) been verified by the PRO as "responsible" or certified by an EQC-approved third-party certification by June 30, 2027, and c) not demonstrated behavior in misalignment with the "responsible" standard while self-attested but not yet verified (e.g. accepting material subject to a national ban, refusing to behave transparently by providing data needed for PRO and CRPF disposition reporting).

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				<p>In the plan amendment, CAA presents a generally operational approach to obtaining self-attestations from downstream facilities, but unduly limits its obligation to those markets that only process PRO materials. CAA's statutory obligation is to four classes of materials, including those collected for recycling under the USCL. CAA suggests it is also limiting its responsibility to obtain disposition data from downstream facilities needed to fulfill the statutory requirement to report disposition on a quarterly basis to DEQ. DEQ considers CAA to have a joint obligation with CRPFs to obtain self-attestations and data needed for disposition reporting from downstream facilities that handle Uniform Statewide Collection List materials.</p> <p>A second significant concern of DEQ is the approach proposed to downstream facility verification, which DEQ finds to substantively not meet requirements in several ways. Please update this section and resolve misaligned portions. See details in the relevant criteria below.</p> <p>As a general comment about how the amendment addresses verification, please clearly delineate two periods of time: 1) the present, at which time there is no EQC-approved third party certification and therefore all downstream facilities must be PRO-verified against a verification standard contained in the program plan, from 2) a future hypothetical time when the EQC may have approved a third-party certification for use. The earliest EQC approval of a certification could happen would be in a fourth RMA rulemaking, e.g. 2029 or 2030. To clearly delineate between these two periods of time, DEQ recommends using the words "verification" and "verification body" to refer to the market audits and the auditor-contractors that CAA will work with, respectively, to meet the current requirements. When referring to the envisioned future, CAA could rather use the words "certification" and "certification body." It should also be noted that even if and after the EQC adopts certification standards, it is possible that only some end markets will avail themselves of them, thereby requiring ongoing PRO verification of some end markets.</p>

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<p>(Step 1) initial screening assessments (self-attestations). Regarding these, the program plan could indicate:</p> <p>information that will be used to complete the screening assessments; and</p> <p>plans for distribution of self-attestation forms to supply chain entities; and</p>		<ul style="list-style-type: none"> • REMs Disclosure Overall Approach, pg 148 • Initial Screening Steps, pg 148-149 	Conditionally	<p>Obtaining self-attestations is represented as a first, screening step of a 3-step verification approach on pg 148, and an expanded vision for how to conduct the screening process is laid out at pg 148-149.</p> <p>The approach to self-attestation appears sound and has been relatively sound in implementation to date, but on pg 149 CAA limits its obligation to obtaining self-attestations from markets that process PRO materials. DEQ finds that this contradicts statute and rule, which indicates CAA to have REM obligations for four classes of materials, with PRO materials only one class among the four. In order to render the content approvable, DEQ recommends that CAA remove the paragraph in question, which begins with the words “While CRPFs are responsible for obtaining....”</p>
<p>(Step 2) Disposition reporting. Regarding this, the plan could describe the PRO's plan for obtaining disposition data from downstream facilities.</p>		<ul style="list-style-type: none"> • Data Review Steps, pg 149 • Specific Considerations for Disclosure of Chain of Custody, pg 153 • Accounting for Disposition of PRO-Managed Material, pg 158-159 	No	<p>There are inconsistencies between what CAA pledges to do within the program plan amendment text and the amendment cover letter. While the amendment, if approved, would ultimately carry the force of law and the cover letter would not, DEQ would like to see clarity and consistency across the entire amendment submission.</p> <p>In the cover letter Appendix A analysis of how the amendment meets the disposition reporting requirements of OAR 340-090-0670(6), CAA indicates that it will offer to assist CRPFs with obtaining disposition data only for end markets that process both USCL and PRO materials.</p> <p>Meanwhile, within the three relevant sections of the amendment itself, CAA does not mention this offer to assist with obtaining disposition data, but rather casts its role as one of providing a database into which supply chain entities could report and data validation, rather than one of gathering data.</p> <p>And then again, in cover letter Appendix C, CAA indicates that it will collect chain of custody and tonnage data as part of facility verification, and does not limit itself to those facilities that manage PRO materials.</p> <p>Please improve consistency among these three sections. As DEQ views CAA as jointly obligated to enable CRPF disposition reporting for USCL materials, DEQ cannot approve program plan language that suggests that such activities are voluntary/“offered”.</p>

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(Step 3) PRO verifications. Regarding these, the plan could include:				
<p>Details on the verification body(ies) that will be contracted with.</p> <p>Criteria for review and approval of verification bodies and verifiers, such as accreditation requirements, professional liability insurance requirements, policy requirements for prevention of conflict of interest, etc.</p>		REM Disclosure Steps, pg 149-150	Yes	<p>CAA's criteria for the selection of Verification Bodies (VBs), listed on pg 149-150, are generally acceptable. However, DEQ notes with interest that, compared with the currently-approved version of the plan, the criterion "Willingness to allow CAA or certification scheme representatives to shadow on-site audits as needed" has been removed from the criteria for selection of VBs indicated in the program plan – does this mean that CAA does not intend to shadow any on-site audits?</p>
The approach for verifying that downstream entities meet the "responsible" standard, including		REM Disclosure Steps, pg 149-153	No	<p>DEQ has a number of substantial concerns with the approach to verification laid out in this section of the plan.</p> <p>One concern pertains to the statement on pg 153 that "until a REM [certification] standard is developed by an independent Standards Development Organization, accredited by ANSI, the disclosure process will not be used as a method of determining REM compliance status of any end market." A similar statement is found in Cover Letter Appendix C: "CAA will not determine compliance results of REM verification until a national standard is developed." These statements seem to run directly contrary to the requirement under OAR 340-090-0670(3)(g)(D) that verification reports document all instances of downstream facility noncompliance with the "responsible" standard. The amendment does include several references to verifications noting "misalignment with REM disclosure guidelines," but there is little information provided as to the granularity and type of information regarding such misalignment that CAA will communicate to DEQ in quarterly verification reports.</p> <p>DEQ needs actionable information from the verifications in order to maintain a meaningful responsible end market list.</p> <p>Another concern is that the word "voluntary" is used in multiple sections describing the verification process, and could be misconstrued to mean that it is voluntary for CAA to verify downstream</p>

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				<p>facilities. That is not the case; CAA must verify downstream facilities, pursuant to OAR 340-090-0670(3). As such, DEQ recommends that CAA remove the term “voluntary” from the sections pertaining to verification. Should CAA prefer to instead replace “voluntary” with another term such as “flexible,” CAA should clearly indicate what type of flexibility is being provided to whom.</p> <p>Additional substantial concerns with the verification approach are indicated below.</p>
1. A description of how facilities will be selected for site visits and/or desktop verification (sampling plan)		REM Disclosure Steps, pg 149-153, including Table 20 (REM Requirements) , pg 150-152	No	<p>While the currently-approved plan pledges a site visit of all downstream facilities by June 30, 2027, the plan amendment leaves open the possibility that there will be no on-site audits at all as a part of verification. That would not comport with the requirements in OAR 340-090-0670(3), which list out the components of verification, some of which arguably may not be adequately verifiable without a site visit (e.g. containment of waste and whether or not yield thresholds are met).</p> <p>DEQ is concerned that entirely foregoing on-site visits could leave the state vulnerable to serious scandals with respect to the disposition of Oregon-origin materials – what assurance would exist that material was not being dumped into communities, for example?</p> <p>There is some language in the plan amendment and cover letter that is inconsistent and/or lacks clarity. For example, on pg 153, it is stated that “CAA Oregon will forgo the right to randomly audit if an end market entity cannot demonstrate REM alignment.” It is not clear what this means. Meanwhile, in cover letter Appendix B, when assessing the amendment’s fulfillment of the requirements under OAR 340-090-0670(2)(b)(A), it is stated that “CAA will consider performing on-site visit[s],” and that this could happen in instances where the facility has received no other on-site auditing – but this seems to contradict the phrase on pg 153 about forgoing the right to audit in cases when information is incomplete.</p>
2. How compliance with applicable laws and treaties will be verified (element #1 of the “responsible” standard).			Yes	<p>The criteria reflect that a compliance audit is envisioned as part of the verification process, and that aligns with the definition of “responsible” in rule.</p>

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3. How chain of custody transparency will be verified (element #2 of the “responsible” standard)			Conditionally	<p>There appears to have been some weakening of the criterion “Audits and records.” In the currently-approved plan, markets need to provide chain of custody records to the verification body upon request, but not according to the plan amendment criterion.</p> <p>Please consider reinstating the section about providing records upon request. Robust verification of transparency would involve checking chain of custody records to make sure that disposition and disposal ratios reported in the context of disposition reporting are accurate.</p>
4. How environmental soundness will be verified (element #3 of the “responsible” standard)			No	<p>The “Containment of Waste” criterion, with its exclusively on-site scope, could miss instances of a facility dumping waste elsewhere. Expand the scope to encompass facility activity both on- and off-site.</p> <p>DEQ is also concerned that the removal of four criteria pertaining to chemical management and plastic pollution represents substantial weakening of the “responsible” standard. If there are specific concerns with those four criteria, DEQ would welcome a discussion about those concerns and how they might be mollified through a modification in approach, as opposed to wholesale removal of them.</p>
5. How adequate yield will be verified (element #4 of the “responsible” standard), including:			No	<p>There is no criterion in the verification standard dedicated to yield, which does not appear to fulfill OAR 340-090-0670(3) (requirements of verification). While the rules do allow for variances, a wholesale variance on the need to verify one of the four pillars of the “responsible” standard seems to go beyond the bounds of what is appropriate to address through variance.</p> <p>There is some contradictory language on pg 156 indicating that verification bodies will conduct verification of yield, suggesting that CAA is proposing not to drop yield wholesale but to assess it in a different manner. If this is the case, CAA should reinstate yield as a criterion in the standard and indicate the method of verification.</p>
Protocols to be applied when reporting disposition for and calculating yield in recycling supply chains in which obligated Oregon materials mix with non-obligated		Accounting for Disposition of PRO-Managed	Conditionally	CAA is clear in this section that they will use accounting approaches that fulfill the relevant requirements in rule. Please consider removing “of PRO-Managed Material” from the title of the section so that it broadly relates

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materials, such as material from another state.		Material, pg 158-159		CAA's approach to disposition accounting of any of the four categories of materials for which CAA has responsible end market obligations.
Plans to incorporate community feedback into verifications of markets and other downstream entities.*	n/a	Whistleblower Process, pg 153-154	n/a	<p>There is inconsistency in this section – in the first paragraph it is indicated that a whistleblower channel will be established only when certification is in place, whereas paragraphs 2-4 discuss integration of whistleblower feedback into the <i>verification</i> process.</p> <p>Please clarify in the next draft whether or not whistleblower feedback will be sought during verification, e.g. the phase in which we currently are and will be for the entirety of the program plan period.</p>
(Pre-verification requirement for chemical recycling) For a method other than mechanical recycling, an analysis of the environmental impacts for the proposed method compared to the environmental impacts of mechanical recycling, incineration and landfill disposal as solid waste.	ORS 459A.875(2)(a)(I)(iv)	n/a	n/a	No request to send materials to non-mechanical recycling was made.
Requests for temporary variance from the screening and verification deadlines indicated in OAR 340-090-0670(3)(b), accompanied by justification	OAR 340-090-0670(3)(e)	Requests for Temporary Variance in REM Disclosure, pg 154-158	No	DEQ appreciates the general approach reflected by variance proposals #1 and 2 (giving facilities credit for existing third-party certifications and PRO audits that overlap with our requirements), but cannot approve until CAA submits a detailed benchmarking indicating the performance criteria in the approved plan that are adequately covered by criteria in the benchmarked standards, and those that are not.
Requests for temporary variance from the required components of a verification accompanied by justification, if such requests are being made. Justification could consist of criteria for identifying	OAR 340-090-0670(3)(h)			DEQ does not understand why blanket variance from the need to verify would be given to a market if it has an audit from one of the other PROs, whereas third-party certifications would only give credit toward those criteria from the “responsible” standard that they cover. Please consider taking the last paragraph from variance #2 and applying it to variance #1 as well (“If an entity using a recognized certification can only prove alignment against

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facilities that would receive more limited verifications on the basis of characteristics such as location and role in the supply chain,				<p>certain, but not all, REM impact areas, CAA Oregon, through the verification body, will support the disclosure of the missing REM impact areas.”)</p> <p>With respect to variance #3, see feedback above regarding how yield will be assessed in verification. DEQ is unsure that this variance is actually needed, as the last paragraph of the variance #3 subsection seems to suggest that yield actually will be verified, and in a way that the rules explicitly allow (self-attestation of yield by the market followed by verification by the verifier).</p> <p>With respect to variance #4, DEQ understands that plastic converters (producers of the next package or product from recycled plastic flake or pellet) are surprised to find themselves affected under this policy, and need grace with respect to timing. DEQ is therefore inclined to approve a variance to the need to verify converters.</p> <p>With respect to glass bottle manufacturers, DEQ disagrees with the opinion that they should be outside the scope of the regulation – they are commonly considered the end market for glass and they have substantial environmental impacts.</p> <p>On variance #5, whereas DEQ approves generally of the use of risk assessment to identify facilities and locations that merit additional scrutiny, DEQ does not consider that different geographies should be held to different bars. Rather, other, non-geographic criteria can be used in conducting risk assessment. DEQ welcomes CAA proposals as to how to reformulate this variance proposal.</p>
Actions and timeline to investigate if the prospective PRO learns of potential non-compliance through the verification/certification process or otherwise;	ORS 459A.875(2)(a)(H) and OAR 340-090-0670(5)	n/a	No	CAA has removed a section of the currently-approved plan regarding how facility non-conformance with the “responsible” standard will be addressed, and this introduces uncertainty with respect to how and whether or not CAA will take practicable actions in response to verification results to ensure flow to responsible end markets, as required by OAR 340-090-0670(5)(b).
Steps the PRO will take and timelines for action when verification, certification, or auditing indicates that				

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the “responsible” standard is not being met; and				
How the prospective PRO will track material flows, enabling required quarterly disposition reporting per ORS 459A.887(6)—for example, through use of a database, including a description of any plans for cooperative development and use of such a database with commingled recycling processing facilities;	n/a	Specific Considerations for Disclosure of Chain of Custody, pg 153	n/a	<p>It is possible to report disposition without tracking material (e.g. through shipment IDs, RFIDs, etc) – one can rather model disposition using ratios reported by each downstream facility, as DEQ is currently proposing to do so.</p> <p>Despite material tracking not being a requirement on the PRO during the first program plan, DEQ considers that it would be helpful for other interested parties if CAA could be clearer about its long-term intentions with respect to material tracking. Will there be tracking for the PRO materials? How will it be done? For USCL materials, it seems that CAA is only offering a database for others to report into should they implement material tracking – is that the case?</p>
<p>Description of how the PRO will audit results across all facility verifications. This section could include:</p> <p>Details of the approach taken toward auditing the accuracy, quality, and comprehensiveness of verifications.</p>	<p>ORS 459A.875(2)(A)(H) and</p> <p>OAR 340-090-0670(4)</p>	Random Bale Auditing, pg 159	No	<p>DEQ has relieved CAA of the obligation to conduct remote bale tracking during the first program plan.</p> <p>However, CAA has not been relieved of the wholesale need to audit across verification results, and the plan amendment does not appear to contain any plans for doing so. As such, this requirement is not met by the amendment proposal.</p>
Key contractor(s) or auditors for random bale auditing and information about their qualifications;	n/a			
<p>The sampling methodology to be used for random bale auditing including</p> <p>Quantity of trackers to be deployed.</p> <p>Where and how they will be placed (in bales and/or in consumer bins, what type of materials, etc.</p>	<p>ORS 459A.875(2)(A)(H) and</p> <p>OAR 340-090-0670(4)</p>			

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The approach to securing the trackers to the targeted materials and preventing their early destruction or loss.				
Safety considerations.				
The proposed approach to reporting auditing results to the department, such as through the submission of audit reports from the auditor or providing access to a user interface where real-time tracking results are visible;				
Arrangements the PRO proposes to make with processors to ensure that covered products identified in ORS 459A.914 are recycled at a responsible end market, including any investment intended to be made to support processors or other practicable action (as defined in OAR 340-090-0670(5)) to be undertaken;	ORS 459A.875(2)(A)(H)(v) OAR 340-090-0670(5)	<ul style="list-style-type: none"> Supporting Responsible End Markets, pg 159 Responsible End Market Development Guiding Principles, pg 159-162 Equity in Responsible End Markets, pg 236 	Conditionally	<p>Generally, the two sections at pg 159-162 convey some willingness and preparedness (a dedicated fund set aside) to pursue practicable actions. However part of ensuring that covered products are recycled at responsible end markets requires first knowing disposition; DEQ believes that the PRO has important roles to play in assisting CRPFs with disposition reporting and that role is not described in the amendment.</p> <p>In the plan approval process, DEQ expressed some skepticism that the amount budgeted in Appendix E for this project (\$2.5 million out of a total \$732 million budgeted across all projects for 2025-2027, e.g. 0.3% of the overall budget) is sufficient to fulfill requirements, including the requirement to pursue practicable actions to ensure flow to responsible end markets. DEQ is further skeptical in reviewing this plan amendment, as the same budget is proposed but an additional, major cost (pursuit of a third-party certification) is added into the scope. CAA could relieve this skepticism with some more detail on how the funding is sufficient to fulfill obligations.</p> <p>DEQ also notes that it is unsure of the meaning of the following phrase on pg 160: "CAA may consider financial levers under specific considerations, in the form of financial de-risking measures."</p>

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Any equity approaches pertaining to practicable actions such as development of new markets.	n/a		n/a	CAA pledges on pg 236 to, for markets of PRO materials, provide opportunities to small businesses, veteran owned businesses, owned by a disadvantaged class, not-for-profit businesses, and/or are B Corp certified. CAA also pledges to prioritize businesses with affirmative labor practices, such as hiring preferences for underserved groups, providing living wages, or utilizing organized labor.
Any other information on how the organization will ensure that responsible management of covered products is maintained through to final disposition.	ORS 459A.875(2)(a)(G)	n/a		There is not a dedicated section of the amendment focused on this requirement -- DEQ infers this to mean that there is no additional information / are no additional plans for ensuring responsible management.

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