

# Covered Product Exemption Request Form

The Plastic Pollution and Recycling Modernization Act includes a definition for “covered products”—those products for which producers are obligated to pay fees to a Producer Responsibility Organization. The relevant definition is located in ORS 459A.863, with specific exemptions from the definition noted in ORS 459A.863(6)(b). The Oregon Environmental Quality Commission may exempt additional products from the definition of “covered product” by rule as part of the upcoming rulemaking. A producer of a covered product not exempt under ORS 459A.863(6)(b) can apply for an exemption by submitting a request formatted according to the draft criteria listed below. DEQ, in consultation with the Recycling Council, will review and make recommendations to the Commission regarding whether or not additional exemptions in rule are warranted.

To submit an exemption request, take this document, indicate your contact information and the product for which an exemption is requested, and insert responses to the four questions directly into the document in the response fields. Save the document as “exemption request\_organization name.pdf” and submit to [RethinkRecycling@deq.oregon.gov](mailto:RethinkRecycling@deq.oregon.gov) during the one-month window Oct. 1, 2025, through Oct. 31, 2025.

Requests should not be brand-specific. Prospective respondents are encouraged to, as possible, coordinate to submit joint requests for products of mutual interest rather than submit multiple duplicate or overlapping requests.

## Respondent contact information

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_ Phone: \_\_\_\_\_

## Product for which exemption is requested

### Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)  
800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

## **Criteria for covered product exemption requests:**

### **Part 1**

1. Does the proposed exemption align with an existing exemption category in ORS 459A.863(6)(b)? (“yes” responses should be accompanied by detailed justifications that address the text in parentheses)
  - Does the product bypass the commingled recycling system? (describe how the product is disposed of or recycled without appearing in the commingled system, neither as a material to be recycled nor as a contaminant)
  - Is the product covered in another Oregon EPR program? (indicate which EPR program covers the product), or
  - Is the product disposed of outside of Oregon? (describe how the product leaves the state before disposal)

### **Response:**

--if no, then--

2. Is there another strong rationale for exempting the product?  
(if so, describe the rationale)

**Response:**

If the answer to either question #1 or #2 is “yes,” move on to questions #3 and #4 and provide detailed justifications for the response to each.

**Part 2**

3. Would exemption of the product result in considerable “free ridership?”

(i.e., is the relative volume of the product in the commingled recycling stream high enough that exemption would place undue burden on producers of other products?)

**Response:**

4. Would exclusion of the product from the program result in any other negative impacts?

(i.e., does the product have significant current environmental impacts, meaning that continuation of status quo producer behavior due to lack of engagement in the program would result in continued negative impacts?)

**Response:**

## **Evaluation approach**

DEQ will review all information received and share it with the Oregon Recycling Council for consultation. Exemption requests will be assessed for:

1. Alignment with existing exemption criteria
2. Potential for “free ridership,” and
3. Potential for other impacts

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