



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Recycling System Steering Committee Meeting Summary

May 15, 2020
1 p.m. – 3 p.m.
Via Zoom

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
<ul style="list-style-type: none"> Draft meeting summary to the RSC members for review 	OC	5/25
<ul style="list-style-type: none"> Share APR life cycle analysis report 	Nicole Janssen	ASAP
<ul style="list-style-type: none"> PowerPoints and DEQ and Metro's EPR concepts; DEQ to be posted on the DEQ website following the meeting. 	DEQ	5/10
<ul style="list-style-type: none"> A small ad hoc group to be formed to work further on the Truth in Labeling draft proposals, which will come back to the RSC for further input and consensus seeking. <i>(Facilitator Note: Group members include Matt Stern, Kristan Mitchell, Sarah Grimm, Laura Leebrick, Dylan de Thomas and David Allaway. The ad hoc group has scheduled their first discussion.)</i> 	OC	Completed
<ul style="list-style-type: none"> A small ad hoc group will be formed to work further on Generator-facing Contamination Reduction Programming. <i>(Facilitator Note: Group members include Kristan Mitchell, Laura Leebrick, Dylan de Thomas, Scott Keller, Nicole Janssen, and Vinod Singh. The ad hoc group has scheduled their first discussion.)</i> 	OC	Completed

Meeting Attendees:

Steering Committee Members: David Allaway, Abby Boudouris, Dylan de Thomas, Sarah Grimm, Nicole Janssen, Scott Keller, Matt Stern, Vinod Singh, Amy Roth, Kristan Mitchell, Jeff Murray, Pam Peck, Timm Schimke, Jay Simmons, Bruce Walker, Jason Hudson, and Laura Leebrick

Facilitation Team: Robin Harkless and Jennah Stillman

DEQ Staff: Sanne Stienstra, Justin Gast, Peter Spendelow, Brian Stafki, Loretta Pickerell, and Steve Siegel



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Additional Participants: Scott Klag, Julie Robertson, Dave Claugus, Beth Vargas Duncan, Cat Rhoades, Brian May, Kristin Leichner, Resa Dimino, Lindsay Stovall, Reed Carlson, Mary Vihstadt, Bryce Hesterman, Dave Larmouth, Garth Hickle, Jeff Epstein, Josie Cummings, Kara Steward, Sarah Bloomquist, Shannon Crawford, Scott Farling, Rosalynn Greene, Tess Milio, Thomas Cuomo, Nick Fahey, Lauren Aguilar, Shannon Jones, Dean Kampfer, Kristen Bartels, Charlie Fisher, Kim Holmes, Keith Ristau, Audrey O'Brien, Janeen Sollman, Dan Weston, Sal Peralta, Calli Daily, Peter Chism-Winfield, Eric Stephens, Paul Cosgrove, Nickole Vargas, and Kim Holmes

MEETING SUMMARY:

Welcome and Agenda Review

Facilitator Robin Harkless, Oregon Consensus, welcomed the group and Recycling Steering Committee (RSC) members gave brief introductions. Robin then reviewed the proposed agenda and intended goals of the meeting with the group, which were for RSC members to review, clarify and/or refine ideas with a consensus check for advancing specific 'alignment ready' elements for modernizing Oregon's system; and review the overall RSC road map, including status update of the plan for discussing the full suite of elements identified previously in this process.

Alignment Ready Elements

Facilitator note: At a previous RSC meeting, several members offered as an immediate next step that the group should focus on elements that were perceived to be 'alignment'-ready, or those for which the group would likely support advancing for Oregon. OC then worked with DEQ to develop a proposed list of alignment common elements for which there may be some early, easy success in reaching agreements. This list was informed by RSC members who provided initial thinking on elements that might work for Oregon and over the course of RSC conversations of previous Frameworks meetings. The list of consensus-ready elements was confirmed by RSC members on May 7th to set the deliberative agenda for the upcoming RSC meetings.

Robin reminded the group that for this meeting and on May 21st, the RSC task would be to review the first four alignment-ready elements for initial consensus. She acknowledged the overall process will also include a broader review of the comprehensive draft for modernizing the system, so the individual elements can be considered in relationship to one another. As such, Oregon Consensus will track the initial consensus elements for future RSC to review as a package in late-summer.

David Allaway, DEQ, then reviewed the first four elements for deliberation by the RSC. He noted DEQ prepared the initial information for each element on behalf of the group due to the short turnaround time between meetings, but strongly encouraged others to initiate element ideas or proposals if there was interest. With that, the group reviewed the first alignment-ready element:



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Material-specific Lifecycle Assessment (LCA) database to support end-of-life (EOL) and design for environment-based decisions.

DEQ described the current efforts, potential future efforts, and needs for this element to move forward ([for additional details see PowerPoint Presentation](#)): This review included the following information:

- Most materials have multiple EOL pathways. For example:
 - Cardboard can be recycled, composted, burned for energy or landfilled.
 - Glass can be recycled into glass packaging, fiberglass, cement substitute, or aggregate for road base. It can also be landfilled.
 - Some plastics can be recycled mechanically; numerous chemical recycling options also exist. Mass burn and landfilling are also options.
- DEQ is already building a material-specific LCA database. This information can also inform design considerations.

David noted the element does not prescribe how the information will be used in policy or elsewhere, but rather, calls for the information to be collected and to be made available. He noted the details of the LCA database will be available at an upcoming DEQ webinar, which will be recorded for RSC members who are unable to attend.

Draft Proposal for RSC:

- DEQ should continue to gather and share information on the environmental impacts of different materials and end-of-life management pathways.

PRELIMINARY CONSENSUS AGREEMENT: The RSC agreed that DEQ should continue to gather information on the environmental impacts of materials and EOL pathways. This standalone element will be included in the consensus-alignment category for future discussion, and reviewed as a package for final consensus seeking.

Defined optimal material EOL pathway (instead of hierarchy)

David provided a brief overview and background of ORS 459.015(2), which outlines a hierarchy of options for managing waste, provides policy guidance, and ranks waste management options in priority order. Over the years, DEQ has had opportunities to explore specific materials and competing management methods. David stated that DEQ and others have found that the hierarchy provides generally sound guidance and in most cases moves materials into the appropriate pathways from the perspective of conserving resources and reducing pollution. In other instances, following the hierarchy can have unwanted results. David stated the hierarchy offers no guidance regarding many of the choices Oregon is facing today e.g. should glass bottles be recycled back to glass bottles, or a cement substitute; or how do different methods of chemical recycling for plastics compare against each other? Reflecting on the 2050 Vision, DEQ believes that materials should go to their highest and best use, which is defined using broad environmental and human health considerations, where known. DEQ believes the



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hierarchy should be used as backup guidance for making decisions where environmental and human health considerations are not available.

Draft proposal for RSC:

Modify ORS 459.015(2) to:

- First, make decisions to minimize negative environmental and health impacts, where known.
- Where such information is not known, continue to rely on the existing hierarchy for general direction.

RSC discussed the use of LCA to make decisions about material flow. The following questions were asked by RSC members:

RSC Question: How will DEQ determine which environmental impacts are considered in determining whether materials are used to their highest and best use? There's a range of impacts that could be considered; are certain impacts weighted differently?

- *DEQ Response:* Currently, we don't have a proposal to weigh an environmental impact category as more important than the other, but rather, that the information should be gathered on as many different types of environmental impacts as possible.

RSC Question: Once we determine which impacts we want the LCA to analyze, how far does it follow material types?

- *DEQ Response:* LCA can take into account any process for which there is data. Where there isn't data, a proxy method can sometimes be used, but it depends on the assessment. As a general rule, DEQ wants our assessments to be as comprehensive as possible within the limits of feasibility.

RSC Question: Could you provide an example of how LCA would assess a material, such as glass bottles; and would the assessment direct what a local government could do?

- *DEQ Response:* Right now, the hierarchy just says recycling is recycling, and all recycling is the same. This proposed approach would offer guidance that the goal of recycling is to conserve resources and reduce pollution, so we should try to direct materials to those methods that conserve the most resources and reduce the most pollution. The current hierarchy does not identify regulatory consequences, just policy guidance. Likewise, this proposal doesn't require a local government to direct materials; it simply offers guidance.

RSC Question: Do you foresee this as potentially being used when determining whether or not to add a material to the list of recyclable materials?

- *DEQ Response:* If there was a statewide list, DEQ would want that list to be developed in consideration of multiple factors such as markets, economic costs, and environmental impacts. We hope that LCA will inform people's decision making and where that information is not available, fall back on the hierarchy.

RSC Question: In the future could this element be used to require a certain recycling method over another method?



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- *DEQ Response:* That could be in a different element, however, DEQ would want to look at the environmental impacts of certain materials and recycling methods to direct the materials to the pathway that best reduces environmental and health impacts. Local governments could use this information to direct their materials to market x instead of y if they wanted to go there.

Nicole Janssen, RSC member, offered that APR (Association of Plastic Recyclers) did a lifecycle analysis for Polyethylene Terephthalate and Polypropylene, that included examining energy requirements, energy sources, water consumption, atmospheric pollutants, and solid waste resulting from the production of recycled resin. She offered to share the report with the RSC.

RSC members raised questions and uncertainty about how DEQ will use this information, specifically whether DEQ intended to use their regulatory authority to direct markets to one market over another using the LCA information, now or in the future. David offered that DEQ does not currently have authority to direct materials away from one market and into a different market, and has not explored this legal question as of yet. He confirmed that the draft proposed change in statute does not include changing DEQ's regulatory authority.

RSC Question: What if any consequences would there be if a local government decides to manage a material differently from the guidance? Eg. being denied diversion credits for management of glass if we used it as road base.

- *DEQ Response:* This element won't change the definition of recovery, or what counts towards the recovery goal. This is just about providing information. (David offered further clarification with regards to DEQ internal policy directives around use of glass for temporary roads inside the footprint of a landfill, and whether that would be considered recycling or disposal. He said the ORS being discussed today is separate from that internal directive.)

Follow up RSC comment re: above discussion: The issue of what qualifies as diversion or recovery has come up in other places as well, and has been a topic of discussion throughout the years. Could having more LCA data help determine where reduce and reuse are better options than recycling; or where best use of compost is? DEQ confirmed this.

Proposal refinement: An RSC member suggested modifying the proposal to clarify that the data will inform decisions, rather than direct materials. It was suggested the RSC will view the element through the lens of the current landscape, with the possibility to revisit it at a future point if the group would like DEQ to make changes in authority.

PRELIMINARY CONSENSUS AGREEMENT: The RSC agreed - with one "4" indicating a weak consensus - to revise ORS 459.015(2) to allow for LCA to inform guidance and decisions about putting materials to their highest and best use,



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within the current regulatory landscape. There are remaining questions about how this information will be used in the future, particularly in a regulatory context. This standalone element will be included in the consensus-alignment category for future discussion, and reviewed as a package for final consensus seeking.

Truth in Labeling

David offered two ideas for RSC consideration with regards to truth in labeling, the first to address the resin identification code requirement currently in statute; and the second to address the broader claim of recyclability.

Part One: Draft proposal for RSC -- Resin Identification Codes:

- Eliminate ORS 459A.680 (requirement to place resin identification code on plastic containers). This would remove the requirement of the chasing arrows symbol on plastic materials.

RSC members asked questions related to what labeling features would be eliminated, or remain with the change in statute; and whether this proposal is consistent with what the State of Washington plans to do. DEQ shared that the State of Washington is proposing to repeal chapter 70.95F, which is generally similar to ORS 459A.680 in that it requires the use of the resin identification code and chasing arrows symbol on certain types of plastic packaging. One RSC member suggested that Oregon should work with Washington to develop something that would fit both states. DEQ then clarified that the first proposal allows the use of the recycling symbol, but it wouldn't require the misleading use of it.

David then reviewed in further detail the background and context for the second draft idea. He noted that the only current prohibition against using the recycling symbol, or making a claim of recyclability, is the [Green Guides](#) from the US Federal Trade Commission. The Green Guides form the basis for voluntary standards designed to help marketers avoid making environmental claims that mislead consumers e.g. how to recycle standards. DEQ noted the federal standards are very lax, and there have been examples of materials that have been awarded the unqualified recycle label, when they are not actually able to be recycled in Oregon. David then provided the distinction between unqualified and qualified claims. For this proposal, it would include a new statute to disallow unqualified (broad recyclability) claims for materials not widely recycled throughout Oregon (on Oregon's statewide list); and for such materials, require claims (if any) to be qualified (e.g., check locally). David said the specific language for 'qualified claims' would need to be figured out at a later date when there is more resolution on other elements.

Part Two: Draft proposal for RSC -- Recyclability Claims

- Condition on:
 - Having a uniform, statewide list (floor), and
 - Having assurances that everything on that list will be recycled



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- New statute to disallow unqualified (broad recyclability) claims for materials not widely recycled throughout Oregon (on Oregon's statewide list)
- For such materials, require claims (if any) to be qualified (e.g., check locally).

Throughout the discussion of this element, several members stressed and reiterated that resin identification numbers, labeling, and misleading use of the recycling symbol, are key issues for contamination and large sources of customer confusion. They shared a desire to see Oregon go farther than eliminating the existing law e.g. use stronger language, and were willing to work in a small ad hoc group to work on this issue further. One member noted that 'going farther' will need to be examined through a feasibility lens along with looking at approaches for reducing contamination and customer confusion.

NEXT STEPS: A small ad hoc group will be formed to work further on the Truth in Labeling draft proposals, which will come back to the RSC for further input and consensus seeking. *(Facilitator Note: Group members include Matt Stern, Kristan Mitchell, Sarah Grimm, Laura Leebrick, Dylan de Thomas and David Allaway. The ad hoc group has scheduled their first discussion.)*

Generator-facing Contamination Reduction Programming

DEQ shared that they have heard considerable support from RSC members for better programming to reduce contamination at the source. DEQ shared that in February, Cascadia Consulting provided several case studies demonstrating that this type of generator facing programming can have measurable benefits; and that programming will need to be continued in perpetuity for those benefits to be sustained over time. DEQ noted they have heard concerns from some local governments of the potential cost of an ongoing obligation to do programming. For this topic, DEQ shared they did not have a specific proposal to provide on behalf of the group, but wanted to invite discussion on the matter to determine what, if any, next steps should happen.

RSC Members shared information on local contamination reduction efforts, and the importance of education outreach and enforcement. One RSC member noted a concern about enforcement, sharing that some local elected officials may not support the use of enforcement measures, or adding additional fees to generator monthly bills. Several RSC representatives of local governments noted a concern about unitaliter programming requirements, and shared a desire to have the flexibility to prioritize contamination reduction efforts on the most contaminated sectors within their jurisdictions, noting different sectors have varying degrees of contamination.

NEXT STEPS: A small ad hoc group will be formed to work further on Generator-facing Contamination Reduction Programming. *(Facilitator Note: Group members include Kristan Mitchell, Laura Leebrick, Dylan de Thomas, Scott Keller, Nicole Janssen, and Vinod Singh. The ad hoc group has scheduled their first discussion.)*



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Wrap Up and Next Steps

Robin reviewed the draft RSC roadmap and the work of the small groups. She reminded the group that the work of the ad hoc groups will be to review specific elements and develop draft ideas that will come back to the RSC for further deliberation and agreement seeking. Robin stated DEQ staff are prepared to assist the groups in their efforts, as well as Oregon Consensus if facilitation and process support is needed. Robin then acknowledged OC received feedback that there were some conflicts with upcoming meetings and a strong interest among several members to begin the conversation about EPR. Robin noted OC will work to accommodate RSC member feedback, and proposed the RSC continue the work on alignment ready elements, but will schedule additional meetings on producer responsibility, which will begin on May 29th. RSC members raised concerns about DEQ's legislative concept and not addressing EPR more quickly, or in greater detail prior to DEQ's submittal. Other members shared their support in diving into the details of EPR further for the RSC to have the chance to weigh in on whether/how EPR may work for modernizing Oregon's recycling system. Robin shared OC will work on the process design, informed by the input received by the RSC, and provide a revised roadmap as more detail and dates are known. She then noted the next RSC meeting is scheduled for May 21st.

Action: ORRA requested access to PowerPoints and DEQ and Metro's EPR concepts; DEQ noted in addition to being sent previously to the RSC, they will be posted on the DEQ website following the meeting.