

Oregon Recycling System Advisory Council

April 9, 2024, 9-11 a.m.

Zoom Meeting

[Please register](#) in advance for this meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

Consejo Asesor del Sistema de Reciclaje de Oregon

9 de abril de 2024, de 9 a 11 h.

Reunión por Zoom

[Por favor, registrarse](#) a esta reunión con anticipación. Luego del registro, recibirá un correo electrónico de confirmación con información para unirse a esta reunión.



9 a.m.	Welcome and meeting opening	Bienvenida y apertura de la reunión
9:05 a.m.	Update: RMA implementation	Actualización: Aplicación de la RMA
9:10 a.m.	Discussion: PRO Plan subcommittee review process <ul style="list-style-type: none">Documents: Subcommittee checklists; process overview document	Debate: Proceso de revisión del subcomité del Plan PRO <ul style="list-style-type: none"><i>Documentos no disponibles en español</i>
9:20 a.m.	Presentation: PRO Plan <ul style="list-style-type: none">Document: PRO Plan	Presentación: Plan PRO <ul style="list-style-type: none"><i>Documento no disponible en español</i>
10:35 a.m.	Break	Receso
10:40 a.m.	Public input session	Sesión de aportaciones públicas
10:55 a.m.	Meeting close, next steps and reminders	Cierre de la reunión, próximos pasos y recordatorios
11 a.m.	Adjourn	Se levanta la sesión

Alternate formats // Formatos alternativos

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

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Education and Outreach

Checklist for Recycling Council program plan review

Sub-committee members: Jill Hrycyk, Laura Leebrick, Rep. McLain, Joan Popowics, Liz Start

DEQ support person(s): Alex Bertolucci

Focal plan section: Operations Plan: Education and Outreach

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Goals for education and outreach efforts and information on approach for measuring progress toward the goals. Metrics to evaluate performance could include public awareness, public engagement, and accessibility.		n/a		
An education and outreach plan describing how the prospective PRO will meet obligations and cultivate widespread customer awareness and understanding of the Uniform Statewide Collection List and recycling services provided.	ORS 459A.893			

<p>An explanation of how the proposed suite of materials and promotional campaigns will support:</p>				
<p>widespread awareness and understanding for all customers in Oregon, including residents living in single-family homes and multifamily communities, as well as commercial businesses, institutions, and non-governmental organizations.</p>	<p>ORS 459A.893</p>			
<p>a phased approach that first builds awareness among Oregon residents and organizations that change is coming and the reason change is needed, and then provides the detailed instructions for customers to participate successfully in the new system (with electronic educational materials underpinning both phases).</p>		<p>n/a</p>		
<p>A description of the customizable educational collateral that will be prepared for local governments to communicate the Uniform Statewide Collection List, explain how items should be prepared for recycling, and highlight to the public the importance of not</p>	<p>ORS 459A.893(1)</p>			

placing contaminants in commingled recycling collection, including:				
collateral that will be made available in electronic format to local governments and their authorized service providers for customization to local conditions ¹	459A.893(4)			
collateral that will be printed and then made available for distribution, including but not limited to signage for depots and commercial and multifamily recycling enclosures as well as decals for roll carts ² ; and	ORS 459A.893(1)(d) v			
electronic files that will be made directly available to the public, including a website describing the locations and operating hours of collection points for PRO recycling acceptance list items, and how	OAR 340-090-0650(1)(c) (website requirement)			

¹ At a minimum, customizable materials could include photos of accepted items and key contaminants, an in-mold label for roll carts, and a general program brochure that can serve as both a mailer and a flyer by local governments seeking off-the-shelf outreach material. Among additional materials could be sample text, design, and imagery for social media posts, websites, newsletters, billing statements and inserts, postcards, posters, and brochures focused on specific topics. Note: some local governments may not yet be collecting the full uniform statewide collection list on July 1, 2025, due to capital investment needs. Customization options could allow these governments to easily adapt the materials in order to communicate their individualized phase-in timeline to the local public. Local governments may also need to customize materials in terms of indicating which materials will be collected on route vs. at depots. Also, if a covered product is proposed for addition to the Uniform Statewide Collection List per ORS 459A.914(4)(b) in any PRO's program plan submission, draft education plans could include the covered product in question, with customization options allowing for its efficient removal lest the proposal is ultimately not accepted during program plan review.

² These materials could be available in different sizes developed through consultation with local governments and made of waterproof materials that are appropriate for indoor and outdoor use.

such items should be prepared for drop-off.				
A description of the statewide promotional campaigns to supplement the education and outreach through the customizable materials. This could include but is not limited to messaging distributed through print publications, radio, television, the Internet, social media, and online streaming services;	ORS 459A.893(7)			
A schedule for the development of educational collateral and implementation of statewide promotional campaigns that ensures a successful program launch and leaves adequate time for mandatory consultation on the customizable collateral with local governments and their designated service providers, review of the collateral by the Recycling Council, and review and approval of the collateral by DEQ.	ORS 459A.893(2)			
A description of how the prospective PRO will ensure that educational materials and campaigns are culturally responsive to diverse audiences across this state, including people who speak languages other than English and people with disabilities; are printed	ORS 459A.893(3)			

or produced in languages other than English; and are accessed easily and at no cost to local governments and users of the recycling system. This description could include practices employed to meet these requirements, such as:				
engagement with local community-based organizations and relevant members of the public to develop and distribute educational materials and campaigns,		n/a		
use of images to convey information rather than text,		n/a		
use of imagery and models that represents a variety of cultures and Oregon’s diverse communities,		n/a		
avoidance of small print size and reverse type (light text on dark background),		n/a		
testing of imagery to ensure designs are color-blind friendly,		n/a		
exploration of designs that allow for text in both Spanish and English in the program brochure/mailer, printed decals and signage, and in-mold label for roll carts.		n/a		

translation of the materials ³	ORS 459A.893(3)(b)			
Plans for an online portal or other means to provide local governments and their designated service providers (and any other entities, if planned) easy access to educational materials at no cost;		n/a		
The prospective PRO could describe the relevant experience of team members that will be developing the USCL educational resources and promotional campaigns or, if contracting with a communications consultant, describe the type of experience that will be sought in the solicitation process.		n/a		

³ Regarding which languages to translate the education collateral into, the PRO could choose to translate into those languages spoken in Oregon by at least 1,000 people over the age of five who spoke English less than very well, according to the most recent American Community Survey. Also, note that under ORS 251.167, information on the most-commonly spoken languages in the state of Oregon and its counties is updated periodically for the purpose of disseminating accessible information on voting to the public; this information could also be used in formulating a plan to fulfill these accessibility requirements.

Ensuring Responsible End Markets

Checklist for Recycling Council program plan review

Sub-committee members: Dan Felton, Rep. McClain, Celeste Meiffren-Swango, Jason Pierzina, Vinod Singh

DEQ support person(s): Nicole Portley

Focal plan section: Operations Plan: Materials Strategy: Ensuring Responsible End Markets

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
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) and (H) ORS 459A.869(7)			
Provide examples of end markets, as defined in OAR 340-090-0670(1), that may use the material collected from covered	ORS 459A.875(2)(a) (H)(i)			

products in the manufacturing of new products;				
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	OAR 340-090-0670(2)-(3)			
(Step 1) initial screening assessments (self-attestations). Regarding these, the program plan could indicate:	OAR 340-090-0670(3)(a)(A)			
information that will be used to complete the screening assessments; and		n/a		
plans for distribution of self-attestation forms to supply chain entities; and		n/a		
(Step 2) PRO verifications. Regarding these, the plan could include:	OAR 340-090-0670(3)(f)			
Details on the verification body(ies) that will be contracted with.		n/a		
Criteria for review and approval of verification bodies and verifiers, such as accreditation requirements, professional liability insurance requirements,		n/a		

policy requirements for prevention of conflict of interest, etc.				
The approach for verifying that downstream entities meet the "responsible" standard ¹ , including		n/a		
1. A description of how facilities will be selected for site visits and/or desktop verification (sampling plan)		n/a		
2. How compliance with applicable laws and treaties will be verified (element #1 of the "responsible" standard).	OAR 340-090-0670(2)(b)(A) OAR 340-090-0670(3)(f)(B)			
3. How chain of custody transparency will be verified (element #2 of the "responsible" standard)	OAR 340-090-0670(2)(b)(B)			
4. How environmental soundness will be verified (element #3 of the "responsible" standard)	OAR 340-090-0670(2)(b)(C)			
5. How adequate yield will be verified (element #4 of the "responsible" standard), including:	OAR 340-090-0670(2)(b)(D)			

¹ Additional details on the nested sub-components #1-5 can be found in the [Internal Management Directive on program plan review](#), Appendix F, pg 58-59.

<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 materials, such as material from another state.</p>	<p>OAR 340-090-0670(2)(d)</p>			
<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.</p>	<p>ORS 459A.875(2)(a)(l)(iv)</p>			
<p>Requests for temporary variance from the screening and verification deadlines indicated in OAR 340-090-0670(3)(b), accompanied by justification</p>	<p>OAR 340-090-0670(3)(e)</p>			
<p>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 facilities that would receive</p>	<p>OAR 340-090-0670(3)(h)</p>			

more limited verifications on the basis of characteristics such as location and role in the supply chain,				
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;	ORS 459A.887(6)			
Description of how the PRO will audit results across all facility verifications. This section could include:	OAR 340-090-0670(4)			
Details of the approach taken toward auditing the accuracy, quality, and comprehensiveness of verifications.		n/a		
Key contractor(s) or auditors for random bale auditing and information about their qualifications;		n/a		
The sampling methodology to be used for random bale auditing including		n/a		
Quantity of trackers to be deployed.				

Where and how they will be placed (in bales and/or in consumer bins, what type of materials, etc.				
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;		n/a		
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;		n/a		
Actions and timeline to investigate if the prospective PRO learns of potential non-		n/a		

compliance through the verification/certification process or otherwise;				
Steps the PRO will take and timelines for action when verification, certification, or auditing indicates that the "responsible" standard is not being met, including:		n/a		
A commitment to provide to the department, when making a claim that no practicable solution is possible, an analysis of the solutions' costs per ton compared with the practicability financial benchmark, or a customized cost-benefit analysis; and	OAR 340-090-0670(5)(c)			
Any other information on how the organization will ensure that responsible management of covered products is maintained through to final disposition.		n/a		

Elements for Equity checklist

Checklist for Recycling Council program plan review

Sub-committee members: Taylor Cass Talbott, Dylan de Thomas, Jill Hrycyk, Alando Simpson, and Liz Start

DEQ support person(s): Stephanie Caldera and Blaine Mershon

Focal plan section: Equity

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Overall goal for equity, within which equity measures undertaken across the program plan are nested.		n/a		
Equity aspects of the operations plan for PRO Recycling Acceptance list materials, including:				
plans to contract with existing depots operated by Tribal nations;	OAR 340-090-0640(1)(a)(C)			
plans for providing enhanced convenience to underserved populations	OAR 340-090-0640(2)(h)			
taking impact on equitable access to recycling across regions and diverse populations into	OAR 340-090-0640(6)(c)(B)			

account in any proposal for alternative compliance with convenience standards.				
plans for engagement with local community-based organizations and women and minority-owned businesses to develop collection points;		n/a		
principles and methods for compensation of collection point staff; and		n/a		
descriptions of any additional activities planned for the advancement of equity in recycling, e.g. collaborations with community groups that collect materials not on the uniform statewide collection list for recycling but do not meet the definition in rule of "depot" or "drop off center."		n/a		
Equity aspects of the operations plan for fulfillment of the responsible end market obligation, including:				
plans to incorporate community feedback into verifications of markets and other downstream entities; and		n/a		
any equity approaches pertaining to practicable actions such as development of new markets		n/a		

Equity aspects of the operations plan for education and outreach, including:				
a description of how the prospective PRO will ensure that educational materials and campaigns are culturally responsive to diverse audiences across this state.	ORS 459A.893(3)			
Equity aspects of the PRO's administration, including:				
any internal requirements around engagement of "Certified Firms" when contracting work out to third parties ("Certified Firm" means a small business certified under ORS 200.055 by the Oregon Certification Office for Business Inclusion and Diversity (COBID) as a minority-owned business, woman-owned business, business that service-disabled veterans own, or emerging small business).		n/a		

PRO Depots: Collection and Recycling of the PRO Recycling Acceptance List

Checklist for Recycling Council program plan review

Subcommittee Members: Taylor Cass Talbott, Jill Hrycyk, Laura Leebrick, Angie Marzano and Jason Pierzina

DEQ support person: Justin Gast

Focal plan sections: (1) Operations Plan, PRO Recycling Acceptance List, (2) Appendix F: PRO depot lists and coverage

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Proposed collection target and sufficient justification¹ for:	OAR 340-090-0660(2)(b)			
steel and aluminum aerosol packaging	OAR 340-090-0660(2)(b)			
polyethylene film packaging				
single-use pressurized cylinders				
aluminum foil and pressed foil products				
block white expanded polystyrene				

- ¹ Justifications for each proposed collection target must include:
 - information on existing and recent historic collection quantities, and comparison with the proposed targets,
 - a projection of the number of participants and the quantity of material to be collected on a per-participant basis as well as per collection point,
 - (for plastic materials—i.e., block EPS, PE and PP lids, and HDPE package handles) how the proposed collection target will contribute towards the achievement of plastics recycling goals as contained in ORS 459A.926

polyethylene and polypropylene lids				
HDPE package handles				
Methods for the achievement of collection targets for the above materials and for glass (45%)		n/a		
Methods and a schedule, including interim milestones, for achieving convenience standards by supporting and expanding existing collection points and by creating new collection points, including	ORS 459A.0640			
a description of how the prospective PRO will uphold the requirement to contract, where possible, with existing depots or drop-off centers	459A.896 (1)(a)			
identification of key collaborators that the prospective PRO plans to contract with		n/a		
plans for providing enhanced convenience to underserved populations	OAR 340-090-0640(2)(h)			
a description of how the prospective PRO will engage with local community-based organizations and women and minority-owned businesses to develop collection points		n/a		
descriptions of any alternative collection programs being proposed to substitute for convenience standards, including	ORS 459A.896 (1)(d)			

an assessment of the impact on the achievement of collection targets	OAR 340-090-0640(6)(c)			
an assessment of the impact on equitable access to recycling across regions and diverse populations				
demonstrated support of relevant local government(s) for the proposal and a description of how prior consultation with affected local government(s) was taken into account in planning				
(for mobile collection events being proposed as an alternative program) the planned frequency of these events and how the proposed schedule will provide adequate predictability for the public.	OAR 340-090-0640(6)(b)			
(for mobile collection events being proposed as an alternative program) the plan for sufficiently advertising the events	OAR 340-090-0640(6)(b)			
(for mobile collection events being proposed as an alternative program) how the planned events will uphold best practices for mobile collection events: for example, through pre-event outreach		n/a		

coordinated with relevant local governments, community-based organizations, and service providers; policies and processes to ensure adequate staffing, management of traffic flow, and safety; and contingency plans for responding to larger-than-expected turnout				
An accompanying justification if requesting temporary variance from convenience standards.	OAR 340-090-0640(7)			
Methods for achievement of performance standards, including	OAR 340-090-0650			
a description of how the PRO will monitor sites and services on a regular basis to ensure compliance	OAR 340-090-0650(1)(a)			
plans for education and outreach regarding the PRO Recycling Acceptance List in a manner that is clear, culturally relevant, accessible, and understandable to diverse audiences, including through its website	OAR 340-090-0650(1)(c)			
protocols for minimizing the contamination of materials delivered to collection points, including screening and then accepting and managing the contamination appropriately,	OAR 340-090-0650(1)(e)			

rejecting the contamination, or both, and must also include providing service users with information on proper recycling or disposal options for non-accepted materials.				
Information on how expanded polystyrene will be densified before transportation of more than 75 miles, including indication of the proposed method(s) to be used and	OAR 340-090-0650(3)(a)			
consideration of impacts on yield				
consideration of impacts on transport quantities (density)				
assessment of potential safety and exposure impacts to workers				
Advance notification of intent to collect any additional materials besides those on the PRO Recycling Acceptance list at collection points, if applicable	OAR 340-090-0650(1)(i)			
Principles and methods for compensation of collection point staff		n/a		
Any plans for accommodating collection of reusable packaging within depots and collection points		n/a		

Descriptions of any additional activities planned for the advancement of equity in recycling.		n/a		
Outlining a plan for depot development that will succeed in meeting collection, convenience and performance standards by the end of the first program plan period.		n/a		
Outlining a plan for depot development start-up activities that collection points have been opened provides continued opportunity to recycle in metro areas where items formerly on local government recycling acceptance lists have moved to the PRO recycling acceptance list.		n/a		
Inclusion of a list of existing depots that will be contracted with.		n/a		

Producer Fees: Base and Graduated Fees

Checklist for Recycling Council program plan review

Subcommittee members: Scott Keller, Celeste Meiffren-Swango, Joan Popowics

DEQ staffer(s): Nicole Portley and David Allaway

Focal plan section: Financing (base fees, graduated fees, alternative membership fee structure, adequacy of financing)

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Description of how the prospective PRO will establish, calculate and charge membership fees to member producers, including	ORS 459A.875(2)(a)(E)			
the schedule of membership fees (base rates), accompanied by rationales for:	ORS 459A.875(2)(h)			
How the schedule ensures that higher fees are charged for non-recyclables than for recyclables on a weighted-ton average basis; and	ORS 459A.884(3)(a)			
How the schedule ensures, to the extent possible, that	ORS 459A.884(3)(b)			

materials do not cross-subsidize one another.				
the product speciation for the membership fee schedule	ORS 459A.875(2)(h)			
the algorithms by which fees will be calculated	ORS 459A.875(2)(a)(E)			
any producer fee incentives other than graduated fee adjustments that will be offered;				
Graduated fee algorithm and methods, including	ORS 459A.875(2)(a)(E-F)			
the algorithm for the graduated fee approach, indicating the criteria and magnitude of modulation;	ORS 459A.884(4) and ORS 459A.875(2)(a)(E)			
Inclusion of both penalties and rewards in the approach to graduated fees	ORS 459A.884(4)			
accompanying descriptive text explaining how the algorithm will deliver continual reductions in the environmental and human health impacts of covered products	ORS 459A.884(4) & ORS 459A.875(2)(a)(F)			
a description of the factors taken into consideration in development of the approach,	ORS 459A.884(4)(a)-(e)			

and how their incorporation contributes to continual incentivization and disincentivizing of producer choices that actually correlate to meaningful environmental benefit. The following five factors must have been considered according to statute:				
The post-consumer content of the material, if the use of post-consumer content in the covered product is not prohibited by federal law				
The product-to-package ratio				
The producer's choice of material;				
Life cycle environmental impacts, as demonstrated by an evaluation performed in accordance with ORS 459A.944; and				
The recycling rate of the material relative to the recycling rate of other covered products.				
A description of how the PRO will maintain financial solvency (specifically, how loss of revenue due to				

ecomodulation rewards will be paid for).				
Alternative membership fee structure proposal (if applicable): Per), the PRO could propose an alternative fee structure that does not adhere to the requirements of ORS 459A.884(2)-(4) but still delivers cost-proportional product differentiation and incentivizes less impactful producer behavior. A proposal of an alternative membership fee structure could explain	ORS 459A.884(5)			
How it will ensure that products don't cross-subsidize each other.	ORS 459A.884(5)			
How it will incentivize less impactful producer behavior.	ORS 459A.884(5)			
How it will not incentivize non-recyclable materials, which DEQ views as an undesirable outcome (although an alternative membership fee structure would not be strictly held to charging more on average for non-recyclables than for recyclables, i.e., the				

requirement imposed by ORS 459A.884(3)).				
Adequacy of financing: this subsection could contain:	ORS 459A.875(2)(
demonstration that the membership fees collected will provide adequate revenue to fund all costs associated with the producer responsibility program. A fee schedule that does not appear to generate sufficient revenue, meaning that program delivery would depend upon funding from other sources, could be cause for plan rejection. Included in this subsection could be:	i)			
a description of the prospective PRO's approach to reserve funds or other contingencies for responding to financial hardship. For example, a prospective PRO could set a minimum and a maximum reserve budget, defined as a proportion of the annual operating budget.	ORS 459A.875(2)(m			

System Expansion: Funding and Reimbursement for Collection and Recycling of the Uniform Statewide Collection List

Checklist for Recycling Council program plan review

Subcommittee Members: Dylan de Thomas, Steve Kramer, Laura Leebrick, and Angie Marzano

DEQ support person: Arianne Sperry

Focal plan section: Operations plan: Collection and recycling of USCL materials

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
A schedule for implementing collection program expansions and improvements throughout the state.¹	ORS 459A.875(2)(p)(A) and OAR 340-090-0790(1)(a)			
The proposed approach for funding eligible costs identified in the needs assessment in a way that upholds the prioritization laid out in rule, with funding offered to local governments in higher tiers of priority before it is offered to	OAR 340-090-0790(1)(b)			

¹ The schedule should fund all eligible expenses from the first needs assessment within the program plan period.

local governments in lower tiers of priority				
A description of how the use of existing infrastructure will be maximized.	ORS 459A.875(2)(a)(C)			
Any proposal to organize commingled collection of a product not on the Uniform Statewide Collection list of materials on a trial basis.	ORS 459A.914(6)			
The estimated amount of funding to be disbursed, overall.²	OAR 340-090-0790(2)(b) and OAR 340-090-0790(1)(e)			
The estimated amount of funding to be disbursed to individual local governments.				
Methods for calculating reimbursement amounts for transportation costs in accordance with established requirements, including:	OAR 340-090-0780(1)			
an approach for enabling fluctuations in input costs, such as fuel, to automatically factor into the reimbursement amounts over time;	OAR 340-090-0780(1)(a)			
a voluntary option that allows local governments or service providers and a producer responsibility organization to	OAR 340-090-0780(1)(b)			

² Note: for the first draft of the plan submitted to the department, a PRO could submit rough estimates—for example, estimates expressed as ranges—or could wait until its second draft submission to indicate the per-government estimates.

agree to transfer some or all transportation responsibilities to the producer responsibility organization or coordinating body;				
a means of accounting for proximity to an appropriate commingled recycling processing facility or responsible end market that has capacity to process or recycle the material and other factors that could affect transportation costs.	OAR 340-090-0780(1)(c)			
a description of the mandatory consultations with local governments and service providers that informed the development of the methods; and	OAR 340-090-0780(1)(d)			
a description of opportunities that were identified for increasing efficiency and achieving full transport loads (e.g. an approach for balancing the environmental benefits of transportation efficiency with the environmental impacts of baling ³)		n/a		

³ To address these trade-offs, the prospective PRO could indicate in this section whether or not materials will be baled at recycling depot or reload facilities and provide a justification for the proposed approach.

Methods for advance funding and reimbursements to local governments, a local government's service provider or other person authorized by the local government to receive payment under ORS 459A.890⁴, including	ORS 459A.875(2)(o)			
a method for determining funding or reimbursement amounts under ORS 459A.890(5), including	OAR 340-090-0790(1)(d)			
sample invoicing forms with details to be included in reimbursement or advanced funding requests from local governments or their authorized service providers.	OAR 340-090-0790(1)(f)			
Any additional funding to local governments or other measures for the purpose of protecting ratepayers from increased costs	ORS 459A.875(2)(k)			
A method for estimating and reimbursing the possible additional costs of local government compliance	ORS 459A.890(6)			

⁴ Herein included is funding for local governments/service providers periodic contamination evaluation (ORS 459A.890(3)), and contamination reduction programming (ORS 459A.890(4)). Considerations with respect to funding methods include how the order of funding will be prioritized and how equity considerations therein have been taken into account.

USCL On-Ramp: Proposals to Add New Materials to the Uniform Statewide Collection List (and Plans for Specifically Identified Materials and Commingled Collection Trials)

Checklist for Recycling Council program plan review

Sub-committee members: Dan Felton, Scott Keller, Vinod Singh

DEQ support person(s): Justin Gast with David Allaway

Focal plan sections: Materials strategy, (i)-(iv) – Proposed Additions to USCL, SIMs on the USCL and PRO lists, Trial collection programs

	DEQ feedback	Council feedback
Overall Feedback on Plan Section:		

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Any proposal to add a new covered product to the Uniform Statewide Collection List of materials with the following supporting information:	ORS 459A.914(4)(b)			
a detailed analysis of how the proposed covered product performs against the criteria in ORS 459A.914(3) ¹ ;	OAR 340-090-0630(4)(g)			
The stability and maturity of responsible end markets;				
The accessibility of responsible end markets				

¹ This analysis should be comprehensive and cover all criteria, but may cite DEQ analyses from the [Material List Technical Work Group](#) and/or other sources.

The viability of responsible end markets				
Environmental health and safety considerations;				
The anticipated yield loss for the material during the recycling process;				
The material's compatibility with existing recycling infrastructure;				
The amount of the material available;				
The practicalities of sorting the material;				
Contamination;				
The ability for waste generators to easily identify and properly prepare the material;				
Economic factors;				
Environmental factors from a life cycle perspective;				
The policy expressed in ORS 459.015 (2)(a);				
The policy expressed in ORS 459A.015(2)(b); and				
The policy expressed in ORS 459.015(2)(c)				
investments or other actions that the prospective PRO will take to support the inclusion of a new covered product—for example, investments in				

processing equipment or increases to the processor commodity risk fee to compensate commingled recycling processing facilities for higher costs; and				
a proposed schedule for adding the product to the List, allowing adequate time for updating education and outreach materials to inform the public of the change.				
Efforts proposed to support collection, processing or responsible recycling of a specifically identified material (SIM), including:	ORS 459A.875(2)(g)			
support for or provision of recycling depot or mobile collection for a SIM;	ORS 459A.875(2)(g)(A)			
associated education and outreach efforts;	ORS 459A.875(2)(g)(B)			
associated investments in processing;	ORS 459A.875(2)(g)(C)			
associated development of responsible end markets;	ORS 459A.875(2)(g)(D)			
how the proposed approach has been informed by consultations with interested parties;	ORS 459A.875(2)(g)(E)			

<p>a sequenced approach to implementing large-scale improvements if they are required to address the problems that spurred the designations of multiple (2+) materials; and</p>				
<p>any other efforts to ensure successful, environmentally-beneficial and responsible recycling of a SIM as required by ORS 459A.896(2). For materials collected through producer take-back initiatives and special recycling services, this could include collaboration with said services to ensure that responsible disposition requirements are met.</p>	<p>ORS 459A.896(2) and ORS 459A.875(2)(g)(E)</p>			
<p>Any proposal to organize commingled collection of a product not on the Uniform Statewide Collection list of materials on a trial basis.</p>	<p>ORS 459A.914(6)</p>			

Checklist for All Other Plan Requirements and Guidance Elements

("Checklist 8")

No Subcommittee Assigned

Plan Component	Statute or Rule Citation	Is the requirement met? (yes, no, conditionally)	DEQ feedback	Council feedback
Prospective PRO Description				
Contact information for the prospective PRO.	ORS 459A.875(2)(b)			
A description of the structure of the producer responsibility organization, including the management structure, the PRO's board and roles and functions of committees.	ORS 459A.875(2)(c)			
The prospective PRO's qualifications (both to serve as a PRO in Oregon's system overall and to carry out particular interim coordination tasks).	OAR 340-090-0680(1)(b)(A)			
The prospective PRO's current producer membership (include here information on the likelihood of achieving the 10% minimum market share threshold to operate as a PRO in Oregon).	OAR 340-090-0680(1)(b)(C)			

Information regarding the adequacy of the prospective PRO's access to financial resources (i.e., to carry out assigned interim coordination tasks).	OAR 340-090-0680(1)(b)(B)			
Any other information required by the department to determine that a producer responsibility organization is capable of meeting its obligations and ensuring the outcomes required under ORS 459A.860 to 459A.975	ORS 459A.875(2)(q)			
Overarching goals for the program plan that are as objective and measurable as possible.	ORS 459A.875(2)			
Upholding Oregon's materials management hierarchy:	ORS 459A(2)(a)(H)(3)			
Why the end markets foreseen for obligated materials represent the highest and best use on a material-specific basis. This could include:				
Focus on particular materials for which there are significant differences in the environmental impacts of different types of markets, such as glass or cartons.				
Plans to develop new markets or undertake other practicable				

actions if the end markets planned for initial use do not represent the highest and best use.				
Achievement of statewide plastic recycling goals:	ORS 459A.875(2)(a)(A)			
A description of how the PRO will support the collection and recycling of covered products as necessary to meet the statewide plastic recycling goal. This subsection could include:	ORS 459A.926.			
Recycling rate projections for the first program plan period.	ORS 459A.875(2)(f)			
Demonstration that plans are adequate to achieve the first (2028) goal. ¹				
Description of how the PRO will measure achievement of goals and report progress in annual reporting. This could include:				
A process for updating goals.				
PRO Management				
Description of the program's overall day-to-day management, including management of contracts,				

¹ Note that while the first goal does not go into effect until 2028, achieving that goal will require significant increases in plastics recycling during the first program plan period above and beyond what will occur as a consequence of proposed (2023) administrative rules (recycling acceptance lists).

record keeping, reporting, and compliance oversight of service providers.				
Statement or commitment that the program will be managed to ensure program compliance with all relevant and applicable state and federal laws and regulations.				
Names and contact information for key personnel responsible for running various aspects of the program could be provided, including the authorized representative.				
Policies, procedures, and practices for ensuring:				
Safety and security of staff, contractors, and members of the public.				
Compliance by staff and contractors with all relevant state and federal laws and rules;				
Successful and timely delivery of project outcomes by contractors				
Protection of confidential information;				
Retention of information required for annual reports submitted under ORS 459A.878				

Maintenance of records necessary to demonstrate compliance.				
Communications				
Description of how the PRO will communicate and coordinate with the department, the Oregon Recycling System Advisory Council, local governments, local governments' service providers, processors and any other producer responsibility organizations.	ORS 459A.875(2)(d),			
Description of the process for promptly notifying the department, the Oregon Recycling System Advisory Council and producers of potential noncompliance with the requirements of ORS 459A.860 to 459A.975 by a producer or producer responsibility organization.	ORS 459A.875(2)(l)			
This process could encompass plans to issue notifications regarding potential noncompliance by other actors that the PRO could be aware of—for example, a local government's refusal to accept funding and implement system				

expansion needed to comply with the Opportunity to Recycle Act, per OAR 340-090-0630(4)(f).				
Multi-PRO Coordination				
In this section the prospective PRO could indicate its approach to the development and implementation of a long-term coordination plan that will replace the interim coordination plan implemented by the department. This section could include:				
A description of the prospective PRO's approach to the long-term coordination process, including plans for ensuring that a coordination plan includes all required components under OAR 340-090-0680(2)(b).				
A description of the prospective PRO's vision for how long-term coordination will ensure that PROs' collective obligations under provisions ORS 459A.860 to 459A.975 are met,				

including plans for coordination on specific elements listed under OAR 340-090-0680(2)(c).				
Dispute Resolution Mechanism				
Description of a process, including the process timeline, for how the producer responsibility organization will resolve any disputes involving compensation of local governments and local governments' service providers under ORS 459A.890; disputes involving commingled recycling processing facilities under ORS 459A.920 and 459A.923; and disputes involving contracting with existing depots under ORS 459A.896(a). ²	ORS 459A.875(2)(e) OAR 340-090-0640(1)(b)(D)			
Closure Plan				
Description of the closure plan to settle the affairs of the PRO if it needs to close, ensuring that producers will continue to meet their obligations during the	ORS 459A.875(2)(m)			

² This could include a description of approaches to addressing a situation for which the PRO wishes to introduce efficiencies into funding of eligible costs (for example, consolidating requests for individual infrastructure from two adjacent communities into one set of infrastructure serving both communities), but its vision is not shared by the local communities.

<p>dissolution process and including a protocol for notifying the department, the Oregon Recycling System Advisory Council and local governments of the dissolution. This section could include:</p>				
<p>A description of how the closure plan will ensure that there are sufficient reserve funds to satisfy all obligations until such time as producer members have joined a different producer responsibility organization. To enable this outcome, the plan may include elements such as proof of a closure insurance policy³, retention of auxiliary staff through a closure process, and the timing and approach for notification of the public.</p>	<p>ORS 459A.875(2)(n)</p>			
<p>This section could denote any adaptations to the closure plan for the case of closure due to failure to maintain 10% market share (in which case OAR 340-090-0730 applies).</p>				

³ See OAR 340-095-0095(6) for other financial assurance mechanisms that a PRO could include in a closure plan.

Certification and attestation				
Contact information for the prospective PRO organization's authorized representative, including name, address, phone number, and email address.	ORS 459A.875(2)(b)			
The prospective PRO's Employer Identification Number.				
Proof of the prospective PRO's status as a nonprofit, 501(c)3 organization able to operate in Oregon, including the organization's bylaws of incorporation as a nonprofit corporation, its 501(c)3 determination letter from the Internal Revenue Service, and proof of status in Oregon (proof of registration as a charitable organization with the Oregon Department of Justice and, if incorporated elsewhere, proof of registration as a foreign corporation with Oregon's Secretary of State).	ORS 459A.863(16) and (23)			
The following certifying statement with the signature of the prospective PRO's authorized representative: "I/We hereby declare under penalty of false swearing				

(Oregon Revised Statute 162.075 and ORS 162.085) that the above information and all of the statements, documents and attachments submitted with this plan are true and correct.”				
Definitions				
List of Member Producers	ORS 459A.875(2)(b)			
Implementation timelines				
Graphic/tabular representation of program performance metrics				
Itemized budget by program year, including:				
Itemized system costs for 2025, 2026, and 2027 (for later years, may be appropriate to collapse the itemization or provide ranges), including:				
Total amount to be spent on recycling system expansion.	OAR 340-090-0790(2)(b)			
Amounts to be spent on recycling system expansion per individual local government.	OAR 340-090-0790(1)(e)			
Itemized system costs incurred before the start date.				

Admin and operations of the PRO (aggregated)				
Forecasted reserve level amount.				
Estimated revenues, including				
Start-up funding				
Member fees				
Value of print and online advertising expected from newspaper and magazine publishers in lieu of membership fees	ORS 459A.884(7)			
Other revenue				
Cost of independent financial audits				



Oregon Recycling Council: PRO Plan review process recommendations

Background

The Recycling Council prioritized seven thematic areas for close review of the first Producer Responsibility Plan, as submitted March 31, 2024. This document includes process recommendations related to the subcommittee review processes for those seven thematic areas.

Desired outcome of process

Draft recommendations from the subcommittee to the full Recycling Council to approve, or not approve, the designated section(s) of the submitted PRO Plan, including identification of any additional information needed.

Meetings

Each meeting will be scheduled for approximately two hours, and will be held via Zoom or Teams. All subcommittee meetings are open to the public, under Oregon state law; however, the subcommittees are not obligated to provide public input during any meeting. Public input on the review process will be available at the April 9 and June 11 Recycling Council regular meetings.

- **April 9, 2024, 9-11 a.m.:** Recycling Council regular meeting, presentation from the PRO on its submitted plan
 - **Subcommittee meetings (two or three, depending on subcommittee):** Confirm group agreements, decisions on decision-making model(s) and DEQ support requested; discuss subcommittee checklist and Plan elements; develop draft recommendations (individually and as subcommittee) and note any requested additional information needed
- **June 11, 2024, 9-11 a.m.:** Recycling Council regular meeting, discuss draft subcommittee recommendations
- **Week of June 24, date and time TBD:** Recycling Council special meeting, finalize Council recommendations to DEQ and the PRO regarding Plan approval

Role of DEQ staff

- Assist in the logistical operations of each subcommittee meeting
- Provide meeting facilitation and note-taking if requested by the subcommittee
- Clarify DEQ recommendations and PRO Plan requirements as needed
- Serve as liaison between DEQ, the PRO and the Recycling Council members for informational and clarifying questions regarding the PRO Plan

Supporting materials for PRO Plan review

- PRO Plan
- PRO Plan review process recommendations (*this document*)
- PRO Plan checklists, without DEQ's initial analysis
- Subcommittee process orientation video
 - *Will be provided by prior to first subcommittee meeting*
- PRO Plan checklist with DEQ's initial analysis
 - *Will be provided by DEQ prior to first subcommittee meeting*

Recommended decision-making processes

When possible, consensus-based draft recommendations are preferred; however, consensus is not a requirement of the subcommittee or Council processes.

When developing the draft recommendations, if consensus cannot be met, the subcommittees are encouraged to use roll-call vote for the topic(s). Each subcommittee member has one equal vote, and a simple majority of the subcommittee members would be considered support for the proposed action. In the event of a tie, the vote would stand as-is, and be presented as incomplete in the draft subcommittee recommendations. The result of any vote, including members in support and members opposed, will be recorded as part of the draft recommendations from the subcommittee to the full Council.

The subcommittee may choose to allow those members voting in opposition to the draft recommendation an opportunity to provide a short written justification for their position; however, this is not a requirement of the process and members voting in opposition may choose to not enter justifying statements at their discretion.

Influence, ex parte discussions and conflicts of interest

DEQ employees, PRO representatives, or any other person not appointed to the Oregon Recycling System Advisory Committee, may not exert undue influence on the draft recommendations of the subcommittee or its members.

Subcommittee members are expected to consider the policy positions and perspectives of their respective entities and organizations throughout the review process. Subcommittee members are asked to disclose any conversations with DEQ, the PRO or other relevant entities when those discussions occur outside of the subcommittee or Council public meeting process, as part of the public subcommittee meeting to ensure process transparency.

If a real or perceived conflict of interest exists for any subcommittee member, per the terms of [ORS Chapter 244](#), the member will follow Oregon's established disclosure policy and take actions congruent with the policies and laws specific to the situation. If a real or perceived conflict of interest exists and is not disclosed, DEQ will ensure any final recommendation includes a statement regarding the conflict of interest as part of the written materials supporting the Council's recommendation.

Council members are encouraged to consult the [Oregon Government Ethics Commission's Guide for Public Officials](#) if there are additional questions.

Confidential or proprietary information

A PRO may provide specific types of information to DEQ as part of its Plan submittal marked as confidential. When Plan materials are marked as confidential, DEQ would preserve the confidentiality of the submittal unless DEQ is able to determine that the materials do not meet the definition of confidential and proprietary under relevant statute and administrative rules. In the case that the confidential information is required by the subcommittee to create draft recommendation, the subcommittee is encouraged to leave that section blank in draft requirements and document the inability to evaluate that element.

Announcements and updates

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