



State of Oregon Department of Environmental Quality

Plastic Pollution and Recycling Modernization Act

Summary of the -21 amendment to Senate Bill 582A

Updated June 15, 2021

Note: This amendment was previously referred to as the -18 amendment. This document has been updated to reflect the correct number. There are no changes between the previous amendment described in this document and the -21, except in Sections 65 and 66 (see below).

Section-by-section changes

Section 2 (“Definitions”): The entirety of Section 2 is deleted and reinserted with these changes:

- In the definition of “covered product,” the exemptions for prescription drugs and animal medicines are expanded; a new exemption for packaging used to contain certain toxic or hazardous materials is added; and new exemptions for infant formula, medical food and fortified oral nutritional supplements are added.
- The definition of “generator” is removed.
- Two cross-references in the definition of “local government service provider” are corrected.
- In the definition of “recycling system,” the term “recycling materials” is replaced with the term “recyclable materials” for consistency.
- In the definition of “small producer,” the exemption is expanded to include companies with a gross revenue of less than \$5 million annually (previously \$1 million); and the exemption for restaurants is clarified.

Section 3 (“Determining producers of covered products”): Additional specificity is added to cover products that are distributed in or into Oregon, even if not *sold*. This language is added to cover products that a company may move between different business units of the company.

Section 11 (“Membership fees charged by producer responsibility organizations”): In subsection 3, clarifying language is added to establish primacy of criteria when setting fees. In subsection 4, new criteria to reward highly recycled materials during fee-setting is added. In subsection 6, the revenue threshold for PROs to establish uniform membership fees is increased from \$5 million to \$10 million annually.

Section 12 (“Annual report”): In subsection 2, changes the following language for clarity: “(d) A description of the producer responsibility organization's efforts, including ~~efforts involving~~ work with processors...” and “(s) A summary of actions actually taken or planned by the organization to improve responsible end markets, pay for improvements in processing infrastructure or improve the resiliency of the producer responsibility program...” Also clarifies that the PRO may not disclose information that identifies the market share of any of its members.

Section 13 (“Compensation to local governments”): In subsection 2(b)(E), the *de minimis* distance for eligible costs for transport of recycled materials is specified to be at least 50 miles. Deletes subsection 5, relating to PRO compensation for multifamily recycling improvements. In subsection 6(c)(A), inserts “capital and start-up costs such as...” to specify eligible costs. In subsection 10, exempts local

governments and service providers from submitting accounting of costs for compensation calculated by formulae.

Section 14 (“Development of educational resources”): The frequency of the annual statewide education campaign is changed from once per calendar year to following any revision of the uniform statewide collection list.

Section 16 (“Litter and marine debris cleanup and prevention program”): Deletes this section and moves the litter and marine debris needs assessment to a new section (26a). Requirements for PROs to implement the outcomes of the litter and marine debris needs assessment are deleted from PRO responsibilities in Section 6, 10 and 12.

Section 17 (“Oregon Recycling System Advisory Council”): Two non-voting members of the Oregon Legislature, one from each Chamber and belonging to different political parties, are added to the council.

Section 18 (“Duties of council”): Corrects a numbering error in subsections 4 and 5.

Section 22 (“Uniform statewide collection list”): Adds “producer-collected materials” to section title for clarity. In subsection 1(b), adds the following for clarity: “Covered products of which a producer responsibility organization must provide for the collection through *recycling* depot or mobile collection events as provided in section 15 of this 2021 Act.”

Section 25 (“Processor commodity risk fee”): Changes the “target price” used to calculate the processor commodity risk fee to \$0 per ton (previously +\$10 per ton). (This change lowers the PROs’ estimated obligation by about \$3.5 million per year, while maintaining most ratepayer protections.)

Section 26 (“Study of federal laws”): Moves compostability study to new section (44a); inserts new study of federal laws. Requires DEQ to evaluate any federal law that establishes a national program for the collection and recycling of paper products or packaging, and report to the legislature if the federal law meets or exceeds the requirements of this bill.

Section 26a (“Litter and marine debris cleanup and prevention needs assessment”): Creates new section that maintains the litter and marine debris cleanup needs assessment. The report to the Legislature is due no later than September 15, 2026. The legislative report may include recommendations for adding litter and marine debris obligations to the PRO’s responsibilities, and recommendations for funding such responsibilities.

Section 27 (“Recycling rate of plastic”): References to the recycling rate for “plastic” is corrected to “plastic packaging and plastic food serviceware.” Adds language that clarifies the mandatory plastic packaging recycling goal for 2040 extends past 2050, and that the goal for 2050 is not enforceable.

Section 29 (“Equity study”): Requirements for PROs to implement the outcomes of the equity study in Section 29 are deleted from PRO responsibilities in Section 6, 10 and 12. The study is maintained, and the study may include recommendations for adding new PRO responsibilities for advancing equity in the recycling system, and recommendations for funding such responsibilities. The study shall be repeated at least once every four years (previously five). Section 61 specifies that the first report is due to the Legislature no later than September 15, 2024.

Section 30 (“Multifamily housing study”): Requirements for PROs to implement the outcomes of the multifamily needs assessment in Section 30 are deleted from PRO responsibilities in Section 6 and 10. The study is maintained, and the study may include recommendations for adding new PRO

responsibilities for improving multifamily recycling, and recommendations for funding such responsibilities. The study shall be repeated at least once every four years (previously five). In subsection 2, corrects reference to the “needs assessment” (instead of previous “study”) in two locations, including section title. Section 61 specifies that the first report is due to the Legislature no later than September 15, 2024.

Section 32 (“Waste prevention and reuse”): In subsection 4, removes reference to “waste prevention and reuse programs” and replaces with “programs” to align with the broader program purpose.

Section 37 (“Permit required”): In subsection 2(e), adds language to be consistent with rules adopted under Section 37 and the requirement in subsection 2(d).

Section 44a (“Compostability Study”): Creates new section (previously Section 26); inserts “Compostability Study” as the section title. By moving the study to this section (after Section 43), requires DEQ to pay for the costs of conducting the study, instead of the PRO.

Section 61: Requires DEQ to complete the first needs assessment required under Section 13 by July 1, 2023.

Section 64: The number of Advisory Council members serving terms in subsections 1 and 2 are corrected to reflect the number of members on the council.

Section 65: This new section is inserted and includes funding for the bill.

Section 66 (“Unit and Section Captions”): This section is renumbered from Section 65 to Section 66.

Changes in multiple locations

These changes are repeated multiple locations of the bill:

- Insertion of “local governments’ service providers” in multiple sections related to local government compensation.
- Corrects renumbering errors in Section 48 and 49.

Alternative formats

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