

**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:17:33 AM  
**Attachments:** [image001.png](#)

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**From:** Rothstein, Jared <JRothstein@consumerbrandsassociation.org>  
**Sent:** Wednesday, May 11, 2022 1:08 PM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Cc:** Hewitt, John <JHewitt@consumerbrandsassociation.org>; Flanagan, Brendan <bflanagan@consumerbrandsassociation.org>; Wagner, Roberta <rwagner@consumerbrandsassociation.org>  
**Subject:** TIL Proposal

To whom it may concern:

The Consumer Brands Association appreciates the opportunity to provide written feedback on the Oregon Truth in Labeling (TIL) Task Force's [labeling proposal](#). Consumer Brands represents the consumer packaged goods (CPG) industry and the world's leading food, beverage, personal care, and household product brands.

Our feedback on the TIL proposal is as follows:

Regarding item #4 of the proposal, Consumer Brands questions whether allowing the use of the chasing arrows symbol and the Resin identification Code (RIC) in combination with the universal 45-degree "do not" slash effectively solves the problem of conflict with other states where the recycling label is required. We furthermore request additional clarification that the proposal is not mandating some form of "do not recycle" labeling.

Regarding item #5 of the proposal, Consumer Brands is supportive of recycling instructions being on-pack with additional information available through digital disclosure using an on-pack digital trigger. However, we recommend that this be a voluntary rather than mandatory element, or we otherwise recommend that the proposal allow for a 10-year compliance period to ensure adequate time for industry adoption and further development of technologies for providing digital information on pack (e.g., two-dimensional (2D) barcodes, digital watermarks).

Regarding item #9 of the proposal, Consumer Brands recommends that it more firmly endorse measures to standardize recyclability claims at the federal level and across relevant state/regional jurisdictions. There is a pressing need for such claims to be regulated holistically, as current state-by-state patchwork approaches present the risk of creating greater consumer confusion and reducing the amount of valid recyclable claims on products, leading to less participation in recycling by consumers.

Thank you again for the opportunity for comment, we appreciate the efforts of this Task Force to identify policy solutions to the waste and recycling crisis that will benefit Oregon consumers. The CPG industry has made packaging sustainability a top priority and we

stand ready to provide support and expertise throughout this process.

Respectfully,  
Jared

**Jared Rothstein**

Director, Regulatory Affairs  
Consumer Brands Association  
(571) 378-6749 (office)  
(520) 223-6611 (mobile)

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**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:16:50 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**From:** Carol Patterson <cpatterson@fpi.org>  
**Sent:** Wednesday, May 11, 2022 4:58 PM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Subject:** TIL Proposal

Dear Truth In Labeling (TIL) Task Force,

Thank you for the opportunity to provide feedback concerning the TIL Task Force's labeling proposal.

At this time, we have the following comments to offer on behalf of the Foodservice Packaging Institute and our members.

- With respect to the number 4, there is a need to verify that the exemption to allow "the use of recycling symbol ONLY if surrounded by a circle with a 45-degree slash" will comply with requirements in other states re: the RIC and chasing arrows.
- On number 5, "mandate embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology", we believe the five-year compliance timeline is too short and directly in conflict with number 6. We also suggest that these efforts should be voluntary rather than mandatory.

We look forward to providing our continued input on the TIL proposal and work of the Task Force.

Sincerely,  
Carol

Carol Patterson  
Vice President, Government Relations  
Foodservice Packaging Institute  
tel (571) 424-3478  
web [www.fpi.org](http://www.fpi.org)



**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:17:34 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)  
[TIL Proposal - ISRI Comments.pdf](#)

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**From:** Sean Daoud <seand@rivergatescrap.com>  
**Sent:** Wednesday, May 11, 2022 2:06 PM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Cc:** Hank Doane <hank@pnwmetal.com>; jlotzkar@pacificmetals.ca; Danielle Waterfield <DWaterfield@isri.org>; Justin Short <JShort@isri.org>; bbiggers@isri.org; vsingh@farwestrecycling.com  
**Subject:** TIL Proposal

Good day,

Please see attached comments from the Pacific Northwest Chapter of ISRI. We appreciate the opportunity to participate.

Best,

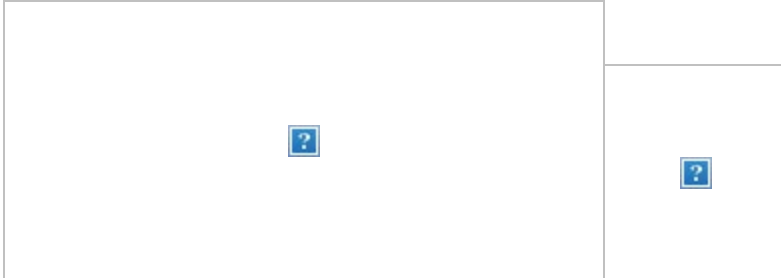
**Sean Daoud**

OFFICE **503.283.3324** | CELL **503.710.7789** | FAX **503.283.8964**



[PNW Metal Recycling](#) | [Rivergate Scrap Metals](#) | [R.S. Davis Recycling](#)

PNW Metal Recycling, Inc. is the parent company for Rivergate Scrap Metals and R.S. Davis Recycling.





ISRI is the voice of the recycling industry, promoting safe, economically sustainable and environmentally responsible recycling through networking, advocacy and education.



May 11, 2022

Truth In Labeling Task Force

[Rethinkrecycling@deq.oregon.gov](mailto:Rethinkrecycling@deq.oregon.gov)

### **Re: Truth in Labeling Task Force Updated and Combined Proposal from Meeting #6**

The Institute of Scrap Recycling Industries (ISRI) Pacific Northwest Chapter, representing the recycling industry in the states of Oregon, Washington, and Alaska, and British Columbia respectfully submits the following comments on the Updated and Combined Proposal from the Oregon Truth in Labeling Task Force pertaining to the state's packaging and printed paper extended producer responsibility (EPR) model program.

ISRI is the voice of the recycling industry, promoting safe, economically sustainable, and environmentally responsible recycling through networking, advocacy, and education. ISRI represents approximately 1,300 companies worldwide that process, broker, and industrially consume recyclable commodities including metals, paper, plastics, glass, textiles, rubber, and electronics.

As part of the Truth in Labeling and other regulatory efforts associated with the newly enacted EPR law in Oregon, ISRI believes that the Department of Environmental Quality (DEQ) should reevaluate its existing definitions associated with recycling within the solid waste statutes and regulations. The current definitions are not reflective of current modern day recycling industry practices, and in some cases contradictory in ways that may hamper Truth in Labeling efforts. ISRI encourages continued conversations with the DEQ regarding definitions, including the recycling industry-approved definitions adopted by the ISRI Board of Directors in July 2019.

ISRI strongly encourages Oregon against limiting recyclability to a narrow list of items to avoid missed opportunities that would allow for the recycling of materials that new technologies can handle. Items should not be explicitly labeled as "do not recycle" because they are not included on the local government collection list, covered by the Bottle bill, or exclusively on the depot list. As technological advances in collection and sorting equipment continue and new methods of processing become viable, a formerly difficult to recycle product can swiftly transition to a valuable commodity with a strong market. Consumer demand can also drive innovation in the design of packaging as well as in the processing and markets for recyclable materials. If a type of packaging is labeled as unrecyclable it will almost certainly be destined to the landfill.

Additionally, ISRI urges the Task Force to consider further coordination in situations where collection lists do not align between different states. In such cases, banning any language except for a "do not recycle" symbol will create conflict between laws in different states and confusion among residents, with the likely result being the disposal of recyclable materials. Instead, the Task Force could recommend that PRO education campaigns specifically include requirements to educate on differing collection methods and changes in processing technology that allow previously difficult to recycle products to become desirable commodities.

We appreciate your consideration of these comments and look forward to participating in future stakeholder efforts to implement the Plastic Pollution and Recycling Modernization Act. For questions, please contact Danielle Waterfield, ISRI Chief Policy Officer at [DWaterfield@ISRI.org](mailto:DWaterfield@ISRI.org).

Jacqueline Lotzkar  
ISRI Pacific Northwest Chapter President  
Pacific Metals Recycling International  
(604) 327-1148  
[jlotzkar@pacificmetals.ca](mailto:jlotzkar@pacificmetals.ca)

Sean Daoud  
ISRI Pacific Northwest Chapter Past President  
PNW Metal Recycling, Inc.  
(503) 710-7789  
[seand@rivergatescrap.com](mailto:seand@rivergatescrap.com)





**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Tuesday, May 10, 2022 2:52:11 PM  
**Attachments:** [image001.png](#)

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**From:** Kim Holmes <kholmes@4rsustainability.com>  
**Sent:** Tuesday, May 10, 2022 10:53 AM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Subject:** TIL Proposal

Hello –

Here’s my personal feedback on the proposal. For item 4, I would propose brands could also demonstrate compliance by adopting a smart label that instructed consumers the item was not recyclable, or print “Not recyclable in OR” on the label. By using one of these communication methods to indicate a product is not recyclable, a brand could avoid having to make mold changes to the resin identification code. This would also encourage rapid adoption of smart labels.

Thanks for the opportunity to share ideas!

Kim Holmes  
Principal Consultant  
4R Sustainability, Inc.  
202-270-0058  
[kholmes@4RSustainability.com](mailto:kholmes@4RSustainability.com)



**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL proposal  
**Date:** Thursday, May 12, 2022 11:18:14 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.jpg](#)  
[TIL task force proposal OBI-ORC comments.docx](#)

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**From:** Paloma Sparks <[palomasparks@oregonbusinessindustry.com](mailto:palomasparks@oregonbusinessindustry.com)>  
**Sent:** Wednesday, May 11, 2022 11:47 AM  
**To:** RethinkRecycling \* DEQ <[RethinkRecycling@deq.oregon.gov](mailto:RethinkRecycling@deq.oregon.gov)>  
**Subject:** TIL proposal

I am writing on behalf of Oregon Business & Industry and the Oregon Retail Council to provide comments on the Truth in Labeling task force proposal. OBI is the state's largest business association representing over 1,600 businesses, many of them retailers and manufacturers of all sizes. Fundamentally, we remain concerned about the prospect of Oregon (a quite small market) adopting labeling requirements before California (the country's largest market) finalizes their implementation of the CA labeling law. If businesses are required to create labels for the Oregon market that are 1) not already required in California or 2) different from the CA label requirements, some businesses will simply not sell their products in Oregon. At the end of the day, that hurts Oregon consumers most of all.

Thank you for your consideration. We look forward to continuing the conversation.

**Paloma Sparks** | Vice President/General Counsel  
**Oregon Business & Industry**  
P: 541.337.4740  
E: [palomasparks@oregonbusinessindustry.com](mailto:palomasparks@oregonbusinessindustry.com)  
1149 Court Street NE | Salem, OR 97301-4030  
[www.oregonbusinessindustry.com](http://www.oregonbusinessindustry.com)





## Truth In Labeling Task Force Updated and Combined Proposal from Meeting #6

If a recyclability claim is made on a package (text and/or symbol):

1. **For items on the Oregon local government collection list** (USCL is a subset of this list) – allow recyclability claims (text and/or symbol), and require all claims to follow standards for language, including instructions where needed.
2. **For items covered by the Bottle bill**– allow recyclability claims (text and/or symbol), and require all claims to follow standards for language, including instructions where needed.
3. **For items exclusively on the Oregon depot list** - allow recyclability claims (text and/or symbol), and require all claims to follow standards for language, including instructions where needed.
  - a. Instructions must say "drop-off recycling only" or "Recycle Separately" or similar.
4. **For all other items** - prohibit claims of recyclability; exemption allows the use of recycling symbol ONLY if surrounded by a circle with a 45-degree slash (universal "do not") {solves the 36 other states problem}.
5. **Mandate** embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology, if adhering to all the above language – allow five years for compliance.
6. **Provide** time for packaging producers to prepare for any changes to be adopted – covers all above items.
7. DEQ coordination with other west coast states on the development of lists
8. Require DEQ to review state criteria against enforceable federal statutory or regulatory recyclability labeling within 180 days of implementation at the federal level and permit DEQ to adopt federal criteria in lieu of state recyclability labeling requirements.
  - a. Subject to Oregon Legislature's oversight
9. Support labeling improvements at the federal level that align with Oregon's goals for Truth in Labeling.

### Recommendations for PROs

1. PROs run statewide ad campaigns to teach Oregonians about label changes (which does not preclude RMA money for local government education)
2. Use eco modulation to support recycling labeling best practices
  - a. good labeling practice = lower fee. Poor labeling practices = higher fee
  - b. Incentivize via eco modulation embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology.

**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:19:33 AM  
**Attachments:** [image145111.png](#)  
[image849793.jpg](#)  
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[image667180.jpg](#)  
[image457292.png](#)  
[image718586.png](#)  
[PLASTICS - Oregon TIL Proposal Response May22.pdf](#)

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**From:** Patrick Krieger <[pkrieger@plasticsindustry.org](mailto:pkrieger@plasticsindustry.org)>  
**Sent:** Wednesday, May 11, 2022 7:07 AM  
**To:** RethinkRecycling \* DEQ <[RethinkRecycling@deq.oregon.gov](mailto:RethinkRecycling@deq.oregon.gov)>  
**Subject:** TIL Proposal

The Plastics Industry Association submits the attached comments to the proposal. Thank you for the opportunity.

Patrick Krieger

**Patrick Krieger**  
Vice President, Sustainability  
d. [202.974.5281](tel:202.974.5281)



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May 11, 2022

Truth in Labeling Task Force  
Oregon Department of Environmental Quality  
Email: [Rethinkrecycling@deq.oregon.gov](mailto:Rethinkrecycling@deq.oregon.gov)

RE: Truth in Labeling Task Force Updated and Combined Proposal from Meeting #6

On behalf of the Plastics Industry Association (PLASTICS), I respectfully submit the following comments in response to the proposed development of recommendations for legislation to the Legislative Assembly. I appreciated the earlier opportunity to participate in a task force meeting to discuss how considered changes to products would have unintended impacts while not actively solving the challenge of ensuring users have the ability and knowledge on how to recycle properly.

We agree with the task force that improved communication and coordination is needed at the federal level and welcome further discussion as to how a national system could align with Oregon's goals for recycling and clarity in labeling. In addition we agree that education on how to recycle should be done both at the state and local level.

It is unclear how the proposal in item 4 would solve the conflict with regulations in other states. It would also change the meaning of the resin ID code, but not as intended. Rather than saying that the product is not recyclable – which would be misleading as well since that would not be universally true – it would rather mean that the article was not made of the resin indicated by the symbol. It would still necessitate changes in molds leading to the unintended impacts previously discussed. Changes in molds can cause additional economic impacts beyond the cost of modifying the mold itself, including production delays or additional costs of inventory management. This could result in the reduction of product availability and consumer choice in Oregon. A 45-degree slash through the resin ID code would also make it illegible, further impeding its use by recyclers. Rather, we encourage the task force in their report support the industry's efforts to update the resin ID code and address the patchwork regulatory landscape, and direct DEQ to engage in the effort as well.

There was a proposal during the meeting that printing a notice that it is not recyclable in Oregon on the product, or its packaging could be considered. This idea should be discussed further to determine its feasibility.

While smart-labeling technology holds a lot of promise at educating users on how to recycle, this is an area that is still in early development. It is unclear what the definition and threshold of “commonly-used” is, and whether any specific technology currently in use would be fit for purpose. Rather than mandating a technology that may not yet be available, the task force could develop a list of criteria that any smart label technology could meet to improve clarity and accessibility for diverse audiences.

The plastics industry wants to see more plastic being recycled and is investing in new and innovative solutions. As the association, we are interested in working with Oregon and other partners to improve plastic recycling. Part of that is ensuring that communication about recyclability is improved. If we can provide additional information, please let us know.

Sincerely,  
Patrick Krieger  
Vice President, Sustainability

**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:16:35 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
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[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**From:** David Thorp <dthorp@americanbeverage.org>  
**Sent:** Wednesday, May 11, 2022 8:35 PM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Subject:** TIL Proposal

Thank you for the opportunity to provide comments from the American Beverage Association.

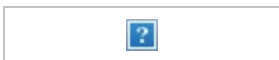
- What is mandated “embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology” means (#5). Is that a QR code? Is smart-labeling really “common”?
- Many non-alcoholic beverage container caps have a recycling message on top of the cap. Does the cap then need something else to not be misbranded or in violation?
- Regarding secondary packaging will suppliers need to know that they can’t, for example, use chasing arrows around a resin code on a multi-pack holder that isn’t on Oregon’s list. But what if that same holder is recyclable in Washington?
- Non-recyclables like pouches, flexible over-wraps on cases of water, and K-Cups would have instructions requirements. Plastic wrap could be brought to depots in Oregon but only in Oregon because they don’t exist elsewhere which really isn’t a viable option to label them for Oregon only.

David Thorp

**David Thorp, CAE**

Vice President, State Government Affairs West  
American Beverage Association | [americanbeverage.org](http://americanbeverage.org)

Cell: 202.841.2646



**From:** [RethinkRecycling \\* DEQ](#)  
**To:** [BERTOLUCCI Alex \\* DEQ](#)  
**Subject:** FW: TIL Proposal  
**Date:** Thursday, May 12, 2022 11:17:19 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[HCPA Comments Oregon Truth In Labeling Task Force Suggested Labeling Proposal.pdf](#)

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**From:** Nicholas Georges <ngeorges@thehcpa.org>  
**Sent:** Wednesday, May 11, 2022 3:31 PM  
**To:** RethinkRecycling \* DEQ <RethinkRecycling@deq.oregon.gov>  
**Cc:** Molly Blessing <mblessing@thehcpa.org>  
**Subject:** TIL Proposal

To Whom It May Concern,

On behalf of the Household & Commercial Products Association, we greatly appreciate the opportunity to submit the attached letter. Please do not hesitate to contact us if you would like to discuss our comments.

Respectfully submitted,

**Nicholas Georges**

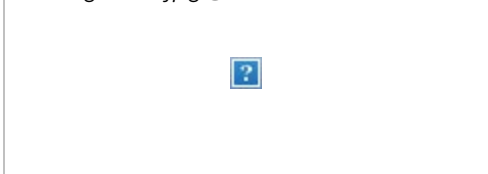
*Senior Vice President, Scientific & International Affairs*

**Household & Commercial Products Association**

1667 K Street NW, Suite 300 | Washington, DC 20006

Direct: 202-833-7304 - Office: 202-872-8110

*cid:image001.jpg@01D62398.EE18C450*



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May 11, 2022

via electronic transmission

Alex Bertolucci  
Truth In Labeling Task Force Project Manager  
Oregon Department of Environmental Quality  
Materials Management Program  
700 NE Multnomah Ave., Ste. 600  
Portland, OR 97232

Subject: Truth In Labeling Task Force Suggested Labeling Proposal

The Household & Commercial Products Association<sup>1</sup> (HCPA) appreciates the opportunity to offer comments to the Oregon Department of Environmental Quality (DEQ) Truth In Labeling Task Force (TILTF) on their suggested labeling proposal.<sup>2</sup> The TILTF is charged with studying and evaluating misleading or confusing claims regarding the recyclability of products made on a product or packaging. HCPA supports products and packaging having clear and transparent messaging so that consumers in Oregon know how to properly dispose of their materials; however, HCPA has some questions on and concerns with the proposal that we would like the TILTF to consider.

HCPA represents approximately 240 companies engaged in the manufacture, formulation, packaging, distribution, and sale of products for household, institutional, commercial, and industrial use. This includes air care products, antimicrobial products, cleaning products, industrial & automotive products, pest control products, polishes & floor maintenance products, as well as product packaged in the aerosol delivery form.

#### **I. Need for national harmonization of recycling standards**

The household and commercial products industry is focused on identifying policy and market solutions to the waste and recycling crisis. Accordingly, a wide range of actions are underway to innovate and redesign packaging, reduce environmental impact, and build a more circular economy. HCPA supports efforts to ensure that the information conveyed to consumers about

<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

<sup>2</sup> The Truth In Labeling Task Force labeling proposal can be found at [www.oregon.gov/deq/recycling/Documents/tilProposal.pdf](http://www.oregon.gov/deq/recycling/Documents/tilProposal.pdf)

environmental benefit claims, including plastic packaging, is truthful and accurate and evolves with marketplace conditions. HCPA acknowledges that without national recycling standards, plastic resin labeling on products distributed nationally may not be applicable to the recycling capabilities in each of the nearly 10,000 recycling jurisdictions across America.



HCPA is concerned that the proposed labeling mandates based only upon Oregon’s recycling capabilities. The recommendations threaten to put manufacturers in an untenable position of having to navigate conflicting laws and regulations for products distributed throughout the nation, which may also contribute to consumer confusion and indifference about recycling. While HCPA appreciates TILTF’s early engagement with stakeholders, HCPA also strongly encourages the TILTF to be mindful of and participate in activities at the federal level that influence recyclability claims. For example, the Federal Trade Commission (FTC) is slated to update its Green Guides (86 Fed. Reg. 35239<sup>3</sup>), which serve as legal guideposts for dozens of other states. Additionally, the Environmental Protection Agency (EPA) has finalized the first part of the agency’s National Recycling Strategy and is actively calling for stakeholders to get involved in leading strategic actions.<sup>4</sup> Input from subject matter experts such as the TILTF is essential for the advancement of forthcoming federal work and initiatives to shape environmental sustainability claims and harmonization across state lines.

## **II. Questions on the exemption that allows the use of recycling symbol ONLY if surrounded by a circle with a 45-degree slash (universal “do not”)**

It is not clear to HCPA how allowing the use of the specified symbol to indicate that a product is not recyclable would help companies comply with the competing requirements of Oregon and those of states that mandate Resin Identification Codes (RIC) regardless of a product or packaging’s recyclability. For example, in the case that a product is widely recyclable in a state with mandated RICs but not in Oregon, a company would need to produce two different versions of the product in order to comply with both sets of requirements and avoid providing misleading information in the state where the product is widely recyclable.

It is also not clear to HCPA whether the TILTF intends to mandate an Oregon-specific type of “do not recycle” labeling. This would put a significant additional burden on companies seeking to comply with a diversity of requirements across many states. The cost of developing small batches of products with labeling based only on what is and is not recyclable in Oregon would likely get passed on to consumers, making it more difficult for them to buy products they use in their daily lives.

<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2021-07-02/pdf/2021-13724.pdf>

<sup>4</sup> <https://www.epa.gov/recyclingstrategy/national-recycling-strategy-part-one-series-building-circular-economy-join-effort>

## **III. Concerns about mandating embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology**

HCPA supports the use of smart-labeling technology where it makes sense as a means for companies to convey detailed information about the product a consumer is looking to purchase, use and dispose of. However, HCPA opposes the proposal to mandate its usage and requests this be voluntary. It is not clear to HCPA what types of labeling technology would be considered “embedded” or what “commonly used” would mean in this context. HCPA strongly encourages the TILTF to engage in stakeholder outreach related to clarifying definitions and developing guidance prior to making a recommendation on whether to mandate its use. Public workshops, case studies, and examples would be helpful in gathering data and feedback to

inform Oregon's approach. Allowing for flexibility is essential so that companies are able to assess different options to select what is best for their customers and the appropriate disposal of their products.

Additionally, HCPA is concerned about the 5-year timeline for incorporating consumer-facing smart labeling technology. Companies often move cautiously to ensure that the next generation of technology not only improves the business, but also does not confuse consumers. Adding smart-labeling technology as a requirement at this time would put an undue burden onto companies, especially to small manufacturers and marketers who may be unfamiliar with this technology. Not all consumers will know how to utilize this information or have the technological means to access it.

#### **IV. Inclusion of recommendations to PROs**

HCPA urges the TILTF to not put forth recommendations addressed to Producer Responsibility Organizations (PRO). HCPA believes that this is out of the scope of the TILTF and covered by other entities noted in the Plastic Pollution and Recycling Modernization Act (for example, the Oregon Recycling System Advisory Council). Such entities are better positioned to provide focused, informed, and timely recommendations to PROs. Additionally, HCPA believes such recommendations are premature until after it is determined what covered products and packaging a PRO must provide for collection of through recycling depot or mobile collection events. Once this is assessed, recommendations to PROs will be more meaningful and stakeholders will be better equipped to provide feedback.

#### **V. Conclusion:**

HCPA appreciates the opportunity to provide these comments. HCPA supports clear and transparent labeling of products to inform consumers how to properly dispose of their products and materials. HCPA urges the TILTF to consider our questions and concerns, particularly regarding the exemption allowing for a recycling symbol surrounded by a circle with a 45-degree slash and the mandated embedded consumer-facing recyclability labeling.

If the Task Force would like to discuss the information provided in this letter further, please contact HCPA at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org) and [mblessing@thehcpa.org](mailto:mblessing@thehcpa.org).

Sincerely,



Nicholas B. Georges - Senior Vice President, Scientific & International Affairs



Molly R. Blessing - Director, Sustainability