



## Responsible End Market Plan Amendment: DEQ Assessment of Concerns from Interested Parties

Submission for Recycling Council plan amendment review

**Responsible End Market Subcommittee members:** Scott Byrne, Nicole Janssen, Angie Marzano, Rep. Susan McClain, Vinod Singh, Celeste Meiffren-Swango

**DEQ staffer:** Nicole Portley

**Focal program plan section:** Ensuring Responsible End Markets

While reviewing Circular Action Alliance's Aug. 13, 2025, program plan amendment, DEQ became aware of concerns expressed by interested parties who have obligations under the Recycling Modernization Act. Following is a high-level summary of the concerns as DEQ understands them, and DEQ's assessment of the issues.

Expressed concerns	DEQ Assessment
<p><b>Whether Oregon market can influence end market changes alone.</b></p> <p>Oregon should not be out ahead of the other jurisdictions with its responsible end market regulations because it is too small of a market and end markets do not have enough incentive to take on the administrative burden of proving they meet the REM standard.</p>	<p>Oregon is first in the US to implement end market auditing requirements, but other jurisdictions in the system have similar requirements within a relatively close timeframe:</p> <ul style="list-style-type: none"><li>• For Asian markets, Europe's requirement that markets be audited precedes Oregon's by one month, and their bar for performance is strong.</li><li>• Oregon will likely precede California by approximately 13 months with its requirement that all facilities be verified responsible.</li><li>• Note: in North America, Recycle BC already implements a pre-approval process for markets, but the standard applied is not as comprehensive as the "responsible" standard.</li><li>• See additional analysis in Appendix.</li></ul> <p>Markets have potential to respond.</p> <ul style="list-style-type: none"><li>• If some end markets (US or elsewhere) drop Oregon materials to avoid the administrative burden, DEQ is optimistic that the market will respond (e.g. other markets will accept the material, with any price differential ultimately recoverable through a change in the PCRF).</li><li>• There are also instances where a smaller US state has led the charge in implementing new environmental regulations (e.g. Maine with restrictions on PFAS).</li></ul>

### Translation or other formats

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

800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

Expressed concerns	DEQ Assessment
<p><b>Information about yield.</b></p> <p>Info showing that a facility meets the 60% yield threshold of the REM standard is:</p> <ul style="list-style-type: none"> <li>• Confidential Business Information</li> <li>• Not meaningful (end markets all already meet the 60% threshold)</li> <li>• Impossible to render Oregon-specific</li> <li>• Rendered inaccurate by moisture added during processing</li> <li>• Something markets are not familiar with doing for a minority material within a bale</li> </ul>	<p>These concerns can be addressed in guidance to the verification standard.</p> <ul style="list-style-type: none"> <li>• DEQ does not expect yield estimates to be reported directly to the department, nor to be Oregon-specific. A red light-green light level of reporting in the verification reports will be sufficient.</li> <li>• Adjustments for moisture or specificity to Oregon should be achievable, especially if markets are already meeting the threshold for their mixed materials.</li> </ul>
<p><b>Scope and measurement.</b></p> <p>DEQ may not have legal authority to require verification of current REM criteria (e.g., reporting on the use of chemicals regulated by Proposition 65, which is in effect in California rather than in Oregon) and reporting on microplastic discharge in wastewater, which has no current standard of measurement or monitoring).</p>	<p>The definition of “responsible end market” in the statute is not limited to compliance with existing regulations, and encompasses environmental performance (ORS 459A.863(29)).</p> <p>DEQ has legal authority to require CRPFs and the PRO to avoid directing materials to end markets that are not REMs.</p> <p>To implement rules that require verification of sustainable use of inputs and containment of waste, the current approved program plan contains criteria regarding environmentally-sound management of chemicals, disclosure of Prop 65 chemicals, and environmentally-sound management of plastic pollution and prevention of resin loss. It does <b>not impose particular thresholds for chemicals or microplastic discharges</b>, and leans on precedents of existing programs (e.g. regulatory or industry standards, such as Operation Clean Sweep).</p>
<p><b>Administrative efficiency.</b></p> <p>Many of the compliance and environmental soundness requirements laid out in the RMA already exist in the regulatory frameworks overseen by local, state or U.S. government entities (e.g., health and safety, environmental impact measurement). The industry believes further validation of current operational compliance in these areas creates an undue and costly administrative burden.</p>	<p>DEQ acknowledges that there is administrative burden associated with compliance with the REM policy.</p> <p>As a state law, the Recycling Modernization Act cannot impede interstate commerce, and therefore cannot apply a different bar to US facilities versus international facilities.</p> <p>That said, American facilities should have a leg up in some respects of verification because their records of compliance with Clean Air Act and Clean Water Act can be used in the verification process.</p> <p>DEQ also welcomes a facility’s certification status with respect to particular third party certifications being used to automatically consider some criteria as being met, as long as the certification has been benchmarked with the “responsible” standard in the context of a program plan amendment, with DEQ approval of the benchmarking results.</p>

#### Translation or other formats

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

800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

Expressed concerns	DEQ Assessment
<p><b>Unwillingness of obligated parties to report.</b></p> <p>Making facilities report outbound data, which means disclosing customer lists and commercial information bound by NDAs and commercial agreements, involves sensitive and competitive information. This is information that end markets are prepared to share under a formal third-party standards reporting system, but it is not information that end markets are willing to share exclusively for REMs reporting to a regulator.</p>	<p>DEQ acknowledges that the RMA imposes new transparency requirements on the recycling supply chain that will take some adjustment.</p> <p>However, this seems mostly concerned with the requirement to report disposition, which is in statute and cannot be entirely alleviated through rule or plan.</p> <p>Data in its full disaggregation is protected as proprietary under the statute and must be held confidential by DEQ if it is legitimately a trade secret.</p> <p>DEQ has mechanisms in place to attempt to maintain the privacy of confidential data. Only actual end markets (and not their suppliers or specific tonnages) are to be included in the aggregated public report.</p> <p>Verification of supply chain transparency could involve review of transactional data to ensure that disposition reporting is accurate (this is an approach DEQ would encourage).</p>
<p><b>Ability to acquire data about end markets.</b></p> <p>Verification beyond recyclers and extending to the point at which recyclables become clean feedstock for manufacturing, extending to converters (in the realms of glass and plastic used in food packaging or children's products) is problematic. Reclaimers do not want to provide their customer lists due to NDAs. Converters use a blend of both recycled and virgin materials, meaning testing for certain chemicals cannot be traced to recyclables. Recyclers, converters and producers all already have processes in place to control any toxics that could migrate to the product – proof of this exists through converter receipt of an FDA Letter of Non-Objection.</p>	<p>DEQ acknowledges that plastic converters may not have expected to find themselves regulated under this policy, and may need grace with respect to timing.</p> <p>The environmental impacts at these facilities are substantial and fall squarely within the scope of the responsible end market provision.</p> <p>On glass, DEQ does not agree that stopping at the beneficiation plant would make sense – the impacts are considerable at the bottle plant and it is commonly considered to be the end market.</p>
<p><b>Lack of direct incentives for responsible end markets.</b></p> <p>An end market being verified as responsible will not necessarily guarantee that covered materials, especially those collected outside of CRPFs, will be directed toward them and away from non-verified REMs. There will additionally not necessarily be more demand for the market's products (in comparison to the</p>	<p>DEQ acknowledges that it is important for end markets to be able to see benefits and not just the burdens of participating in the Recycling Modernization Act.</p> <p>DEQ perceives those benefits as:</p> <ul style="list-style-type: none"> <li>• Ability to obtain cleaner feedstock from Oregon (you can only obtain it if you're a REM)</li> <li>• PRO financial backing of the movement of materials,</li> <li>• requirement on the PRO to fund practicable actions when markets need improvements, and</li> </ul>

#### Translation or other formats

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

800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

Expressed concerns	DEQ Assessment
demand for products of non-participating end markets).	<ul style="list-style-type: none"> <li>enhanced reputational benefits for themselves (individually) and their industry.</li> </ul>

#### Translation or other formats

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

## Appendix: Updated Analysis of Oregon vs Other Jurisdictions' Policies

### Timing and Phasing Analysis

	<b>Europe</b> Waste Shipment Regulation	<b>Oregon</b> Plastic Pollution and Recycling Modernization Act	<b>California</b> Plastic Pollution Prevention and Packaging Producer Responsibility Act	<b>Washington</b> Recycling Reform Act
<b>Significant Initial Requirements</b>	<b>Feb 21, 2025</b> Countries must petition to continue receiving recyclables from EU	<b>July 1, 2025</b> All facilities must self- attest to meeting REM requirements	<b>June 15, 2026</b> Program plan due; must overview all recycling technologies to be used.	TBD
<b>Disposition / End Market Reporting</b>	<b>May 21, 2026</b> Electronic reporting system (DIWASS) launches, although all shipments are already being reported to the Commission piecemeal to enable Prior Informed Consent.	<b>Dec. 15, 2025</b> First disposition reports due	<b>July 1, 2027 or 2028</b> All end markets that are receiving materials must be named in annual report	<b>Jan 31, 2026</b> Disposition reporting from MRFs required as part of service provider registration
<b>Detailed Auditing of Individual Facilities</b>	<b>May 21, 2027</b> All facilities must be audited to the standard (Annex X)	<b>June 30, 2027</b> All facilities must be verified/certified "responsible"	<b>July 1, 2027 or 2028</b> Market verifications are submitted w/ annual report	<b>2031</b> Proof of end market certification required as part of service provider registration

### Translation or other formats

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

800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

## Comparison of Facility Auditing Scope and Requirements

	Oregon's Recycling Modernization Act APPROVED rules	California's Plastic Pollution Prevention and Packaging Producer Responsibility Act DRAFT rules	Europe's Waste Shipment Regulation
<b>"End Market" Definition</b>	<ul style="list-style-type: none"> <li>Glass: glass manufacturing plant</li> <li>Metal: smelter</li> <li>Paper: pulper</li> <li>Plastic for food &amp; beverage, children's applications: converter</li> <li>Plastic for all other applications: reclaimer</li> </ul>	<ul style="list-style-type: none"> <li>Glass: beneficiation plant</li> <li>Metal: smelter</li> <li>Paper: pulper</li> <li>Plastic : reclaimer</li> </ul>	Auditing requirements extend to destination of "final recovery" (regulation seems to lack full clarity as to who this entity is in each material-specific supply chain)
<b>"Responsible" Standard</b>	<ul style="list-style-type: none"> <li>Compliant</li> <li>Transparent</li> <li>Environmentally-sound</li> <li>Achieves 60% yield</li> </ul>	<ul style="list-style-type: none"> <li>Compliant</li> <li>Transparent</li> <li>Environmentally-sound management</li> <li>Achieves material-specific yield thresholds established in PRO plan</li> </ul>	<ul style="list-style-type: none"> <li>Compliant</li> <li>Transparent</li> <li>Environmentally-sound management (as defined in various EU legislation)</li> </ul>

## Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

### Translation or other formats

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