Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Legal and Relational Framework Subcommittee Meeting

July 30, 2019
11 a.m. – 2 p.m.
Conference room 201, DEQ, 4026 Fairview Industrial Dr SE, Salem OR

Proposed agenda

Purpose of meeting

Discuss proposed methods and frameworks for evaluation by the selected contractor and determine recommend methods and frameworks for the contract.

11 a.m.	Provide housekeeping and frame for the day
11:15 a.m.	Summarize RFP and RFP responses, introduction of contractor selected for frameworks research and next steps in contracting process.

OBJECTIVES

- Subcommittee understands RFP, contractor selected for frameworks research and contracting process.

11:25 a.m.	Discuss proposed method for evaluating frameworks and determine recommend method for the contract.

OBJECTIVES

- Subcommittee understands proposed evaluation method and has given feedback.
- Recommended method for evaluating frameworks is determined.

11:45 a.m.	Discuss proposed frameworks from selected contractor, as well as frameworks from other proposers, and determine recommend frameworks for the contract.

OBJECTIVES

- Subcommittee understands proposed frameworks and has given feedback.
- Recommended frameworks for research are determined.

12:15 p.m.	Break (15 min)
1:50 p.m.	Wrap up and determine next steps and any deliverables

OBJECTIVES

- Homework for the subcommittee is determined
- Deliverables and responsibility are listed
- Next meeting date is confirmed

2 p.m.	Adjourn

Meeting summary

Subcommittee Members Present:
Pam Peck, Loretta Pickerell, Amy Roth, Kristin Leichner, Dave Larmouth, Sarah Grimm, Shannon Martin, and Michael Wisth

DEQ Staff: Justin Gast, Peter Spendelow and Steve Siegel

Additional Participants: (Metro) Scott XX

Facilitation Team: Robin Harkless

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
● Share PPT slides from today's presentation	DEQ	Completed, sent with summary notes Aug 2
● Refine 10 frameworks and methodology/criteria for Subcommittee review and inclusion in consultant contract	DEQ	August 7
● Review and input to 10 frameworks, methodology/criteria	Subcommittee	August 13 (Conf call 11am-1pm if needed)
● Response to general questions about frameworks to better inform feedback from subcommittee	Justin Gast to subcommittee	Completed, included in this summary

Intros/Frame for the Day: Robin Harkless, Oregon Consensus, reviewed the agenda and goal for the day, which was to familiarize the subcommittee with the legal/relational frameworks and proposed evaluation methodology linked to the desired functions that had been submitted by two consultant teams in response to DEQ's RFP for research. The subcommittee also had an opportunity to provide feedback/narrow the frameworks to a set of 10 for guiding the selected contractor team's first task.

Contract/ Research Process and Timeline
Peter Spendelow described the RFP review, selection, and research process and timeline, noting that DEQ would like to build in to the selected consultant's contract the 10 frameworks for review, and the methodology and any refined 'desired functions' to be used to evaluate them. The goal for the work with subcommittee today (and potentially a follow up call two weeks from today's meeting) would be to inform those pieces and move as quickly as possible to finalize/sign contracts and begin the work. The general timeline is:

- July/early August -- review, finalize contract language and guidance for contractor
- August - contractors conduct 10 framework description and evaluation
- September - work with subcommittee to review the frameworks and assist in developing 5 scenarios
- October - design and plan for Workshop
- November -- present and 'workshop' the scenarios with full SC with a goal of narrowing/evolving to preferred alternative(s)

Methodology Review

The group were familiarized with the selected contractor's proposed methodology and told that there will be an iterative round to give feedback on/refine that approach. Today, subcommittee members offered the following feedback/comments:
- Consultant job is to show us how these frameworks meet various functions so we can take the next step in review and analysis. E.g. they should not tell us how 'feasible' a framework would be for Oregon, rather a description including the changes which would be required to implement that framework.
- Include costs associated with framework elements as a scoring criteria
- Include 'impact on current system'
- How will they tease out 'shared responsibility' criteria? For each framework, describe 'how' and 'to what degree' compared to other frameworks or the current Oregon framework
- Questions about transparency and accountability -- how these will be evaluated and their link to the shared responsibility function

Frameworks Review

Justin Gast, DEQ, presented high level synthesized information about the frameworks that were submitted by the proposers. (Justin shared his PPT with the subcommittee after today's session.) Comments and questions that came up during the session are bulleted below, and further down is a section from Justin Gast on 'Answers to frameworks questions from 7-30 meeting' that he shared following the session.
- In addition to the 'snapshot' of the framework, it will be important for the description to include a progression or steps leading up to the framework as it exists in a system -- e.g. how did Germany get to the EPR system it has in place now?
- For each framework, show the dynamic picture of the roles/responsibilities and relationship of the players across the system
- Will there be information about how these frameworks are financed? Yes, that will be part of the contractor's description of the 10 they review.
- For each framework, what streams of materials does it cover? Curbside, residential, commercial, etc?
- Show to what extent 'flow control' is part of each framework.
- Some of these are funding mechanisms, not full frameworks. Consider putting these in a separate bucket for review and/or inclusion as we develop and morph frameworks in to scenarios.
  - Delaware Universal Recycling legislation was considered a funding mechanism but will be merged with the full Delaware framework for review.
  - The USDA check off program was deemed a funding mechanism, but could also be considered an 'EPR-light' framework. DEQ and others suggested this should be taken out of the mix for now but potentially revisited later as an example of a funding option or component.
  - The Washington litter tax was considered a funding mechanism.

- Should we take some off that are not likely to be accepted in Oregon? DEQ -- the state needs to show a broad array of options so we are looking at and analyzing a full suite; we will later narrow, as a SC, to those that are considered feasible for Oregon.
- *Facilitator's Note on the Sustainable Materials Management Authority framework. Given this has no live example, and there are many nuances that could go into this framework, the subcommittee may need to provide more input. Questions from today focused mostly on what the private/public relationships might look like in this framework. This may require more iteration between contractor and subcommittee.*
- The group coalesced around a set of 10 frameworks that includes a suite of local and statewide examples as well as three 'tiers' of EPR frameworks -- full producer responsibility, shared producer responsibility, and producer responsibility for finding end markets. DEQ agreed to take this input and look through the frameworks to come up with 10 that meet this request. They will share back with the subcommittee for another round of feedback before inserting these to the contract.
- Loretta asked the group to weigh in on what factors within the statewide frameworks the subcommittee was most interested in understanding. In addition to reviewing the gap analysis work the subcommittee conducted in May and June, subcommittee offered input today:
  - Risk sharing
  - Coordination and communication/messaging
  - Consistency of program across the state
  - Scale of program

Answers to frameworks questions from 7-30 subcommittee meeting
1). Tompkins County's authority over jurisdictional programs.
The county is the decision maker for all waste management efforts undertaken within the county. They also provide or contract out for the collection of recycling. https://ecode360.com/8412337

2). Make up of boards for RIRRC and DSWA and who do they answer to.
RIRRC
https://www.rirrc.org/about/who-we-are/board-of-commissioners

DSWA
https://dswa.com/about-us/board-of-directors/

3). How is Delaware's Universal Recycling Law enforced?
Enforced/regulated by the Delaware Department of Natural Resources and Environmental Control's Division of Waste and Hazardous Substances, Solid and Hazardous Waste Management section.

DNREC has the enforcement authority to assess per-day penalties to anyone, ranging from $100 to $1,500, for failing to comply with the requirements of the law.

Collectors have the ability to enforce collection requirements at the curb such as contamination reduction.
- **How is it paid for?** Under the previous system, DSWA was the main provider of voluntary curbside recycling in the state, serving over 41,000 HH, who were paying $6 per month with collection happening on a bi-weekly basis. Due to a low statewide recycling rate and decreasing landfill space, the universal recycling law introduced and enacted. Upon enactment, funding from the four-cent per-container fee was allocated to a newly created Recycling Fund, which was

used to provide grants grants and low-interest loans to private waste-haulers and municipalities to deal with the program's start-up costs. Residents now pay for service similar to how we pay for service in Oregon.

4). Effectiveness of Taiwan's packaging program
https://www.smithsonianmag.com/innovation/how-taiwan-has-achieved-one-highest-recycling-rates-world-180971150/ (this piece is more about the results of the country's system as a whole)

https://www.epa.gov/sites/production/files/2014-05/documents/handout-1a-regulations.pdf

5). Manitoba – Does the system promote waste prevention to reduce beverage cup waste?
In the embedded document (http://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=23827&md=1), it's not clearly stated what the desired approach for reducing beverage cup waste is (i.e., coffee cups), but it is noted that consumers could be encouraged to purchase beverages in reusable cups.

6). What year was Austria's EPR program launched?
Austria's Packaging Ordinance was established and enacted on October 1, 1993, and was further revised on October 1, 2006 under the guise of the country's Waste Management Act.

7). Is there a lifecycle analysis component to France's EPR system?
It doesn't appear they are looking at lifecycle in the same manner we are here in Oregon. Appears to be more "end-of-life" lifecycle focused, such as "can a product be repaired or reused to extend its useful lifecycle?" https://www.ecologique-solidaire.gouv.fr/feuille-route-economie-circulaire-frec

8). Definitions of note regarding EU Directives and the programs that adhere to those directives:
- **Untreated waste**: Waste that has not been thermally (i.e., incineration) or biologically treated (i.e, anaerobic digestion, composting or biodrying).
- **Unsorted** or **unprocessed waste**: wastes whose collectable part has not been presented separately and/or kept separate with collection.

Frameworks Proposed for Study,

7/26/19

Proposal A

Table 3: Alternative Frameworks

Category	Framework Description	Examples	Differences between Framework Alternatives and Current OR System
Producer (Brand owner) governance	Fully producer-governed and financed programs for Packaging and Printed Paper (PPP)	British Columbia	Sustainably financed, privately managed, greater stability to withstand market challenges, promotes greater standardization
	Fully Producer-financed/municipally managed programs for PPP	Quebec; France	
	Shared financing/municipally managed programs for PPP	Manitoba; Saskatchewan	
Producer financed and government regulated product-specific programs	Producer financed and managed	Canadian Beverage Container Recycling Association; Oregon Beverage Container Recycling Corporation; Call2Recycle	Sustainably financed, privately managed, greater stability to withstand market challenges
	Individual producer financed; jointly administered	Illinois Manufacturer Clearinghouse for waste electronics; German WEEE & Packaging programs	Sustainably financed, fosters competition

State Regulatory Agency Product Management Program	State agency operates a program for individual products or product categories.	CalRecycle electronic waste management program; Environmental Protection Administration of Taiwan (EPAT) packaging waste management program; Hungary- packaging program; Rhode Island- Litter and recycling fee on food and beverages	Centralized oversight leading to consistent program implementation; Financed through a number of mechanisms (surcharges, taxes, fees)
Public Authority	Statewide Model: Statewide authority created to manage infrastructure and operate solid waste programs.	Rhode Island Resource Recovery Corporation; Delaware Solid Waste Management Authority	Centralized oversight leading to consistent program implementation; Financed through a number of mechanisms (surcharges, taxes, fees)
	Joint Powers Agreement: Government entities to enter into agreements and exercise powers common to all parties.	Solid Waste Management Coordinating Board (Minneapolis-St. Paul Region)	
	Local Authority: Local government authority that provides solid waste and recycling services to residents and business in the jurisdiction.	Onondaga County Resource Recovery Agency (NY)	
Mixed Governance	Sustainable Materials Management Authority: Statewide decision-making entity with multi-stakeholder representation to determine programmatic decisions for materials management programs in the state including the prioritization of materials to be collected for reuse and recycling.	None at this time	Centralized policymaking and financing to add consistency; Financed through a number of mechanisms (surcharges, taxes, fees); Can oversee EPR programs; Promotes greater consistency throughout system
	Resource Productivity and Recovery Authority: Entity created to implement circular economy strategies, oversee producer responsibility programs and conduct compliance/enforcement activities.	Ontario	
Robust Local Governance	Enhanced city or county program: Local government entity creates policy and regulatory environment, and utilizes contractual mechanisms, to support high performing recycling and waste management programs.	Tompkins County, NY Portland METRO	Close to status quo, but uses strong policy, creative contracting and strong financial commitment to meet goals.

Proposal B

Table 3-1: U.S. Framework Examples

Framework Component	Service Provision, Participation and Mandates with Litter Tax (Washington)	Universal Recycling with Per-Container Fee (Delaware)	Service Provision, Participation, Design & Content Mandates with Bottle Bill (*Evolving California*) *	Checkoff Program (Modeled After USDA Checkoff Program for Agricultural Product Promotion
Key Goals	WA Dept. of Ecology's (Ecology) Beyond Waste Plan sets a vision to "reduce or eliminate most wastes and toxics by 2035 and use any remaining wastes as resources."	Mandatory recycling service provision to residents, businesses and institutions to achieve 60% recycling rate by 2020. Create economies of scale that helps increase diversion rate cost-effectively while creating jobs and reducing per-capita waste disposal.	Achieve statewide reduction of waste (through waste reduction, recycling, and composting) of 75% by 2020.	Provide equitable funding, governance and management of program for advancing recycling.
Functional Responsibility				
Local Government	Most communities must provide curbside or drop-off recycling service for residents by state law. Some jurisdictions (primarily urban) have mandatory recycling and disposal bans for high-priority recyclables. Primary – residential. Counties and some large cities submit Solid Waste Management Plans to Ecology.	Local governments that provide trash collection are required to provide recycling collection. in accordance with the Universal Recycling Law guidelines.	Primary – residential Counties/regions submit waste reduction plans to state. Many arrange for collection/ processing service through contracts, franchise agreements, or directly.	Responsibilities remain unchanged. Eligible for funding support for program optimization from Checkoff funds.
State Government	WA Dept. of Ecology oversees all infrastructure, provides technical and financial support to local governments. Promotes EPP policy, which includes provisions for		CalRecycle -provides assistance in expanding infrastructure. Explores new models for funding, promotes EPR, organics recovery, purchase of recycled	

	recycling and recycled-content materials. Re-established a Recycling Market Development Center. WA Utilities and Transportation Commission (UTC) oversees the provision of services by exclusive haulers in unincorporated areas and for cities who opt to participate in this system (vs. providing collection and disposal services directly.)		content goods and services (partnership program with DAS). *Under AB 1080/SB 54, state would adopt regulations by January 1, 2024, that, among other things, require producers to source reduce single-se packaging to the maximum, and ensure all packaging is recyclable/ compostable.*	
Private Service Providers	Nearly all collection, transfer/transload, processing, and disposal services are privatized. Service providers typically have exclusive rights via contracts or G-certificates, granted by the UTC.	Haulers that provide trash collection are required by state law to provide recycling service to residential sector. in accordance with the Universal Recycling Law guidelines.		Responsibilities remain unchanged. Eligible for funding support from Checkoff funds.
Producers		N/A	*Under AB 1080/SB 54 producers of packaging and priority single use plastic products must reduce waste generated by these items by 75% through source reduction, recycling, or composting. Must ensure single use packaging is recyclable or compostable by 2030.*	Provision of supplemental recycling promotion assistance and possibly public space recycling. Financial investment in infrastructure enhancement.
Generators	In a small number of large cities in the greater Puget Sound area, recycling participation is mandatory for single-family residential, and in even fewer cases commercial and multifamily generators.	State law requires businesses, schools, not-for-profit, and government services to participate in a comprehensive, universal recycling program.	Commercial entities, including public entities, generating more than 4 cy of waste weekly must separate recyclables for collection or have mixed waste processing. Owners of multi-family dwellings generating more than 4 cy of waste weekly must arrange for recycling. Commercial entities generating more than 4 cy of organics per week must have separate organics collection.	
Funding Responsibility				
Residents and Businesses	Residents – funding methods vary depending on community. In some cases user fees (opt in) in others tax-based. Businesses and institutions pay user fees for services. Some local governments set commercial rates.	Haulers -- required to charge for both trash and recycling services in a combined bill. Residents –service receipt and payment of service fees is mandatory). Businesses and institutions also pay user fees.	Residents – varies depending on community how services are funded. Often through tax base, user fees. Commercial – must pay for own service or self haul.	Responsible for paying user fees for recycling services. Could incentivize use of Pay-as-You-Throw user fees systems via funding guidelines.
State	State disposal surcharges support recycling. Disposal facilities collect per-ton disposal fee and remit to state	The Department of Natural Resources and Environmental Control (DNREC) provided grants for implementing recycling	State CRV program supports curbside recycling. Disposal facilities collect per-ton disposal fee and	Oversee and approve fee setting and funds management.

	to fund integrated solid waste management programs. State litter tax funds litter control programs.	services, with funding from the bottle fee.	remit to state to fund integrated solid waste management programs. Quality Incentive Payments paid to glass processors by state.	
Local Governments	Disposal surcharges support recycling. Disposal facilities collect per-ton disposal fee and remit to local governments to fund programs. In some cases, flow control used to direct waste.	Local govt funding role not specified in law – local government and private service providers had access to state grants funded by the bottle few.	Local government funding not specified by state law but authorized to charge fees to implement waste reduction. Some local governments that own disposal facilities charge per-ton fees to help pay for recycling programs.	Responsible for funding ongoing operations related to local service provision.
Producers	A total of 13 product categories are subject to the State's litter tax, with a rate of 0.00015 of the taxable amount. Funds are used for litter control programs.	4 cents/container fee charged by retailers and remitted to the State to cover capital and education startup costs via state grants. Fee sunset after 4 years.	Beverage distributors pay CRV value up front, funding recycling programs. *CA is considering EPR and possibly other types of producer funding, as described in AB 1080/SB 54.*	Covered entities are required to participate in funding per approved fee formula, governed by State. Checkoff program funds used to support recycling infrastructure investments and implementation of new programs/ program enhancements. Funds could be directed to specific programs, e.g., residential.
Oversight/ Accountability/Enforcement Responsibility				
State Government	Ecology and UTC provide oversight for provision of services. In partnership with local governments, they establish minimum service standards and UTC negotiates rate increases. Ecology implements programs and policies, reviews local plans, collects fees from disposal facilities, ensures compliance with state regs and tracks progress against nearly 20 indicators.	State – has reporting requirements and enforcement authority for compliance with state policy.	Implement programs and policies. Review local/regional plans. Collect fees from disposal facilities. Ensure all state regs being followed. Review reports of covered entities. Conduct outreach to inform generators, haulers, governments. Oversee/manage CRV and AB 939 fees	Provides guidelines and oversight for collection, management and use of funds.
Local Government	Has contractual oversight for service providers.	Has contractual oversight for service providers.	Develop materials management plans. Implement education, outreach, and monitoring to support mandatory commercial recycling laws.	
Producers		Reps serve on DE advisory council but have no actual authority.	*Future – CA is considering EPR (AB 1080, SB 54) for single use packaging and priority single use plastic products.*	Board representing covered entities established to collect fees, manage the fund, set funding guidelines, distribute funds, and monitor funding effectiveness.
Supportive/ Supplementary Policies				
Deposit Legislation		Eliminated with passage of Universal Recycling Act – 4 cents bottle fee was substituted.	Bottle Bill (CRV) for specific types of beverage containers containing specific types of beverages.	
Mandatory Recycling	Recycling participation mandatory in a small number	The Law requires businesses, schools, not-for-profit, and	Commercial and public entities generating certain	Funding eligibility could include this requirement.

	of urban cities in the greater Puget Sound area.	government services to participate in a comprehensive, universal recycling program.	thresholds, described above, must recycle and compost. Owners of multi-family with 5 units or more, must arrange for recycling service. Certain materials must be recycled (e.g., aluminum cans, glass containers and more).	
Minimum Recycled Content	Statewide recycled-content requirements for certain products		Minimum recycled content for glass containers, fiberglass, trash bags, rigid plastic containers (non-food/beverage) and reusable plastic bags.	
Per-Package Fee (Retailer Charge)		4 cents/container fee for capital and education startup costs. Fee sunset in 4 years.	*Proposed by American Chemistry Council for CA.*	Fees of this type might be the primary funding mechanism.
Single-Use Plastic Policies			State bans use of single-use plastic bags/ State laws and some local ordinances restrict provision of single use plastic straws. Local policies in some jurisdictions ban use of certain single use plastic restaurant items. *Under AB 792, CA is considering an incremental recycled content mandate for plastic packaging.*	
Relevance to Oregon	Adjacent state with similar culture and conditions (e.g., market challenges); hence Framework components in Washington may be more easily implemented in Oregon than components from foreign countries. The state, through the UTC, plays a role in recycling service provision, having control over service levels in unincorporated areas and for municipalities that opt in. State has a litter tax which generates funds for multiple purposes, but such a mechanism could be used to support recycling.	While Oregon has many components of a Universal Recycling system, the Delaware system provides for greater standardization of system design plus had a per-package fee mechanism for a stipulated period of time that might have applicability in Oregon.	An adjacent state with some similar conditions as to Oregon, such as access to recycling markets. How California chooses to address market issues can have relevance for Oregon. Policies under consideration in California, if implemented, would bring about substantial changes in the role of producers in addressing packaging design, use of recycled feedstocks, and end of life management.	While a conceptual framework for recycling, has worked for other purposes. The establishment of this type of funding mechanism and its producer-run program for optimizing recycling could be appealing to stakeholders in Oregon as this type of mechanism supports rather than replaces the existing recycling system and gives producers control over how funds are spent. An option that might be better acceptance yet generate funding and provide a means of producer governance.

*Italics shows elements under consideration in California

Table 3-2: Canadian Provincial Framework Examples

Framework Component	Full Producer Responsibility with Weak Oversight (British Columbia)	Full and Individual Producer Responsibility with Strong Oversight (Emerging Ontario)	Producer Pay with Municipal Operation (Quebec)
Key Goals	To have producers fully responsible for the end-of-life management of their packaging and paper products	To have a system of resource recovery and waste reduction that minimizes the generation of waste, including waste from products and packaging; increases the durability, reusability and recyclability of products and packaging; and minimizes the need for disposal (amongst other objectives)	To secure compensation for municipal services provided to recover and reclaim residual materials
Functional Responsibility			
Local Government	Prior to 2014, all major municipalities in the province operated curbside recycling programs. Under the new framework, which took effect in May 2014, Recycle British Columbia (RBC) – the Producer Responsibility Organization (PRO) – provides municipalities the right of first refusal to provide their own collection services for a fixed price per household serviced, which the majority of municipalities chose to do. Where municipalities chose not to offer the service, RBC contracts directly with the private sector.	Currently > 450 local governments provide residential recycling services; 94.4% of households in the province have access to the service. Local governments are compensated for 50% of their net costs by industry. The new framework (Resource Recovery and Circular Economy Act - RRCEA) has yet to be implemented. Under this new framework, local government's role has yet to be determined, but it is likely to resemble the role that local governments play in BC.	Individual municipalities (> 500) are responsible for determining what is and is not accepted for recycling; virtually all municipalities collect "mainstream" recyclable materials (~ 90% of all packaging and paper in the market). About 99% of the population has access to recycling.
Private Service Providers	Contracted by local governments or Recycle BC to provide collection services.	Under the current framework, local governments contract with service providers for collection and/or sorting. New framework - local governments or PROs will contract with private service providers.	Contracted by local governments to provide collection and sorting services.
Producers	Producers are financially and operationally responsible for the system.	Producers will be fully responsible for establishing/ operating a collection system for their waste, managing materials, and delivering promotion and education. Producers will be individually responsible for meeting targets, accessibility, and performance measures.	Producers compensate municipalities for the net costs of the recycling services they provide (collection, transportation, sorting).
Producer Responsibly Organization (PRO)	Single producer PRO – Recycle BC (RBC) (as chosen by producers). PRO must submit a stewardship plan for packaging and printed paper (PPP) and operate recovery program. RBC established common list of materials and handling procedures, awarded post-collection services to a single consortium. RBC develops producer fee schedule annually, compensates municipalities.	Producers will be able to discharge their responsibilities through a PRO, but liability will remain with the individual producers, as described above. Framework is intended to stimulate competition (i.e. to have multiple PROs for producers to choose from).	Producers chose to establish a single Producer Responsibility Organization (Eco Entreprises Quebec – EEQ). EEQ develops an annual fee schedule to be paid by producers based on the quantity and type of packaging introduced into the market. These levies are used to compensate municipalities annually.
Funding Responsibility			
Residents	No user fees in effect for recycling. Vancouver has variable rate system for garbage collection.	The new framework explicitly specifies that system may not impose a charge at the time of collection for recycling.	No user fees in effect for recycling. Few PAYT systems in effect in the province.
Local Governments	If local government chooses to deliver the service under contract to RBC, they	Under the new framework, same as in BC.	Local governments are compensated for recycling costs, should not charge

	may opt to deliver a more costly service than what RBC compensates for. In that case, the incremental cost is covered from the tax base.		residents for service. Some municipalities continue to charge residents through the tax base in addition to receiving funding from EEQ, however.
Producers	The PRO (Recycle BC) levies materials-specific fees from producers to finance the system. System must manage packaging and paper from residential and municipal property that is not generated by industrial, commercial and institutional (IC&I) property.	Producers will enter into a commercial agreement with the PRO of their choosing (assuming multiple PROs are set up) for fulfilling their responsibilities. Scope of materials to be managed will be defined in Regulation – likely to include some public space materials.	Legislation obligates producers to pay cost of managing materials from municipal sources (households, public spaces, and small IC&I generators). Per legislation compensation capped for "inefficient" municipalities. On average, 80% of a municipality's costs are compensated.
Oversight/Accountability Management			
Provincial Government	Enacts EPR legislation and regulation, including recovery target (75%). Approves Program Plan, which must be re-submitted by the PRO every 5 year. General "hands-off" approach.	Enacts Packaging and Paper Regulation (forthcoming).	Enacts EPR legislation and regulation.
Oversight Agency	No oversight agency. BC government's approach has been non-prescriptive and results based. Enforcement and free-rider prosecution left to Ministry of Environment staff, with limited resources.	The Resource Recovery and Productivity Authority (RPRA) registers producers, PROs, and service providers, and is responsible for compliance and enforcement. New framework provides RPRA with significant powers – e.g., inspections, compliance orders, and penalties.	Local governments report cost and tonnage data into system managed by oversight agency (Recyc-Quebec), a non-crown corporation. Data is reviewed by both Recyc-Quebec and EEQ. Recyc-Quebec approves total net cost to be compensated by industry annually and approves the annual fee schedule.
Supportive/Supplementary Policies			
Deposit Legislation	Deposit system for all beverage containers since 1970.	Deposits in place only for wine and spirit containers.	Deposit system for soft-drinks and non-refillable beer in place since 1984.
Disposal Ban	Recyclables and beverage container disposal bans at local level only, e.g., Metro Vancouver.		
Design for Recyclability	Fee schedule set to incentivize materials that are easier and less costly to recycle, encouraging recyclability.	New framework refers to design for recyclability but specifics will be presented in forthcoming Regulation.	EEQ promotes voluntary packaging design optimization. Fee schedule incentivizes recyclability.
Minimum Recycled Content		New framework refers to recycled content. Specific measures to be presented in forthcoming Regulation.	EEQ has incorporated a credit in fee schedule for producers using recycled content in obligated products.
Single-Use Plastic Policies	City of Vancouver has developed a single-use plastic item reduction strategy	City of Toronto currently developing a single-use item reduction strategy	
Relevance to Oregon	BC EPR legislation for packaging implemented with existing beverage container deposit system. Full producer operational responsibility allows for efficient, highly utilized collection and processing systems and economies of scale at the processing level. Standardized materials and performance standards have helped achieve low contamination rates (5-7%) and high material quality. Pre-existing network of beverage container depots repurposed as collection sites for "problematic" materials (e.g., pouches, film, etc.) Recycle BC tracks materials to their final use.	In addition to sharing some of the features of BC, its robust performance requirements will, in theory, enable measurement of progress and support ongoing improvement and ensure all players in the system perform responsibly.	Example of EPR for packaging implemented where an existing beverage container deposit system is in place, which targets a limited number of containers. Shared responsibility, as municipalities retain control of service delivery, industry pays a regulated cost for providing service. About 90% of municipalities contract to the private sector for services. The PRO (EEQ) has worked to broaden its role beyond simply raising funds and paying for the recycling service, to a mandate that tackles upstream processes (i.e. promoting packaging optimization).

Table 3-3: European Framework Examples

Framework Component	European Union Policy Framework and Related Directives	"Dual System" Collection/Full Producer Cost/Competing PROs (Example Austria)	Municipal Collection /Full Producer Cost/Single PRO (Example Belgium)	Municipality Managed Recycling Programs/Shared Producer Costs/Single PRO (Example France)
Key Goals	Promote a Circular Economy and protect single European Markey by setting *minimum* national requirements for: *Waste Prevention* *Minimum material specific recycling targets* *Minimum requirements for EPR schemes* *Reduce landfill to maximum of 10% of municipal waste by 2035.*	Meet minimum EU waste management requirements Make producers fully responsible for operating and funding all packaging recovery Common National Recycling System Material specific recovery and recycling targets higher than EU minimums Ensure competitive PRO market	Meet minimum EU waste management requirements Cost efficiency through regional recycling programs Municipalities and producers share operational responsibility Promote waste reduction	Meet minimum EU waste management requirements Municipally managed recycling programs with shared producer costs Producer responsibility for markets and program costs Promote design for recycling
Functional Responsibility				
Local Government		Enter into non-discriminatory contracts with all authorized PROs for designated wastes Provide residual waste management services	Co-tender with PRO for *regional* collection services to agreed program standards	Municipalities must offer a collection service for household packaging, oversee sorting, and coordinate the sale of material
Private Service Providers	Ensure open and competitive markets	Provide collection, processing and marketing services through competitive tendering	Provide collection and processing services through competitive tendering	Provide collection and processing services through competitive tendering
Producers	To organize and fund recovery and recycling of products and packaging	Meet minimum recycling and recovery targets *for all household & IC&I packaging* Organize and fund nation-wide collection of household and IC&I packaging Contract directly for recyclers/converters based on tenders plus spot market quantities	Meet *separate minimum material-specific recycling & recovery targets for household and for IC&I packaging* Co-tender for household collection with municipalities Report on IC&I packaging recycling and pay-incentive fees for materials with low recycling rates Provide for public space recycling Directly contract for intermediate processing Market recovered materials PRO – implement training and waste prevention programs Companies - develop and report on triennial prevention plans, describing reduction efforts	Meet minimum *global* recycling and recovery targets *for household packaging* Recovered material take-back guarantee R&D programs to improve effectiveness & efficiency Consumer promotion & education Incentivize design for recycling Individual generator responsible IC&I packaging recycling
Funding Responsibility				
Residents		Fund residual waste management costs – unit-based pricing *Prohibition on charging for recycling services for designated wastes.*	Fund residual waste management costs. Purchase dedicated refuse bags priced to pay for service.	Fund residual waste management costs *Prohibition on charging for recycling services for designated wastes*

			Prohibition on charging for recycling services for designated wastes.	
Local Governments		Management of paper collection & recycling and management of residual wastes	Management of paper collection & recycling and management of residual wastes	Fund (approx.) 20% (2018) of collection and processing costs
Producers	Pay a minimum of 80% of EPR program recycling costs and litter prevention and clean up	Pay 100% of packaging waste management costs (collection, processing, marketing, P&E, monitoring and reporting) Provide funding for prevention initiatives	Pay 100% of household packaging recovery and recycling costs (including P&E and some litter management costs) Pay incentive fees to increase recycling of low performing IC&I packaging materials Provide waste reduction services.	Producer share has increased over time from 50% to 80% (2018) of "reference costs" for selective collection services observed on national average plus a portion of the costs of managing packaging remaining in the waste stream A portion of local P&E costs and national P&E to promote consumer behavioral change

Oversight/Accountability Management

National Government	Meet EU minimum requirements Report to EU agencies	Final regulatory authority rests with national environment agency Mandatory reporting to the EU	Final regulatory authority rests with national environment agency Mandatory reporting to the EU	Final regulatory authority rests with national environment agency Mandatory reporting to the EU
Local Government		Requirement to enter into non-discriminatory collection contracts with all approved PROs and to tender for all related services	Must report on material recovery rates and costs to PRO and national agencies	Must report on material recovery rates and costs to PRO and national agencies
Producers	Mandatory reporting to national and EU agencies	Report to VKS a company of the federal government to act as an oversight and auditing body for PRO members and to provide services of common interest to all PROs	In order to operate, PRO must be accredited by the *Inter-Regional Packaging Commission (IRPC)* every four years and make annual reports on meeting targets and program costs Companies report on individual prevention plans PRO reports on overall quantity of waste reduction achieved	Obligated producers must register with PRO and report their data on an annual basis. Producers report quantity and type of household packaging (i.e. private consumption) placed on the market, regardless of where it is consumed PRO must report annually on generation and recovery & recycling rates

Supportive/Supplementary Policies

Deposit Legislation	Option at national and producer discretion	Applies to refillable bottles only	Backstop requirement if container recycling targets not met	
Disposal Ban	No-unprocessed waste to landfill	No unprocessed waste to landfill	Bans disposal of obligated packaging	
Design for Recyclability	Right to Repair Promotion of "modulated fees" to promote design for recycling	Indirect incentive as material specific fees linked to costs to recycle each material	Indirect incentive as material specific fees linked to costs to recycle each material	Material specific fees must be modulated to reflect: - Costs to recycle - Incentives to promote reduction, recycled content, on-pack P&E, etc. - Penalties for disruptors, excess-packaging, etc.
Minimum Recycled Content				Takeback guarantees from packaging and material suppliers
Per-Unit Fee		Material specific, weight-based fees	Material specific, weight-based fees	Material specific, weight-based fees must provide incentives to reduce, increase recycling and

				recycled content and design for recycling
Single-Use Plastic Policies	Directive sets prevention targets for 10 single-use plastic items most commonly found in marine environment	Two years to develop national strategy to implement EU minimum requirements	Two years to develop national strategy to implement EU minimum requirements	Two years to develop national strategy to implement EU minimum requirements
Material markets		EPR program promotes domestic markets. 90% of material remain in Austria, 10% in European market area - no exports to Asia.	PRO markets all collected packaging and printed paper on behalf of municipalities to maximize revenues	Producers must have takeback agreements for recovered materials with their packaging and material suppliers. Recycling is carried out overwhelmingly in country.
Relevance to Oregon	Comprehensive framework that drives recovery/recycling while promoting competition in the marketplace and a level playing field for producers, municipalities and service providers. Clear overarching principle that the responsibility for and costs of managing waste rests with the producer and the user of the original products and should not be borne by taxpayers or the environment.	Demonstrates successful, gradual transition from individual municipal recycling programs to a high performing, harmonized national program which: - Maximizes competition in the market for the provision of recycling services - Provides a common level of collection service to all households - Integrates collection from small IC&I generators and public spaces while allowing larger generators to self-manage their wastes - Invested from the beginning in developing domestic markets for the recovered materials - Supported by robust, independent reporting, monitoring and auditing of waste flows to ensure transparency	Provides autonomy for municipalities to ensure recycling programs fully integrated within their overall waste management system while allowing producers to discharge their obligations cost effectively by: - Partnering with municipalities to develop common collection tenders on regional basis to achieve mutually agreed service standards - Allowing producers to optimize intermediate processing - Marketing materials at maximum scale to optimize revenues - Adding plastic packaging types incrementally to moderate overall program costs - Using different funding models to reflect differences in household and IC&I waste management systems	Leaves municipalities with lead responsibility for design and operation of recycling programs to meet local conditions. Producers have developed innovative mechanisms to discharge their obligations including: - Requiring obligated producers to arrange takeback guarantees for materials collected by municipalities - Moderating the pace of transition to EPR by providing financial, technical and P&E support on a regional basis over an extended timeline - Implementing a financing mechanism to incent individual producers to integrate recycling P&E into their product marketing and to design their packaging to facilitate downstream recycling

RFP for Recycling System Frameworks Research
DEQ-1208-19

Legal and Relational Framework Subcommittee
July 30, 2019

Resource Recycling Systems (Ann Arbor, Michigan)

More than 30 years of experience planning, executing and evaluating recycling frameworks in the US and internationally.

- Jim Frey (CEO – **Project Director**)
- Resa Dimino (Senior Consultant – **Project Manager**)
- Bryce Hesterman (Consultant)
- Anne Johnson (VP – Global Corporate Sustainability)
- Catherine Goodall (Senior Consultant)
- Juri Freeman (Senior Consultant
- Erin Grimm (Creative Strategist)
- Laura Dobroski (Analyst)

Subcontractors
- Garth Hickle
- Skumatz Economic Research Associates
- Environmental Packaging International
- Lorax Compliance

Advisors
- Jerry Powell
- Chris Parta, Parta Oregon
- David Stitzhal, Full Circle Environmental

Task 2 – Evaluation tool: Weighted Multi-Criteria Decision Matrix

Decision matrix will be developed that effectively scores each Framework based on how it fulfills each function, using both quantitative and qualitative characteristics and quantitative outcomes.

Criteria	Whole System Design	Shared Responsibility	Goal Based	Supports Education, Outreach, and Engagement	Defined Material Selection Process	Effective Collection and Access	Effective Processing	Transparency and Accountability	Total
Weight:	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%	100%
Baseline Framework									
Framework 1									
Framework 2									
Framework 3									
Framework 4									

Enhanced city or county program

- Tompkins County, NY
  - Local government entity creates policy and regulatory environment, and utilizes contractual mechanisms.
    - County owns the MRF but contracts out processing services (Casella). County audits operations at the facility.
    - County also runs the area's transfer station.
    - Holds hauler licenses for collectors operating within the county.
    - In charge of public drop-off collection (both via drop-off centers and public space recycling).
    - County is also in charge of education and outreach to the county's 43,450 HH and 2,370 small businesses.

Proposed Frameworks

Local government authority

- Onondaga County Resource Recovery Agency (NY)
  - Local government authority provides solid waste and recycling services to residents and business in the jurisdiction.
  - Operates the county's WTE facility.
  - Operates two separate recycling/organics sites.
  - Provides education to local communities.

Joint powers agreement

- Solid Waste Management Coordinating Board (Minneapolis-St. Paul Region)
  - Coordinating board made up of Anoka, Carver, Dakota, Hennepin, Ramsey and Washington counties.
  - Government entities enter into agreements and exercise powers common to all parties.
  - Board works together on everything from harmonized educational outreach and technical assistance to creating legislative policy.

State-created authority

- Rhode Island Resource Recovery Corp. (RIRRC)
    - A quasi-public agency (created by the state but not a department of the state).
    - Funded through service fees (does not receive state funding).
    - Operates state's only MRF. Shares profit received from the sale of mixed recyclables with local municipal programs.
    - Operates drop-off centers for numerous items such as HHW and organics.
    - State's main educator.

- Delaware Solid Waste Management Authority (DSWA)
    - Also created by the state, operates three of the state's landfills.
    - Owns the state's only MRF but contracts services out to Recommunity (Republic Services).
    - Operates drop-off centers for numerous items such as HHW, electronics and organics.
    - In charge of licensing haulers statewide.
    - Works with DNREC on education efforts.

State-created authority

- Sustainable Materials Management Authority (no such established authority)
  - Statewide decision-making entity with multi-stakeholder representation to determine programmatic decisions for materials management programs in the state including the prioritization of materials to be collected for reuse and recycling.

Proposed Frameworks

Washington State (Service provision, participation and mandates with Litter Tax)

- Litter Tax associated with WA Department of Ecology's Beyond Waste Plan. The litter tax (.00015 cents of the taxable amount) is assessed to manufacturers, wholesalers, and retailers of certain products which contribute to the litter problem in this state.
- There are 13 categories of products subject to the tax such as groceries, beer and malt beverages, wine and glass and metal containers.
- Tax is mainly focused on "to go" food and beverage containers.
- The tax is paid by taxpayers that manufacture or sell any of the 13 categories of products subject to the law.
- Funds are used for litter control programs.

Delaware (Universal recycling with per-container fee)

- Universal recycling with per-container fee (fee only in place for four years), as enacted by the 2010 passing of SB 234.
- Established mandatory recycling for residents, commercial and institutions.
- Law eliminated state's Bottle Bill.

California (Service Provision, participation, design and content mandates with Bottle Bill)

- Much of this framework is focused on the current progression of AB 1080 / SB 54, which establishes requirements for producers of packaging and priority single-use plastic products (i.e. top 10 forms of plastic litter in CA).
- Requires CalRecycle to adopt regulations to source reduce or recycle at least 75% of single-use plastic packaging and products by 2030.
- Requires a manufacturer of single-use plastic packaging or products sold or distributed in California to demonstrate a recycling rate of not less than 20% on and after January 1, 2022, and not less than 40% on and after January 1, 2026.
- American Chemistry Council has proposed an amendment where a per-container fee of three-tenths of one cent is assessed to all forms of packaging. Funding would be used for multiple recycling-related reasons.

Use of fees to capture specific products

Examples of government agency-operated programs for individual products or product categories.

- CalRecycles Electronic Waste Management program
  - Advanced recovery fees are collected on in-state sales of covered electronic devices, which funds collection and recycling costs of CEDs associated with the system.

- Environmental Protection Administration of Taiwan (EPAT) packaging waste management program
  - Manufacturers, as well as importers, pay recycling fees to the EPA's Recycling Fund Management Committee (RFMC) to promote recycling.
  - Manufacturers have no responsibility to collect and recycle covered items. Instead, they bear the full responsibility of paying fees into the Recycling Fund.
  - Fees are then used as a source of revenue for the RFMC to provide subsidies to those who participate in collection and recycling efforts, providing an incentive for collectors and recyclers to participate in the system, as participation is not mandatory.
  - Fees are determined by a rates committee, which is composed of members from government, academia, consumer groups, manufacturers, and other sectors.

Use of fees to capture specific products

Examples of government agency-operated programs for individual products or product categories.

- Hungary
  - Current program eliminated the previous manufacture-ran EPR program for one that's operated by the National Inspectorate for Environment and Nature's National Waste Management Directorate (NWMD).
  - NWMD is responsible for ensuring transparent, predictable, traceable and accountable waste management throughout Hungary.
  - Waste management activities are funded by an Environmental Product fee, which is assessed to such items as batteries, WEEE, certain chemical products and packaging.

Proposed Frameworks

Producer financed and government regulated product-specific programs

- Manitoba – CBCRA
  - Canadian Beverage Container Recycling Association oversees the beverage container redemption program.
  - Beverage producers are charged a Container Recycling Fee for every non-alcoholic, non-dairy beverage container they supply into the province.
  - The fee funds the entire operation including infrastructure, signage, technical support, and promotion and education. Additionally, funding from the fee pays for up to 80% of the cost to collect, sort and market used beverage containers in residential recycling programs.

- Call2Recycle
  - Non-profit, product stewardship-based organization focused on battery recovery/recycling.
  - Operates in accordance with extensive state and federal regulations, such as the Mercury-Containing and Rechargeable Battery Act (The Battery Act).
  - Currently, battery recycling requirements are in place in 20 states, with eight states (FL, IA, MD, ME, MN, NJ, NY and VT) operating under systems where producers are required to offer or fund battery recycling.

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Voluntary producer financed and government regulated product-specific programs

- Oregon Beverage Recycling Cooperative

- Germany's Packaging Act (VerpackG)
  - Now overseen by the Central Agency Packaging Register, act replaced VerpackV on January 1, 2019, the country's initial regulation aimed at preventing and reducing packaging waste.
  - Producers placing packaging or packaged goods for the first time on the German market intended for household end-users will be required to join a compliance scheme.
  - Producer must provide data relating to the materials used and volumes placed on the market.
  - Failure to comply with the new VerpackG law face fines of up to €200,000 ($222,641 USD), as well as face potential trade sanctions.
  - Act is intended to make retailers more responsible for promoting the use of eco-friendly and recyclable packaging.
  - Full producer responsibility system.

USDA Checkoff Program

- Producers and handlers voluntarily finance these programs from assessments charged on a per-unit basis of the marketed commodity.
- Funding generated is used to promote and provide research and information on a particular agricultural commodity.
- Checkoff programs attempt to improve the market position of the covered commodity by expanding markets, increasing demand and developing new uses and markets.
- For Oregon under this framework, program funds could be used to support recycling infrastructure investments and implementation of new programs / program enhancements.
- Under such a framework, state would oversee and approve fee setting and funds management.

Proposed Frameworks

Producer governance (brand owner)

- Saskatchewan (launched in 2015)
    - Operated by non-profit Multi-Material Stewardship Western.
    - 75/25 shared responsibility funding between producers and municipalities.
    - Focused solely on all forms of residentially-generated packaging and printed paper (PPP) material. Does not include beverage containers covered under province's Litter Control Act.
    - Operates at a cost of $5.09 per capita (USD).

- Manitoba (launched in 2010)
    - Operated by non-profit Multi-Material Stewardship Manitoba.
    - 80/20 shared responsibility funding between producers and municipalities.
    - All forms of residential and industrial, commercial and institutional (IC&I) PPP materials.
    - Establishes requirements for reducing beverage cup waste and requires all quick-serve restaurants to provide in-store recycling opportunities, by 2020.
    - Operates at a cost of $16.43 per capita.

NOTE: Non-profit Canadian Stewardship Services Alliance provides administrative and management services to Canada's stewardship programs.

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Proposed Frameworks

Producer governance (brand owner)

- British Columbia
  - Fully producer-governed and financed programs for all residential and public space PPP material. Beverage redemption program not impacted by system.
  - Managed by Recycle BC (formerly Multi-Material BC). Operated by Green by Nature EPR, a consortium consisting of Cascades Recovery, Emterra Environment and Merlin Plastics.
  - Eco fees not directly charged to residents.
  - Recycle BC's program plan must be approved by the Ministry of Environment and Climate Change Strategy.
  - Operates at a cost of $11.87 per capita.

- Quebec (launched in 2006)
  - Fully producer-financed/municipally-managed programs for all residential and public space PPP material. Beverage redemption program not impacted by system.
  - Managed by RECYC-QUEBEC. Operated by Éco Entreprises Québec.
  - Program includes credits for recycled content in printed material.
  - Operates at cost of $14.02 per capita.

Producer governance (brand owner)

- Ontario (launched in 2006)
    - Transitioning to a full producer responsibility system with the 2016 enactment of the Resource Recovery and Circular Economy and the Waste Diversion Transition Acts.
    - Operated by Stewardship Ontario (SC).
    - LGs or SC contract with private service providers (similar to BC program).
    - All residential PPP covered. Beverage redemption program not impacted by system.
    - Producers will be able to discharge their responsibilities through a PRO, but liability will remain with the individual producers. Framework is intended to stimulate competition (i.e. to have multiple PROs for producers to choose from).
    - Includes a "Design for Recyclability" eco-design component.
    - 2016 acts established the Resource Productivity and Recovery Authority, an entity created to implement circular economy strategies, oversee EPR programs, among other things.
    - Operates at a cost of $14.41 per capita.

Proposed Frameworks

European frameworks

- Austria
  - Full producer responsibility system for all packaging (residential and IC&I).
  - Operated by Altstoff Recycling Austria.
  - Material specific recovery and recycling targets higher than EU minimums.
  - Collection, processing and marketing services are provided through competitive tendering.
  - Landfill ban on unprocessed waste.
  - Promotes domestic markets:
    - 90% of material remain in Austria
    - 10% in European market area
    - No exports to Asia.
  - Beverage container redemption program not impacted by system.

European frameworks

- Belgium
    - Full producer responsibility system for all residential and IC&I material, though only PET and HDPE plastics are recognized.
    - Operated by Fost Plus.
    - Municipalities and producers share operational responsibility.
    - Collection, processing and marketing services are provided through competitive tendering, though Fost Plus signs contracts with inter-municipal authorities and defines how collection and sorting should be organized.
    - Landfill ban on obligated packaging.
    - Operated at a cost of $14.89 per capita.
    - Beverage container redemption program not impacted by system.

European frameworks

- France
    - Fully producer responsibility system focused on residential and some public space material.
    - All packaging materials recognized, expect for plastics, where only PET, HDPE and PP are recognized by the system.
    - Operated by Citeo at a cost of $11.57 per capita.
    - France's program is considered by some to be the most successful at using eco-modulated fees to encourage eco-design of products.
        - Previous EPR penalty fee was for all plastics – € 0.3463/kg ($0.03855 USD). New fee setup for plastics will create seven plastics categories beginning in 2020, with the modulated fees being revised each year.
        - Flexible packaging could carry an extra 30% penalty; rigid PS packaging a 40% penalty; complex packaging (multilayer) and other resins (except PVC) a 50% penalty; and, rigid and flexible packaging containing PVC a 75% penalty (increasing to 100% by 2022).
        - Bonuses provided for efforts such as weight and volume reduction, on-package sorting instructions, use of recycled content, etc.

Proposed Frameworks

European frameworks

- EU Policy Framework and Related Directives (i.e., EU Packaging and Packaging Waste Directive)
  - Intended to promote a circular economy.
  - Requires all member states to establish EPR schemes for all packaging by December 31, 2024 (essentially, harmonize and strengthen current member schemes).
  - Circular Economy Package calls for 70% of all packaging waste to be recycled by 2030, with all plastics packaging to be recyclable by 2030 (EU Strategy on Plastics).
  - PPWD sets material-specific recycling targets for product packaging until 2030.
  - Intended to ensure an open and competitive markets for collection.
  - Pay a minimum of 80% of program recycling costs, litter prevention and clean up.
  - Landfill ban on unprocessed waste.
  - Right to Repair promotion of "modulated fees" to promote design for recycling.
  - Sets prevention targets for 10 single-use plastic items most commonly found in marine environment.

Questions?