



Oregon

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December 11, 2025

Jeffrey Fieklow
Chief Executive Officer
Circular Action Alliance
Via email

Dear Mr. Fieklow:

Thank you for submitting Circular Action Alliance's [plan amendment on responsible end markets](#) to the Oregon Department of Environmental Quality on Aug. 13, 2025, for the implementation of a producer responsibility program for packaging, printing and writing paper, and food serviceware in Oregon under Senate Bill 582 of 2021 (Act).

A program plan is an enforceable document in which a PRO lays out its approach to fulfill its obligations under statute and rule. In addition to being subject to enforcement should a PRO deviate from implementation of the plan without seeking a plan amendment, a PRO is also accountable directly to the statute and rules.


This letter and its attachment comprise DEQ's official response to the plan amendment, pursuant to ORS 459A.878(1). DEQ's response was informed by [public comment](#), available on DEQ's website, and by input received from the Oregon Recycling System Advisory Council during its Sept. 17, Oct. 20, Nov. 3, and Nov. 19 meetings.

This amendment has played an important role highlighting industry concerns about the responsible end market obligation and catalyzed constructive dialogue among interested parties. DEQ particularly appreciated the discussions hosted by the Recycling Council and industry's willingness to engage in compromise during related meetings.

After reviewing the amendment and considering input received through public comments and the Recycling Council, DEQ rejects the first draft proposed amendment. DEQ requests that CAA submit an updated version by February 9, 2026, or within the statutory maximum of 60 days allowed for making the revisions. DEQ's rationale for rejecting the amendment, including recommendations for improving the amendment in subsequent drafts, is laid out in Appendix A. Additional supporting documentation is located in confidential Appendix B, which responds to Plan content that CAA claimed as confidential at the time of submission.

We look forward to further collaboration with CAA and other partners to modernize Oregon's recycling system.

Sincerely,


Cheryl Grabham (Dec 11, 2025 12:53:51 PST)

Cheryl Grabham
Manager, Product Stewardship Program

Attachments

1. Appendix A: DEQ recommendations on CAA plan amendment components
2. Appendix B: [Confidential] DEQ recommendations on CAA's criteria benchmarking of external third-party standards and PRO verifications

Appendix A: DEQ recommendations on CAA plan amendment components

Overall DEQ feedback on plan section

DEQ acknowledges that CAA is facing challenges implementing its program plan as currently written, and that a plan amendment is the correct tool to deploy in such an instance. Therefore, although DEQ is satisfied with the currently approved program plan, we welcome this plan amendment as an opportunity for interested parties to collectively think through the best path forward.

There are several strengths in the proposed amendment. DEQ acknowledges that CAA conducted successful outreach to industry to develop the proposed plan amendment and proposed some constructive solutions to address challenges faced. For example, the plan proposes benchmarking the “responsible” standard against other existing standards for an end market to be able to count the results of existing certifications toward meeting REM requirements, which could reduce administrative burden. DEQ also acknowledges that the approved plan was written before such outreach was completed, and that CAA’s outreach uncovered some additional concerns and challenges. DEQ has been and remains committed to working with CAA to work through those challenges so that the letter and intent of the RMA can be met in a manner that is practical for CAA and other parties to implement.

To be approved, the program plan (amendment) must meet all applicable requirements in statute and rule. There are several elements of the amendment that DEQ considered to not substantially meet requirements, and those are noted in the table below in **bold** font. These topics received considerable attention in the Recycling Council deliberations of October and November, and DEQ’s recommendations for how to address them align with the outcomes of those discussions.

In addition to substantial areas where requirements are not met, there are more minor requirements that also appear unmet and are noted in the table, as well as some additional DEQ concerns regarding excerpts of the plan that contradict one another, excerpts of the plan that contradict statute and/or rule, use of vague language, and variances that DEQ is not inclined to approve as currently formulated.

Generally, DEQ is confident that interested parties working together to review this plan amendment can help CAA to identify additional solutions that lead us collectively forward.

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar feedback
Ensure that four classes of covered products, identified in ORS 459A.869(7), and contaminants collected with those covered products, are managed and disposed of consistent with the goals, standards and practices required by ORS 459A.860 to 459A.975 and transferred to responsible end markets.	ORS 459a.875(2)(a)(G)-(I) and OAR 340-090-0670	Ensuring Responsible End Markets, pg 141-162	No	Recommended changes are described in the table below.	
Provide examples of end markets, as defined in OAR 340-090-0670(1), that may use	ORS 459A.875(2)(a)(H)(i)	n/a	No	This is a minor requirement, but it appears to not be met in the proposed amended version of the plan. The section “Example	

Translation or other formats

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the material collected from covered products in the manufacturing of new products;				End Markets” from the currently-approved plan has been removed in the amended version. CAA could reinstate that section to meet the requirement.	
Describe how the prospective PRO will verify that the recycling supply chains up through and including the end markets are meeting the “responsible” standard, including through (scroll to next rows):	ORS 459A.875(2)(A)(H), ORS 459A.875(2)(q), and OAR 340-090-0670(2), (3), and (6)	Proposed REM amendment, pg 146-154	No	<p>The statute at ORS 459A.896(2) and ORS 459A.887(6), and the rules at OAR 340-090-0670, require a PRO to enable flow of four classes of materials (listed at ORS 459A.869(7)) to responsible end markets if practicable, with end markets and other downstream facilities considered “responsible” if they have</p> <ul style="list-style-type: none"> a) self-attested as “responsible” by July 1, 2025, b) been verified by the PRO as “responsible” or certified by an EQC-approved third-party certification by June 30, 2027, and c) not demonstrated behavior in misalignment with the “responsible” standard while self-attested but not yet verified (e.g. accepting material subject to a national ban, refusing to behave transparently by providing data needed for PRO and CRPF disposition reporting). <p>In the plan amendment, CAA presents a generally operational approach to obtaining self-attestations from downstream facilities but unduly limits its obligation to those markets that only process PRO materials. CAA’s statutory obligation is for four classes of materials, including those collected for recycling under the USCL. CAA suggests it is also limiting its responsibility to obtain disposition data from downstream facilities needed to fulfill the statutory requirement to report disposition on a quarterly basis to DEQ. DEQ considers CAA to have a joint obligation with CRPFs to obtain self-attestations and data needed for disposition reporting from downstream facilities that handle Uniform Statewide Collection List materials.</p> <p>A second significant concern of DEQ is the approach proposed to downstream facility verification, which DEQ finds to substantively not meet requirements in several ways. Please</p>	

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				<p>update this section and resolve misaligned portions. See details in the relevant criteria below.</p> <p>As a general comment about how the amendment addresses verification, please clearly delineate two periods of time: 1) the present, at which time there is no EQC-approved third party certification and therefore all downstream facilities must be PRO-verified against a verification standard contained in the program plan, from 2) a future hypothetical time when the EQC may have approved a third-party certification for use. The earliest EQC approval of a certification could happen would be in a fourth RMA rulemaking, e.g. 2029 or 2030. To clearly delineate between these two periods of time, DEQ recommends using the words “verification” and “verification body” to refer to the market audits and the auditor-contractors that CAA will work with, respectively, to meet the current requirements. When referring to the envisioned future, CAA could instead use the words “certification” and “certification body.” Note: even if and after the EQC adopts certification standards, it is possible that only some end markets will use them, thereby requiring ongoing PRO verification of some end markets.</p>	
(Step 1) initial screening assessments (self-attestations). Regarding these, the program plan could indicate:		<ul style="list-style-type: none"> • REMs Disclosure Overall Approach , pg 148 • Initial Screening Steps, pg 148-149 	Conditionally	<p>Obtaining self-attestations is represented as a first screening step of a 3-step verification approach on pg 148, and an expanded vision for how to conduct the screening process is laid out at pg 148-149.</p> <p>The approach to self-attestation appears sound and has been relatively sound in implementation to date, but on pg 149 CAA limits its obligation to obtaining self-attestations from markets that process PRO materials. DEQ finds that this contradicts statute and rule, which indicates CAA to have REM obligations for four classes of materials, with PRO materials only one class among the four. In order to render the content approvable, DEQ recommends that CAA remove the paragraph in question, which begins with the words “While CRPFs are responsible for obtaining....”</p>	

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information that will be used to complete the screening assessments; and					
plans for distribution of self-attestation forms to supply chain entities; and					
(Step 2) Disposition reporting. Regarding this, the plan could describe the PRO's plan for obtaining disposition data from downstream facilities.		<ul style="list-style-type: none"> Data Review Steps, pg 149 Specific Considerations for Disclosure of Chain of Custody, pg 153 Accounting for Disposition of PRO-Managed Material, pg 158-159 	No	<p>There are inconsistencies between what CAA pledges to do within the program plan amendment text and the amendment cover letter. While the amendment, if approved, would ultimately carry the force of law and the cover letter would not, DEQ would like to see clarity and consistency across the entire amendment submission.</p> <p>In the cover letter Appendix A analysis of how the amendment meets the disposition reporting requirements of OAR 340-090-0670(6), CAA indicates that it will offer to assist CRPFs with obtaining disposition data only for end markets that process both USCL and PRO materials.</p> <p>Meanwhile, within the three relevant sections of the amendment itself, CAA does not mention this offer to assist with obtaining disposition data, but instead describes its role as one of providing a database into which supply chain entities could report and data validation, rather than one of gathering data.</p> <p>And then again, in cover letter Appendix C, CAA indicates that it will collect chain of custody and tonnage data as part of facility verification and does not limit itself to those facilities that manage PRO materials.</p> <p>Please improve consistency among these three sections. Because DEQ views CAA as jointly obligated to enable CRPF disposition reporting for USCL materials, DEQ cannot approve program plan language that suggests that such activities are voluntary/"offered."</p>	

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(Step 3) PRO verifications. Regarding these, the plan could include:					
Details on the verification body(ies) that will be contracted with.		REM Disclosure Steps, pg 149-150	Yes	CAA's criteria for the selection of Verification Bodies (VBs), listed on pg 149-150, are generally acceptable. However, DEQ notes with interest that, compared with the currently-approved version of the plan, the criterion "Willingness to allow CAA or certification scheme representatives to shadow on-site audits as needed" has been removed from the criteria for selection of VBs indicated in the program plan – does this mean that CAA does not intend to shadow any on-site audits?	
Criteria for review and approval of verification bodies and verifiers, such as accreditation requirements, professional liability insurance requirements, policy requirements for prevention of conflict of interest, etc.					
The approach for verifying that downstream entities meet the "responsible" standard, including		REM Disclosure Steps, pg 149-153	No	<p>DEQ has several substantial concerns with the approach to verification laid out in this section of the plan.</p> <p>One concern pertains to the statement on pg 153 that "until a REM [certification] standard is developed by an independent Standards Development Organization, accredited by ANSI, the disclosure process will not be used as a method of determining REM compliance status of any end market." A similar statement is found in Cover Letter Appendix C: "CAA will not determine compliance results of REM verification until a national standard is developed." These statements seem to run directly contrary to the requirement under OAR 340-090-0670(3)(g)(D) that verification reports document all instances of downstream facility noncompliance with the "responsible" standard. The amendment does include several references to verifications that note "misalignment with REM disclosure guidelines," but there is little information provided as to the granularity and type of information regarding such misalignment that CAA will communicate to DEQ in quarterly verification reports.</p>	<p>DEQ feedback on the two bolded, substantive issues aligns to feedback received from the Recycling Council in Oct-Nov.</p> <p>The particular suggestion to give recycling facilities a chance to "opt out" before information on their performance is shared with DEQ was adopted at the behest of the Recycling Council.</p> <p>AFPA recommended that availability of markets be monitored/ carefully taken into account in implementing the REM obligation; DEQ has factored this into its recommended approach to verification reports and REM listing decisions.</p> <p>AFPA and ORRA expressed concerns about protection of confidential information that are partially addressed in the proposed approach to verification report content (detailed information does not need to be provided to DEQ in "red" and "green" scenarios, nor does numeric yield value).</p>

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				<p>While DEQ is comfortable making the ultimate listing and de-listing decisions, DEQ needs actionable information from the verifications in order to do so. DEQ recommends reinstating language from pg 156 of the currently-approved plan that appears under the header “Investigating Non-Compliance” and describes the level of detail that will be provided in the quarterly verification reports. Each report should contain the facility name, location (city and country) the material type received, and the process method that is applied there that underwent verification. For each criterion of the standard, if alignment with REM principles is a clear result of the verification, DEQ considers that this could be indicated simply, e.g. with a green color code. If misalignment with REM principles is the clear result, this could be indicated with red and a simple sentence that indicates the problem, e.g. “Facility did not provide information,” or “Facility is not containing waste in an environmentally responsible manner.”</p> <p>Should there be a criterion for which facility performance is marginal or unclear, DEQ would expect the “yellow” score to be accompanied by substantial additional information sufficient to enable DEQ to make a decision of a) retaining the facility on the REM list and providing technical assistance or opportunity to correct, b) removing the facility from the list, or c) tasking the PRO with gathering additional information that DEQ deems necessary to make a determination. When making this decision, DEQ will factor in the availability of alternative markets for the material in question and may trigger the PRO’s practicable action obligation, pursuant to OAR 340-090-0670(5).</p> <p>Please also note in the plan that if DEQ needs more information about facility performance to enable a listing decision, CAA is willing to conduct more research and provide the information. The plan should describe a process by which the PRO will respond to information requests under scenario (c) above.</p> <p>DEQ also advises CAA to add a step in the verification process whereby a facility with a “red” or “yellow” score would have the</p>	<p>Lane County and City of Eugene expressed concern with the use of the word “voluntary” and indicated that the mandatory nature of reporting should be spelled out.</p> <p>BRING/Ground Score/Environment Oregon also expressed concern with the use of the word “voluntary.”</p>

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				<p>opportunity to voluntarily withdraw from the process, meaning the verification report would not go to DEQ.</p> <p>Another concern is that the word “voluntary” is used in multiple sections describing the verification process, and could be misconstrued to mean that it is voluntary for CAA to verify downstream facilities. That is not the case; CAA must verify downstream facilities, pursuant to OAR 340-090-0670(3).</p> <p>In alignment with discussions on this topic with CAA and the Recycling Council,” CAA should amend the plan to clarify that a) conducting verifications is not voluntary for the PRO, and b) end market responsiveness to the Verification Body is not voluntary if the market wants to be on the “responsible” list. CAA could additionally clarify that end markets will be afforded some <i>flexibility</i> in terms of what documentation they can provide to prove that they meet the responsible standard (for example, if a facility has a third-party certification that benchmarks well against the “responsible” standard, it can use the certification to demonstrate that certain criteria are met and reduce its auditing burden).</p> <p>Additional substantial concerns with the verification approach are indicated below.</p>	
1. A description of how facilities will be selected for site visits and/or desktop verification (sampling plan)		REM Disclosure Steps, pg 149-153, including Table 20 (REM Requirements), pg 150-152	No	<p>While the currently-approved plan pledges a site visit of all downstream facilities by June 30, 2027, the plan amendment leaves open the possibility that there will be no on-site audits at all as a part of verification. That would not comport with the requirements in OAR 340-090-0670(3), which list out the components of verification, some of which arguably may not be adequately verifiable without a site visit (e.g. containment of waste and whether or not yield thresholds are met).</p> <p>DEQ is concerned that entirely foregoing on-site visits could leave the state vulnerable to serious scandals with respect to the disposition of Oregon-origin materials – what assurance would exist that material was not being dumped into communities, for example?</p>	<p>The risk-based approach for site visits was discussed with and suggested by the Recycling Council in its subcommittee meetings.</p> <p>The metro local governments expressed concern about the adequacy of the budget.</p>

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				<p>DEQ recommends that CAA adopt a risk-based approach to identify a subset of facilities that will receive a site visit. As discussed with the Recycling Council, the method can entail two components: 1) a scoring of the facility on the basis of the desktop verification results, and 2) an additional set of risk assessment questions that are geography-neutral and including the question of whether or not the facility has received a site visit within the past two years that included assessment of waste containment (DEQ recommends CAA screen all certifications and other protocols through which site visits are conducted and under consideration to identify those that adequately address containment of waste).</p> <p>CAA should also demonstrate that it has budgeted appropriately for the verification task. The scope of the verification work has changed substantially from the approved plan to the first draft amendment, and will likely change substantially again with the second draft. DEQ would expect to see the budget changing to accommodate these scope alterations, and Metro local governments have raised concerns about adequacy of budget in their public comment. As such, DEQ requests, under its authority through ORS 459A.875(2)(q), additional information be added to the second draft to corroborate the accuracy of the amount budgeted for the work.</p> <p>There also is some language in the plan amendment and cover letter that is inconsistent and/or lacks clarity. For example, on pg 153, it is stated that “CAA Oregon will forgo the right to randomly audit if an end market entity cannot demonstrate REM alignment.” It is not clear what this means. Meanwhile, in cover letter Appendix B, when assessing the amendment’s fulfillment of the requirements under OAR 340-090-0670(2)(b)(A), it is stated that “CAA will consider performing on-site visit[s],” and that this could happen in instances where the facility has received no other on-site auditing – but this seems to contradict the phrase on pg 153 about forgoing the right to audit in cases when information is incomplete.</p>	

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2. How compliance with applicable laws and treaties will be verified (element #1 of the “responsible” standard).			Yes	The criteria reflect that a compliance audit is envisioned as part of the verification process, and that aligns with the definition of “responsible” in rule.	
3. How chain of custody transparency will be verified (element #2 of the “responsible” standard)			Conditionally	<p>The criterion for “Audits and records” appear less robust in the proposed amendment. In the currently-approved plan, markets need to provide chain of custody records to the verification body upon request, but not according to the plan amendment criterion.</p> <p>Please consider reinstating the section about providing records upon request. Robust verification of transparency would involve checking chain of custody records to make sure that disposition and disposal ratios reported in the context of disposition reporting are accurate.</p>	
4. How environmental soundness will be verified (element #3 of the “responsible” standard)			No	<p>The “Containment of Waste” criterion, with its exclusively on-site scope, could miss instances of a facility dumping waste elsewhere. Please expand the scope to encompass facility activity both on- and off-site.</p> <p>DEQ is also concerned that the removal of four criteria pertaining to chemical management and plastic pollution substantially weakens the “responsible” standard. In alignment with subsequent discussion with CAA and the Recycling Council, DEQ recommends:</p> <ul style="list-style-type: none"> • With respect to chemicals of concern: <ul style="list-style-type: none"> • retain a dedicated disclosure-focused criterion and consider using DEQ’s life cycle evaluation list of chemicals as the list of chemicals that would need to be self-attested for if intentionally added, and • additionally encompass within the standard a focus on detergents used in washing and on compliance with existing chemical regulations that apply in the jurisdiction in question. • With respect to plastic pollution: <ul style="list-style-type: none"> • retain a dedicated criterion that would hold plastics reclaimers to achieving outcomes consistent with 	<p>The continued inclusion of chemicals of concern and plastic pollution with dedicated criteria aligns with feedback received from the Recycling Council in its Nov 19 meeting.</p> <p>Denton Plastics expressed concern about the REM approach mandating markets to have multiple overlapping certifications – e.g. REM verification as well as OCS certification. The proposed approach to the plastic pollution criterion would not necessitate a facility achieving OCS certification, but rather only demonstrating commensurate outputs (performance) as that required by OCS auditors.</p> <p>BRING/Ground Score/Environment Oregon expressed concern with the elimination of criteria from the standard and the request to reinstate the plastic pollution, chemicals of concern and yield criteria.</p>

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				<p>the Operation Clean Sweep standard, even if they are not OCS-certified or do not meet all the input requirements, and</p> <ul style="list-style-type: none"> • additionally encompass within the standard a focus on plastic pollution in the containment of waste criterion (for all end markets) and in the compliance criterion with particular respect to suspended solids (for end markets with water quality permits or other requirements). 	
5. How adequate yield will be verified (element #4 of the “responsible” standard), including:			No	<p>There is no criterion in the verification standard dedicated to yield, which does not appear to fulfill OAR 340-090-0670(3) (requirements of verification). While the rules do allow for variances, a wholesale variance on the need to verify one of the four pillars of the “responsible” standard seems to go beyond the bounds of what is appropriate to address through variance.</p> <p>Note: there is some contradictory language on pg 156 indicating that verification bodies will conduct verification of yield, suggesting that CAA is proposing not to drop yield wholesale but to assess it in a different manner. If this is the case, CAA should reinstate yield as a criterion in the standard and indicate the method of verification.</p> <p>With respect to the method to be employed, in alignment with subsequent (post-submission) discussion with CAA and the Recycling Council, DEQ recommends a risk-based approach to prioritizing a subset of facilities for on-site verification of yield. The recommended approach is as follows:</p> <ul style="list-style-type: none"> • As part of desktop verification, all sites self-attest to yield for all materials for which yield standards apply. Note: self-attestation/estimation as opposed to quantitative calculation is allowed under OAR 340-090-0670(2)(c)(E). • Only the verification body receives the self-attested value, and reports it onward to CAA and DEQ as pass/no pass. 	<p>The risk-based approach for on-site verification of yield was discussed with and supported by the Recycling Council in its subcommittee meetings.</p> <p>AFPA and ORRA expressed concern about yield needing to remain confidential (the numeric yield estimate is not reported to DEQ under the recommended approach)</p>

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				<ul style="list-style-type: none"> For a subset of the facilities/materials, risk assessment is conducted by the verification body, consisting of review of the process and equipment used and assessment of whether or not management practices and equipment appear adequate for the materials in question. DEQ recommends conducting this risk assessment on all facilities that process materials that enter the facility as a minority component of a bale, as well as for facilities that process certain prioritized materials that come in as mono-material bales but for which specific concerns have been raised about recycling at end markets (e.g. polyethylene film). Those facilities deemed high risk in the risk assessment have their self-attested yield verified through an on-site audit. 	
Protocols to be applied when reporting disposition for and calculating yield in recycling supply chains in which obligated Oregon materials mix with non-obligated materials, such as material from another state.		Accounting for Disposition of PRO-Managed Material, pg 158-159	Conditionally	<p>CAA is clear in this section that they will use accounting approaches that fulfill the relevant requirements in rule.</p> <p>CAA should remove “of PRO-Managed Material” from the title of the section so that it broadly relates CAA’s approach to disposition accounting of any of the four categories of materials for which CAA has responsible end market obligations.</p> <p>Please also consider adding additional disposition reporting categories through the program plan, pursuant to OAR 340-090-0670(6)(c)(B)(i)(X). Addition of reporting categories for mixed polyolefins and specific fiber grades would enable a more holistic accounting for bales and shipments currently being created in Oregon.</p>	
Plans to incorporate community feedback into verifications of markets and other downstream entities.*	n/a	Whistleblower Process, pg 153-154	n/a	<p>There is inconsistency in this section – in the first paragraph it is indicated that a whistleblower channel will be established only when certification is in place, whereas paragraphs 2-4 discuss integration of whistleblower feedback into the <i>verification</i> process.</p> <p>Please clarify in the next draft whether or not whistleblower feedback will be sought during verification, e.g. the phase in which we currently are and will be for the entirety of the program plan period.</p>	

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(Pre-verification requirement for chemical recycling) For a method other than mechanical recycling, an analysis of the environmental impacts for the proposed method compared to the environmental impacts of mechanical recycling, incineration and landfill disposal as solid waste.	ORS 459A.875(2)(a)(l)(iv)	n/a	n/a	No request to send materials to non-mechanical recycling was made.	
Requests for temporary variance from the screening and verification deadlines indicated in OAR 340-090-0670(3)(b), accompanied by justification	OAR 340-090-0670(3)(e)	Requests for Temporary Variance in REM Disclosure, pg 154-158	No	DEQ appreciates the general approach reflected by variance proposals #1 and 2 (giving facilities credit for existing third-party certifications and PRO audits that overlap with our requirements) and is inclined to approve these variances during the Draft 2 review and approval process through detailed review of the benchmarking that CAA has submitted indicating the performance criteria in the verification standard that are adequately covered by criteria in the benchmarked standards, and those that are not.	APR voiced support for Variances #2 and #4. ReMA voiced support for Variance #2. Denton, KW Plastics, and ORRA expressed support for Variance #4. Lane County/City of Eugene, OBI, and ReMA called for phased implementation, which aligns with DEQ's approval of Variance #4.
Requests for temporary variance from the required components of a verification accompanied by justification, if such requests are being made. Justification could consist of criteria for identifying facilities that would receive more limited verifications on the basis of characteristics such as role in the supply chain,	OAR 340-090-0670(3)(h)			<p>DEQ will work with CAA through the Draft 2 process to ultimately generate two tables that can be inserted into the plan in the sections regarding each of these variances, and that will indicate which verification criteria particular certifications and verifications by other PROs will count toward. These tables can replace Table 18. See more information in confidential Appendix B.</p> <p>With additional respect to variance #1, DEQ does not understand why blanket variance from the need to verify would be given to a market if it has an audit from one of the other PROs, whereas third-party certifications would only give credit toward those criteria from the "responsible" standard that they cover. As a condition of DEQ approval, CAA will need to take the last paragraph from variance #2 and apply it to variance #1 as well ("If an entity using a recognized certification can only prove alignment against certain, but not all, REM impact areas, CAA Oregon, through the verification body, will support the disclosure of the missing REM impact areas.")</p>	

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				<p>For variance #3, see feedback above regarding how yield will be assessed in verification. DEQ considers that this variance is not actually needed, as the last paragraph of the variance #3 subsection suggests that yield actually will be verified, and in a way that the rules explicitly allow (self-attestation of yield by the market followed by verification by the verifier).</p> <p>For variance #4, DEQ understands that plastic converters (producers of the next package or product from recycled plastic flake or pellet) are newly aware of obligations under this policy, and may need flexibility to comply. DEQ therefore approves this variance for the duration of the first program plan.</p> <p>Regarding glass bottle manufacturers, DEQ disagrees with the opinion that they should be outside the scope of the regulation – they are commonly considered the end market for glass and they have substantial environmental impacts.</p> <p>On variance #5, DEQ approves generally of using risk assessment to identify facilities and locations that merit additional scrutiny. However, DEQ finds that different geographies should be held to the same bar. Other, non-geographic criteria can be used in conducting risk assessment. DEQ welcomes CAA proposals as to how to reformulate this variance proposal.</p>	
Actions and timeline to investigate if the prospective PRO learns of potential non-compliance through the verification/certification process or otherwise;	ORS 459A.875(2)(a)(H) and OAR 340-090-0670(5)	n/a	No	CAA has removed a section of the currently-approved plan regarding how facility non-conformance with the “responsible” standard will be addressed, and this introduces uncertainty with respect to how and whether or not CAA will take practicable actions in response to verification results to ensure flow to responsible end markets, as required by OAR 340-090-0670(5)(b).	
Steps the PRO will take and timelines for action when verification, certification, or auditing indicates that the “responsible” standard is not being met; and					
How the prospective PRO will track material flows, enabling	n/a	Specific Considerati	n/a	It is possible to report disposition without tracking material (e.g. through shipment IDs, RFIDs, etc). Disposition can be modeled	

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required quarterly disposition reporting per ORS 459A.887(6)—for example, through use of a database, including a description of any plans for cooperative development and use of such a database with commingled recycling processing facilities;		ons for Disclosure of Chain of Custody, pg 153		<p>using ratios reported by each downstream facility, as DEQ is currently proposing to do.</p> <p>Despite material tracking (e.g. neither holistic tracking nor random bale tracking) not being a requirement on the PRO during the first program plan, DEQ considers that it would be helpful for other interested parties if CAA could be clearer about its long-term intentions with respect to material tracking. Will there be tracking for the PRO materials? How will it be done? For USCL materials, some of the plan content suggests that CAA is offering a database for others to report into should they implement material tracking – is that the still case, or has CAA's vision evolved over the past months of preparation for disposition reporting?</p>	
Description of how the PRO will audit results across all facility verifications. This section could include:	ORS 459A.875(2)(A)(H) and	Random Bale Auding, pg 159	No	<p>DEQ has relieved CAA of the obligation to conduct remote bale tracking during the first program plan.</p> <p>However, CAA has not been relieved of the entire need to audit across verification results, and the plan amendment does not appear to contain any plans for doing so. As such, this requirement is not met by the amendment proposal.</p>	
Details of the approach taken toward auditing the accuracy, quality, and comprehensiveness of verifications.	OAR 340-090-0670(4)				
Key contractor(s) or auditors for random bale auditing and information about their qualifications;	n/a				
The sampling methodology to be used for random bale auditing including	ORS 459A.875(2)(A)(H) and				
Quantity of trackers to be deployed.	OAR 340-090-0670(4)				
Where and how they will be placed (in bales and/or in					

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consumer bins, what type of materials, etc.					
The approach to securing the trackers to the targeted materials and preventing their early destruction or loss.					
Safety considerations.					
The proposed approach to reporting auditing results to the department, such as through the submission of audit reports from the auditor or providing access to a user interface where real-time tracking results are visible;					
Arrangements the PRO proposes to make with processors to ensure that covered products identified in ORS 459A.914 are recycled at a responsible end market, including any investment intended to be made to support processors or other practicable action (as defined in OAR 340-090-0670(5)) to be undertaken;	ORS 459A.875(2)(A)(H)(v) OAR 340-090-0670(5)	<ul style="list-style-type: none"> Supporting Responsible End Markets, pg 159 Responsible End Market Development Guiding Principles, pg 159-162 Equity in Responsible End 	Conditionally	<p>Generally, the two sections at pg 159-162 convey some willingness and preparedness (e.g. a dedicated fund set aside) to pursue practicable actions. However part of ensuring that covered products are recycled at responsible end markets requires first knowing disposition; DEQ believes that the PRO has important roles to play in assisting CRPFs with disposition reporting and that role is not described in the amendment.</p> <p>In the plan approval process, DEQ expressed some skepticism that the amount budgeted in Appendix E for this project (\$2.5 million out of a total \$732 million budgeted across all projects for 2025-2027, e.g. 0.3% of the overall budget) is sufficient to fulfill requirements, including the requirement to pursue practicable actions to ensure flow to responsible end markets. DEQ is further skeptical in reviewing this plan amendment, as the same budget is proposed but an additional, major cost (pursuit of a third-party certification) is added into the scope. CAA could relieve this skepticism with some more detail on how the funding is sufficient to fulfill obligations.</p>	<p>AFPA indicated interest in a clear process for documenting unsuccessful outreach to downstream facilities.</p> <p>Metro area local governments expressed concern about adequacy of the REM budget.</p> <p>APR and Denton expressed concerns about the costs of verification.</p>

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		Markets, pg 236		<p>Could CAA also clarify that it will cover the cost of verification for all downstream facilities?</p> <p>Please also clarify the meaning of the following phrase on pg 160: "CAA may consider financial levers under specific considerations, in the form of financial de-risking measures." Also:</p> <ul style="list-style-type: none"> • Renumber the guiding principles beginning on pg 159 so they begin with #1. • Consider on pg 161 with respect to the practicable action of offering technical assistance broadly to markets: adding a standard approach for documenting and reporting unsuccessful outreach. 	
Any equity approaches pertaining to practicable actions such as development of new markets.	n/a		n/a	<p>CAA pledges on pg 236 to, for markets of PRO materials, provide opportunities to small businesses, veteran owned businesses, owned by a disadvantaged class, not-for-profit businesses, and/or are B Corp certified. CAA also pledges to prioritize businesses with affirmative labor practices, such as hiring preferences for underserved groups, providing living wages, or utilizing organized labor.</p> <p>No changes needed to this section.</p>	
Any other information on how the organization will ensure that responsible management of covered products is maintained through to final disposition.	ORS 459A.875(2)(a)(G)	n/a		There is not a dedicated section of the amendment focused on this requirement -- DEQ infers this to mean that there is no additional information / are no additional plans for ensuring responsible management.	

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