American Forest & Paper Association

Submitted via email to Oregon Department of Environmental Quality

June 27, 2025

RE: Circular Action Alliance's Proposed Amendments to the Program Plan for Oregon's Recycling Modernization Act

On behalf of the American Forest & Paper Association (AF&PA), thank you for the opportunity to provide comments on the amendments to Circular Action Alliance's (CAA) proposed program plan for implementation of the Oregon Recycling Modernization Act (RMA). We look forward to continued engagement with CAA as we refine the approach toward improving paper recycling.

The American Forest & Paper Association (AF&PA) serves to advance public policies that foster economic growth, job creation and global competitiveness for a vital sector that makes the essential paper and packaging products Americans use every day. The U.S. forest products industry employs more than 925,000 people, largely in rural America, and is among the top 10 manufacturing sector employers in 44 states. Our industry accounts for approximately 4.7% of the total U.S. manufacturing GDP, manufacturing more than $435 billion in products annually. AF&PA member companies are committed to making sustainable products for a sustainable future through the industry's decades-long initiative — *Better Practices, Better Planet 2030*.

Paper Recycling Works

Paper recycling is essential to our industry's efforts to achieve important sustainability goals and build a more circular value chain. Paper is one of the most widely recycled materials in America, and paper recycling rates in the U.S. have consistently increased in recent decades. The 2023 U.S. paper recycling rate was 65-69%, illustrating that paper recycling is a sustainability success story. In fact, the paper industry recycles nearly 60% more paper today than it did in 1990.

We are working to capture even more paper from waste streams to be recycled. Nearly 80% of U.S. paper mills use some recycled paper to make new, sustainable products. In 2023, U.S. pulp, paper, and paperboard mills consumed 31.3 million tons of recovered paper to manufacture new products, and the U.S. exported another 14.8 million tons for use in manufacturing new pulp, paper, and paperboard around the world. Since 2019, our industry has announced $7 billion investments in projects that are already completed or expected to be completed by 2025 that will use more than 9 million tons of recycled paper. These include construction of new mills, conversions and expansions of existing mills, and updating machinery and other equipment to use even more recycled paper in paper products and packaging.

Please find below our feedback on CAA's proposed amendments to the program plan for implementation of the RMA, with comments focused on the updated ecomodulation section.

Comments

Graduated Fee Structure & Ecomodulation

We appreciate the graduated approach CAA is proposing to integrate ecomodulation into the fee structure. However, we have concerns about a.) the timeline given to producers and b.) the potential costs to conduct a life cycle assessment (LCA) to qualify for Bonuses A, B, and C. Producers have many competing priorities to balance as they prepare to meet the requirements of the EPR program. We urge CAA to not begin the ecomodulation incentives until the program is more mature. We appreciate that the timeline for submitting bonuses B and C has been pushed to May 31, 2026, but we still urge that producers need more time to prepare. Only some large-scale producers have enough time and resources to submit LCA reports that quickly.

The cost of conducting a comprehensive LCA varies from company to company, but on average ranges from $50,000-$100,000 per product. The $20,000/SKU cap for Bonus A and the Tier 1, Tier 2, and Tier 3 bonuses of $40,000/SKU, $45,000/SKU, and $50,000/SKU cap, respectively, for Bonuses B and C are not enough to incentivize producers to conduct LCAs on top of paying base fees. We encourage CAA to examine how to incentivize producers to qualify for the bonuses since it is explicitly stated that the bonus amount should correlate with the level of impact achieved, not the cost of performing an LCA. Changing packaging types is a long, costly process. Unless an LCA makes clear financial sense for producers they are unlikely to participate.

Additionally, we suggest that CAA not limit the number of SKUs that can be batched together to qualify for a bonus. Instead, producers should be able to use the same LCA for all the SKUS of products with comparable environmental attributes. Some of our members have businesses that are diversified with hundreds of SKUs for similar products. CAA should use ISO 14025, section 6.7.2 comparability standards to allow companies the flexibility to apply one LCA to multiple product SKUs. Furthermore, as an industry, we favor an approach based on recycling rate or overall industry utilization of recycled material rather than at the individual product level.

We have some concerns with the single score impact profile that is allowed in DEQ's rulemaking for Life Cycle Evaluation on pg. 65 in OAR 340-090-0930. Section 4.1 of ISO 14044-2006 states that "there is no scientific basis for reducing LCA results to a single overall score or number." It is antithetical to the larger goals of the RMA to not incentivize shifts with a higher emphasis on the impact of the recycling rate. The current ecomodulation scheme does not have proper incentives in the Bonuses for companies that are already using high or even 100 percent recycled content. We are also concerned about the lack of hyper-specific regional data for use as an input to the LCAs. Using national average data will result in LCAs that are inaccurate and misconstrue the positive impacts that Oregon is attempting to bring about. The LCA results are only as good as the data they use.

The eligibility timeline on 218 requires more clarity. As it is currently written, packaging switches must have been made on or after December 1, 2024 to be eligible for Bonuses B or C. For packaging to be eligible for Bonus B, it must be on the market for at least a year prior to the LCA evaluation which at the earliest is December 1, 2025. This gives producers just 6 months, at the most, to meet the May 31, 2026, LCA submission deadlines for Bonus B. Bonus C has a 6-month market requirement which at the earliest is June 1, 2025. More clarity is needed on why reusable and refillable materials, which are much more nascent, require less time on the market to begin LCA evaluations in comparison to materials that are already found to be readily recyclable. The seventh bullet on page 218seems to give that same one-year requirement to Bonus A, which does not make sense with the August 15, 2025, deadline for Bonus A LCA Reports.

We caution DEQ and CAA on the ability of producers to use projected return rates in the first three years of Bonus C. Clear reason and rationale must be included with this projection rate to not grossly misconstrue any environmental benefits past the break-even point.

On page 216, in the first paragraph of the Bonus C section, the second sentence is missing “on or after” December 1, 2024.

Thank you for your consideration of our comments. We appreciate the ongoing collaboration between AF&PA and Oregon DEQ to advance a sustainable recycling system. We remain available to discuss the feedback herein in greater detail and look forward to your response. Please contact Shoshana Micon at shoshana_micon@afandpa.org if you have any further questions.

Sincerely,

Terry Webber

Vice President, Industry Affairs

American Forest & Paper Association

PORTLEY Nicole * DEQ

From: Bob Fortner <bob@astro-nought.com>
Sent: Thursday, June 26, 2025 7:04 PM
To: RethinkRecycling * DEQ
Subject: Comment on May 2025 CAA Program Plan Amendment

Dear DEQ:

My understanding (from DEQ) is that recycling is important but insufficient to substantially reduce climate change, and that greater benefit would be realized from reuse.

I would encourage DEQ to consider whether setting the Bonus C max payouts at a level that covered the cost of switching to reusables might be good policy, understanding that multiple considerations enter into the question.

Similarly, if proposed limits on producer eligibility for Bonus C are expected to result in suboptimal outcomes, I would support calibrating the restrictions in a way more likely to achieve the preferred policy result. Current program plan language regarding eligibility might exclude smaller projects, while larger projects might not be undertaken because the economic incentive disappears before reaching scale, if I understand correctly.

The funding mechanism for Bonus C appears to subtly disincentivize a switch to reuse. Perhaps there is a good reason for this, but if not, it seems like the funding mechanism could be designed differently.

Last, the current program plan appears to allow Bonus C payments for single-use packaging that *facilitate* refills. If so, the logic seems questionable and perhaps should be changed.

Thank you for your consideration.

-Bob Fortner

June 27, 2025

Comments on the Circular Action Alliance's (CAA) May 16th Plan Amendment Submission

The Glass Packaging Institute appreciates the opportunity to provide comments on the third PRO Plan submitted by Circular Action Alliance (CAA) to implement the Oregon Plastic Pollution and Recycling Modernization Act.

GPI is the North American trade association for the glass food and beverage manufacturing companies, glass recycling processors, raw material providers and other supply chain partners within the industry. GPI and its members endeavor to work closely with local and state governments throughout the country on issues surrounding sustainability, recycling, packaging manufacturing and energy use, and our members have operations in the State of Oregon that would be a part of the service provider and end-markets covered by the plan. In addition, we take the concerns and questions of brand "producers" regarding costs for using glass very seriously, and work with them closely to help lessen the costs of choosing glass, a material that has a very high recycling rate in Oregon.

The glass industry seeks to be a collaborative partner in establishing Oregon's EPR program for packaging, and GPI has submitted comments at multiple stages of the rulemaking and program plan review. However, the establishment of the program has not given sufficient attention to glass. The result is that Oregon, which currently recycles glass at one of the highest rates in the country, is creating conditions for glass recycling rates to decrease. Further, brands may be encouraged to switch to plastic packaging - an outcome contrary to the intent of the law.

Most importantly, DEQ regulations are causing the Circular Action Alliance program plan to force costs up for glass relative to other materials - irrationally ascribing certain costs to glass for a small, minimal incremental increase in glass recycled in the state.

The CAA plan concludes on page 169 that: "sufficient capacity exists for glass today" and there is no need for an exploration of alternative glass markets. Under the shared cost model of the law in which producers are obligated for the costs of expanded or increased service, a material such as glass that already has sufficient capacity, end markets and recycling rates, would not be expected to have fees that far exceed materials requiring much greater investment.

GPI maintains that:

- Glass should not be designated as a Specifically Identified Material (SIM). Glass is already widely and successfully recycled in Oregon. To the extent that it is treated as an SIM, any costs associated with the SIM designation should be low since Oregon residents already have good recycling behavior for glass, access to glass recycling, and access to glass end markets. Expansion costs for depot and SIM listed materials should be limited to those materials with greater requirements for investment.

- The activity-based costing being used by CAA in fee settings is no longer an industry best practice and is being applied in a manner that unfairly ascribes costs to glass that are in fact beneficial to other materials as well.
- It is entirely unfair to charge glass-using producers an extraordinarily high blended rate of over $400/ton for "contamination" with a list of otherwise lighterweight materials during the transition time to a new system. The manner in which glass is handled today, prior to the RMA enactment, has been well established for decades in the State and did not fundamentally change. To the extent glass ends up in the wrong stream today is due to a lack of education in certain regions, and CAA glass producers should not have to shoulder that burden immediately. CAA has not had any time to implement new education programs, and the continued confusion with certifying domestic REMs has taken up valuable time needed to prepare residents for changing rules. A special category for glass should be established, different from other SIMs materials, and fairly assessed based on its own markets rather than as a part of a very high blended contamination rate during the early transition period.
- *We see no need for CAA to pay extra to communities to maintain existing glass in the curbside "glass on the side" programs.* Producers are obligated to pay for service expansion and the stakeholder discussions leading up to the statewide lists clearly discussed maintaining the historical use of curbside "glass on the side" access for residents in the Metro area. How the final regulations missed that clear delineation and only required glass on the side for "commercial" (potentially for multi-family housing) has not been explained by DEQ and is potentially a different system than the one deployed today in the residential Metro area due to volume at each commercial collection point.
- *Glass recycling already exceeds the 45 percent target regulatory rate for RMA covered glass.* The PRO plan states that RMA covered glass is already at a 49% recycling rate. This fact demonstrates that there is no need for an SIM designation for glass, or for incentive payments to communities. This is further evidence that a different transition plan for glass with lower costs is defensible within the regulations and program plan.

Specific to CAA's current proposed program plan amendment, GPI has the following comments:

1. GPI opposes the inability to apply "eco-modulated" fee benefits to glass without the need for each producer to conduct an expensive LCA to prove what OR DEQ already

knows regarding the well-established qualities of glass with regard to a lack of use of chemicals of concern. Glass is inert and conveys many benefits that are well-known and established in scientific studies. Glass does not use or leach toxic chemicals into the environment if it were to be mismanaged in the waste stream.

There are known and acknowledged flaws by OR DEQ in constructing a truly complete life-cycle assessment, due to a lack of data on the negative impact of mismanaged plastic waste in the environment. Waiting for a new study on marine debris impact before allowing glass to benefit from eco-modulation runs counter to the goal of addressing the data gap in LCAs. Glass-using producers should get a material-wide eco-modulation bonus immediately without the need for an LCA.

2. Glass provides the state with one of its most readily capable materials for reuse and refill. In fact, many glass food jar containers are likely reused by consumers at home for storage of leftovers today. New opportunities for reuse in covered product categories like wine also exist. Without these benefits receiving the ability to eco-modulate the fees in Oregon immediately, the fees go further down the path of merely being "weight-based" fees and irrationally doubling down on favoring plastic.

In addition, GPI is aligned with other program stakeholders on concerns with key recommendations to improve Bonus C regarding reuse. Those comments are below:

Clear Guidance on Fees for Subsequent Reuse Cycles is Essential:
A very important question for all producers considering or adopting reusable packaging systems is how fees apply to subsequent reuse cycles, which is vital for the long-term success of reuse in Oregon. The RMA and all related documents state that fees are based on materials "supplied into the state." While the Oregon DEQ has confirmed that reusable materials do not incur fees on additional cycles, CAA's plan and reporting portal provides **no** guidance on how these materials should be reported for their second, third, and later uses after initial EPR fees have been paid when they first enter the state. This current uncertainty could discourage the very reuse behavior the RMA is designed to promote, undermining a core objective of the Act.

Define "Adequate Scale" for Reuse Systems and Expand Eligibility:
CAA states the importance of "reuse and refill systems being defined to be at adequate scale and access in Oregon to qualify for the bonus. However, the plan currently provides no specific guidelines for what "adequate" means. This lack of clarity creates uncertainty and could exclude smaller, innovative producers and newer programs, even though they are often the ones who would benefit most from lower fees and initial support. Additionally, limiting the number of eligible SKUs discourages larger or complex. producers from continuing to expand their reusable packaging once they reach a certain point. Bonus C

should be accessible to all producers, regardless of size, who have switched to reusable packaging and can demonstrate a reduction in environmental *or* human impact.

Simplify Bonus Incentives for Reuse:
The proposed Bonus C incentives for reuse are currently **too complex.** For reuse to grow successfully and attract wide participation across diverse industries, the process for applying for, calculating, and receiving these bonuses must be clear, straightforward, and easy for all producers to navigate. Simplifying this process would greatly help the program's ability to promote reuse and reduce administrative burdens for all parties.

Ensure Fair Funding for Bonus C:
We strongly suggest that Bonus C be funded from a general pool of money collected from *all* covered materials that pay into the program. The proposed method of funding Bonus C (when a material switch isn't made) by "..levying a surcharge on each material category in the SKU, proportionate to the share of fees paid by each material making up the SKU," unfairly portrays transitioning to reusables as an extra burden on other producers. This could discourage early adopters and create conflict instead of cooperation within the industry. Funding from a common pool ensures fair support for all transitions to reuse/refill, matching the program's overall goal of reducing environmental impacts across the board.

Increase Bonus C Payouts and Adjust or Remove Caps:
The current $50,000 cap on Bonus C is a small incentive, especially when considering the significant investment required for businesses – from small wineries to major consumer brands – to switch to reusable packaging. This investment includes substantial costs for marketing, new logistics, consumer education and infrastructure.

While we understand the need to manage financial exposure, the principle that "the bonus is not intended to cover costs but to be correlated to impact" weakens the incentive's real-world value. If the bonus doesn't adequately help with the costs of switching to reuse or completing the necessary Life Cycle Assessment (LCA), it won't be a meaningful financial help for producers. Companies that invest in innovative return streams that effectively bypass the traditional recycling system through refill or reuse should not be penalized by insufficient incentives from a program designed to cut waste.

Thank you for your consideration of our comments and recommendations for improvement.

Sincerely,

Scott DeFife
President

June 27, 2025
Oregon DEQ, Nicole Portley
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100
rethinkrecycling@deq.oregon.gov

Re: CAA Program Plan May 16, 2025 Amendment Public Comment

Dear Nicole,

Thank you for the opportunity to submit comment on the Circular Action Alliance (CAA) proposed plan amendment introducing the use of Bonus C to support producers transitioning from single-use packaging to reusable or refillable packaging.

This comment letter is a coalition between Metro jurisdictions, Lane County, Eugene and Deschutes County. Our commitment and priorities remain grounded in equity, including the opportunity to access recycling, protection of workers in the recycling system and responsible recycling practices in communities that are home to processing and recycling facilities. As we embark on the implementation phase of the plan, we continue to hold paramount compliant, transparent, and environmentally sound standards for Oregon's recycling end markets. We look forward to a future plan amendment updating the Responsible End Market (REM) section.

Our commitment also remains based in protection of our natural resources and reduction in materials impacts at all stages of the lifecycle, in particular greenhouse gas emissions and toxics. If done optimally, transitioning from single-use to reusable or refillable packaging represents a significant opportunity to reduce environmental impacts from packaging.

The following items summarize overarching concerns, recommendations and questions from the coalition. Detailed comments are included in an attached table. High level priorities include:

- Implementation of Bonus C - We support the spirit of the amendment and the framework for determining Bonus C, and we are eager to see reusable packaging put into practice in Oregon. It is our understanding that the evaluation of bonus C will not be based on return/refill infrastructure built into the retail system, but rather reliance on estimations of how a customer reuses packaging within their lifestyle. The plan calls for projected and actual return rates, but how this is implemented is not clear. Will grocery stores offer more opportunities for customers to refill containers? Will the customer experience include ease of refill and purchase at a lower cost? Will evaluation of this activity rely on the tracking mechanisms of retail businesses? Is the financial cap of $50,000/ year per stock keeping unit (SKU) adequate to cover the associated costs?
- Evaluation of Reuse in RMA – Bonus C and the MIRROR grant should work together in supporting the optimization of reuse for covered products, especially in terms of making return convenient for consumers and feasible for producers. Evaluation is recommended for all reuse activities in the system, including bonus C and the MIRROR grant impacts.

- Incentives for bonus C - The bonus C cap of $50,000/ year for up to three years does not seem adequate to pay for LCAs, packaging switch, tracking actual uses, transportation, sanitization, and marketing specific to reuse element.

- Technical assistance – A full time CAA staff supporting producers interested in reusable or refillable packaging would boost efficiency and benefit the whole system. This staff could offer guidance, resources, and convene a community of practice around implementation of reusable and refillable packaging. They could also advise producers on the eco-modulation bonuses.

Thank you for the opportunity to engage on the review of CAA's plan amendment. We look forward to working with CAA and DEQ to implement the Plastic Pollution and Recycling Modernization Act.

Sincerely,

Local governments

- Tom Egleston, Policy and Program Development Manager, Metro
- Scott Keller, Senior Program Manager, Sustainability & Recycling, City of Beaverton
- Donald Addison, AIC Waste Prevention Program Manager, City of Eugene
- Shannon Martin, Solid Waste & Sustainability Manager, City of Gresham
- Andrew Bartlett, Program & Support Manager, City of Hillsboro
- Amanda Watson, Sustainability Program Manager, City of Lake Oswego
- Eben Polk, Solid Waste & Recycling Manager, City of Portland
- Ryan Largura, Environmental Specialist, City of Troutdale
- Rick Winterhalter, Solid Waste & Recycling Manager, Clackamas County
- Susan Baker, Diversion & Franchise Services Manager, Deschutes County
- Angie Marzano, Waste Reduction Program Manager, Lane County
- Heidi Konopnicki, Solid Waste & Recycling Program Specialist, Multnomah County
- Erin Stein, Interim Solid Waste & Recycling Manager, Washington County

Attachment: Detailed comments on CAA’s 5/16/25 proposed plan amendment

Page in plan	Passage	Notes
212	“Because of this wide variability in costs <to conduct an LCA> on producers, the level of the bonus set should correlate with the level of impact achieved from the packaging changes, rather than the cost of conducting and reviewing an LCA. This approach is fair because producers will be eligible for fee incentives that are proportional to their supplied quantities and their level of environmental impacts.”	This approach still seems advantageous for large producers. The incentives are based on impact, however LCAs are time-consuming and expensive and may create disadvantages for small producers. It would be helpful to understand the cost estimates of these LCAs to understand if the bonus structure is high enough to warrant the investment.
217	“To qualify, the packaging switch must have been made Dec 1, 2024, and the LCA assessing this change must be submitted to CAA by May 31, 2026.”	Is this a typo? Believe it should read “…***on or after*** Dec 1, 2024”. Otherwise, the incentive for current systems to change is minimal.
217	“that for transitions from single use to refillable packaging products, that the “after” scenario should encompass impacts of both the refillable packaging product and single-use refill cartridges. CAA plans to issue corresponding guidance to its member producers.”	This language assumes that any refill cartridge will be single-use. This should only be true if it is applicable and maintain option for reusable refill cartridges.
219	“Reusable or refillable packaging materials are covered materials in Oregon and will be charged base fees. LCA bonuses are only granted on covered materials with chargeable base fees.”	What is the base fee process for reusable/refillable packaging? Does the base fee apply to the original purchase/use only, or is the base fee applied for each use? We would like clarification on this process and recommend base fees are only applied to the original use to encourage reuse.
219 (also reiterated on 220)	“…should producers provide actual return rates (instead of projected rates) within their 3-year period, this can be reported alongside yearly SKU volumes and eligibility criteria but will not alter the level of the bonus award. “	Producers should be allowed to use actual return rates if actual rates end up higher than projected rates. It would boost the incentive for producers to promote reuse options through the three-year tracking period. Otherwise, it is unlikely for producers to take an up-front risk by choosing actual over projected rates of return, especially when the difference in bonus is only $10,000/ year. If a producer’s bonus is capped at the projected rate there is little incentive to outperform that rate. We suggest changing language to whichever is higher of actual vs projected rates of return.

		Further, how will actual return rates be tracked? And what methodology will be used to calculate projected return rates? We would like to see this detailed in the plan.
220	"The bonus for the SKU(s) may be reapplied after the first three years using actual return rates and an updated LCA evaluation."	Is a subsequent LCA a comparison to the original single-use packaging, or a comparison to initial reusable packaging? We suggest that it should be compared to the initial single-use product, with updated data points where necessary for any changes in infrastructure, product manufacturing, etc. If intent is that subsequent cycles of LCA compare reusables against reusables, what impact reduction is desired, incentivizing continued innovation?
222	Bonus C example	This example doesn't include what the refillable bulk container format is. It would be useful to clarify what the switch of packaging is. What are the new materials and formats used to obtain the bonuses shown?

June 27, 2025

Ms. Nicole Portley
Program Plan Lead Paper and Packaging EPR
Materials Management – Product Stewardship Team
Oregon Department of Environmental Quality
700 NE Multnomah Street
Portland, OR 97232

Subject: Comments on Circular Action Alliance Amendment to the Oregon Program Plan Dated May 16, 2025

Dear Ms. Portley,

On behalf of the National Association of Wholesaler-Distributors, I submit these comments on the Circular Action Alliance's (CAA) May 16, 2025, amendments to the Oregon Program Plan concerning Oregon's extended producer responsibility (EPR) program.

NAW is the "national voice of wholesale distribution," an association comprised of employers of all sizes and national, regional, state, and local line-of-trade associations spanning the $8 trillion wholesale distribution industry that employs over six million workers in the United States. NAW is made up of direct member companies and a federation of 57 national, regional, and state associations across 19 commodity lines of trade which together include approximately 35,000 companies operating nearly 150,000 locations throughout the nation, including companies distributing in Oregon who are impacted by the law.

Wholesale distribution is a business-to-business industry: wholesaler-distributors purchase inventory, generally from manufacturers, and sell it to their customers, generally retailers. Wholesaler-distributors buy inventory in large quantities, warehouse it, break it down into the quantities their customers want (called "breaking bulk"), and repackage it, and ship to those customers. Distinct from warehouse logistics companies, which move someone else's product from seller to buyer, wholesaler-distributors purchase inventory, take title to it, and then re-sell it to customers.

Most wholesaler-distributors are small- to mid-sized private companies with minimal in-house legal and compliance resources as compared to larger corporations. While only a few have recognized name brands (unlike the manufacturers and retailers which are their supply-chain partners) many do have name brands for the products they distribute.

Wholesale distribution's role in the economy is often underestimated, but the industry represents approximately one-third of U.S. gross domestic product and is a key component of our economic supply chain. Wholesaler-distributors are recognized as essential critical infrastructure, as they provide manufacturers with the ability to grow and develop their business. Additionally, distributors simplify logistics and create efficiency for the buyer by providing product expertise, resizing and repackaging products, and bundling purchases from multiple manufacturers and product lines so the buyer has all the items they need in one delivery.

On June 4, on behalf of NAW, I requested a one-year delay of the July 1, 2025 effective date or, at a minimum, enforcement of the Plastic Pollution and Recycling Modernization Act (RMA) due to widespread confusion and a substantial number of outstanding questions from parties who must register, with what organization they must register, and what products are covered by the law.[1] As I noted in that request, this law will have a substantial financial impact nationally on businesses throughout the supply chain who sell or distribute products in Oregon. On June 23, 2025, you informed me by email that the Department was denying our request for a delay in enforcement of this law.

Now, just days before Oregon Program Plan fees are set to take and after reviewing the proposed amendments, NAW continues to receive important questions from our members regarding how it applies to their business, the fees that they will be charged, and under who's authority they are responding to. As I noted in my June 4 letter, one NAW member reported that the first time it received any notification from Oregon DEQ about the RMA was April 28, 2025, just two days before the extended reporting deadline to the CAA.

Below are several questions NAW continues to receive from its membership. These questions are not exhaustive, and you will recognize several from NAW's earlier letter because we still have not received answers to them even though fees will start being assessed in less than a week.

1) How does a covered entity revise their submission when it believes there is overlap with other registered entities?

2) How does a covered entity challenge the assessment; is invoking the binding arbitration provision in the CAA Oregon-specific agreement the only way?

3) Who is the "producer" when a product is manufactured by one company but distributed under the brand of another company? While the statute attempts to answer that question, it does not account for practical realities that will make this analysis difficult for many wholesaler distributors. Manufacturers and brand owners (producers) who sell through distribution channels (such as wholesale) do not necessarily know into which states their products are ultimately sold to end-users and so are unable to provide accurate reports of, by example, packaging shipped into and consumed in Oregon. For instance, NAW has been informed of a manufacturer/national brand (who bears EPR reporting responsibility) but knows only that they ship to one of five distribution centers. The manufacturer does not know where in the distributors 300+ location retail network (spanning 46 states) those products will ultimately land.

4) Additionally, NAW has been told that distributors have received contradictory answers from state officials and staff within Oregon DEQ regarding who qualifies as a "producer" under the law. And it is easy to understand why, since for products distributed under the brand of another company it is extremely difficult, if not impossible, for the wholesaler to know where the retail products are ultimately sold and consumed. As a result, the hundreds of wholesaler-distributors in this

[1]Letter to Leah Feldon, Director of the Oregon Department of Environmental Quality, from Brian Wild, Chief Government Relations Officer for the National Association of Wholesaler-Distributors dated June 4, 2025.

category would struggle to provide estimated quantities of recyclable materials to Oregon DEQ. And this uncertainty is amplified for companies that have multiple roles and channels in the supply chain.

5) Are all regulated companies required to use the same methodology to assess the weight of "covered products"? If yes, what is that methodology? How does that apply to packages using multiple recyclable materials (e.g., a cardboard box filled with twenty plastic sleeves of plastic cups) and how does a company assure compliance without double or even triple counting the same materials?

6) There is a significant lack of clarity related to exemptions and how they may apply across the supply chain. For example, there is an exemption for entities that meet the "small producer" criteria. However, it is not clear if the exemption applies across the entire supply chain and who is responsible for asserting such exemption. Similarly, what is the scope of the restaurant exemption? Does it apply to carryout containers and cups?

Finally, neither the law nor its contemplated implementation provides any clarity regarding how fees are established and the amounts to be charged. ORS 459.884(1) simply delegates all fee-setting to a third-party, "producer responsibility organization," giving it wide berth to set membership fees and assess costs. But what those fees are and how they are assessed have been fluid since the law was enacted and remains a mystery just a month before it is set to take effect. And the proposed amendments seem to indicate that regulated industry will never get these answers. On page 198 of the proposed amendments, CAA states that its fee-setting methodology is considered proprietary and confidential information and appears to suggest that the detailed methodology will not be made publicly available. Is that true? Will businesses required to pay these fees be denied access to the methodology used to assess them?

Moreover, NAW remains concerned that fees may be retroactive. Is that true? If not, how does Oregon DEQ or CAA plan to protect against retroactive imposition of fees?

Given the late date, businesses have not received adequate time to budget or plan for this process and expense, but will be expected to pay significant sums with less than 30 days' notice of the actual fee. That is extremely concerning considering penalties for noncompliance are excessively high -- $25,000/day per violation.

Answers to these questions are critical to ensure compliance with the Oregon RMA law. As NAW mentioned in its June 4 letter, one distributor said for all but the largest firms there was "chaos" in the industry when it came to implementation of Oregon's RMA proclaiming, "No one knows what to do."

NAW appreciates your consideration of, and answers to the questions set forth in this comment letter. If you have any questions or would like to discuss this further, please do not hesitate to contact me at (202) 872-0885.

Sincerely,

Brian Wild
Chief Government Relations Officer
National Association of Wholesaler-Distributors

Oregon Department of Environmental Quality

700 NE Multnomah Street, Suite 600

Portland, Oregon 97232-4100

RE: May 2025 Program Plan Amendment from Circular Action Alliance

Dear Ms. Portley and team:

At Revino, we're dedicated to building a circular economy and leading the wine industry toward a more sustainable future. We appreciate this opportunity to share our comments on the Circular Action Alliance's (CAA) proposed plan amendments for Oregon's Recycling Modernization Act (RMA). We commend CAA's efforts to develop this first-of-its-kind plan, and value the inclusion of Bonus C for reusable packaging, along with the helpful three-year 'grace period' for scaling reusable systems.

However, for the RMA to truly realize its potential in reducing environmental impact and incentivizing robust reuse, the current plan needs important clarifications and stronger, more comprehensive support for innovative packaging solutions. We share many of the concerns raised by our partners, like Upstream and various advocates around the state of Oregon, and want to comment on key areas that should be improved to further accelerate the transition to reuse.

Top Priority: Provide Clear Guidance on Fees for Subsequent Reuse Cycles

This is an important consideration for producers investing in reusable packaging and for the overall growth of reuse in Oregon. The RMA states that fees are based on materials "supplied into the state." While the Oregon DEQ has confirmed that reusable materials do not incur fees on additional cycles, **CAA's plan currently provides *no* clear guidance on how these materials should be reported for their second, third, and future uses after initial EPR fees have been paid on their first "supply into the state."**

This ambiguity creates significant financial and reporting uncertainty for all businesses adopting reusable models. Without this clarity, it becomes much harder to expand reuse efforts across Oregon. Producers need confidence that once a reusable container is in the system and its first fee is paid, subsequent uses are genuinely exempt from additional fees, and that the reporting process supports this. This lack of clarity could, unfortunately, slow down the adoption of the reuse behaviors the RMA aims to encourage.

Additional Key Areas to Strengthen Reuse Incentives (Bonus C):

Bonus C Cap Amount:

The $50,000 cap on Bonus C is notably low. It doesn't adequately reflect the substantial investments (in marketing, logistics, and infrastructure) producers make when shifting to reusable systems. The incentive should directly match the significant positive impact and investment. Companies that create innovative reuse models, effectively diverting materials from the traditional recycling stream, shouldn't be held back by insufficient incentives. Since no explicit, defined plans exist within the current program plan to support reusable container collection or logistics, all fees paid by a producer beyond the base rates are effectively lost funds that could otherwise be used toward the development of reusable packaging infrastructure and return systems.

Define "Adequate Scale":

CAA states *"It is important that reuse and refill systems be defined to be at adequate scale and access in Oregon to qualify for the bonus*". Without specific guidance or definitions on what qualifies as "adequate", it is unclear at what scale producers and reuse systems must be operating to qualify for incentives. This uncertainty could exclude smaller, regional systems based out of the populated Willamette Valley, or the development of new reuse programs, precisely those that need fee reductions and initial support the most.

We also note that the requirement for producers to achieve a 10% impact reduction based on a "break-even point analysis" to qualify for Bonus C could inadvertently create additional barriers, especially for emerging reuse programs. Bonus C should be accessible to all producers, regardless of size, who can demonstrate any environmental or human health impact reduction through reuse.

Simplify Bonus Incentives for Reuse

The current Bonus C structure is **overly complicated.** For reuse to thrive and be widely adopted across diverse industries, the process for applying for, calculating, and receiving these bonuses needs to be straightforward and easy for all producers to navigate.

We strongly recommend that Bonus C be funded from a general pool of fees collected from *all* covered materials. The proposed method of funding Bonus C (when a material isn't switched) by "levying a surcharge on each material category... proportionate to the share of fees paid by each material making up the SKU" unfairly implies that shifting to reusables is an added burden on other producers. This approach risks discouraging early adopters and creating friction rather than collaboration. Funding from a common pool ensures fair support for all transitions to reuse/refill, aligning with the program's broader goal of reducing environmental impacts.

The above changes can greatly reduce the administrative burden on both CAA and reporting producers, therefore reducing the costs of administering the program plan and any costs passed along to Oregon consumers. Many producers operate on tight margins with small corporate sustainability teams (if they have any dedicated team members at all). Reducing their burden on these complex calculations can allow for increased engagement building reusable systems and making other sustainability improvements across the supply chain.

Invest Significantly in Responsible End Markets (REMs) for Reuse

We've observed that the proposed program budget heavily favors the collection of recyclable materials and CAA's own depots, with considerably less funding allocated for Responsible End Markets (REMs) development ($0.9M in FY2026 vs. $32.7M for collection and $46.6M for CAA depots). As a reuse service provider, Revino acts as an essential "end market" for reusable packaging by taking bottles back into circulation. We urge CAA to dedicate comparable and substantial funding to REMs, specifically making changes to recognize that reuse service providers are crucial to achieving the RMA's goals. Furthermore, incentives and policies at the REM level should clearly prioritize keeping reusable packaging in its original format for as long as possible, preventing it from being crushed or processed as recyclable materials, or worse, sent to landfills. A robust, well-funded network that prioritizes reuse over recycling is fundamental to a truly circular system.

Summary

Achieving Oregon's vision for a truly modern and sustainable recycling system, especially one that champions scalable, reusable packaging, requires a robust and clear framework for reuse incentives. **Resolving the complexity and uncertainty around fees and reporting for subsequent reuse cycles and ensuring robust, accessible incentives for all producers are essential steps.**

We urge the DEQ to carefully consider these vital points and make the necessary amendments to the proposed plan to foster a more effective, fair, and truly circular system for Oregon. Revino is committed to collaborating with DEQ and CAA to ensure reuse is successfully integrated into the EPR framework and that Oregon continues to lead the way in sustainable practices.

Sincerely,

Adam Rack

Co-Founder & COO

Re: Support for Clarity and Incentives in Oregon's EPR Reuse Framework

To Whom It May Concern:

As a leader in the wine industry committed to sustainable innovation, I write today on behalf of Union Wine Company in support of policy refinements that would ensure Extended Producer Responsibility (EPR) regulations effectively support scalable, reusable packaging options like those offered by Revino.

To ensure these options are viable, we would like to voice support for concerns that Revino has brought to the attention of the CAA regarding the Bonus C option specifically.

- **Enable Shared LCA Data for Bonus C Eligibility**
  Allowing Revino's third-party verified Life Cycle Assessment (LCA) to apply across all partner brands using standardized reusable packaging would significantly reduce cost burdens for small wineries. This pooled approach is essential to meeting Bonus C return-rate thresholds by 2028 and to creating a viable, shared reuse infrastructure.

- **Provide Clear Guidance on Annual Reporting for Reusables**
  Reusable packaging that has already been assessed EPR fees at first use should not be counted again in reporting for subsequent uses. While DEQ staff have indicated that reuse cycles are not charged repeatedly, this position needs to be clearly reflected in reporting guidelines to avoid confusion and unintended fees.

- **Rethink Bonus C Caps to Reflect Actual Investment**
  The current $50,000 cap does not match the scale of investment required for large producers to shift toward reuse. Incentives should reflect real environmental impact and infrastructure costs—not only to attract participation, but to reward true system transformation.

- **Simplify the Bonus Incentive Structure**
  The current complexity of Bonus C calculations is a barrier to adoption. Streamlining the process would reduce administrative overhead for brands and for CAA, improving uptake and compliance.

- **Clarify Responsibility for Return Logistics**
  Clear guidance is needed regarding the cost of transporting reusable packaging. If a company such as Revino and its partners are solely responsible, this should be stated. If reuse logistics are eventually supported by EPR fees—just as recycling streams are—then that mechanism must be codified and communicated.

- **Allow Deposits on Reusables and Support Depot Readiness**
  Deposit systems, such as Oregon's Bottle Bill, dramatically improve return rates. Revino and others may wish to implement deposits to boost participation. However, CAA Depots are not currently designed to handle deposits, posing a significant obstacle. We urge the state to require depot readiness for deposit-bearing reusable materials to unlock this proven tool.

- **Set Standards and Accountability for Depots Handling Reusables**
  Without defined depot obligations or consequences for mishandling reusable materials, collection systems risk defaulting to recycling instead of reuse. This undermines the intent of EPR and disincentivizes the very innovations Oregon's system was designed to support.

- **Define "Adequate Scale" for Reuse Programs**
  The term "adequate scale" remains undefined in the context of Bonus eligibility. Clear metrics are needed so reuse systems can confidently invest and expand in compliance with the program.

We believe Oregon has the opportunity to be a national leader in circular packaging, just as it has been in curbside recycling and bottle redemption. Union Wine Company and the wine industry are poised to make a unique impact in the world of reusable glass, but we need supportive policy to make it viable at scale.

Thank you for your time and leadership in advancing meaningful sustainability solutions.

Sincerely,

Amy Carr

Amy Carr
Supply Chain Manager
Union Wine Company

June 24, 2025

To: Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

RE: May 2025 Program Plan Amendment from Circular Action Alliance

Dear Ms. Portley and team:

Thank you for the opportunity to submit comments on behalf of Upstream regarding the list of updates to the program plan, in particular Bonus C, submitted by Circular Action Alliance (CAA). Upstream is a US-based non-profit and leading change agency for the reuse movement in the US and Canada. We accelerate the transition from our current throw-away economy to one that is regenerative, circular and equitable by normalizing reuse, growing and supporting the reuse industry, and creating an enabling policy environment for reuse. We were also honored to have been one of the organizations appointed to the second Rulemaking Advisory Committee for the Plastic Pollution and Recycling Modernization Act (RMA), and appreciate this chance to provide further comments on the program.

Oregon's program plan is an early milestone that will set the tone for years to come. We appreciate the significant efforts of CAA in compiling this plan - the first of its kind in the United States. We are pleased to see CAA's commitment to creating a third LCA bonus (Bonus C) for producers that transition from single-use packaging to reusable or refillable packaging and for allowing "*a three-year grace period within which producers may use projected return rates until reusable packaging systems mature and infrastructure is scaled.*"

However, we continue to feel that the program plan leaves room for improvement with respect to encouraging *"producers to make continual reductions in the environmental and human health impacts of covered materials"* - particularly through reuse and refill. We have outlined our comments in detail below.

Bonus C Max Payouts:

As noted above, we appreciate CAA's commitment to creating a third LCA bonus for producers that transition from single-use packaging to reusable or refillable packaging, where this transition demonstrates a reduced impact. However, the max payout per SKU or batch described in Table 24 is not substantial enough to offset the investment a producer would need to make in order to switch to reusable or refillable packaging, especially considering the three bonuses (A, B, and C) are not additive. We understand that CAA has introduced *"caps to limit financial exposure to the program,"* but we disagree with the principle that *"the level of bonus is not intended to cover costs but to be correlated to impact"*. **If the bonus provided through the program does not sufficiently offset the costs associated with transitioning to reusable/refillable packaging and/or conducting an LCA to demonstrate its benefits, then it cannot be considered a meaningful financial incentive for producers.**

We urge CAA to remove the max payouts for reusables to ensure they receive the incentives they deserve. At no point during the implementation of the RMA should the switch to reusable packaging cost a producer more than the bonus they will receive from the program, or otherwise be at all disincentivized.

<u>Bonus C Eligibility:</u>

We are encouraged to see that CAA has updated the program plan to *"promote sustainable, accessible and inclusive reuse/refill programs"*. However, this vision as outlined in the amendment continues to be insufficient in supporting and encouraging all producers to transition to reusable/refillable packaging. The eligibility requirements and limitations for Bonus C are restrictive and lack inclusivity.

CAA notes *"It is important that reuse and refill systems be defined to be at* ***adequate*** *scale and access in Oregon to qualify for the bonus".* Without described guidelines for what qualifies as *"adequate"*, it is unclear at what scale producers must be operating to qualify for incentives. This potentially excludes smaller producers and newer programs, both of which would most benefit from reduced fees, from being eligible for the bonus. DEQ has already advised CAA to remove this language in prior plan drafts. Further, limiting the amount of SKUs or SKU batches that a producer can submit for Bonus C discourages producers from continuing to expand their reusable packaging once they have hit the maximum SKUs allowed to report.

These limitations and strict eligibility criteria for Bonus C create barriers that may prevent reusable packaging from scaling. **We encourage CAA to remove these limits and provide financial incentives to all producers, regardless of scale, who have switched to reusable packaging.** To truly create inclusive reuse/refill programs in Oregon, all producers and businesses, regardless of size, should be eligible for Bonus C.

<u>Funding Bonus C:</u>

We appreciate CAA proposing an approach for funding Bonus C. However, it is Upstream's position that a portion of the overall program budget (collected from all covered materials paying into the program) should be used to fund Bonus C regardless of whether a material switch was made or not.

The proposed approach for funding Bonus C when a material switch is not made by *"...levying a surcharge on each material category in the SKU, proportionate to the share of fees paid by each material making up the SKU"* unfairly portrays transitioning to reusables/refillables as an added burden on other producers. This mechanism risks indirectly disincentivizing early adopters from transitioning to reuse/refill systems and creates a dynamic that could generate resentment rather than collaboration. **CAA should fund all incentives, including Bonus C, through *"...a generic pool of funds charged to all***

***producers in all packaging material categories"* (as currently described for when a material switch is made).** This approach ensures equitable support for all transitions to reusables/refillable packaging and aligns with the overall goal of the program to encourage producers to make continual reductions in environmental impacts. We further request that Table 26 be updated to reflect the parallel funding structures for Bonuses B and C, as the current draft portrays them differently.

<u>Bonus C Option 3: Switch from Single-Use Packaging to Refillable Packaging</u>

Upstream supports CAA's decision to include refillable packaging as eligible for Bonus C, with a lesser (one-year) bonus than that for returnable reusables. However, we wish to stress that if a producer uses single-use packaging (e.g. sachets) to facilitate refills, that packaging itself is *not* refillable or reusable and should not qualify for the bonus incentive. **Single-use packaging that enables refill should be charged base fees equivalent to similar single-use packaging in the program.** This is consistent with packaging EPR laws rolling out in other states.

<u>Provide an Attribute Based Bonus:</u>

We appreciate that CAA has proposed a three-year bonus period for returnable reusables eligible for Bonus C. However, due to the fact that returnable reusables are reused, and therefore producers with high-functioning (Bonus-C-eligible) reuse systems will receive most of their packaging back year over year, we fear that the level of Bonus awarded in the 2nd and 3rd years of this period will not be sufficient. **We therefore strongly advise that CAA include an additional, attribute based, bonus for reusable packaging.**

Reusable packaging is at the very top of the waste prevention and management hierarchy because it outperforms single-use packaging - even when that packaging is recyclable or compostable - on *every* environmental and social metric. LCAs are expensive and challenging to procure, and may prove cost-prohibitive for emerging reuse businesses. There should be a way under Oregon's packaging EPR program, as there is in other states, to receive discounted fees for reusable packaging simply based on the fact that it is reusable. Proof of return rates would be a fair requirement to qualify for an attribute based bonus on reuse, but an incentive beyond paying only once for reusables, and more accessible than conducting an LCA, should be granted.

<u>Funding for Responsible End Markets:</u>

We noted in the plan amendment that within the proposed program budget, *significantly* more funding is promised for collection of recyclable materials than is proposed to be invested into responsible end markets (REMs) ($32.7M for collection, $46.6M for CAA's own depots, and $0.9M for REM development in FY2026). It is our understanding that reuse service providers may in fact qualify as REMs in certain circumstances, and therefore we strongly request that CAA dedicate comparable funding to investments and improvements in REMs. REMs are the cornerstone of Oregon's RMA. It is largely due to the public's distrust in existing recycling programs that the RMA was enacted in the first place. The role of a PRO must therefore be to increase not only transparency but overall effectiveness and decrease environmental and human impacts within the recycling system. This will not be feasible without significant attention, effort, and corresponding budget. We struggle to see how expansion of the system will be viable without qualified end markets to accept covered materials.

Finally, Upstream supports comments submitted by Revino and their partner members and organizations, especially with respect to providing clear guidance on fees for subsequent recuse cycles, expanding eligibility for Bonus C, simplifying bonus incentives for reuse, providing fair funding for Bonus C, and increasing max payouts and adjusting or removing caps for reuse.

Thank you again for the opportunity to comment on CAA's program plan amendment for packaging EPR in Oregon. For any questions, please feel free to contact me at sydney@upstreamsolutions.org. We look forward to continuing to work directly with DEQ and CAA staff to support the incorporation of a strong reuse vision into Oregon's packaging EPR program.

Sincerely,

Sydney Harris
Policy Director
Upstream

June 27, 2025

To: Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232-4100

RE: Public Comment on May 2025 Program Plan Amendment from Circular Action Alliance

Dear Nicole Portley, Oregon DEQ Materials Management PRO Program Plan Lead & Team,

This letter is submitted by a group of Oregon businesses, environmental advocates, and community organizations, all deeply committed to advancing a truly circular economy and maximizing the positive impact of Oregon's Plastic Pollution and Recycling Modernization Act (RMA). We appreciate this opportunity to comment on the proposed plan amendments from the Circular Action Alliance (CAA), especially concerning Bonus C for reusable packaging. We acknowledge CAA's significant efforts in creating this groundbreaking plan and recognize the inclusion of Bonus C, along with the valuable three-year "grace period" for reusable systems to mature.

However, as organizations actively working towards a sustainable Oregon, we believe the current plan contains important areas that need clearer guidance and stronger incentives to truly encourage widespread reuse and fully meet the RMA's goals of reducing environmental and human health impacts. We align with many of the insightful points raised by our partner organizations and offer our collective comments below.

Key Recommendations for Strengthening Reuse Incentives (Bonus C) and Clarifying Fee Structures:

1. **Clear Guidance on Fees for Subsequent Reuse Cycles is Essential:** A very important question for all producers considering or adopting reusable packaging systems is how fees apply to subsequent reuse cycles, which is vital for the long-term success of reuse in Oregon. The RMA and all related documents state that fees are based on materials "supplied into the state." While the Oregon DEQ has confirmed that reusable materials do not incur fees on additional cycles, CAA's plan and reporting portal provides **no** guidance on how these materials should be reported for their second, third, and later uses after initial EPR fees have been paid when they first enter the state.

   This lack of clear information creates significant financial and reporting uncertainty for any business adopting reusable models. Without this essential clarity, it will be much harder to expand reuse in Oregon. Producers need assurance that once a reusable container is in the system and its initial fee is paid, later uses are indeed exempt from new fees, and that the reporting mechanism or producer guidance reflects this exemption. This current uncertainty could discourage the very reuse behavior the RMA is designed to promote, undermining a core objective of the Act.

2. **Define "Adequate Scale" for Reuse Systems and Expand Eligibility:** CAA states the importance of "reuse and refill systems being defined to be at adequate scale and access in Oregon

to qualify for the bonus." However, the plan currently provides no specific guidelines for what "adequate" means. This lack of clarity creates uncertainty and could exclude smaller, innovative producers and newer programs, even though they are often the ones who would benefit most from lower fees and initial support. Additionally, limiting the number of eligible SKUs discourages larger or complex producers from continuing to expand their reusable packaging once they reach a certain point. Bonus C should be accessible to all producers, regardless of size, who have switched to reusable packaging and can demonstrate a reduction in environmental *or* human impact.

3. **Simplify Bonus Incentives for Reuse:** The proposed Bonus C incentives for reuse are currently **too complex.** For reuse to grow successfully and attract wide participation across diverse industries, the process for applying for, calculating, and receiving these bonuses must be clear, straightforward, and easy for all producers to navigate. Simplifying this process would greatly help the program's ability to promote reuse and reduce administrative burdens for all parties.

4. **Ensure Fair Funding for Bonus C:** We strongly suggest that Bonus C be funded from a general pool of money collected from *all* covered materials that pay into the program. The proposed method of funding Bonus C (when a material switch isn't made) by "...levying a surcharge on each material category in the SKU, proportionate to the share of fees paid by each material making up the SKU," unfairly portrays transitioning to reusables as an extra burden on other producers. This could discourage early adopters and create conflict instead of cooperation within the industry. Funding from a common pool ensures fair support for all transitions to reuse/refill, matching the program's overall goal of reducing environmental impacts across the board.

5. **Increase Bonus C Payouts and Adjust or Remove Caps:** The current $50,000 cap on Bonus C is a small incentive, especially when considering the significant investment required for businesses – from small wineries to major consumer brands – to switch to reusable packaging. This investment includes substantial costs for marketing, new logistics, consumer education and infrastructure. While we understand the need to manage financial exposure, the principle that "the bonus is not intended to cover costs but to be correlated to impact" weakens the incentive's real-world value. If the bonus doesn't adequately help with the costs of switching to reuse or completing the necessary Life Cycle Assessment (LCA), it won't be a meaningful financial help for producers. Companies that invest in innovative return streams that effectively bypass the traditional recycling system through refill or reuse should not be penalized by insufficient incentives from a program designed to cut waste.

Conclusion:

To achieve Oregon's vision for a modern and sustainable recycling system, especially one that deeply integrates and champions reusable packaging, we need a clear, fair, and strongly supportive framework for reuse incentives. **Ensuring clarity around fees for subsequent reuse cycles is**

particularly important for all organizations and businesses committed to expanding reusable packaging in Oregon.

We urge the Oregon DEQ to carefully consider these vital points and make the necessary amendments to the proposed plan to foster a more effective, equitable, and truly circular system for all Oregonians and the environment. Our coalition is committed to working with DEQ and CAA to ensure reuse is successfully integrated into the EPR framework.

Sincerely,

Julia Bonnheim (Resource Director, Waste-Free Advocates)

Emily Chueh (Founder, OKAPI Reusables)

Margot Chirayath (PNW Program Manager, OKAPI Reusables)

Adam Rack (Co-Founder, Revino)

Miriam Gordon (Reuse Activator, Story of Stuff)

Alice Rotsztain (Senior Project Manager, Trash For Peace)

Esther Lerman Freeman (Metro Master Recycler)

Katelyn Maynard (SCRAP Creative Reuse)

Jennifer Davis (Executive Director, Beyond Toxics)

Sydney Harris (Policy Director, Upstream)

Jerry Powell (Founder of Resource Recycling Inc)

Kavi Chokshi (Rethink Waste Project Manager, The Environmental Center)

Pamela Denham (Founder, Milwaukie Environmental Stewards Group)

Dr. Anja Brandon (Ocean Conservancy)

Ross Ching (Owner, Mama & Hapas Zero Waste Shop)

Scott Defife (Glass Packaging Institute)

Terri Geier-Brindell (Milwaukie Environmental Stewards Group)

Kristen Gulick

Linda Lander (Milwaukie Environmental Stewards Group)

Linda Carr

Mayo E Marsh

Rachel woodcock

Theresa Day

Kathie Healy

May Mosier

Tarah Hoelter

Molly Williams (Milwaukie Environmental Stewards Group)

Burrell Palmer

Irene Ridgway

Kylie Steele

RETHINKWASTE
an environmental center program

Mama & Hapa's
ZERO WASTE SHOP