

Oregon Recycling System Advisory Council

Meeting #9

Oct. 17, 2023

10 a.m. to 2 p.m.

Hybrid format

Language Access

Look for the interpretation (globe) icon at the bottom of your screen

Select the language you want to hear

Then, mute original audio

1

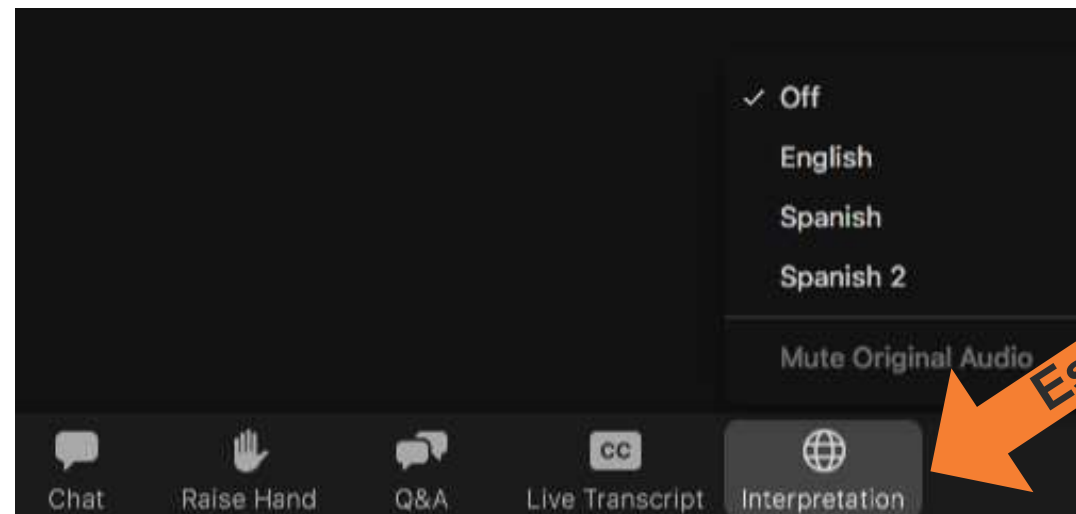
Busque el ícono de interpretación (globe) en la parte inferior de su pantalla

2

Seleccione idioma que desea escuchar

3

Después, silencia el audio original



Zoom logistics

Today's session is being recorded

Non-Council members are in listen-only mode

Sign-ups for public input will occur toward the end of the meeting

Technical difficulties? Contact Stephanie Caldera via email Stephanie.Caldera@deq.Oregon.gov or text 971-279-9517.



Agenda // Orden del día

10 a.m.	Welcome and updates	10 h.	Bienvenida y actualizaciones
10:20 a.m.	Discussion: Covered product exemption requests	10.20 h.	Debate: Solicitudes de exención de productos cubiertos
11:20 a.m.	Break	11.20 h.	Receso
11:30 a.m.	Updates and discussion: Timeline, Council scheduling	11.30 h.	Actualizaciones y debate: Cronología, programación del Consejo
12:15 p.m.	<i>Lunch break</i>	12.15 h.	<i>Receso para comer</i>
1 p.m.	Introduction: Specifically Identified Materials	13 h.	Introducción: Materiales Específicamente Identificados
1:30 p.m.	Public input opportunity	13.30 h.	Oportunidad para las aportaciones del público
1:45 p.m.	Meeting close and next steps	13.45 h.	Clausura de la reunión y próximas etapas
2 p.m.	Adjourn	14 h.	Levantar la sesión

All times approximate and subject to change // Todas las horas son aproximadas y están sujetas a cambios

Project updates

Rulemaking 1

- Nov. 16-17, 2023, recommendation to Environmental Quality Commission

Rulemaking 2

- Nov. 1, 2023, Rulemaking Advisory Committee meeting

Equity study

- Due to Legislature Sept. 15, 2024
- December 2023 Council meeting discussion

Covered product exemption timeline



Requests Received



Covered products exemption requests

Aug 22, 2023, meeting of the Oregon Recycling Council

Background

The Plastic Pollution and Recycling Modernization Act includes a definition for "covered products," or those products for which producers are obligated to pay fees to a Producer Responsibility Organization. The relevant definition appears in ORS 459A.863(6), with specific exemptions from the definition noted in ORS 459A.863(6)(b).

Per ORS 459A.863(6)(b)(R), the Oregon Environmental Quality Commission may, in consultation with the Recycling Council, exempt additional products from the definition of covered product in rule. To implement this piece of statute, DEQ opened a window in May and June 2023 for requests to exempt products from the definition of "covered product." The two-part form instructed requesters to provide a rationale for their request and estimate the impacts of the exemption. A product's completely bypassing the commingled system, entering the system neither as an item accepted for recycling nor as a contaminant, is an example of a strong rationale in DEQ's opinion. As for impacts of exemption, DEQ considered the impacts of "free riders" (system costs being divided among a smaller group of producers, resulting in larger fees for producers and products still obligated) and the environmental impacts of additional classes of products not being subject to the Act.

Requests received

DEQ received 27 product exemption requests and evaluated each individually. DEQ recommends granting the following five exemptions in rule:

- 1) packaging that is used for the long-term (i.e., five or more years) storage of a durable good (e.g. keepsake ornament boxes, durable storage totes);
- 2) packaging that contains or protects durable medical equipment (as defined in OAR 410-122-0010(4)) used in healthcare facilities;
- 3) packaging used in healthcare facilities for the management of infectious waste as defined in ORS 459.306;
- 4) packaging used to contain pesticides classified as restricted-use under the provisions of section 3 (d) of FIFRA and 40 CFR part 152, subpart I and sold to licensed commercial operators; and
- 5) refillable pressurized cylinders that contain pure oxygen or hydrogen.

27 product-specific requests received in the following categories:

- Durable containers for durable goods
- Printing and writing paper
- Medical materials
- Hazardous materials
- Items sold B2B or with producer take-back programs in effect
- Pressurized cylinders
- Other

Summary: Product exemptions

Five recommended exemptions



Durable packaging for durable goods



Durable medical equipment used in healthcare settings



Packaging for management of infectious waste



Restricted-use pesticides sold to commercial applicators



Refillable pressurized O2 and H2 cylinders

Update: proposals from interested parties



Exemption #2: Packaging of all medical devices used in healthcare settings or predominantly prescribed.



Exemption #4: Packaging of all agricultural chemicals for which producers indicate intended commercial use to the ODA.



Exemption #5: All economically-valuable refillable and reusable pressurized cylinders with functioning exchange programs.

Discussion: Product exemptions



Overall, do you support DEQ's recommendations as discussed?



Would you recommend changes to any of the recommendations?

Next steps: Product exemptions

- Formal poll sent by email (October 13)
 - Replies due November 3
- Report back to the Council at the December meeting
- Present to Rulemaking Advisory Committee in January 2024
- November 2024 proposal for EQC action

Criteria
finalized
April 2023

Exemption
request
window
May – Jun 2023

Recycling
Council
Consult
Aug - Oct 2023

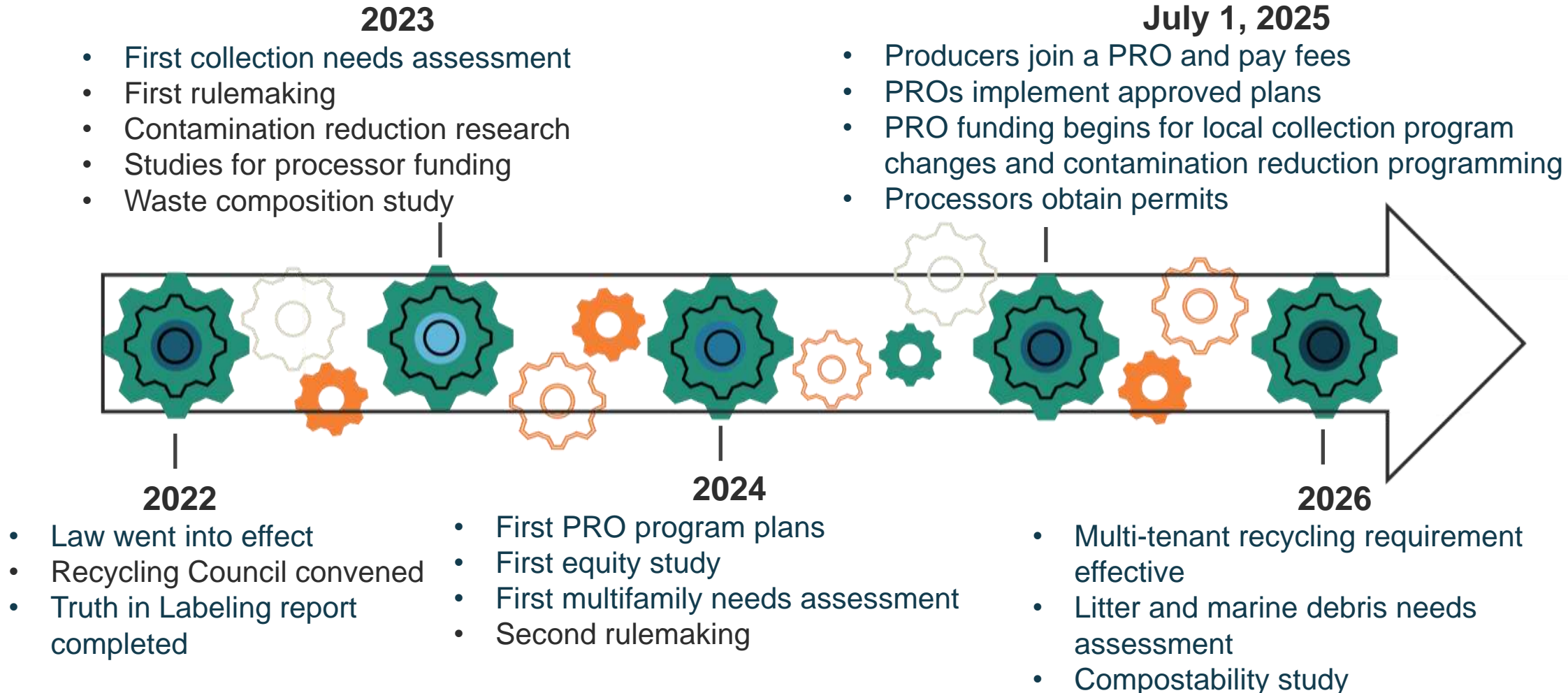
RAC #2: rule
concept
presented
Jan 2024

EQC Meeting
Nov 2024

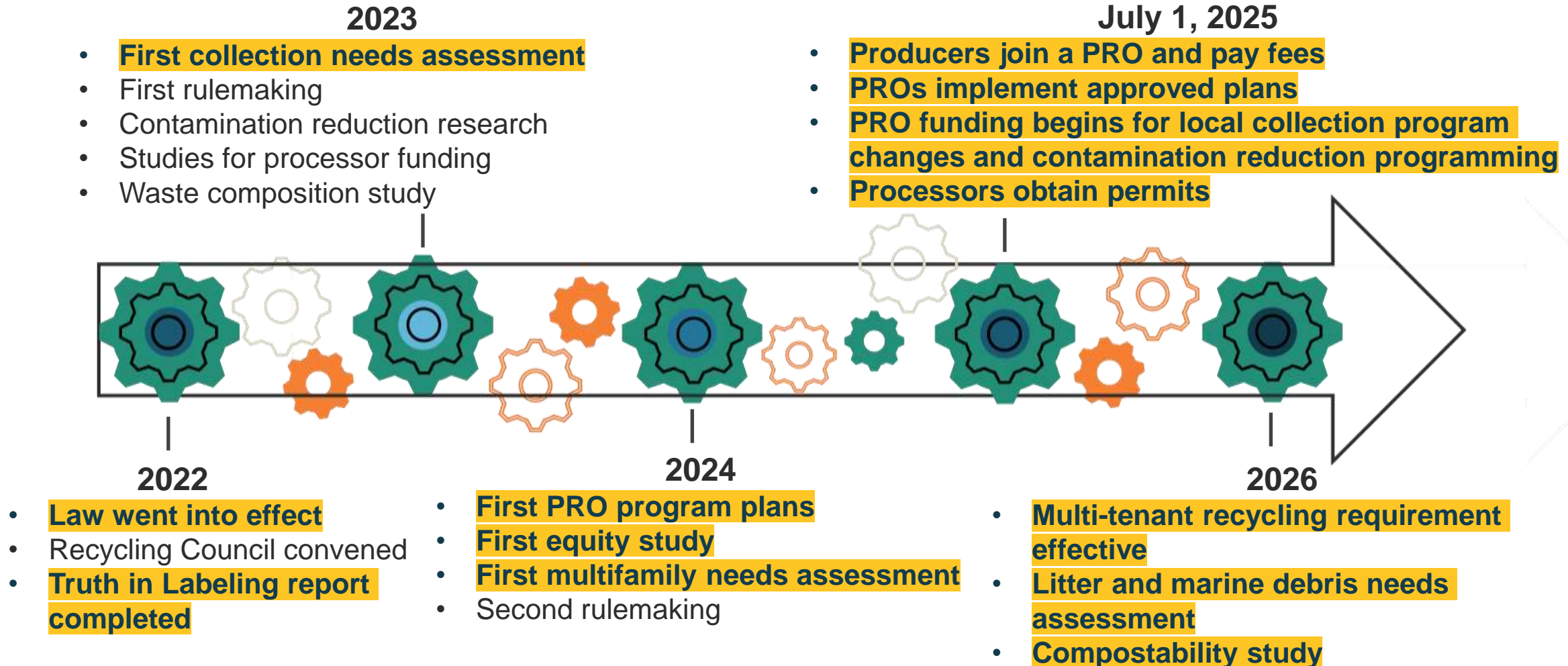
Break - Please return at 11:30 a.m.



RMA Major Milestones, 2022-2026

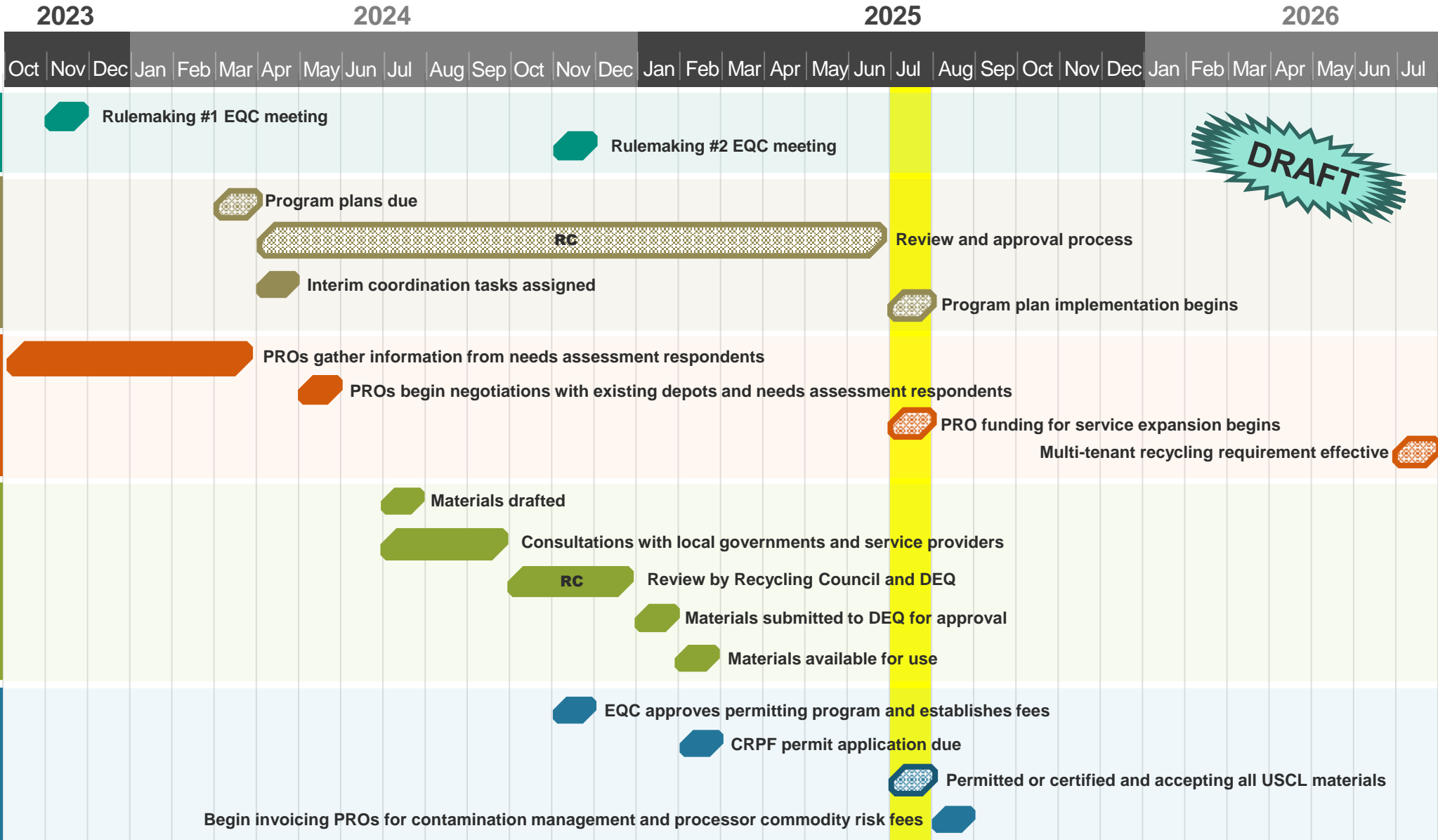


RMA Major Milestones, 2022-2026



Highlighted items have a statutory deadline.

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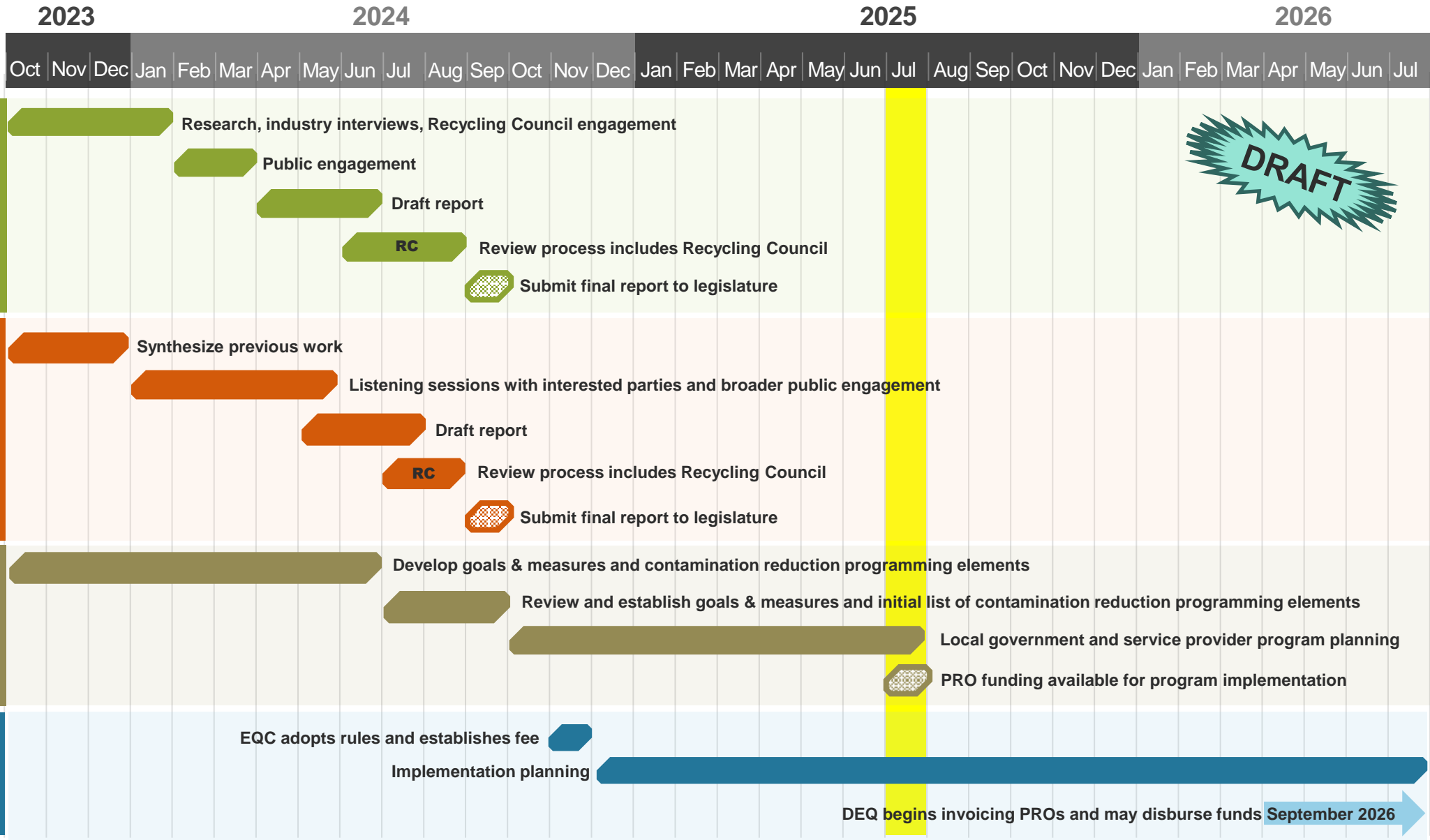


RMA Launch

Statutory dates and timelines RC Recycling Council involvement, per statute



2



Statutory dates and timelines Recycling Council involvement, per statute

RMA Launch



Council discussion: Meetings and topics

Meeting	Consultation	Recommendations
Winter 2023	<ul style="list-style-type: none"> Program Plan Review Guide Overview Equity study: Invitation to participate 	<ul style="list-style-type: none"> SIMs (criteria) Initial priorities for PRO Plan review Chair/vice-chair election
Winter 2024	<ul style="list-style-type: none"> PRO plan review process 	<ul style="list-style-type: none"> PRO plan review subcommittees/priorities
Spring 2024	<ul style="list-style-type: none"> Begin review of PRO plans 	
Late spring 2024 (2 mtgs)	<ul style="list-style-type: none"> PRO plan review subcommittee report-outs 	<ul style="list-style-type: none"> PRO Plans
Summer 2024	<ul style="list-style-type: none"> Review draft legislative reports: <ul style="list-style-type: none"> Equity study Multifamily needs assessment 	<ul style="list-style-type: none"> Legislative report: Recycling Council recommendations
Fall 2024	<ul style="list-style-type: none"> Review PRO educational materials 	<ul style="list-style-type: none"> Chair/vice-chair election
Winter 2024	<ul style="list-style-type: none"> Annual meeting schedule/calendar 	

Council discussion: Topics and ideas



Expanding on the elements from the timeline, what topics do you want to discuss/see at meetings in 2024?

Lunch/Break - Please return at 1 p.m.



Specifically Identified Materials

Today



Background information



Preliminary discussion

December



Recycling Council
recommendation(s)



Consequences of SIM Designation



PRO must describe in its program plan how it will “support collection, processing or responsible recycling”

SIMs are subject to responsible disposition requirements
ORS 459A.896(2)



SIMs: Criteria, Categories, and Discussion

Statutory Considerations

ORS 459A.917

1. Whether additional processing equipment improvements are needed
2. Availability of viable, responsible end markets
3. Economic factors affecting value
4. Whether inclusion in recycling collection programs could increase costs

Additional Draft Categories

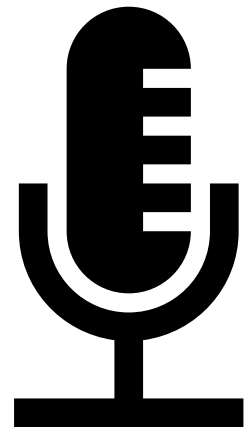
5. Covered products on a state acceptance list and deserving of extra focus
6. Covered products not on a state acceptance list but with potential
7. Covered products subject to other recycling collection and with questions/concerns involving disposition

Discussion Questions

1. Which draft criteria would you prioritize as DEQ considers materials for SIM designation?
2. Are there other considerations you would prioritize?
3. Would you recommend that DEQ phase SIM designations?
4. Is there anything else you would like DEQ to consider on the topic of SIM designation?

Public input

- To sign up: Use the “raise hand” function (usually in your Reactions panel)
 - If you cannot use the “raise hand” function, please send a chat to “Host” to sign up
- When called on to start, please state your name and organization, if applicable
- Please limit input to three minutes or less
- Written material can be emailed to Stephanie Caldera:
Stephanie.Caldera@deq.Oregon.gov
- This is not formal public comment on any proposed rulemaking

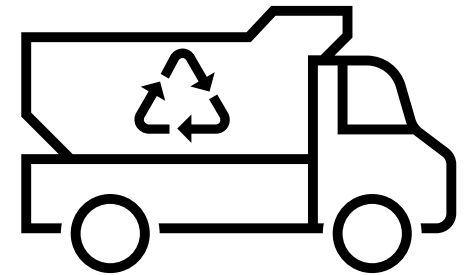


Next steps

Written feedback to [Stephanie Caldera](#) by **Friday, October 27**

Upcoming Recycling Council meetings and topics

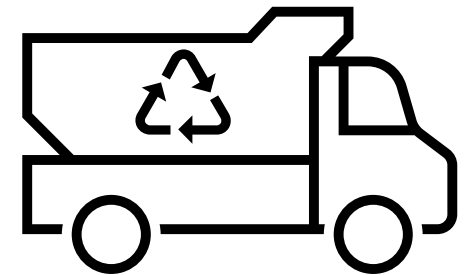
- **December** (Date and time TBD)
 - Specifically Identified Materials (continued)
 - Updates: Equity and multifamily studies
 - Introduction: Program Plan Guide
 - 2024 scheduling and Council organization



Thank you!

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