

Background Paper on Possible Changes to Recycling Acceptance Lists

Prepared for the Oregon Recycling System Advisory Council Equity and Outreach Subcommittee

March 5, 2026

Introduction

ORS 459A.902 requires the Recycling Council to “make written recommendations to the department and producer responsibility organizations on matters . . . including: . . . recycling depot or mobile collection events for recyclable items . . . (and) the uniform statewide collection list”.

At meetings scheduled for March 9 and 10, 2026, the Equity and Outreach Subcommittee will discuss possible changes to recycling acceptance lists in Oregon. These changes are being considered as part of the current administrative rulemaking for the Recycling Modernization Act, which is expected to conclude in early 2027.

This document briefly introduces some possible rule changes that DEQ is considering, and which might be included in the current rulemaking. Council members will identify which topics they wish to explore and discuss further on March 9 and 10. DEQ will be prepared to support discussion on any or all of these topics, as time allows.

For additional background information on recycling acceptance lists in Oregon, including their development and use, please refer to a [background paper](#) prepared by DEQ for the current Rulemaking Advisory Committee.

Summary of potential rule changes

DEQ identified 13 categories of potential rule changes, related to the Recycling Acceptance Lists. Some of the potential rule changes listed were previously presented to the Rulemaking Advisory Committee at its Jan. 27, 2026, meeting, while others are under consideration for discussion at the Committee’s May 27, 2026, meeting.

1. Clarify recycling options for shredded paper. Shredded paper is accepted as part of the PRO Recycling Acceptance List. A proposed rule would clarify that while ledger paper is included in the Uniform Statewide Collection List, such paper if shredded (as well as any other shredded paper) is not.
2. Clarify that “scrap metal”, which is currently accepted in the Local Government Recycling Acceptance List (and a subset of which is included in the USCL), does not include aerosol cans or pressurized cylinders unless depressurized (punctured). The intention here is to keep intact aerosol cans and pressurized cylinders out of the scrap metal collection system.
3. Add a comment to acceptance list rules indicating that acceptance lists in rules do not include the full detail of preparation instructions that should be provided as part of public outreach under ORS 459A.893 (PRO obligations) and ORS 459A.005 through .008 (local government obligations). Given the multiple ways in which acceptance list rules are used, that level of detail is inappropriate for the acceptance list rules themselves.

4. Confirm in rule that transparent blue and green PET bottles are included in the Uniform Statewide Collection List. These materials were already on-ramped to the USCL via CAA's first program plan (following review and endorsement by the Recycling Council in 2024).
5. Clarify the definition of "storage container". Current rules provide that HDPE and PP "storage containers" are included in the Uniform Statewide Collection List but the lack of definition has created some confusion.
6. Clarify that "spray mechanisms" are not "caps". Current rules provide that PET, HDPE and PP bottles are included in the Uniform Statewide Collection List and that "caps" of such bottles are also included. However, some bottles are "capped" with a spray mechanism (including a nozzle, trigger, spring and drip tube) that can disrupt the plastic reclamation process, and DEQ proposes a rule to clarify that spray mechanisms are not accepted.
7. Exclude from plastic packaging recycling acceptance all packaging used to contain and store most paints. Feedback from plastics reclaimers is that most types of paints (both dried and in liquid form) will leave residue that can disrupt the reclamation process or significantly impair marketability of pellet or flake.
8. Include in plastic recycling acceptance lists packaging used to contain or store antimicrobial pesticides (defined as meeting all conditions set forth in 40 CFR 165.23(c)(1) – (4)). While packaging for non-antimicrobial pesticides (e.g., ant bait, rat poison, weed killer) are often avoided by plastics reclaimers, antimicrobial pesticide products (such as bleach wipes, liquid bleach, and hand sanitizer) are not considered to be problematic.
9. Change and clarify other exclusions in plastic recycling acceptance lists, including acceptance of packaging for diesel exhaust fluid and windshield wiper fluid. Current administrative rules exclude from plastic packaging acceptance lists (both the Local Government Recycling Acceptance List and the Producer Responsibility Organization Recycling Acceptance List) items "used to contain or store motor oil, antifreeze, or other automotive fluids, pesticides or herbicides, or other hazardous materials (flammable, corrosive, reactive, toxic)". DEQ is proposing to remove the term "automotive fluids" as it is simultaneously too broad, and too narrow:
 - The term "automotive fluids" is too broad in that it includes some products (such as diesel exhaust fluid and windshield wiper fluid) that are commonly packaged in plastic that could be accepted by plastics reclaimers;
 - The term is also too narrow in that it fails to exclude products that are functionally identical to non-desired products that are not used in "automotives" (e.g., chainsaw lubricant, engine oil for lawn mowers).

DEQ is considering replacing "automotive fluids" (which are excluded) with more specific language such as "fluids that lubricate, cool, clean, and protect engines or other mechanical components". DEQ is also considering adding definitions for the broad exclusionary criteria of "flammable, corrosive, reactive and toxic".

10. Clarify definition of "tub". Current acceptance list rules allow for the inclusion of PET, HDPE and PP "tubs" in the Uniform Statewide Collection List. "Tub" is currently defined in rule to mean "a rigid container that has a neck or mouth similar in size to its base." The definition goes on to say that tubs do not include "a clamshell or similar container with a lid that is affixed to the base using a hinge or similar mechanism."
 - DEQ's intention in the 2023 rulemaking was to include HDPE and PP tubs (such as those commonly used to package cottage cheese, yogurt and dips), as well as to allow similarly-

shaped items made of thermoformed PET (such as containers commonly used for candy and snacks). Given unresolved concerns involving end markets for thermoformed PET and Oregon's responsible end market standard, DEQ was not intending to invite large quantities of thermoformed PET into the system, and intended to exclude other formats or applications of thermoformed PET such as cups, other food serviceware items, trays, and thermoforms commonly used to package produce (e.g., tubs used to package leafy greens). And yet the current definition of tub, creatively interpreted, would allow for such inclusion. For example, a hinged clamshell is clearly excluded, but if a user of the recycling system ripped the clamshell at the hinge, they might produce two separate items that would each meet the definition of "tub".

- To narrow the exclusion (until such time as more thermoformed PETs are accepted in the USCL), DEQ is proposing to change the definition of "tub" to better align with its original intent and to more explicitly restrict or exclude more PET thermoforms, such as cups and trays.

11. Remove the requirement in OAR 340-090-0630(2)(q) that local governments in the Metro wasteshed offer to collect yard debris from all generators inside the Metro wasteshed.

- Prior to the first RMA rulemaking, administrative rules included lists of designated "principal recyclable materials" that were identified as suitable for recycling in each wasteshed in Oregon. With the adoption of the RMA and the establishment of uniform statewide acceptance lists, the need for such designations was eliminated. In response, in 2023 DEQ proposed eliminating in entirety the principle recyclable materials rules (previously OAR 340-090-0070). However, those rules included the designation of yard debris as a principal recyclable material in the Metro wasteshed only. Intending to maintain consistency, and not changing policy unrelated to the RMA, DEQ transferred that legacy (pre-RMA) obligation to a new rule, OAR 340-090-0630(2)(q). In doing so DEQ inadvertently created a new regulatory obligation.
- Following rule adoption in 2023, DEQ identified that requiring Metro-area local governments within the Metro wasteshed to offer yard debris collection would also require that service providers offer yard collection in rural areas, which was not previously required. Local governments informed DEQ that offering yard debris collection in rural areas would be economically prohibitive, inefficient, and energy intensive for the small amounts of yard debris material to be recovered. In addition, there are no requirements to collect yard debris even in other areas of the state, urban or rural.
- As part of Metro's Regional Waste Plan which DEQ has approved, Metro identifies regional service standards that local governments implement. Yard debris collection is included in the Metro regional service standards. Metro code also authorizes local governments to identify rural areas that would not need to offer yard debris collection due to the cost, reduced benefits of collecting yard debris in rural areas and the economic burden to local governments and their service providers.
- As such, the requirement in OAR 340-090-0630(2)(q) both overlaps with (urban) and contradicts (rural) Metro code, while imposing high costs with relatively low environmental benefits. As such, DEQ recommends removing rule 340-090-0630(2)(q).

12. Change performance and convenience standards for pressurized cylinders; consider change to effective date for these materials. Pressurized cylinders are included in the PRO Recycling Acceptance List (with an effective date of Jan. 1, 2028). Existing convenience standards require an extensive network of collection sites statewide, and performance standards require that all pressurized cylinders be depressurized, with contents removed at a hazardous waste treatment, storage and disposal facility

(TSDF) prior to recycling. CAA has demonstrated that these requirements will impose significant costs on producers. In addition, empty and near-empty pressurized cylinders can be safely recycled at significantly lower expense without management at a hazardous waste TSDF.

- DEQ is proposing to eliminate the existing performance standard relating to management at hazardous waste treatment facilities, and to change convenience standards to effectively reduce the number of collection points and provide for a “cost sharing” approach between the PRO and local governments and service providers that choose to provide a recycling service for pressurized cylinders. The details of this proposal, as presented to the RAC in January, can be viewed in this [Topic Paper](#).
- Based on feedback received from the RAC in January, DEQ is considering three modifications to that rule concept: a) including household hazardous waste collection events as eligible for cost-sharing; b) reducing PRO funding obligations by an amount equal to the sales value of the scrap metal as recycled, and c) for pressurized cylinders that are recycled following controlled removal of hazardous constituents, limiting the PRO’s financial obligations for the disposal of such wastes to an amount “as if” they were non-hazardous solid wastes.

Separately, some in industry have indicated a desire to have pressurized cylinders entirely exempted from the definition of covered product, either through statutory change or through a rulemaking exemption process. Current rules place pressurized cylinders on the PRO Recycling Acceptance List effective January 1, 2028. DEQ could propose a rule change to further delay those recycling requirements, or delay revised requirements as proposed above, in order to provide time for an effort to fully exempt all pressurized cylinders.

13. Change convenience and performance standards for aerosol cans. Current rules (adopted in 2023 and amended in 2024) place aerosol cans of all types on the PRO Recycling Acceptance List, with an extensive convenience standard and special handling requirements under performance standards, including a requirement to remove and characterize contents, and to manage all aerosols (including empty and near-empty aerosols and aerosols from households) as if they were universal waste. CAA has demonstrated that these requirements, which go into effect in 2028, will impose significant costs on producers.

- CAA has also indicated its intention to propose on-ramping user-identified “empty” aerosols to the Uniform Statewide Collection List. As that on-ramping proposal and supporting evidence has not yet been produced or considered by the Recycling Council, DEQ considers it premature to predict an outcome. Current administrative rules already provide a mechanism by which convenience standards are automatically scaled back when materials on the PRO Recycling Acceptance List are on-ramped to the USCL via a program plan.
- In the meantime, and because extensive convenience and performance standards for aerosol containers are already set to come into effect in less than two years, DEQ is considering several changes that would change the PRO’s obligation to a “shared responsibility” model akin to the proposal for pressurized cylinders. Basically, the PRO would be obligated to provide partial compensation to operators of permitted solid waste disposal sites, Tribally-operated sites, and HHW collection points that choose (voluntarily) to accept aerosols from the public. Such program operators might choose to accept some or all aerosols for recycling, with variables including level of fullness, relative hazard of content, and source (households vs. very small quantity generators). Compensation from the PRO would be limited to costs associated with receiving, triaging, and recycling aerosol cans, including removal and disposal of contents (if necessary), with disposal costs limited to “as if” the contents were non-hazardous solid waste.

- Aerosols from VSQGs (if accepted for recycling), would still be held to universal waste handling requirements, if recycled. However, the management standard could be relaxed for aerosols from households (consistent with EPA regulations). While aerosols from households might be aggregated and recycled as scrap metal, DEQ is also considering placing limits on the types of aerosols (content and/or fullness) collected through this system that could be sent through a metal recycling pathway that involves bulk shredding (either all types of shredders, or just shredders that lack advanced pollution control systems). As an example, DEQ might prohibit collection sites from sending non-empty aerosols containing pesticides to some or all types of shredders. This is because the shredding process can result in the release of hazardous contents into the environment, and not all shredders are equally protective of the environment due to differences in pollution controls and operational parameters.
- An outline of possible considerations for aerosols can be viewed in slides 9 through 13 of a slide deck that was recently shared at the Feb. 19, 2026, meeting of [DEQ's Technical Workgroup on Recycling Acceptance Lists](#).

Similar to pressurized cylinders, CAA has also suggested that DEQ consider further extending the deadline for any recycling requirements related to aerosols, in order to create time to complete consideration of CAA's pending proposal to onramp aerosols to the USCL, and then to consider a separate rulemaking (or statutory change) to eliminate any PRO obligation relating to aerosol containers that are not on-ramped.

Potential for additional rule changes

Between now and when rules are drafted (anticipated September 2026), other developments may activate consideration of additional rule changes not described above. DEQ may develop additional draft rules (subject to standard public comment procedures) if warranted.

Three examples that illustrate the potential for additional rule changes are as follows:

1. At present, block white expanded polystyrene is included in the PRO Recycling Acceptance List, and CAA has until 2032 to achieve the convenience standard for depot collection of that material across the state. However, the future of this packaging material is potentially in question. Later this year, a decision will be made as to whether that material will be accepted for recycling in California. If not accepted, the material may effectively be banned from use there starting in 2032, and given California's size, that change would likely precipitate a major shift away from expanded polystyrene by national and global producers.

The result in Oregon would be a significant reduction in generation of that material available for recycling. In the event that block white expanded polystyrene is effectively removed from commerce in California, DEQ may choose deem it warranted to either remove it from Oregon's PRO Recycling Acceptance List, or to delay or phase in the convenience standard in order to allow for a more orderly transition and potential delisting via a later rulemaking.

2. CAA indicated in its program plan an intention to propose on-ramping flat plastics (e.g., lids and can carriers) to the Uniform Statewide Collection List. A material flow study conducted in February of this year has obtained raw data about how these materials flow through two Oregon commingled recycling processing facilities (CRPFs).that data will be used to estimate existing capture rates. Results from that flow study are expected later this spring. If the study shows that flat plastics already are captured at high rates, or that planned investments already in the pipeline will likely achieve that outcome, DEQ may propose adding the materials to the USCL during the current rulemaking, along with potential changes to CRPF performance standards and/or compensation from the PRO.

3. Manufacturers of glass packaging, as represented by the Glass Packaging Institute, have recently asked for reconsideration of the placement of glass in recycling acceptance lists. DEQ plans to convene a discussion of options for collecting and recycling glass in Oregon.

Additional topics for discussion

In addition to the material-specific topics described above, DEQ also seeks input from Subcommittee members on two broader topics.

1. How should the state, the PRO, producers, local governments, service providers and the public navigate potential inconsistencies that result from conflicting uses of recycling acceptance lists?

For example, producers often desire specific, technical language so that they have regulatory clarity when reporting quantities of covered products between multiple fee categories. An example of this might be rigid plastic packaging used to contain bleach wipes and other antimicrobial pesticides (as defined under the Federal Insecticide, Fungicide and Rodenticide Act, see 40 CFR 165.23(c)(1) – (4)) which may be proposed for acceptance in the Uniform Statewide Collection List.

But acceptance lists also form the basis of public outreach, and with few exceptions, the PRO, local governments and service providers don't want to provide that level of detail ("packages used to contain antimicrobial pesticide products as defined in 40 CFR 165.23(c)(1) – (4)") in outreach materials.

And plastic reclaimers, while generally willing and able to accept and recycle antimicrobial pesticide packaging, are leery of any public outreach that encourages acceptance of "pesticide" packaging, lest the public become confused and start placing more hazardous bottles of rat bait and weed killer in their commingled carts increasing contamination rates.

However, even if the PRO and service providers discourage placement of "pesticide packaging" into the recycling system, many members of the public might not even understand that bleach wipes are considered to be a "pesticide". And producers of bleach wipes might consider it unfair to have their recyclable package lumped into a category of nonrecyclable packages ("pesticide packaging"), and as a result, be required to pay higher fees as an outcome of recycling educators not using technically detailed language when conducting public outreach.

A related dynamic involves decisions that are made involving level of detail for public outreach. Generally speaking, many communication professions recommend a "less is best" approach when communicating what and how to recycle to the general public. Some members of the public desire more detail and find the "less is best" approach to be frustrating and confusing.

Discussion question

How can materials be described in rule so that all of the different users and participants in Oregon's recycling system achieve their recycling commitments? DEQ believes that a discussion by the Council and exploration of the trade-offs between the needs of different participants in Oregon's recycling system may ultimately identify some specific projects or methods to mitigate such conflict. In addition, the Council may choose to offer some guiding principles that may also inform some of the material-specific listing options presented above.

2. How should DEQ weigh the equity considerations of approaches that provide local flexibility but inconsistent recycling opportunities throughout the state?

One of the goals of the RMA was to provide more recycling opportunities in parts of the state that have historically not had access to high-quality recycling. The convenience standard requires the PRO to provide a network of collection points throughout the state for materials on the PRO acceptance list. Relaxing that standard for pressurized cylinders and aerosol containers may enable more communities to receive producer support and recycle more valuable metal than would otherwise occur. However, the fact that the current proposals allow communities to opt in means that access to recycling opportunities may continue to be inconsistent across the state.

Discussion question

How do the members of this Subcommittee view the trade-off between statewide consistency in recycling opportunities versus the potential for more material to be recycled in communities that have the ability to take advantage of producer cost-sharing?

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