



Menu of Potential Options for the Truth In Labeling Task Force

Below is a list of potential options for addressing recycling labeling in Oregon. These range from maintaining the status quo to fully regulating the use of recyclability claims. This list is not exhaustive and is intended only to provide a starting point for discussion. Task Force members are encouraged to identify additional options.

The inclusion of an option on this list does not imply endorsement or recommendation by the Oregon Department of Environmental Quality.

1. Status quo

- Take no action to regulate recyclability claims and the use of the chasing arrows symbol at the state level.
- As California implements SB 343, over time, the number of misleading labels in Oregon should decrease. Labeling may not fully represent what is recyclable in Oregon due to potential misalignment between the two states' systems.

2. Support labeling improvements at a federal level with the Green Guides and keep the status quo in Oregon

- Like the status quo option above, this option would not regulate recyclability claims in Oregon. It would rely on additional improvements from updates to the Federal Trade Commission's Green Guides (scheduled in 2022).

3. Adopt an Oregon-specific labeling requirement

- Prohibit the sale of any product that makes a deceptive or misleading claim regarding recyclability – for example, prohibit claims of widespread recyclability unless the material is on the Oregon statewide collection list or the claim complies with rules to be established by the EQC.
- This label may be different than what California requires. In that case, national/global producers would need to review both California and Oregon requirements, and if they meet the requirements of both states, they could use the recycling symbol/recyclability claim. If they meet the requirement of one state but not the other, they couldn't use the recycling symbol without being out of compliance.
- Producers can always choose to under-label their products or packing (no recyclability mark/statement).

4. California alignment

- Do not adopt a labeling standard, but consider adjusting Oregon's statewide collection lists to comport with California's criteria. Section 22(3)(h) of the Recycling Modernization Act already requires DEQ to take into consideration "the ability for waste generators to easily identify and properly prepare the material."
- This option would not have to require strict adherence to California's list, but would increase alignment between the two states.

- Oregon will create our first uniform statewide collection list (2023) before California defines what is and is not “recyclable” (2024).
- This option requires periodic review of California’s list.

5. Membership fee (ecomodulation) disincentive

- Require, via legislation, Producer Responsibility Organizations to assess higher fees on covered products that are labeled as recyclable, but are not on Oregon’s statewide collection list. Alternative language (e.g., “return to retail”) for materials accepted in non-curbside programs could be added to product labels without a higher fee.
- Require producers to conduct an annual review of their labeling and share that information with their PRO so that the PRO can assess this ecomodulation disincentive where appropriate.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.