



Oregon

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July 29, 2024

Charles Schwarze
Chair
Circular Action Alliance
20 F Street NW, Suite 700
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Dear Mr. Schwarze:

Thank you for the first draft producer responsibility program plan that the Circular Action Alliance submitted to the Oregon Department of Environmental Quality on March 31, 2024, for the development and implementation of a producer responsibility program for packaging, printing and writing paper, and food serviceware in Oregon under Senate Bill 582 of 2021 (Act). Pursuant to the Act, as part of DEQ's plan review process, DEQ offered a public comment period on the Plan and consulted with the Oregon Recycling System Advisory Council, an advisory committee created by the Act to advise DEQ and the producer responsibility organization(s) on implementation of the Act, including program plan review. The public comments received and a summary of the Committee's input on the Plan are available on DEQ's [website](#).

This letter and its attachments comprise DEQ's official response to the first draft plan pursuant to ORS 459A.878(1).

DEQ would like to voice overall appreciation for the constructive tone of the Plan, its ease of navigability, and the considerable knowledge of Oregon's program requirements that it reflects. DEQ understands that these strengths of the Plan result from CAA having brought a strong and comprehensive team to the project start-up phase well in advance of the Plan due date, under the leadership of Doug Mander. As we look ahead to future revisions of this Plan under newly-appointed Oregon director Kim Holmes, we are confident in CAA's ability to ultimately produce a revised version of the Plan that meets all requirements, and launch its first-in-the-nation program on our start date of July 1, 2025.

After reviewing the Plan and considering input received through public comments and the Council, DEQ rejects the first draft proposed Plan. DEQ requests that CAA submit an updated version on or before September 27, 2024. The Department's rationale for rejecting the Plan, including recommendations for improving the plan in subsequent drafts, is laid out in Appendix A. Additional supporting documentation is located in confidential Appendix B, which responds to Plan content that CAA claimed as confidential at the time of submission.

DEQ reviewed and approved 18 sections of the Plan individually, as detailed in Appendix A and summarized below. Note that overall Plan approval is contingent upon DEQ's approval of all sections.

- Four sections are conditionally approved; those pertaining to PRO description and qualifications, depot collection targets, education and outreach, and material categorization for the producer fee schedule. For these four sections, CAA may revise the content to align with DEQ's approval conditions, and then these sections will be considered approved upon resubmission. Note that substantial changes to conditionally-approved sections that are not aligned with the DEQ conditions of approval would initiate another full review of those sections.
- The other 14 sections are not approved. CAA must revise the content, incorporating feedback from DEQ, the Recycling Council, and the public. CAA has two more opportunities to seek approval as described in ORS 459A.878, which provides up to three drafts in the review process.

The need for multiple drafts to arrive at a version of the Plan that meets all requirements is to be expected for a program like this one, which is of considerable breadth and expected impact. DEQ is aware that CAA is currently conducting a detailed surveying of interested parties, the Oregon System Recycling Optimization Plan. This will inform sections of the plan pertaining to system expansion for collection of materials on the USCL and the PRO Recycling Acceptance lists, and will improve system cost projections for CAA to set producer fees. DEQ looks forward to continued communications with CAA regarding sequencing of the survey findings into drafts 2 and 3 of the Plan.

In order to facilitate efficient review of the second draft, DEQ requests that CAA submit the revised Plan in both PDF and redlined Word versions.

DEQ appreciates CAA's continued work and looks forward to working together on this new and exciting program for extended producer responsibility in Oregon.

Sincerely,



Nicole Portley
PRO Program Plan Lead
Recycling Modernization Act
Oregon DEQ

Attachments

Appendix A: DEQ recommendations on CAA program plan components

Appendix B: Confidential DEQ recommendations on CAA's Appendix G

Appendix A: DEQ recommendations on CAA program plan components

There are 18 total components in the plan requiring approval for DEQ to approve the entire plan. Section approval decisions apply at the bolded, numbered, plan component level rather than at the subcomponent/subsection level. Approval and rationale/recommendation entries at the subcomponent level are for an informational purpose. Subcomponents listed with asterisks indicate subcomponents that are also considered in review/approval of the Equity section.

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
Inclusion of an executive summary.	n/a	Executive Summary, pg 5-9	n/a	The structure of the executive summary is largely acceptable, but as revisions to the plan are expected for subsequent drafts, DEQ recommends that CAA integrate updates into this section to reflect all substantial additions and edits made to the plan’s main body.	
1. Overarching goals for the program plan that are as objective and measurable as possible.	ORS 459A.875(2)	Goals of the Program, pg 10-13	No	<p>Overall DEQ encourages CAA to strengthen and tighten the goals section, and to articulate a long-term vision with concrete milestones. DEQ recognizes that full obligation will not lie on CAA in a shared responsibility system. However, goals play an important guiding role, and the program plan review process provides an opportunity for other obligated parties to weigh in regarding the appropriateness of goals toward which they may be contributing.</p> <p>To strengthen this section, DEQ recommends that CAA review all key metrics and assign specific benchmarks to be achieved in the first program plan.</p> <p>Goal and objective-specific recommendations follow:</p> <p>The Objective 1 header limits the scope to “end of life,” while the second nested goal encompasses production. DEQ recommends broadening the objective to encompass goals of work on ORS 459A.884(4) and ORS 459A.896(2)(b).</p> <ul style="list-style-type: none"> Objective 1, Goal 1: Focus relevant Outcomes/ Indications of Success on particular issues that CAA aims to resolve or contribute to resolving. 	<p>Upstream recommended integrating upstream waste prevention, source reduction, and reuse into the program goals.</p> <p>ORSAC recommended specifying that eligible costs for system expansion would be funded by the end of the plan period.</p> <p>ORSAC recommended strengthening metrics for education and equity (Objective 3).</p>

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				<ul style="list-style-type: none"> Objective 1, Goal 2: Include food serviceware in the scope of the goal. Set a more ambitious goal for ecomodulation. The current ecomodulation outcome wording is input-oriented. Consider the draft rules on life cycle evaluation and how they could be applied in measuring progress. <p>Objective 1 generally: add an outcome and metric(s) to fulfill the hierarchy requirement, i.e., 459A.896(2)(b).</p> <p>Objective 2, Part 1: Add the objective of funding all eligible costs by the end of program plan period. Make the goal of meeting the convenience standards timebound by adding a deadline and interim milestones.</p> <p>Objective 3: The equity outcomes are worded as inputs rather than outcomes. Consider adding proportion of service provided to the PRO by COBID businesses among metrics for this objective.</p> <p>Objective 4: Consider adding a meaningful and measurable KPI for the dispute resolution process.</p>	
2. Prospective PRO Description and Qualifications.		<ul style="list-style-type: none"> Application pg 1-2 About Circular Action Alliance, pg 14-17 Appendices B, C, and H-L, pg B10 – L63 	Conditionally	See section-specific requested updates below; with these updates, these sections are approvable.	
Contact information for the prospective PRO.	ORS 459A.875(2)(b)	Application pg 1-2	Yes	CAA provided its contact information in the application form on page 1.	
A description of the structure of the producer responsibility organization, including the management structure, the PRO's board and roles and functions of committees.	ORS 459A.875(2)(c)	<ul style="list-style-type: none"> Description of the Org, pg 14-15 Appendix C: CAA Org Structure, pg C15-18 	Conditionally	Add more details/commitments on pg 15 with respect to the Oregon Board—i.e., replace “intends to establish” with “will establish” or “has established,” and indicate the Board membership or how it will be determined.	FPI and OWA-OWC-WI made queries with respect to Board membership.

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The prospective PRO's qualifications (both to serve as a PRO in Oregon's system overall and to carry out particular interim coordination tasks).	OAR 340-090-0680(1)(b)(A)	<ul style="list-style-type: none"> • CAA's Qualifications to Serve as a PRO in Oregon, pg 15 • Understanding of OR's RMA, pg 15-16 • Team Expertise and Capabilities, pg 16 • Qualifications to Deliver Interim Coordination Tasks pg 16-17 • Appendix C: CAA Org Structure, pg C15-18. 	Conditionally	Clarify intentions to hire on-the-ground staff in Oregon: <ul style="list-style-type: none"> • Approximately how many positions are envisioned, and of what nature? • Plans to hire in Oregon are referenced on pg 16 but are not shown in the Org Chart for OR in Appendix C, pg C18. 	
Any other information required by the department to determine that a producer responsibility organization is capable of meeting its obligations and ensuring the outcomes required under ORS 459A.860 to 459A.975.	ORS 459A.875(2)(q)				
The prospective PRO's current producer membership (include here information on the likelihood of achieving the 10% minimum market share threshold to operate as a PRO in Oregon).	ORS 459A.875(2)(b) and OAR 340-090-0680(1)(b)(C)	<ul style="list-style-type: none"> • CAA's Producer Membership, pg 17 • Appendix B, List of Member Producers and Market Share Calculation, pg B10-15 	Conditionally	Update the producer list in Appendix B in each subsequent draft to include new members beyond the founders, including companies that have pre-registered with CAA. Update the market share calculation section of Appendix B in each subsequent draft to reflect the estimated market share of current members.	
Information regarding the adequacy of the prospective PRO's access to financial resources (i.e., to carry out assigned interim coordination tasks).	OAR 340-090-0680(1)(b)(B)	<ul style="list-style-type: none"> • CAA's Producer Membership, pg 17 			
3. An Approach to Prioritize, Schedule and Fund Eligible Costs From the Needs Assessment Pertaining to System Expansions and Improvements.	ORS 459A.875(2)(a)(A) and (C), (2)(o)-(p); OAR 340-090-0790(1); and OAR 340-090-0810(1)(a)	System Expansions and Improvements, pg 19-26	No	See nested requirement-specific recommendations below.	

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A schedule for implementing collection program expansions and improvements throughout the state.	OAR 340-090-0790(1)(a)	<ul style="list-style-type: none"> • Proposed Timeline, pg 21 • Initial Outline for Disbursement of Local Government System Expansions, pg 22 • Revised Local Government Funding Schedule, pg 22 	No	<p>Specify in the timeline on pg 21 that all eligible costs will be funded by end of 2027.</p> <p>Add to either of Table 1 or Table 2 on pg 22 the estimated system expansion disbursements for each local government.</p>	ORSAC also indicated the need for estimated reimbursements per local government to be added to the plan.
The proposed approach for funding eligible costs identified in the needs assessment in a way that upholds the prioritization laid out in rule, with funding offered to local governments in higher tiers of priority before it is offered to local governments in lower tiers of priority.	OAR 340-090-0790(1)(b)	<ul style="list-style-type: none"> • Revised Local Government Funding Schedule, pg 22 • Assessing Priority of Funding Requests, pg 23 • Evaluation of Funding Requests, pg 23 • Proposed Review Criteria, pg 23-25 	No	Expand Table 2 on pg 22 to show how each funding request has been categorized by its priority.	
A description of how the use of existing infrastructure will be maximized.	ORS 459A.875(2)(a)(C)	<ul style="list-style-type: none"> • Proposed Review Criteria, pg 23-25 	No	<p>CAA indicated on pg 24 “Support for Existing Services and Infrastructure” as a review criterion for its follow-up needs assessment, the Oregon Recycling System Optimization Project (ORSOP). Summarize how CAA applied this criterion to develop a plan for system expansion that makes maximum use of existing infrastructure. Provide data on anticipated use of existing infrastructure across the state, draw out particular on-the-ground examples, or do both.</p>	ORSAC also requested this detail be added.
The estimated amount of funding to be disbursed, overall.	OAR 340-090-0790(1)(e) and (2)(b)	<ul style="list-style-type: none"> • Initial Outline for Disbursement of Local Government System Expansions, pg 22 • Revised Local Government Funding Schedule, pg 22 	No	Update the amounts per year spent on system expansion in Table 1 on pg 22, replacing the ranges with singular estimates.	ORSAC feedback aligns with DEQ’s here.
The estimated amount of funding to be disbursed to individual local governments.				Integrate estimates of system expansion expenditure per local government into this section.	
A method for determining funding or reimbursement	OAR 340-090-	<ul style="list-style-type: none"> • Evaluation of Funding Requests, pg 23 	No	On pg 24 CAA indicated that efficiency measures “may be developed for considering applications for funding.” That implies that CAA either intends to	

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amounts under ORS 459A.890(5)	0790(1)(d) and OAR 340-090-0810(1)(a)(A)	<ul style="list-style-type: none"> Proposed Review Criteria, pg 23-25 Accountability Mechanisms, pg 26 		offer additional (non-statutorily required) funding, or intends to apply some screening criteria to its statutorily-mandated funding requirements. Please clarify and provide more detail.	
A process, including the process timeline, for how the producer responsibility organization will resolve any disputes involving compensation of local governments and local governments' service providers under ORS 459A.890(5).	ORS 459A.875(2)(e)	<ul style="list-style-type: none"> Dispute Settlement Process relating to Service Expansion Funding Requests, pg 25 	No	The approach for dispute settlement described on pg 25 involves CAA convening a multistakeholder working group that will confirm types of expenses eligible for compensation. Such a working group may serve a useful purpose, but statute requires the program plan to lay out a clear pathway, including a timeline, for effective resolution of conflicts; the working group proposal is insufficient to meet this requirement.	
A description of the process a local government, a local government service provider or other persons authorized by a local government to receive payment must follow to invoice the producer responsibility organization for reimbursement of costs or advanced funding. The information provided may include sample forms for reimbursement or advanced funding requests.	OAR 340-090-0810(1)(a)(B)	<ul style="list-style-type: none"> Accountability Mechanisms, pg 26 	No	Add a description of the proposed approach to invoicing and accountability, informed through the ORSOP survey, to the next draft of the plan.	ORSAC would like to see sample invoice forms included in a subsequent draft.
4. Methods for calculating and reimbursing transportation costs	OAR 340-090-0780 and	<ul style="list-style-type: none"> Transportation Reimbursements, pg 25-30 	No	See nested requirement-specific recommendations below.	
Methods for advance funding and reimbursements to local governments, a local government's service provider or other person	ORS 459A.875(2)(o)	<ul style="list-style-type: none"> General Model, pg 27 Registration of Claimants, pg 28 	No	The proposed method entails, per pg 28, pre-approval of eligible shipments. This has the potential to slow down shipments and disrupt operations, unless CAA can guarantee near-instantaneous review and approval of requests.	Concerns about potential inefficiencies in pre-approval were voiced by ORRA in

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authorized by the local government to receive transportation reimbursements.		<ul style="list-style-type: none"> • Timing of Submissions and Reimbursements, pg 28 • Claims Submission Content, pg 28 • Timing of Payments, pg 29 		Describe how the proposed approach will balance the need for efficiency with the need for adequate oversight.	public comment and by ORSAC.
A process, including the process timeline, for how the producer responsibility organization will resolve any disputes involving compensation of local governments and local governments' service providers under ORS 459A.890(2).	ORS 459A.875(2)(e)	<ul style="list-style-type: none"> • Dispute Settlement Process, pg 29 	No	<p>CAA indicated on pg 29 that, in the case a CRPF rejects a transported load due to contamination, the transporter shall incur all costs associated with the load, which will not be eligible for reimbursement from CAA.</p> <p>Provide additional detail here—for example, proposed standards for load rejection accepted across participating CRPFs—to ease local government and service provider concerns with respect to financial liabilities due to the risk of load rejection.</p> <p>See comments above related to dispute resolution for system expansion requests – they are also applicable to dispute resolution for transportation reimbursement.</p>	ORRA sought more clarity on load rejection.
Methods for calculating reimbursement amounts for transportation costs in accordance with established requirements, including:	OAR 340-090-0780(1)	<ul style="list-style-type: none"> • General Model, pg 27 • Establishing Standard Rates, pg 28 • Voluntary Transportation Option, pg 29-30 • Opportunities for Efficiency and Effectiveness, pg 30 	No	<p>CAA proposed to use standardized rates per ton per mile for these reimbursements. DEQ has concerns with this approach, which could penalize rural communities, especially those distant from the major trucking corridors (I-5 and I-84, Hwy 97).</p> <p>Indicate how CAA will address possible rural inequity related to transportation reimbursements.</p>	ORSAC recommends weighing the proposed method (standardized rates per ton per mile) against a zoned approach with geographic differentiation of transportation costs
an approach for enabling fluctuations in input costs, such as fuel, to automatically factor into the reimbursement amounts over time;	OAR 340-090-0780(1)(a)	Establishing Standard Rates, pg 28	No	<p>The intent to account for fluctuations in input costs in the reimbursement rates is noted, but the approach to doing so is not described in detail.</p> <p>Provide the calculation methodology, including data sources, and the process/schedule for updating standard rates per mile.</p>	ORRA and ORSAC are also seeking this detail.

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a voluntary option that allows local governments or service providers and a producer responsibility organization to agree to transfer some or all transportation responsibilities to the producer responsibility organization or coordinating body;	OAR 340-090-0780(1)(b)	Voluntary Transportation Option, pg 29-30	Conditionally	CAA proposed to provide such an option on pg. 29-30. This content is approvable upon necessary updates to other subsections of the Transportation Reimbursements section.	
a means of accounting for proximity to an appropriate commingled recycling processing facility or responsible end market that has capacity to process or recycle the material and other factors that could affect transportation costs;	OAR 340-090-0780(1)(c)	Proposed Method for Calculating Transportation Costs, pg 27-30	No	A general methodology is laid out in page 27-29 and it accounts for multiple factors (different loads including mixed loads, distances), but it is silent on how CAA will determine whether a closer facility (that a community bypasses) has “capacity.” Update this section to explain how facility capacity will be assessed.	
a description of the mandatory consultations with local governments and service providers that informed the development of the methods; and	OAR 340-090-0780(1)(d)	Consultation Process, pg 26	No	CAA conducted preliminary consultations that informed its approach, but planned to consult about detailed methods later as part of the ORSOP. List Local Governments and Service Providers consulted across the state and describe the feedback received.	
a description of opportunities that were identified for increasing efficiency and achieving full transport loads (e.g. an approach for balancing the environmental benefits of transportation efficiency with the environmental impacts of baling)	n/a	Material Compaction, pg 30	n/a	The section entitled “Material Compaction” on pg 30 addressed this issue; however, it did not clearly state what options for compaction will be allowed/disallowed or incentivized/disincentivized. Enhance this section with these details.	ORRA and ORSAC requested additional clarity on this section.
5. Approaches to Additional Reimbursement and Funding for Local Governments	ORS 459A.875(2)(o)	Additional Reimbursement and	No	See nested requirement-specific recommendations below.	

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		Funding for Local Governments, pg 30-32			
Methods for advance funding and reimbursements to local governments, a local government's service provider or other person authorized by the local government to receive funding for contamination reduction.		Contamination Reduction Programming, pg 30-31	No	Break this into two subsections, funding for contamination evaluation (ORS 459A.890(3)) and funding for contamination reduction programming (ORS 459A.890(4)). Also update the approaches proposed to account for rulemaking 2 rules.	
A method for estimating and reimbursing the possible additional costs of local government compliance with ORS 459A.908 (the requirement that all roll carts purchased after January 1, 2026, must contain at least 10% post-consumer recycled content).	ORS 459A.890(6)	Ensuring 10% Post-Consumer Content in Roll Carts, pg 32	No	Provide more detail here on the specific requirements for local governments to make claims for payment to cover the possible price premium between 10%+ PCR content roll carts and virgin-material carts. Consider incentivizing local governments' use of consistent container colors (blue for commingled recycling, orange for glass, gray/black for glass, green for compost).	Incentivizing or recommending LG use of consistent colors was recommended by ORSAC and Metro.
Any additional funding to local governments or other measures for the purpose of protecting ratepayers from increased costs.	ORS 459A.875(2)(k)	Measures to Protect Ratepayers from Increased Costs, pg 32-33	No	CAA's proposal on page 33 to provide local governments with an annual summary of RMA funding in relation to materials collected in their jurisdictions could enable local governments to consider the funding when conducting ratepayer reviews. Some local governments have expressed interest in more frequent access to additional information from the PRO, such as monthly transactional data for inbound loads of commingled recyclables received by the processing facilities. Update this section after consultation with local governments about CAA's potential to provide them more detailed and frequent information.	
6. Methods for achieving convenience standards by supporting and expanding existing collection points and	ORS 459A.875(2)(a)(B), 459A.896(1), and	• Proposed Approach to Achieving Convenience Standards, pg 36-42	No	DEQI recognizes that CAA's proposal to fulfill the convenience standard is not yet fully-developed, pending results of outreach to existing depots and other potential collaborators through ORSOP. While DEQ is amenable to finer details of this section	

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by creating new collection points, including:	OAR 340-090-0640	<ul style="list-style-type: none"> • Appendix D, Stakeholder Engagement, pg D19-21 • Appendix F: PRO Depot Lists and Coverage, pg F27-35 		<p>awaiting CAA’s third draft submission, DEQ is concerned with the current proposal’s general directionality—i.e., CAA is pursuing approaches that may be insufficient to meet the convenience standards.</p> <p>In the second draft of the plan, please 1. ensure and communicate a holistic understanding of what is required by the convenience standards, and 2. describe how any proposal for alternative compliance would meet existing and proposed criteria in rule language at OAR 340-090-0640(6).</p> <p>In its third draft of the plan, CAA should reflect the results of its broad outreach through ORSOP, including partnerships that can collectively deliver a program that meets the standards. The updated draft should also reflect comprehensive research of Oregon facilities that may meet the definition of “existing depot,” which can be demonstrated through an updated existing depot list in Appendix F. (With respect to ensuring and communicating an understanding of the requirements) Amend areas of the plan where the convenience standard is mis- or underrepresented, such as:</p> <ul style="list-style-type: none"> • The infographic and bulleted list on pg 36 is not entirely aligned with OAR 340-090-0640. The convenience standard requires collection points for materials on the “enhanced” list in cities with populations of 4,000 (outside the Metro region) and 8,000 (within the Metro region). • On pg 37 CAA suggests that by offering collection of basic materials at existing depots, it is going beyond the convenience standards. That is not the case – the requirement to contract with existing depots where possible to collect all PRO materials must be met; doing so is not going beyond requirements. 	

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				See further recommendations on nested requirements below with respect to application of the “existing depot” definition, development of collaborations, and alternative compliance.	
a description of how the prospective PRO will uphold the requirement to contract, where possible, with existing depots or drop-off centers;	ORS 459.875(2)(a)(B) and ORS 459A.896(1)(a)	Network Analysis and Mapping, pg 37-38	Conditionally	<p>CAA noted on pg 37 (last full paragraph, fourth line) that, as a part of the ORSOP work in Apr-Aug 2024, “permitted DEQ facilities and existing local government depots will receive no less than two specific and direct requests to consider joining the PRO depot network.”</p> <p>DEQ appreciates CAA’s intent to reach to all existing facilities, including tribal facilities (as noted on pg 116), as part of ORSOP, and considers that general approach to be sound. However, note that there are no “DEQ-operated facilities.” Also, the definition of “existing recycling depot” at OAR 340-090-0640(1)(a) is broader than facilities permitted by DEQ and existing local government depots, and encompasses some “refuse-related locations” that CAA refers to on pg 38 in paragraph 1 as possible partners to meet convenience standard gaps after all “existing depots” are contracted with.</p> <p>Include all facilities meeting the “existing depot” definition in the gap analysis. Confirm that CAA will follow OAR 340-090-0640(1)(a) and reach out to all existing recycling depots as defined in rule. Consider adding a bulleted list in the plan’s main body representing a diversity of locations that meet the definition of “existing depot.” Also, provide a comprehensive list of existing depots in an updated Appendix F and indicate which facilities voiced interest in collecting PRO materials.</p>	ORRA seeks clarity on how existing depots are being identified.
Inclusion of a list of existing depots, with indication of those that are possible and not possible to contract with;	ORS 459.875(2)(a)(B)	Appendix F: PRO Depot Lists and Coverage, pg F27-35	n/a	<p>Appendix F is difficult to follow. It could be improved by:</p> <ul style="list-style-type: none"> Confirming that Tab 1 consists of sites that meet the “existing depot” definition in rule at OAR 340-090-0640(1), and distinguishing those that 	GPI sought more information on the depot system and proposed locations.

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	and ORS 459A.896 (1)(a)			<p>are possible to contract with from those that are not.</p> <ul style="list-style-type: none"> • Moving events out of Tab 1; they could appear in a separate Tab. • Summarizing results of Tab 1 by city and county (number of existing depots that are possible to contract with in each city and county). • Including the summarized results of Tab 1 into the relevant rows of Tabs 2 and 3 (i.e., the numbers of existing depots per county and city), so that the reader sees multi-material collection points required and existing depots in a jurisdiction side by side. Consider highlighting the rows where the required number of multi-material collection points exceeds the quantity of existing depots. Consider deleting the “Meets Base” and “Meets Enhanced” columns. • Clarifying what is represented in the column “Population Covered by Existing Sites” and considering applying this column differently so that it is responding to a specific requirement of the convenience standard (for example, the requirement that 95% of Oregon residents live within 15 miles of a collection point for each material). • Adding a Tab 4 where the plan for addressing those cities and counties that cannot meet the convenience standard through existing depots alone are given further treatment. It should be clear from this table, how CAA is proposing to meet the convenience standard in each of these jurisdictions (i.e., establishment of new depots, return-to-retail for specific materials, collection events or on-route collection to stand in for a certain number of required collection points, etc). 	ORSAC recommended updating Appendix F to show which depots have agreed to collaborate.
Inclusion of tribal depots among the list of “existing depots” and pursuit of	ORS 459A.875(2)(a)(B)	Appendix F: PRO Depot Lists and Coverage, pg F27-35	No	On Page 116 in the Equity section, CAA pledged to identify tribal depots and then prioritize working with them to collect the PRO acceptance list materials. But	

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efforts to contract with those depots.*	and OAR 340-090-0640(1)(a)(C)			the list of “existing depots” in Appendix F does not include any tribal depots. Include any depots operated by Tribal Nations and indicate whether or not they intend to collaborate.	
identification of key collaborators that the prospective PRO plans to contract with, including community-based organizations and minority-owned/operated businesses;*	n/a	<ul style="list-style-type: none"> pg 41-42 (subsection is seemingly unnamed) Appendix D, Stakeholder Engagement, pg D19-21 	n/a	<p>Entities that were engaged with in development of the plan are listed in Appendix D; additionally, on pg 41, CAA lists nine non-profit and/or minority-owned/operated organizations that they consulted regarding potential collaboration to operate collection points.</p> <p>Generally DEQ appreciates CAA’s initiative to engage CBO and minority-owned/operated businesses. Note that interested parties are paying keen attention to CAA’s consultative process; and DEQ recommends CAA only name organizations in such lists if they have engaged with them very substantively.</p> <p>Also consider exploring partnerships with retailers to establish return-to-retail sites, including for aerosols and pressurized containers (see relevant recommendations on the performance standards below).</p>	<p>ORSAC recommends adding more detail on prospective collaborations with local community-based organizations, women and minority-owned businesses and tribal nations.</p> <p>ORSAC recommends asking permission before naming CBO partners in the plan.</p>
plans for providing enhanced convenience to underserved populations;*	OAR 340-090-0640(2)(h)	Underserved Populations, pg 42	No	<p>CAA noted they will explore the potential of enhanced curbside/valet collection for residents that might not be able to access depot points. This is lacking detail, in that it describes options that CAA “could” undertake without committing CAA to actually implement any.</p> <p>Describe updated, firmer plans to provide enhanced convenience to underserved populations.</p>	<p>City of Portland recommends clearly defining “valet services.”</p> <p>ORSAC’s feedback aligned to DEQ’s.</p>
a description of how the prospective PRO will engage with local community-based organizations and women and minority-owned businesses to develop collection points;*	n/a	pg 41-42 (subsection is seemingly unnamed)	n/a	As mentioned above, CAA listed nine prospective CBO/minority-owned or operated partner organizations on pg 41 related to staffing and maintaining depots. Collection events are also a key part of CAA’s proposal to meet convenience standards; on page 39 the possibility of working with	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
				<p>a partner CBO or local COBID- certified contractor to host or staff collection events is noted.</p> <p>DEQ welcomes more detail on these prospective collaborations. See below DEQ’s feedback regarding the possible use of collection events to meet convenience standards.</p>	
<p>descriptions of any alternative collection programs being proposed to substitute for convenience standards, including:</p>	<p>OAR 340-090-0640(6)</p>	<ul style="list-style-type: none"> • Closing Gaps to Meet Convenience Standards, pg 38-39 • Running Collection Events, pg 39, and • Requesting Variances, pg 39 	<p>No</p>	<p>CAA signaled on page 38-39 the intent to request alternative compliance (use of on-route collection and/or collection events) in some locations “where barriers exist in establishing depots.” In Appendix F on pg 31-32, counties relevant to the prospective request are indicated with the symbols “@” and “©.”</p> <p>For DEQ to approve such a request, CAA would need to enhance this proposal to clarify the specific request(s) and provide the necessary supporting information per proposed rule OAR 340-090-0640(6)(c)(A)-(D). DEQ would like to further note that it considers these criteria fairly difficult to meet for a collection-event based approach, which would be better suited as a bridge to a fixed location approach, not a permanent strategy.</p> <p>Alternative compliance proposals should also be situated within the broader context of program goals, with consideration of longer-term vision for each material.</p>	<p>To contextualize alternative compliance proposals within longer-term vision, City of Portland recommends discussing timelines for moving PRO materials to the USCL.</p> <p>ORSAC recommended adding analysis of the alternative compliance proposal against the criteria in rule 340-090-0670(c)(A)-(D). ORSAC also expressed concerns regarding an exclusively on-route approach not maximizing current infrastructure and not serving houseless and other currently underserved community sectors.</p>
<p>an assessment of the impact on the achievement of collection targets;</p>	<p>OAR 340-090-0640(6)(c)(A)</p>		<p>No</p>	<p>Analysis of how the alternative compliance approach impacts collection rates is not provided. Such an assessment would be particularly important for alternative compliance proposals that would substitute mobile collection events for fixed locations, or for a proximity exemption variance that would result in a lower quantity of fixed locations.</p>	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
an assessment of the impact on equitable access to and provision of recycling across regions and diverse populations;*	OAR 340-090-0640(6)(c) (B)		No	On pg 39 CAA noted that on-route collection service for PRO materials would be provided at no cost to single family and multifamily properties, suggesting equitable access for these generators under an alternative compliance approach using on-route service. However, CAA did not address access for commercial generators or logistical and space challenges of offering curbside collection for source-segregated materials at multifamily sites. Equitable access for all three of these user groups is equally important for an alternative compliance proposal that would involve collection events. How would a collection event meet the needs of a commercial generator with considerable quantities of EPS, for example? Describe how an alternative compliance proposal would impact equitable opportunities to provide and access services, i.e., the economic opportunities offered to different prospective partners under a fixed location-based vs an alternative compliance approach.	Metro and City of Portland seek info on accessibility for multifamily and commercial generators. ORSAC felt that information on accessibility for commercial generators was lacking.
demonstrated support of relevant local government(s) for the proposal and a description of how prior consultation with affected local government(s) was taken into account in planning; and	OAR 340-090-0640(6)(c) (C)		No	This is not included in the plan, but is a gap DEQ would expect to see filled after the ORSOP work is conducted.	
an assessment of environmental outcomes.	OAR 340-090-0640(6)(c) (D)			Updated proposed rule language requires an alternative compliance proposal to assess environmental outcomes of an alternative compliance proposal. Add relevant language to address the suitability of different PRO materials for commingling (if proposed) and for various modes of collection (on-route, event collection, etc) if proposed.	
(for mobile collection events being proposed as an alternative program)	OAR 340-090-		No	This was not included in the plan, but is a gap DEQ would expect to see filled after the ORSOP work is conducted.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
the planned frequency of these events and how the proposed schedule will provide adequate predictability for the public.	0640(6)(b)				
(for mobile collection events being proposed as an alternative program) the plan for sufficiently advertising the events	OAR 340-090-0640(6)(b)		No	This was not included in the plan, but is a gap DEQ would expect to see filled after the ORSOP work is conducted.	
(for mobile collection events being proposed as an alternative program) how the planned events will uphold best practices for mobile collection events: for example, through pre-event outreach coordinated with relevant local governments, community-based organizations, and service providers; policies and processes to ensure adequate staffing, management of traffic flow, and safety; and contingency plans for responding to larger-than-expected turnout	n/a		n/a	This was not included in the plan, but updated content could be provided in a subsequent draft.	
An accompanying justification if requesting temporary variance from convenience standards.	OAR 340-090-0640(7)		No	On page 39-40, CAA noted that, in the event a suitable location cannot be identified for a permanent collection location or collection event, CAA will request a proximity exemption variance, with the distance being a “reasonable” 15 miles from the established depot serving as the basis of the proximity exemption to the jurisdiction where the PRO depot location/collection service is lacking.	

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				<p>Except in some rural cases, DEQ is reluctant to consider 15 miles a convenient distance to travel for a depot. For example, in the metro area, if CAA were to establish a collection point at the Metro Central Transfer Station, under this proposal no additional collection points would be required as far away as Parkrose, Lake Oswego, or Beaverton. DEQ does not anticipate granting such a variance for urban areas.</p> <p>DEQ may consider approving 15-mile proximity exemption on a case-by-case basis for certain rural areas with demonstrated local government support.</p>	
<p>Outlining a plan for depot development that will succeed in meeting collection, convenience and performance standards by the end of the first program plan period.</p>		<p>Start-Up Approach for Establishing the Depot Collection System, pg 48-50</p>	<p>No</p>	<p>On pg 50 CAA noted that the first-phase PRO collection points will be open by June 30, 2025, and additional sites will be onboarded “over the course of the program plan.” This leaves ambiguity regarding how many sites would be established prior to December of 2027.</p> <p>Expand the detail and scope of this section. For example, include a schedule for both start-up and the program plan period itself, and include interim benchmarks toward meeting the convenience standard. Confirm that the convenience standard will be met by the end of the first program plan period.</p>	
<p>Outlining a plan for depot development start-up activities that collection points have been opened provides continued opportunity to recycle in metro areas where items formerly on local government recycling acceptance lists have moved to the PRO recycling acceptance list.</p>		<p>Start-Up Approach for Establishing the Depot Collection System, pg 48-50</p>	<p>n/a</p>	<p>On page 50, CAA indicated that collection points providing continued opportunity to recycle in Metro areas where items have come off of the local government lists will open by June 30, 2025, but a detailed plan of how this will be achieved is not included in the first draft. Consider adding this to this section.</p> <p>Note that some local governments expressed interest in off-ramping materials over time rather than immediately upon start of the program. A proposed rule included in rulemaking 2 is relevant here.</p>	<p>Metro would like to see the strategy for continued collection of items moving off of local government collection lists.</p>
<p>7. Methods for achievement of performance standards, including</p>	<p>OAR 340-090-0650</p>	<p>Proposed Approach to Addressing</p>	<p>No</p>		

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
		Performance Standards, pg 42-48			
a description of how the PRO will monitor sites and services on a regular basis to ensure compliance	OAR 340-090-0650(1)(a)	<ul style="list-style-type: none"> • Annual Audits, pg 44 • Audit Criteria, pg 44 	No	This requirement was partially addressed through the proposed approach to site auditing on pg 44, but not fully. A mix of on-site and desktop audits is proposed, but the plan did not provide any sense of how much of each type will occur. DEQ considers that most, if not all, sites should receive an on-site visit as part of the initial year of auditing. Consider auditing more frequently than once a year and adding additional components to the auditing process.	<p>ORRA considers that sites should receive an annual on-site visit.</p> <p>ORSAC recommended onsite visits with a mid-year check-in or desk audit.</p>
plans for education and outreach regarding the PRO Recycling Acceptance List in a manner that is clear, culturally relevant, accessible, and understandable to diverse audiences, including through its website	OAR 340-090-0650(1)(c)	Promotion of the PRO Depot Network, pg 47	Conditionally	<p>This requirement was addressed under the “Promotion of the PRO Depot Network” section (page 47), as well as the “Education and Outreach” section beginning on page 84, which includes descriptions of promotion on CAA’s website, customizable collateral made available to LGs (via a portal), best messaging approaches, etc.</p> <p>The approach to education was well-described, except for one component. Include a specific approach to educate commercial generators.</p>	
protocols for minimizing the contamination of materials delivered to collection points, including screening and then accepting and managing the contamination appropriately, rejecting the contamination, or both, and must also include providing service users with information on proper recycling or disposal options for non-accepted materials.	OAR 340-090-0650(1)(e)	Contamination Management, pg 44-45	Conditionally	On pg 44-45, the approach to addressing contamination broadly fulfills the requirement in rule; however, include more detail on “initial sorting,” as it has permitting implications – where will the sorting occur, how will it be done, etc.	
Information on how expanded polystyrene will be densified before	OAR 340-090-	Block White EPS Foam Management, pg 45	No	CAA noted on page 53 that they intend to work with specific PRO depot locations or partners to house non-thermal foam densifiers for consolidating foam	

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transportation of more than 75 miles, including indication of the proposed method(s) to be used and	0650(3)(a) (B)			from surrounding communities. CAA is exploring placing densifiers and exploring mobile densification near Grants Pass, Klamath Falls, Burns, Redmond, Ontario, The Dalles and Pendleton.	
consideration of impacts on yield				Add more detail about this proposal and demonstrate consideration of impacts on yield, transport quantities, and worker safety and exposure.	
consideration of impacts on transport quantities (density)					
assessment of potential safety and exposure impacts to workers					
Information on how convenience and performance standards for aerosols and pressurized containers will be met.	OAR 340-090-0640 and OAR 340-090-0650(3)(b)	Pressurized Containers and Aerosols, pg 45-46	No	<p>On pg 45-46 CAA noted they will work with DEQ-permitted facilities that offer HHW collections, as well as reach out to contractors that currently host HHW collection events to explore collaboration opportunities.</p> <p>DEQ cautions that a collection approach for these materials that is limited to existing infrastructure would fail to meet the convenience standard. The plan noted that 94.6% of the Oregon population has access to some form of HHW collection; however, that access is very limited, temporally and geographically, for most of those residents, and the access for commercial generators is much more limited than that for residential generators.</p> <p>Note that, contrary to paragraph 2 of pg 52 beginning with “CAA recognizes,” it is possible to collect this material at PRO- and retailer-operated collection points; rulemaking 1 rules do not require the material to be handled through HHW infrastructure only.</p> <p>Explore return-to-retail options for these materials and revise the next draft with details of retailer partnerships achieved. CAA could also explore partnership with PaintCare for collection of aerosols.</p>	<p>Metro seeks edits to Table 4 on pg 46 in order to portray the state’s HHW infrastructure (and, particularly, its gaps) more accurately.</p> <p>ORRA recommended partnership with PaintCare for collection of aerosols.</p> <p>ORRA sought clarity on who would haul pressurized cylinders and aerosols.</p>

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
				Include in a subsequent draft a check list and screening procedures for collection points that will receive these materials, and information on arrangements made for the hauling and processing of these materials.	
Other aspects of the plan to set up a network of collection points for PRO Recycling Acceptance list materials, including:	n/a	<ul style="list-style-type: none"> • Compensation, pg 47 • Reuse, pg 48 	n/a		
Principles and methods for compensation of collection point staff;* and	n/a	Compensation, pg 47	n/a	CAA was vague regarding this, noting on page 47 that they propose to contract with each location for wages and salaries for additional depot employees needed to monitor and maintain PRO materials. DEQ welcomes more detail.	ORSAC requested addition of the following details: anticipated wage scales for staffing compensation, any compensation per amount of materials collected, and overhead.
Any plans for accommodating collection of reusable packaging within depots and collection points;	n/a	Reuse, pg 48	n/a	On page 47 CAA noted interest in working with member producers to collect reusable packaging at depot locations, but does not make a concrete proposal. DEQ welcomes more detail. For example, does CAA envision separating out reusable from single-use pressurized cylinders and transporting them back to the manufacturer for reuse, something envisioned in the performance standard rules? How would CAA handle reusable wine bottles returned to its depots?	GPI recommended incorporating a focus on glass into the reuse section.
8. Proposed collection target and sufficient justification for:	OAR 340-090-0660(2)(b)	Proposed Depot Collection Targets, pg 50-54	Conditionally	The per-material collection rates of 5.9-15% per material laid out on pg 51-54 are premised upon an assumption, on pg 50, that 15% of the Oregon population will participate in depot and related services. Reconsider this number as it may be a low estimate; recently in Tacoma and Medford, glass depots have collected >75% of the volume expected from on-route collection, suggesting higher rates of participation are possible. A higher estimate of participation would help CAA to meet the statewide plastics recycling goal.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
				If CAA views 15% a realistic participation goal, other means of meeting the plastics recycling goal will need to be pursued.	
steel and aluminum aerosol packaging		Steel and Aluminum Aerosols, pg 51-52	Conditionally	See entry above regarding the plan for meeting the convenience and performance standards for aerosols. If the 11.6% target collection rate is premised on using existing HHW infrastructure only for collection, it may be low, and should be revised to account for additional collection through return-to-retail (if successfully incorporated into the collection point network).	
polyethylene film packaging		Polyethylene Film Packaging, pg 54	Conditionally	See note above regarding low targets, of particular concern with the plastic items since DEQ has flagged that CAA's estimate of the plastic recycling rate is likely too high and that a plan is needed for additional programming during the first program plan to achieve the 25% statewide plastics recycling goal for 2028.	
single-use pressurized cylinders		Single-use Pressurized Cylinders, pg 52	Conditionally	The concerns expressed above regarding management of aerosol packaging exclusively through existing HHW infrastructure apply to pressurized cylinders as well.	
aluminum foil and pressed foil products		Aluminum Foil and Pressed Foil Products, pg 52	Conditionally	CAA's estimate presumes 6,300 total tons of material in the state, which is referred to as an estimate of residential material generated in 2023. Clarify whether or not this estimate accounted for commercial/multifamily generation.	
block white expanded polystyrene		Block White Expanded Polystyrene, pg 53	Conditionally	See concerns about low rates for plastic collection indicated above with respect to PE film, also relevant here.	
polyethylene and polypropylene lids and HDPE package handles		PE and PP Lids and Caps and HDPE Package Handles, pg 53-54	Conditionally		
Plastic buckets, pails and storage containers		Plastic Buckets, Pails and Storage Containers, pg 54	Conditionally		
Glass	n/a	Glass, pg 54	n/a	CAA proposed a collection rate of 53% (the threshold rate of 45% is set in rule under OAR 340-90-0660(2)(a)), premised upon collecting an additional 3,100 tons of material beyond what is already	GPI considered the 3,100 additional ton recovery target low.

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				<p>collected by local governments (38,000 tons), for a total of 41,100 tons collected. DEQ seeks more detail about the 3,100 ton estimate.</p> <p>See reference to Tacoma and Medford >75% glass collection rates above, suggesting that 53% could be low.</p>	
<p>9. Any proposal to add a new covered product to the Uniform Statewide Collection List of materials with the following supporting information:</p>	<p>ORS 459A.914(4)(b) OAR 340-090-0630(4)(g)</p>	<p>Proposed Additions to the USCL, pg 57-62</p>	<p>No</p>	<p>See below recommendations specific to the proposals for PET thermoforms, blue/green PET bottles, and spiral wound containers. Clearly distinguish among <i>onramp proposals</i> and <i>advance signaling of forthcoming such proposals by plan amendment</i>. DEQ encourages use of the program plan for advance signaling, to prepare interested parties for forthcoming changes, but it need not hold up the approval process for this plan (e.g. if CAA is advance signaling rather than proposing on-ramping of PET thermoforms, DEQ need not hold back approval of this section of the plan on the basis that the relevant subsection does not meet all criteria).</p> <p>Also inform this part of the plan with strategic thinking across multiple elements of the plan, including CAA’s proposal to collect items on the PRO Recycling Acceptance list. If there is a long-term vision to on-ramp an item, it may make more sense to do so in the first program plan period rather than to build out collection infrastructure that will be subsequently retired when the material is moved to the USCL.</p>	<p>ORSAC requested addition of a more descriptive narrative of CAA’s vision for the on-ramping of new materials to the USCL in the short- and long-term.</p>
<p>PET Thermoforms (pg 57-59)</p>					
<p>a detailed analysis of how the proposed covered product performs against the criteria in ORS 459A.914(3);</p>	<p>OAR 340-090-0630(4)(g)</p>	<p>Performance Against ORS Criteria, pg 57-59</p>	<p>No</p>	<p>CAA’s analysis is insufficient in some areas as noted below.</p> <p>Note: in the “Material Status” subsection on pg 57, CAA should represent clearly that thermoformed PET tubs <i>are</i> already on the USCL, and as such, CAA needs to already begin working with CRPFs to ensure</p>	<p>The City of Portland recommends addressing PET Thermoforms (clamshells) more prominently.</p>

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
				passage of the materials to responsible end markets, in addition to the work proposed in paragraph 3 to ensure PET thermoforms collected by specialized subscription-based collectors go to REMs.	
The stability and maturity of responsible end markets;			No	Add detail here. The plan says that investments are “growing” and markets are “developing” but lacks evidence and specificity; the plan also lacks a commitment to specific actions CAA will take to ensure that markets meet the “responsible” standard. Also, update this section to reflect that some PET thermoforms are on the USCL.	APR recommends more focus on end markets in this section.
The accessibility of responsible end markets			No	In Table 6 on pg 57, CAA “proposed to facilitate . . . markets between Oregon CRPFs and responsible end markets,” but it is unclear what exactly this means. Add clarifying language.	
The viability of responsible end markets			No	See “stability and maturity” above (same DEQ recommendation applies).	
Environmental health and safety considerations;			No	The plan noted concern with water usage and wastewater management at end markets. CAA proposes to “examine” and “as needed” develop interventions to reduce water consumption and “improve usage of best practices” in wastewater management. These commitments are vague and non-specific, and fail to consider that in some locations, any use of potable water may be unsustainable. Further, directing more material to such reclaimers will, all other things being equal, increase water demand, not reduce it. Also, there is no mention of contamination management (solid waste), and no evidence that CAA has evaluated actual conditions at existing end markets, making it difficult to evaluate which of them do/don’t meet the “responsible” standard. Beef up the analysis and CAA commitments related to environmental health and safety considerations of adding PET thermoforms to the USCL.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
The anticipated yield loss for the material during the recycling process;			No	Support the analysis with data.	
The material's compatibility with existing recycling infrastructure;			Yes	Plan content is acceptable.	
The amount of the material available;			Yes	Plan content is acceptable.	
The practicalities of sorting the material;			No	Add specificity regarding the equipment needed at CRPFs and CAA's plans to invest in such equipment.	
Contamination;			No	In Table 6 on pg 58 CAA has stated that it "proposes to develop mechanisms to address and minimize all these challenges." Describe what those are. In addition, CAA should specifically detail how it will address the problems caused by "lookalike" PVC packaging and steps it will take to ensure that PVC is kept out of, and removed from, the PET thermoform stream.	
The ability for waste generators to easily identify and properly prepare the material;			No	The plan lacks specifics; see also "Contamination" recommendations above.	
Economic factors;			No	Widespread acceptance of PET thermoform packaging (via USCL onramp) may change economic conditions at CRPFs. Such impacts are not evaluated, and the plan lacks details regarding how CAA will compensate CRPFs for financial impacts. Also, PET thermoform value in the Pacific Northwest is not the same as in California.	
Environmental factors from a life cycle perspective;			No	No evaluation is provided.	
The policy expressed in ORS 459.015 (2)(a) – (c);			No	Plan is silent on these criteria.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
investments or other actions that the prospective PRO will take to support the inclusion of a new covered product—for example, investments in processing equipment or increases to the processor commodity risk fee to compensate commingled recycling processing facilities for higher costs; and		<ul style="list-style-type: none"> Performance Against ORS Criteria, pg 57-59 Proposed Action Steps and Timeline for Inclusion on USCL, pg 59 	No	The plan largely discussed actions that CAA “could” or “may” take. Actual commitments are limited in both number and potential benefit, and generally lack specificity. DEQ chose not to include the material in the USCL in the 2023 rulemaking; CAA has not committed to a specific course of action that adequately or sufficiently changes the reasons for DEQ’s prior decision.	
a proposed schedule for adding the product to the List, allowing adequate time for updating education and outreach materials to inform the public of the change.			Conditionally	Two different schedules for on-ramping thermoforms were noted in the plan; July 1 2027 on page 57 and “by 2027” in Table 12 on page 71. Update the language to specify which of these two dates applies. Either would provide adequate time to update outreach materials, but the plan should clarify the timeline.	
Transparent Blue and Green PET Bottles (pg 60-61):					
A detailed analysis of how the proposed covered product performs against the criteria in ORS 459A.914(3);	OAR 340-090-0630(4)(g)	Performance against ORS Criteria, pg 60-61	Conditionally	CAA provided this analysis but there is some lack of clarity to be addressed; is there a meaningful difference between “lightly pigmented” and “darkly pigmented” green and blue? If so, how does CAA propose to mitigate impacts? Otherwise, plan content is largely acceptable. See comments below.	ORRA and ORSAC seek clarity on what is meant by “transparent.”
The stability and maturity of responsible end markets;			Yes	Plan content is acceptable.	
The accessibility of responsible end markets			Conditionally	CAA could support the analysis with feedback from CRPFs.	
The viability of responsible end markets			No	“Yield loss . . . is not significantly different . . . (and) can be minimized by optimizing equipment and processes.” Does CAA intend to help CRPFs and/or reclaimers “optimize equipment and processes”? Unclear.	
Environmental health and safety considerations;			Yes	Plan content is acceptable.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
The anticipated yield loss for the material during the recycling process;			Conditionally	CAA could support the analysis with feedback from CRPFs.	
The material's compatibility with existing recycling infrastructure;			No	Add clarity: are there problems with sorting darker blue/green plastic materials?	
The amount of the material available;			Yes	Plan content is acceptable.	
The practicalities of sorting the material;			No	The plan needs more information about "darker" blue and green plastic materials. Provide evidence of the statement that "transparent blue and green PET bottles are easily identifiable by waste generators."	
Contamination;			Yes	Plan content is acceptable.	
The ability for waste generators to easily identify and properly prepare the material;			No	No evaluation was provided.	
Economic factors;			No	No evaluation was provided.	
Environmental factors from a life cycle perspective;			No	No evaluation was provided.	
The policy expressed in ORS 459.015 (2)(a) – (c);			No	No evaluation was provided.	
investments or other actions that the prospective PRO will take to support the inclusion of a new covered product—for example, investments in processing equipment or increases to the processor commodity risk fee to compensate commingled		<ul style="list-style-type: none"> • Material Status, pg 60 • Performance Against ORS Criteria, pg 60-61 	Yes	None proposed.	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
recycling processing facilities for higher costs; and					
a proposed schedule for adding the product to the List, allowing adequate time for updating education and outreach materials to inform the public of the change.			Yes	Proposal was immediate and feasible.	
Spiral Wound Containers (pg 61-62):					
A detailed analysis of how the proposed covered product performs against the criteria in ORS 459A.914(3);	OAR 340-090-0630(4)(g)	Performance Against ORS Criteria, pg 62	No	The plan referenced DEQ's prior analysis and public finding that the material satisfies DEQ for most criteria. The two criteria for which there are outstanding concerns, end market acceptance and life cycle environmental impacts, were not adequately addressed. See comments specific to those issues below.	
The stability and maturity of responsible end markets;			Yes	N/A (already addressed in DEQ's prior analysis)	
The accessibility of responsible end markets			No	See "Environmental factors from a life cycle perspective" below.	
The viability of responsible end markets			Yes	N/A (already addressed in DEQ's prior analysis)	
Environmental health and safety considerations;			Yes	N/A (already addressed in DEQ's prior analysis)	
The anticipated yield loss for the material during the recycling process;			Yes	N/A (already addressed in DEQ's prior analysis)	
The material's compatibility with existing recycling infrastructure;			Yes	N/A (already addressed in DEQ's prior analysis)	
The amount of the material available;			Yes	N/A (already addressed in DEQ's prior analysis)	

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The practicalities of sorting the material;			Yes	N/A (already addressed in DEQ's prior analysis)	
Contamination;			Yes	N/A (already addressed in DEQ's prior analysis)	
The ability for waste generators to easily identify and properly prepare the material;			Yes	N/A (already addressed in DEQ's prior analysis)	
Economic factors;			Yes	N/A (already addressed in DEQ's prior analysis)	
Environmental factors from a life cycle perspective;			No	Without clear acceptance from existing regional end markets, inclusion of paper cans would force Oregon's steel/tin can bales into much longer transport distances, with resulting impacts in emissions. These may override the relatively small benefits of recycling more steel/tin (net of added emissions from burning paper). The plan lacks such an analysis. Add this analysis to a subsequent draft. Without such an analysis, it is difficult to know if the on-ramping proposal is environmentally desirable.	ORSAC requests addition of information on the impacts of shipping steel can bales containing spiral wound containers to markets outside Oregon.
The policy expressed in ORS 459.015 (2)(a) – (c);			Yes	N/A (already addressed in DEQ's prior analysis)	
investments or other actions that the prospective PRO will take to support the inclusion of a new covered product—for example, investments in processing equipment or increases to the processor commodity risk fee to compensate commingled recycling processing facilities for higher costs; and		<ul style="list-style-type: none"> • Material Status, pg 61 • Performance Against ORS Criteria, pg 62 • Proposed Action Steps and Timeline for Inclusion on USCL, pg 62 	No	Requiring the Oregon CRPFs to ship material to Utah or further will increase their costs, but this is not accounted for in the Processor Commodity Risk Fee and CAA does not propose to provide compensation. Clarify whether or not CAA proposes to make such investments.	

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a proposed schedule for adding the product to the List, allowing adequate time for updating education and outreach materials to inform the public of the change.			Yes	The proposal is immediate and feasible.	
<p>10. Efforts proposed to support collection, processing or responsible recycling of a specifically identified material (SIM), including:</p> <ul style="list-style-type: none"> • support for or provision of recycling depot or mobile collection for a SIM; • associated education and outreach efforts; • associated investments in processing; • associated development of responsible end markets; 	ORS 459A.875(2)(g)	<ul style="list-style-type: none"> • Specifically Identified Materials on the USCL, pg 62-64 • Specifically Identified Materials on the PRO Recycling Acceptance List, pg 64-66 • Proposal to Trial Commingled Collection of Non-USCL Materials, pg 66-68 	No	<p>This section must be updated with content addressing DEQ’s expectations for PET thermoforms listed in DEQ’s SIM designation in order to meet the requirement. Otherwise, DEQ conditionally approves of (with conditions indicated herein):</p> <ul style="list-style-type: none"> • CAA’s proposal of specific actions to improve outcomes for polycoated gable-top and aseptic cartons, nursery packaging, steel and aluminum aerosol containers (DEQ recommends reinforcing outreach plans with strategies specific to non-residential generators), aluminum foil and pressed foil products, shredded paper, and glass bottles and jars, and • CAA’s trial collection proposals for two other SIMs (single-use cups and polycoated paperboard). Conditions for approval are as follows: <ul style="list-style-type: none"> ○ Clarify whether or not polycoated paperboard encompasses all or some food serviceware (e.g. cups, paper plates, to-go boxes, etc). ○ Clarify in the second set of bullets of pg 67 that education efforts will encompass residential and non-residential generators alike. ○ Incorporate research into the fate of plastic residue at end markets into the project plan. ○ If the materials will be marketed separately or differently from the reporting categories designated in rule (see proposed rule 340-090-0670 (6)(c)(B)(i)), propose disposition reporting categories for the materials collected in the trials. 	CL, FPI, and PI indicated interest in collaborating and sharing existing information with respect to the proposed trials.

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				<p>Otherwise, while first draft plan content with respect to the trials is sufficient to conditionally meet the requirement, DEQ recommends that CAA further inform the trial plans through engagement with producers that indicated interest in public comment.</p> <p>With respect to PET thermoforms, the efforts described to support their responsible recycling lack detail (see plan, page 59). For example, how will CAA “facilitate end market demand” and “address design issues that hinder PET thermoform recyclability?”</p>	
how the proposed approach has been informed by consultations with interested parties;	n/a		n/a	Evidence of consultation with TRP, NAPCOR, APR, Sonoco, and others was provided, with many additional consults proposed.	
a sequenced approach to implementing large-scale improvements if they are required to address the problems that spurred the designations of multiple (2+) materials; and	n/a		n/a	CAA proposed a sequenced approach (trial collection, including design/planning and consultation with relevant partners) for polycoated paper and plastic cups. CAA also proposed a sequenced approach for thermoformed PET packaging. Less sequencing is needed for other materials.	
any other efforts to ensure successful, environmentally-beneficial and responsible recycling of a SIM as required by ORS 459A.896(2). For materials collected through producer take-back initiatives and special recycling services, this could include collaboration with said services to ensure that responsible disposition requirements are met.	n/a		n/a	The plan noted collaboration with special recycling services to ensure that responsible disposition requirements are met for PET thermoforms, but failed to note that all CRPFs will also be managing PET thermoforms (due to their limited inclusion in the USCL via rule).	
11. Achievement of statewide plastic recycling goals: A description of how the PRO	ORS 459A.875(2)(a)(A)	Initial Plastic Recycling Rate Projections, pg 68-72	No	Update plastic recycling rate projections to render them more accurate. These updates may result in indication that the 2028 statewide plastics recycling	

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will support the collection and recycling of covered products as necessary to meet the statewide plastic recycling goal. This subsection could include:	and ORS 459A.875(2)(f)			goal cannot be met through existing plans alone; if so, CAA should revise Table 12 to incorporate additional actions, with additional detail on the new actions provided elsewhere in the plan as well, where applicable.	
Recycling rate projections for the first program plan period.	459A.875(2)(f)		No	Projections were provided but they are not accurate—for example, the denominator excludes non-covered products and the numerator may include plastics other than packaging and food serviceware.	
Demonstration that plans are adequate to achieve the first (2028) goal.	459A.875(2)(a)(A)		No	The actual recovery rate is lower than that shown in Table 11 on page 71. See above. No additional plans are provided (Table 12 does not contain additional commitments, and does not contain analysis demonstrating that the goal will be met).	
12. Ensure that four classes of covered products, identified in ORS 459A.869(7), and contaminants collected with those covered products, are managed and disposed of consistent with the goals, standards and practices required by ORS 459A.860 to 459A.975 and transferred to responsible end markets.	ORS 459a.875(2)(a)(G)-(I) and OAR 340-090-0670	Ensuring Responsible End Markets, pg 72-82	No		
Provide examples of end markets, as defined in OAR 340-090-0670(1), that may use the material collected from covered products in the manufacturing of new products;	ORS 459A.875(2)(a)(H)(i)	Example End Markets, pg 72-73	Conditionally	Examples are provided as required on page 72-73 of the plan, but they are all in North America, which could give the impression that the responsible end market regulation restricts trade of recyclables overseas, which is not the case. Add an international market or two to dispel this impression.	
Describe how the prospective PRO will verify that the recycling supply chains up through and including the end markets are meeting the	ORS 459A.875(2)(A)(H) and	<ul style="list-style-type: none"> • Verification of REMs, pg 73-75 • Tracking Material Flows, pg 77 	No	A key missing piece is a detailed standard with specific criteria and performance indicators that facilities will be verified against. Add one to a subsequent plan draft.	

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“responsible” standard, including through	OAR 340-090-0670(2)-(3)	Verification of REMs, pg 73-75			
(Step 1) initial screening assessments (self-attestations). Regarding these, the program plan could indicate:			No	Obtaining self-attestations is represented as step 1 of a 3-step verification approach on pg 73. No plans to use specific information to fill out the forms (for example, to fill out the field where CAA indicates any evidence that supports the self-attestation) are provided. Consider whether any desktop pre-auditing could be undertaken to flesh out this section of the self-attestations, as for some markets the self-attestation will be the only assurance of responsibility in place until July 1, 2027 (and this is of concern to some interested parties).	
information that will be used to complete the screening assessments; and					
plans for distribution of self-attestation forms to supply chain entities; and		Yes	On pg 73 CAA indicated that it will work with brokers to obtain self-attestations of overseas markets.		
(Step 2) PRO verifications. Regarding these, the plan could include:					
Details on the verification body(ies) that will be contracted with.		Verification of REMs, pg 73-75	Conditionally	No specific verification bodies to be contracted with are indicated, but on pg 73 criteria for their selection are indicated. The criteria are fairly holistic. Consider adding a requirement that a verification body employ and retain at least two lead verifiers, which would be the minimum needed to have one verifier conduct an audit and the second conduct internal review.	Metro stressed the importance of adequate oversight over verification bodies.
Criteria for review and approval of verification bodies and verifiers, such as accreditation requirements, professional liability insurance requirements, policy requirements for prevention of					

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<p>conflict of interest, etc.</p> <p>The approach for verifying that downstream entities meet the “responsible” standard, including</p>		<ul style="list-style-type: none"> • Verification Sampling Plan, pg 74-75 • Specific Verification Approach by REM Standard, pg 75 • Tracking Material Flows, pg 77-78 	No	<p>Among criteria for selection of verification bodies is “a proposal of standards to use to measure REM compliance.” DEQ interprets that, under this proposal, verification bodies would be proposing existing standards for use. This is problematic, as an initial benchmarking of certifications already in existence in the materials and recycling industries and identified no existing certification that adequately covers all elements of the “responsible” standard.</p> <p>Develop or adapt an existing standard as part of program plan development, subject to program plan review. ORS 459A.875(2)(a)(H) requires the PRO to describe in the program plan how it will ensure that materials flow to responsible end markets. The EQC established the framework for the “responsible” standard in rule, but to really apply it in audits, detailed criteria and performance indicators need to be developed on its basis.</p>	ORSAC noted the need for a detailed standard.
1. A description of how facilities will be selected for site visits and/or desktop verification (sampling plan)		Verification Sampling Plan, pg 74-75	Yes	CAA noted that all facilities will receive a site visit by July 1, 2027, and one site visit every five years, with desktop audits conducted in years when site visits do not occur. Criteria by which facilities are to be prioritized for site visits are listed on pg 75. Overall, the approach appears sound.	Metro and City of Portland stressed the need for on-site verifications.
2. How compliance with applicable laws and treaties will be verified (element #1 of the “responsible” standard).		<ul style="list-style-type: none"> • Specific Verification Approach by REM Standard, pg 75 • Tracking Material Flows, pg 77-78 	No	CAA described pg 75 the approach to verify this element of the “responsible” standard on by reviewing facility operating permits. Ideally verification would encompass a full compliance audit; review of operating permits alone would not allow an auditor to capture many compliance issues. Describe how CAA will address this concern, including by encompassing review of reporting required under applicable permits, associated inspection reports, notices of violation, etc., in the verification process.	

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3. How chain of custody transparency will be verified (element #2 of the “responsible” standard)			Conditionally	<p>The approach to verifying chain of custody was laid out on pg 75, and the approach to tracking material flows on pg 77. Having a singular tracking system across all USCL and PRO acceptance list materials seems ideal but would require collaboration among different parties.</p> <p>Clarify whether CRPFs handling Oregon commingled materials collected for recycling agreed to collaborate with CAA to track their materials.</p>	
4. How environmental soundness will be verified (element #3 of the “responsible” standard)			No	<p>The approach to verifying environmental <i>compliance</i> is noted on pg 75. DEQ prefers this read “environmental <i>soundness</i>,” which is distinct, albeit overlapping, with environmental compliance. DEQ would also not consider environmental soundness to be fully addressed by looking solely at the presence or absence and quality of a facility’s environmental management system, although this could be part of the assessment.</p> <p>Include a standard for facility verification that encompasses performance indicators for environmental soundness.</p> <p>CAA’s intent to document plastic leakage during site visits is welcomed by DEQ and should be built into the standard.</p>	ORSAC reinforced DEQ’s feedback that environmental soundness is distinct from environmental compliance.
5. How adequate yield will be verified (element #4 of the “responsible” standard), including:			No	<p>Calculation of yield was indicated on pg 74 as something CAA will focus on as a part of its quarterly auditing, and on pg 75 as something that verification bodies will measure and verify within the material flow management system.</p> <p>Add more detail to clarify that the proposed method is suited to the overall objective of the 60% yield threshold—ensuring that minority components in a mixed bale are not being diverted to landfill at an end market. Consider adding visual verification of yield during site visits.</p>	

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<p>Protocols to be applied when reporting disposition for and calculating yield in recycling supply chains in which obligated Oregon materials mix with non-obligated materials, such as material from another state.</p>	<p>OAR 340-090-0670(2)(d)</p>	<p>Accounting for Disposition and Yield, pg 78-79</p>	<p>Conditionally</p>	<p>CAA proposed to use controlled blending and mass balance rolling average percentage accounting on page 78-79. These are both proportional accounting methods that would limit the risk of using flexibility in accounting to omit a downstream market after materials from Oregon mix with materials from elsewhere at a previous supply chain node. The proposal is in line with proposed rules on disposition reporting.</p> <p>Approval is conditional upon:</p> <ul style="list-style-type: none"> • Editing Figure 6, which in its current iteration does not convey that the rolling average method entails proportional allocation. It rather shows Oregon materials being unequally attributed among four output bales that are presumably potentially going to four different destinations. Edit this figure to depict proportional allocation for both rolling average and controlled blending methodologies (i.e., Oregon input being divided equally among the four output bales). For controlled blending represent the input as a single batch of mixed origin, whereas for mass balance rolling average represent the input as the quarterly average of material that came in from Oregon vs. other sources. • Clarifying the period over which averages are calculated. Specify that this will occur on a quarterly basis, as that would align with the statutory requirement that disposition be reported on a quarterly basis. 	
<p>Plans to incorporate community feedback into verifications of markets and other downstream entities.*</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>	<p>CAA has indicated outside of the plan that it is considering including a channel for whistleblower feedback as part of the end market pre-verification process. DEQ welcomes details on this prospective approach.</p>	
<p>(Pre-verification requirement for chemical recycling) For a method other than</p>	<p>ORS 459A.875(</p>	<p>n/a</p>	<p>n/a</p>	<p>No request to send materials to non-mechanical recycling was made.</p>	

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mechanical recycling, an analysis of the environmental impacts for the proposed method compared to the environmental impacts of mechanical recycling, incineration and landfill disposal as solid waste.	2)(a)(I)(iv)				
Requests for temporary variance from the screening and verification deadlines indicated in OAR 340-090-0670(3)(b), accompanied by justification	OAR 340-090-0670(3)(e)	n/a	n/a	No request for variance from deadlines was made.	
Requests for temporary variance from the required components of a verification accompanied by justification, if such requests are being made. Justification could consist of criteria for identifying facilities that would receive more limited verifications on the basis of characteristics such as location and role in the supply chain,	OAR 340-090-0670(3)(h)	Requests for Temporary Variance in Verification, pg 76-77	Conditionally	<p>CAA requested three temporary variances from the required components of a verification, for:</p> <ol style="list-style-type: none"> 1) markets verified by another PRO under another EPR program, 2) markets that have obtained a relevant certification, and 3) landfills and disposal sites in the US and Canada (as long as they provide a valid operating permit and no info regarding potential noncompliance is provided to CAA). <p>With respect to requests 1 & 2, CAA proposed the variance be attributed for those elements of the “responsible” standard that were covered by the audits done to separate standards. CAA could thereafter organize for verification against remaining elements.</p> <p>DEQ agrees with the spirit of the proposal but approval is conditional upon:</p> <ul style="list-style-type: none"> • Providing a benchmarking of CAA’s verification standard against other standards to be used to meet requirements in either a program plan or a plan amendment, and • Inclusion of a spot-checking approach for facilities encompassed under the variances for #1 and #2. 	ORRA and ORSAC recommended that CAA check alignment of standards used for variances 1 & 2 with REM requirements.

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<p>Actions and timeline to investigate if the prospective PRO learns of potential non-compliance through the verification/certification process or otherwise;</p>	<p>ORS 459A.875(2)(A)(H) and OAR 340-090-0670(5)</p>	<ul style="list-style-type: none"> • Investigating Non-Compliance, pg 75-76 • Actions to Address Non-Compliance 	<p>Conditionally</p>	<p>On pg 76, CAA pledged that non-compliance findings from verifications will be reviewed with the verification body and the entity at the earliest reasonable date, leading to confirmation of the entity’s non-compliant status and determination of the level of severity of the non-compliance (three categories are proposed—minor, major and disqualifying). Thereafter the verification report for the entity in question will be shared with DEQ (presumably in quarterly reporting, as required in rule).</p> <p>Overall, the approach to investigation is suitable, with approval conditional upon clarifying that:</p> <ul style="list-style-type: none"> • Non-proprietary facility identification information will be transmitted to DEQ in verification reports as part of quarterly reporting. DEQ notes that per pg 75 non-compliance will be communicated by verification bodies to the PRO through an audit report that “will not contain detailed information about the entity for confidentiality purposes,” and in turn these reports will be provided to DEQ. DEQ recommends that CAA review OAR 340-090-0710(4)(d), which identifies several types of information pertaining to end markets that are not proprietary, including business name and location, and material processed. Clarify that this information would be included in the reports. • Adequate information about facility non-compliance to enable public input will be transmitted to DEQ in the verification reports. DEQ considers that information on non-compliance in the reports needs to be sufficient in order for third parties, such as members of adjacent affected communities, to provide public comment as to problems that may have been missed in verification. • The three classes of non-compliance by providing examples of each. 	

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Steps the PRO will take and timelines for action when verification, certification, or auditing indicates that the “responsible” standard is not being met; and		<ul style="list-style-type: none"> • Actions to Address Non-Compliance, pg 76 	Conditionally	<p>On pg 76, CAA indicated that it will classify non-compliance into three categories of severity – minor, major, and disqualifying, on the basis of ISO 19011. A relevant plan excerpt is as follows: “Entities with minor and major non-compliance will have the opportunity to take corrective action...in a defined period of time. Entities with disqualification non-compliance will not have that opportunity. Entities with minor non-compliance could be considered a REM during the time they are taking corrective action.”</p> <p>DEQ considers this an appropriate approach, conditional upon CAA:</p> <ul style="list-style-type: none"> • specifying the amount of time during which entities with minor and major non-compliances can take corrective actions. 	ORSAC and ORRA requested addition of examples of non-compliance categories, including for the scenario of a broker shipping to a non-REM.
How the prospective PRO will track material flows, enabling required quarterly disposition reporting per ORS 459A.887(6)—for example, through use of a database, including a description of any plans for cooperative development and use of such a database with commingled recycling processing facilities;	ORS 459A.875(2)(A)(H) and ORS 459A.887(6)	Tracking Material Flows, pg 77-78	Conditionally	See response re: chain of custody above, CAA proposed developing a holistic material tracking system; DEQ presumes that this is premised upon agreed-upon collaboration with CRPFs to track the materials that they own, and welcomes confirmation of that.	ORSAC requested details of how parties will collaborate to enable material tracking.
Description of how the PRO will audit results across all facility verifications. This section could include:	ORS 459A.875(2)(A)(H) and OAR 340-090-0670(4)	<ul style="list-style-type: none"> • Auditing the Verification Program, pg 79-80 • Random Bale Auding, pg 80-81 	No	Approaches to auditing are laid out on pg 80-81.	
Details of the approach taken toward auditing the accuracy, quality, and comprehensiveness of verifications.		<ul style="list-style-type: none"> • Auditing the Verification Program, pg 79-80 	Conditionally	On pg 80, CAA proposed to conduct review of reporting on a quarterly basis, encompassing spot bale audits and comparing outbound and inbound tonnages. CAA also reserves the right to conduct spot check visits during verifications and of verification bodies’ documentation as part of this auditing. DEQ	

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				considers this appropriate, but proposes the following edits to the plan language: “CAA representatives may will accompany the verification body randomly on site visits or and take other steps to audit the verification process. It may will also spot check certain documents that can be made available to CAA.” Furthermore, indicate the extent of such activities that CAA can commit to.	
Key contractor(s) or auditors for random bale auditing and information about their qualifications;	n/a	Random Bale Auding, pg 80-81	n/a	No key collaborators for the auditing work were indicated.	
The sampling methodology to be used for random bale auditing including	ORS 459A.875(2)(A)(H) and		No	See specific recommendations below.	
Quantity of trackers to be deployed.	OAR 340-090-0670(4)		No	CAA proposed to deploy up to 33 trackers per year, with a breakdown as follows: <ul style="list-style-type: none"> • One deployed curbside per Oregon CRPF • Up to 20 for mixed paper bales, i.e., one for each potential broker • Up to five for carton bales, i.e., one for each potential broker. Add tracking of mixed plastics outbound from CRPFs.	
Where and how they will be placed (in bales and/or in consumer bins, what type of materials, etc.			No	CAA proposes to track materials from curbside as well as place trackers in bales at CRPFs. DEQ recommends that CAA also track materials from other points of collection as well, e.g. multi-family, ICI collection, depots.	
The approach to securing the trackers to the targeted materials and preventing their early destruction or loss.			Yes	On pg 81 CAA indicated it is working with different tracking device providers to select the best device in terms of functionality and safety.	

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Safety considerations.					
The proposed approach to reporting auditing results to the department, such as through the submission of audit reports from the auditor or providing access to a user interface where real-time tracking results are visible;			Yes	On page 81 CAA affirmed that DEQ will be informed if any loads and bales are not compliant with the shipment documents, which fulfills the requirement. Note that DEQ may audit CAA's auditing with its own random bale tracking per OAR 340-090-0670(4).	
Arrangements the PRO proposes to make with processors to ensure that covered products identified in ORS 459A.914 are recycled at a responsible end market, including any investment intended to be made to support processors or other practicable action (as defined in OAR 340-090-0670(5)) to be undertaken;	ORS 459A.875(2)(A)(H)(v)	<ul style="list-style-type: none"> • Supporting Responsible End Markets, pg 81-82 • Responsible End Market Development Guiding Principles, pg 82 	Conditionally	<p>On page 81 CAA listed some practicable actions that it may undertake of relevance to processors, including providing technical and brokerage services and/or information on responsible end markets; and purchasing and reselling materials to responsible end markets.</p> <p>Add to this list: "Other actions as needed to comply with Oregon law."</p> <p>Regarding investments in practicable actions more broadly, CAA proposes to set up a dedicated fund for end market development initiatives equal to 3-5% of expected commodity values. DEQ notes that this is useful info, but also notes that the PRO is obligated to provide responsible disposition if doing so is practicable. CAA could add clarification of how it will respond if needs exceed 3-5% of commodity values.</p>	<p>APR sought further clarification on the 3-5% commodity value budget for REMs.</p> <p>APR expressed concern regarding a lowest cost-based approach to market development.</p>
Any equity approaches pertaining to practicable actions such as development of new markets.*	n/a		n/a	<p>In the Equity section on page 116, CAA indicates that for materials that it owns, it will explore options to provide opportunities to small, veteran-owned, minority-owned, and B-corp businesses, as well as NGOs.</p> <p>DEQ welcomes more details in the second draft of the plan, including clarification of the term "affirmative labor practices."</p>	<p>City of Portland requested more information on what type of opportunities are envisioned, and how COBID collaborators would be identified.</p>

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					ORRA sought clarity on “affirmative labor practices.”
Any other information on how the organization will ensure that responsible management of covered products is maintained through to final disposition.	ORS 459A.875(2)(a)(G)	Producer Exemptions Under 869(13)	Yes	CAA proposed to collaborate with producers seeking exemptions under ORS 459a.869(13) to ensure that they are being recycled at REMs.	
13. Upholding Oregon’s materials management hierarchy:	ORS 459A(2)(a)(H)(3)	Upholding Oregon’s Materials Management Hierarchy, pg 83	No	At the top of pg 83, CAA limited its role in upholding the hierarchy to determination of recycling pathways, but CAA also has the ecomodulation lever at hand for encouraging upstream changes (i.e., it could try to encourage transition to reuse for specific materials or packages, for example). Target the work described in this section toward a longer-term vision or goal regarding what US materials and recycling end markets will look like. See additional specific recommendations below.	
Why the end markets foreseen for obligated materials represent the highest and best use on a material-specific basis. This could include:		<ul style="list-style-type: none"> • Material-Specific Strategies, pg 83 • Strategy for Glass, pg 83 • Strategy for Cartons, pg 83 • Strategy for Polystyrene, pg 83 	No	This section encompassed material-specific subsections, which DEQ considers a good means of organizing this work, but the materials of focus are limited to those for which DEQ has conducted and published LCAs. There are likely other materials for which different end markets have substantially different impacts – e.g markets for PE film with respect to plastic pollution. Add a strategy or strategies for additional plastics besides polystyrene and, in doing so, bringing information to bear from CAA’s pre-assessment of markets and industry sources in describing a strategy.	
Focus on particular materials for which there are significant differences in the environmental impacts of different types of markets, such as glass or cartons.			No		
Plans to develop new markets or undertake other practicable actions if the end markets planned for initial use do not		<ul style="list-style-type: none"> • Strategy for Glass, pg 83 	No	Clarify that CAA will ground-truth the lack of market capacity for glass, add development of new markets to the plan if there is in fact a gap in capacity, and remove from the plan consideration use of glass in	City of Portland recommended assessing the environmental benefits and costs of

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represent the highest and best use.				aggregate form (DEQ's glass LCA shows very little value in that end market).	different end uses of glass including reuse.
14. An education and outreach plan describing how the prospective PRO will meet obligations and cultivate widespread customer awareness and understanding of the Uniform Statewide Collection List and recycling services provided.	ORS 459A.875(2)(a)(J) and OAR 340-090-0650(1)(c)	Education and Outreach, pg 84-98	Conditionally	Conditions for approval relevant to specific requirements are indicated below.	
Goals for education and outreach efforts and information on approach for measuring progress toward the goals. Metrics to evaluate performance could include public awareness, public engagement, and accessibility.	ORS 459A.875(2)(a)	Goals for Education and Outreach, pg 84		Goals language specific to education appeared on pg 84 of the plan. Approval is conditional upon: <ul style="list-style-type: none"> • Removing goal 1b (we question the idea that generators need to be aware of SIMs), • Amending goal 1d to encompass both the USCL and the PRO Recycling Acceptance list with respect to information on how to properly prepare materials. 	ORRA considered that CAA need not educate the public on SIMs, and that info on the USCL should encompass material preparation and common contaminants.
An explanation of how the proposed suite of materials and promotional campaigns will support:	ORS 459A.875(2)(a)(J)				
widespread awareness and understanding for all customers in Oregon, including residents living in single-family homes and multifamily communities, as well as commercial businesses, institutions, and non-governmental organizations.		Supporting Widespread Awareness and Understanding, pg 85-90.	Yes	The plan adequately conveyed intention to connect with and educate different user groups comprehensively.	
a phased approach that first builds awareness among Oregon residents and organizations that		A Description of the Statewide Promotional Campaign, pg 90-92	Yes	Plans for the statewide campaign encompassed an initial awareness phase themed "change is here!" Thereafter, phase 2 will target specific (frequently, infrequently and non-participating) audiences with	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
change is coming and the reason change is needed, and then provides the detailed instructions for customers to participate successfully in the new system (with electronic educational materials underpinning both phases).				specific messages. DEQ considers this sequencing reasonable and appreciates that advance surveys of Oregon residents will inform campaign design.	
A description of the customizable educational collateral that will be prepared for local governments to communicate the Uniform Statewide Collection List, explain how items should be prepared for recycling, and highlight to the public the importance of not placing contaminants in commingled recycling collection, including:	ORS 459A.875(2)(a)(J)(i)	Schedule Including Proposed Timing of Start-Up Approach, pg 94-97	Yes	CAA will create an online portal that local governments, their service providers and potentially commercial businesses can access to find, customize, print and mail educational collateral at no cost to them. Four batches of materials to be made available to local governments sequentially in 2025 are described on pg 95-96. Specific collateral will include: <ul style="list-style-type: none"> • Photos/illustrations of accepted items and photos/icons of key contaminants • Sample text for informative, motivational, and instructional messaging • Handouts and/or mailers, including postcards, brochures, full-page flyers, door hangers, and magnets • Social media toolkits and digital media materials • Signage for depots, commercial and multifamily recycling enclosures • Decals for roll carts DEQ approves of the proposed materials and sequencing.	
collateral that will be made available in electronic format to local governments and their authorized service providers for customization to local conditions;					
collateral that will be printed and then made available for distribution, including but not limited to signage for depots and commercial and multifamily recycling enclosures as well as decals for roll carts; and					

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<p>electronic files that will be made directly available to the public, including a website describing the locations and operating hours of collection points for PRO recycling acceptance list items, and how such items should be prepared for drop-off.</p>	<p>ORS 459A.875(2)(a)(J)(i)-(ii) and OAR 340-090-0650(1)(c)</p>				
<p>A description of the statewide promotional campaigns to supplement the education and outreach through the customizable materials. This could include but is not limited to messaging distributed through print publications, radio, television, the Internet, social media, and online streaming services;</p>	<p>ORS 459A.875(2)(a)(J)(iii)</p>	<p>A Description of the Statewide Promotional Campaign, pg 90-92</p>	<p>Yes</p>	<p>As referenced above, the plan described a vision for a two-phase statewide campaign, with specific target audiences, messaging, and mediums of communication for each. The approach as described is sufficient to meet the requirement.</p>	
<p>A schedule for the development of educational collateral and implementation of statewide promotional campaigns that ensures a successful program launch and leaves adequate time for mandatory consultation on the customizable collateral with local governments and their designated service providers, review of the collateral by the Recycling Council, and review and approval of the collateral by DEQ.</p>	<p>ORS 459A.875(2)(a)(J)(ii)</p>	<p>Schedule Including Proposed Timing of Start-Up Approach, pg 94-97</p>	<p>Conditionally</p>	<p>The plan included a schedule for developing the educational program from April 2024 onward, with surveys and analysis, concept preparation, CBO engagement and more in the initial months.</p> <p>Later in 2024 and early 2025, CAA will work with the Recycling Council, conduct test campaigns, engage with local governments, and roll out customizable materials in four batches, with the first batch made available to local governments on February 1.</p> <p>Approval is conditional upon adding a graphic that indicates the components of each batch so that the scheduling/sequencing of materials is conveyed more clearly.</p>	

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A description of how the prospective PRO will ensure that educational materials and campaigns are culturally responsive to diverse audiences across this state, including people who speak languages other than English and people with disabilities; are printed or produced in languages other than English; and are accessed easily and at no cost to local governments and users of the recycling system. This description could include practices employed to meet these requirements, such as*:	ORS 459A.875(2)(a)(J)(i) and ORS 459A.893(3)	A Culturally-Responsive Approach, pg 92-93	Conditionally	<p>In the interest of cultural responsiveness, CAA proposed to produce ADA-compliant materials that uphold principles of universal design, collaborate with Community-Based Organizations, and to translate and transcreate materials into eight languages.</p> <p>Approval is conditional upon:</p> <ul style="list-style-type: none"> • Inclusion of three additional languages (an Indic language, an Afro-Asiatic language, and Tagalog), • addition of detail regarding collaborations with CBOs, • clarification as to how the approach will adapt in response to changing demographics, and • clarification regarding the approach to language on decals. 	ORSAC recommends adding detail regarding collaboration with CBOs.
engagement with local community-based organizations and relevant members of the public to develop and distribute educational materials and campaigns,	n/a		n/a	CAA indicated plans to work with CBOs to develop and distribute materials but does not provide details on who it will work with. DEQ welcomes this information.	
use of images to convey information rather than text,				CAA proposed universal design concepts, including using imagery, icons and other visuals rather than large blocks of text to more quickly and easily communicate information and demonstrate processes.	
use of imagery and models that represent a variety of cultures and Oregon’s diverse communities,				The intent to be responsive to changing demographics in educational materials was noted, but plans for how to do so are not elaborated upon. Add detail.	
avoidance of small print size and reverse type (light text on dark background),				Universal design concepts, including contrast and text for easier reading, were proposed.	
testing of imagery to ensure designs are color-blind friendly,				Universal design concepts, including accounting for color blindness and ensuring legibility when selecting	

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exploration of designs that allow for text in both Spanish and English in the program brochure/mailer, printed decals and signage, and in-mold label for roll carts.				color palettes, fonts, text size, and imagery, were proposed.	
				The plan addressed in-mold labeling and a style guide for terms but does not address the question of language with respect to cart labels. DEQ recommends adding detail.	
translation of the materials	ORS 459A.893(3)(b)			<p>CAA proposed to translate and transcreate materials into Spanish, Simplified Chinese, Traditional Chinese, Korean, Arabic, Russian, Vietnamese and Ukrainian.</p> <p>Per census data, translate material into the following languages:</p> <ol style="list-style-type: none"> 1. Spanish 2. Vietnamese 3. Simplified Chinese (incl. Mandarin, Cantonese) 4. Russian 5. Ukrainian 6. Korean 7. Nepali, Marathi, or other Indic languages 8. Tagalog (incl. Filipino) 9. Amharic, Somali, or other Afro-Asiatic languages 10. Arabic <p>These are the top 10 languages spoken by 1,000 or more people over the age of five in Oregon for whom English is not their primary language.</p> <p>Consider providing residents, local governments, and service providers an option to request materials in a language besides these ones (i.e., translation upon request).</p>	ORSAC recommends making additional languages available upon request.
Plans for an online portal or other means to provide local governments and their	ORS 459A.875(2)(a)(J)(ii)	n/a		CAA proposed to create an online portal that local governments, their service providers and potentially commercial businesses can access to find, customize,	

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designated service providers (and any other entities, if planned) easy access to educational materials at no cost;				print and mail educational collateral at no cost to them. Specific collateral will include: <ul style="list-style-type: none"> • Photos/illustrations of accepted items and photos/icons of key contaminants • Sample text for informative, motivational, and instructional messaging • Handouts and/or mailers, including postcards, brochures, full-page flyers, door hangers, and magnets • Social media toolkits and digital media materials • Signage for depots, commercial and multifamily recycling enclosures • Decals for roll carts 	
The prospective PRO could describe the relevant experience of team members that will be developing the USCL educational resources and promotional campaigns or, if contracting with a communications consultant, describe the type of experience that will be sought in the solicitation process.	n/a	Relevant Experience, pg 97-98	n/a	The plan outlined the relevant experience of CAA and its main educational partner, The Recycling Partnership, on page 97 of the plan.	
15. Product Speciation for the Fee Structure	ORS 459A.875(2)(a)(E) and ORS 459A.875(2)(h)	Product Speciation for the Fee Structure, pg 99-100	Conditionally	The 62-material speciation effectively splits recyclables and non-recyclables from one another and provides adequate granularity to avoid cross subsidization among materials. Approval is conditional upon the following: <ul style="list-style-type: none"> • Separate PET lids from other PET to categorize thermoformed lids consistently for PP and for PET. • Add transparent light blue and green to clear/natural PET bottle in anticipation of its addition to the USCL. • Make the following edits to align material categories among California and Oregon, simplifying producer compliance: 	APR recommended consistent categorization of lids among PP and PET, as well as the addition of transparent blue bottles to the clear PET category.

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				<ul style="list-style-type: none"> ○ Remove the category “PET (#1) Thermoformed Tubs,” combining thermoformed and non-thermoformed tubs into a single category, “PET (#1) Tubs” ○ Remove the language “including containers” from the “Other Rigid Items” categories specific to PET (#1) and HDPE (#2). ○ Delete the following categories: 1. “PP (#5) Thermoformed lids,” and 2.” PP (#5) Thermoformed Tubs, Nursery (plant) pots and trays.” ○ Replace the word “Thermoformed” with the words “Other Rigid” in the category “Thermoformed Other Rigid Containers, Cups, Plates, Trays (non-nursery (plant))” 	
16. Description of how the prospective PRO will establish, calculate and charge membership fees to member producers, including	ORS 459A.875(2)(a)(E)	<ul style="list-style-type: none"> • Financing (besides Product Speciation subsection), pg 100-114 • Appendix E, Itemized Budgets by Program Year, pg E22-E26 • Appendix G, Detailed Fee-Setting Methodology, pg G1-G28 	No		
the schedule of membership fees (base rates), accompanied by rationales for:	ORS 459A.875(2)(h)	Preliminary Base Fee Schedule Ranges, pg 103-104	No	A simplified version of a fee schedule with only eight material categories was provided as a preliminary schedule. It can be approved (if it meets all relevant criteria) when updated in a subsequent plan version to reflect the full list of reporting categories and the amounts that will be charged for each.	AHAM seeks an updated fee schedule with fee amounts for all 62 reporting categories.
How the schedule ensures that higher fees are charged for non-recyclables than for recyclables on a	ORS 459A.884(3)(a)	• Meeting the Statutory Requirement, pg 104-106	Conditionally	The plan outlined an approach, the “discretionary state-adjustment factor,” to ensure that recyclables are charged less than non-recyclables. The approach appears sufficient to deliver the statutory requirement of recyclables being charged, on average, less than non-recyclables.	

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weighted-ton average basis; and				Approval is conditional upon updating the subsection in a subsequent version of the plan to reflect application of the method to an updated fee schedule.	
How the schedule ensures, to the extent possible, that materials do not cross-subsidize one another.	ORS 459A.884(3)(b)	<ul style="list-style-type: none"> Appendix G, Detailed Fee-Setting Methodology, pg G1-G28 Development of the Base Fee Algorithm, pg 100-103 	No	DEQ's recommendations, which pertain particularly to the appendix claimed confidential by CAA, are located in confidential Appendix B of this document.	
the algorithms by which fees will be calculated	ORS 459A.875(2)(a)(E)		No		
any producer fee incentives other than graduated fee adjustments that will be offered;	n/a	Producer Fee Incentives Other than Graduated Fee Adjustments, pg 104	n/a	CAA characterized lower fees on average for non-recyclables as a fee incentive besides graduated fee adjustments.	
Graduated fee algorithm and methods, including	ORS 459A.875(2)(a)(E)-(F) and ORS 459A.884(4)	Graduated Fee Algorithm and Methods, pg 107-112	No	As the requirement to offer fee adjustments to member producers applies from the date of July 1, 2025, this requirement is not met (because CAA describes a vision of initiating fee adjustments in 2027 or 2028). Update this section with a proposal that would, at a minimum, operationalize as early as is feasible the two bonuses proposed as mandatory offerings from the PRO to member producers in the current rulemaking (see proposed rule 340-090-0910(3)).	
the algorithm for the graduated fee approach, indicating the criteria and magnitude of modulation;	ORS 459A.884(4) and ORS 459A.875(2)(a)(E)	n/a			
Inclusion of both penalties and rewards in the approach to graduated fees	ORS 459A.884(4)	n/a			
accompanying descriptive text explaining how the algorithm will deliver continual reductions in the environmental and	ORS 459A.884(4) & ORS 459A.875(2)(a)(F)	n/a			

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human health impacts of covered products					
a description of the factors taken into consideration in development of the approach, and how their incorporation contributes to continual incentivization and disincentivizing of producer choices that actually correlate to meaningful environmental benefit. The following five factors must have been considered according to statute:	ORS 459A.875(2)(a)(F) and ORS 459A.884(4)(a)-(e)	Methods by which the PRO will Accept and Consider Requests for Ecomodulation Credits, pg 110-112		Consideration of post-consumer recycled content and recycling rate was demonstrated, but not of the other three required factors. Add subsections specific to these factors in a subsequent iteration of the plan. CAA could also include consideration of how these factors could be accounted for through implementation of the two bonuses proposed in rule (340-090-0910(3)).	
The post-consumer content of the material, if the use of post-consumer content in the covered product is not prohibited by federal law		Consideration of Post-Consumer Recycled Content for Ecomodulation, pg 112	Yes	The factor was taken into consideration (its use as an attribute for ecomodulation is contemplated).	
The product-to-package ratio		n/a	No	This factor was not taken into consideration.	
The producer's choice of material;		Conceptual Approach to Determining Graduated Fee Structure, pg 110-111	No	CAA expressed aspiration to ecomodulate within material categories, but using material choice as an attribute for ecomodulating is not discussed.	
Life cycle environmental impacts, as demonstrated by an evaluation performed in accordance with ORS 459A.944; and		n/a	No	This factor was not taken into consideration.	

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The recycling rate of the material relative to the recycling rate of other covered products.		Consideration of Recycling Rate as a Factor for Ecomodulation, pg 111-112	Yes	The factor was taken into consideration (its use as an attribute for ecomodulation is contemplated).	
a description of how the PRO will maintain financial solvency (specifically, how loss of revenue due to ecomodulation rewards will be paid for).	ORS 459A.875(2)(a)(E)	n/a	No	This was not covered, as no concrete ecomodulation plan is presented.	
Alternative membership fee structure proposal (if applicable): Per ORS 459A.884(5), the PRO could propose an alternative fee structure that does not adhere to the requirements of ORS 459A.884(2)-(4) but still delivers cost-proportional product differentiation and incentivizes less impactful producer behavior. A proposal of an alternative membership fee structure could explain	ORS 459A.875(2)(a)(E) and ORS 459A.884(5)	Alternative Membership Fee Structure (if Applicable), pg 113	No	CAA did not to propose an alternative membership fee structure.	
How it will ensure that products don't cross-subsidize each other.	ORS 459A.884(5)				
How it will incentivize less impactful producer behavior.	ORS 459A.884(5)				
How it will not incentivize non-recyclable materials, which DEQ views as an undesirable outcome (although an alternative	n/a		n/a		

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membership fee structure would not be strictly held to charging more on average for non-recyclables than for recyclables, i.e., the requirement imposed by ORS 459A.884(3)).					
Inclusion in the fees approach of uniform membership fees for members that had a gross revenue of less than \$10 million for the organization's most recent fiscal year, or sold in or into Oregon less than five metric tons of covered products for use in this state in the most recent calendar year.	ORS 459A.884(6)	Flat Fees, pg 103	Conditionally	A flat fee approach was outlined but it does not account for cases in which producers have revenue of less than \$10 million but more than 5 tons of supply. Amend the Tiered Flat Fee Structure to account for such cases. A fee option that is not tied to reporting of a specific volume would likely be in line with the intent of the statute. This would allow producers in this class to avoid unnecessarily calculating their volumes. Update the fee rates with more accurate data.	
Adequacy of financing: this subsection could contain:	ORS 459A.875(2)(i)	Adequacy of Financing, pg 114	No	See comments below.	
demonstration that the membership fees collected will provide adequate revenue to fund all costs associated with the producer responsibility program. A fee schedule that does not appear to generate sufficient revenue, meaning that program delivery would depend upon funding from other sources, could be cause for plan rejection. Included in this subsection could be:			Conditionally	The program plan demonstrated how the fee schedule is envisioned to cover all costs, but CAA will update its system cost estimates and fee amounts.	

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a description of the prospective PRO's approach to reserve funds or other contingencies for responding to financial hardship. For example, a prospective PRO could set a minimum and a maximum reserve budget, defined as a proportion of the annual operating budget.	ORS 459A.875(2)(m)	Program Reserves and Contingencies, pg 114	No	The plan identified a reserve target amount but does not describe contingencies that the reserves are intended to address. Update this in a subsequent draft. In addition, the proposed reserve amount is equal to "six months of variable operating expenses." Describe whether there should also be reserve funds sufficient to pay for fixed operating expenses.	
Itemized system costs for 2025, 2026, and 2027 (for later years, may be appropriate to collapse the itemization or provide ranges), including:	n/a	Appendix E, Itemized Budgets by Program Year, pg E22-E26	n/a	Provided as ranges.	
Total amount to be spent on recycling system expansion.	OAR 340-090-0790(2)(b)		No	Provided as a range.	
Amounts to be spent on recycling system expansion per individual local government.	OAR 340-090-0790(1)(e)		No	Not provided.	
Itemized system costs incurred before the start date.	n/a			Lumped with 2025.	
Administration and operations costs of the PRO (aggregated).	n/a			Provided as a range.	
Forecasted reserve level amount.	ORS 459A.875(2)(m)		Yes	Provided as a range.	
Estimated revenues, including:	n/a		n/a		
Start-up funding;	n/a		n/a	Not provided, assumed that it will be recouped by member fees in 2025.	

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Member fees;	n/a		n/a	Provided for eight material categories as a range.	
Value of print and online advertising expected from newspaper and magazine publishers in lieu of membership fees; and	n/a		n/a	Not provided but not required. Clarify whether there is cushion built in to allow for newspaper and magazine publishers to choose the advertising option?	
Other revenue	n/a		n/a	None cited.	
Cost of independent financial audits	n/a		n/a	Not broken out as a separate budget category but presumed included in RPO management and admin budget(?)	
17. Plans to advance equity in recycling	OAR 340-090-0640(1)(a)(C) OAR 340-090-0640(2)(h) OAR 340-090-0640(6)(c)(B) ORS 459A.893(3)	Equity, pg 115-117	No	Ten subcomponents throughout the plan marked by asterisks count toward the Equity component, in addition to the components under which they are nested. Four of these are addressing statutory or rule requirements that must be met before the Equity section can be approved. As equity is a priority for the State of Oregon, DEQ encourages CAA to go beyond the four requirements and address the guidance elements and relevant ORSAC feedback as well, if feasible.	
18. Management and Compliance		Management and Compliance, pg 118-131	No	See recommendations specific to particular subcomponents below.	
Description of the program's overall day-to-day management, including management of contracts, record keeping, reporting, and compliance oversight of service providers.	n/a	Overall Day-to-Day Management, pg 118	n/a	Provided on pg 118.	
Statement or commitment that the program will be managed to ensure program compliance with all relevant and applicable	n/a				Provided on pg 118.

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state and federal laws and regulations.					
Names and contact information for key personnel responsible for running various aspects of the program could be provided, including the authorized representative.	n/a			Provided on pg 118.	
Description of how the PRO will communicate and coordinate with the department, the Oregon Recycling System Advisory Council, local governments, local governments' service providers, processors and any other producer responsibility organizations.	ORS 459A.875(2)(d),	Communications, pg 119-121	Yes	CAA described a thorough approach at pg 119-121 for communicating with key interested parties.	
A description of the prospective PRO's approach to the long-term coordination process, including plans for ensuring that a coordination plan includes all required components under OAR 340-090-0680(2)(b).	n/a	Other PROs and Multi-PRO Coordination, pg 121	n/a	CAA included a short section on this at pg 121. In the absence of multiple prospective PROs, no further information is desired at this time.	
A description of the prospective PRO's vision for how long-term coordination will ensure that PROs' collective obligations under provisions ORS 459A.860 to 459A.975 are met, including plans for coordination on specific elements listed under OAR 340-090-0680(2)(c).	n/a		n/a		
Description of the process for promptly notifying the department, the Oregon	ORS 459A.875(2)(l)	Managing Compliance, pg 124-126	Conditionally	On pg 125 it is stated that, after a time frame to be specified in the Membership Rules passes, CAA will notify DEQ of non-compliance by a former or current	

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Recycling System Advisory Council and producers of potential noncompliance with the requirements of ORS 459A.860 to 459A.975 by a producer or producer responsibility organization.				<p>produce member that pertains to payment of fees or reporting of data. Specify the time frame and call out relevant membership rules.</p> <p>DEQ appreciates that CAA will, as noted on pg 126, inform DEQ of producers that may be obligated and have not joined CAA.</p> <p>EQ also appreciates CAA’s description regarding non-compliance with respect to the large producer disclosure requirement as noted on pg 126. More detail is needed here to assess whether the requirement is met – what are the specific compliance reporting processes and protocols that CAA is proposing?</p>	
This process could encompass plans to issue notifications regarding potential noncompliance by other actors that the PRO could be aware of— for example, a local government’s refusal to accept funding and implement system expansion needed to comply with the Opportunity to Recycle Act, per OAR 340-090-0630(4)(f).				This particular example of a local government refusing to implement system expansion was not addressed in the plan.	
Description of a process, including the process timeline, for how the producer responsibility organization will resolve any disputes involving compensation of local governments and local governments’ service	<p>ORS 459A.875(2)(e)</p> <p>OAR 340-090-0640(1)(b)(D)</p>	Dispute Resolution (Local Governments and CRPFs), pg 127	No	<p>CAA acknowledged on pg 127 that the current version does not address this requirement adequately. Consider presenting the information in two subsections:</p> <p>1. the ground rules for dispute resolution that have been worked out through the ORSOP process thus far (for example, some principles for what are and are not eligible costs, and</p>	<p>ORSAC seeks more details on procedure and process for the dispute resolution mechanism.</p> <p>ORSAC seeks more details on the role of the working group.</p>

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providers under ORS 459A.890; disputes involving commingled recycling processing facilities under ORS 459A.920 and 459A.923; and disputes involving contracting with existing depots under ORS 459A.896(a).				2. Procedural and process details for the mechanism, including the timeline for how a dispute resolution process would occur.		
Policies, procedures, and practices for ensuring:	n/a	General Policies, Procedures, and Practices, pg 128-129	n/a	Page 128, Paragraph 2 – referenced state-specific policies, procedures and practices. Provide more details about what these are in Oregon.		
Safety and security of staff, contractors, and members of the public.	n/a		n/a	A commitment to implement standards pertaining to workplace safety appeared on pg 128.		
Compliance by staff and contractors with all relevant state and federal laws and rules;	n/a		n/a	A commitment to comply with all applicable laws pertaining to workplace safety appeared on pg 128. As pertains to collection for the PRO list materials, CAA may wish to expand this commitment toward compliance with land use provisions, environmental laws and labor laws.		
Successful and timely delivery of project outcomes by contractors	n/a		n/a	On pg 129 CAA indicated consideration of how to ensure successful and timely delivery of outcomes by contract.		
Protection of confidential information;	n/a		n/a	On pg 128 CAA pledged to adopt an information security plan for protecting against problems with confidential info.		
Retention of information required for annual reports submitted under ORS 459A.878	n/a		n/a	Per pg 129 CAA will designate a records custodian charged with ensuring records are kept for at least five years (pursuant to ORS 459A.962) and would be available to DEQ for inspection upon request. Further clarify that the records will be maintained within the state of Oregon.		
Maintenance of records necessary to demonstrate compliance.	n/a		<ul style="list-style-type: none"> • Compliance Process, pg 125 • Retention of Information, pg 129 	n/a	See pg 125 -- with respect to producer compliance, CAA will require its producer members to retain records to substantiate and verify the accuracy of the info submitted in their reports for a to-be-determined	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback ⁺
				<p>period of time, and records will be subject to inspection by CAA. Specify the length of the retention period.</p>	
<p>Any internal requirements around engagement of “Certified Firms” when contracting work out to third parties (“Certified Firm” means a small business certified under ORS 200.055 by the Oregon Certification Office for Business Inclusion and Diversity (COBID) as a minority-owned business, woman-owned business, business that service-disabled veterans own, or emerging small business).*</p>	n/a	n/a	n/a	<p>In the Equity section on pg 117, CAA indicated that it will develop an approach to provide opportunities to COBID-certified businesses. DEQ welcomes more details on this approach. Consider developing an engagement plan to notify COBID companies of RMA-related opportunities, and incorporating goals/metrics for the percentage of work or service to be provided by COBID companies into the program goals.</p> <p>Additionally, consider describing how CAA will support smaller producers to comply, and small service providers to meaningfully participate in Oregon’s recycling system. Consider describing what jobs will be created and retained in Oregon through the PRO’s long-term role.</p>	<p>City of Portland suggested the development of a COBID engagement plan and integration with the goals/metrics of the program overall.</p>
<p>Description of the closure plan to settle the affairs of the PRO if it needs to close, ensuring that producers will continue to meet their obligations during the dissolution process and including a protocol for notifying the department, the Oregon Recycling System Advisory Council and local governments of the dissolution. This section could include:</p>	ORS 459A.875(2)(m)	Closure Plan, pg 130-131	No	<p>The reserves for the closure plan amount to six months of variable costs, and not variable <i>and</i> fixed costs. Provide more analysis as to why this amount is enough to ensure obligations are met during dissolution. The budget in Appendix E included reserve amounts. Provide an example or two of closing at a particular point in time and how the reserves would be adequate to cover costs during the closing period.</p>	
<p>A description of how the closure plan will ensure that there are sufficient reserve funds to satisfy all obligations until such time as producer members have joined a different</p>	ORS 459A.875(2)(n)		No	<p>No reference to an insurance policy or other such financial mechanism was provided to back up the stated intent to be able to fund obligations during closure. DEQ has financial assurance mechanisms for landfills in rule at OAR 340-094-0145(6), which CAA could</p>	

Required or Guidance Plan Component	Statute or Rule Citation	Plan Section(s)	Section(s) approved? (yes, no, conditionally)	DEQ rationale/recommendation	Parties that submitted similar or related feedback⁺
producer responsibility organization. To enable this outcome, the plan may include elements such as proof of a closure insurance policy, retention of auxiliary staff through a closure process, and the timing and approach for notification of the public.				review to understand what DEQ would consider to be a reliable financial assurance mechanism.	
Other plan subcomponents:					
Inclusion of a certification and attestation section including contact information, EIN, proof of nonprofit status, and the following signed, certifying statement: "I/We hereby declare under penalty of false swearing (Oregon Revised Statute 162.075 and ORS 162.085) that the above information and all of the statements, documents and attachments submitted with this plan are true and correct."	n/a	Certification and Attestation, pg 132-133	n/a	The certification and attestation were included in the plan.	
Inclusion of a definitions section.	n/a	Appendix A, Definitions, pg A3-A9	n/a	A definitions section was included in the plan.	
Inclusion of an implementation timeline	n/a	Appendix M, Preliminary Program Implementation Timelines, pg M64	n/a	This could be displayed alternatively over several pages, as an 11.5 x 17 or with other modifications so that it's easily readable.	

+ DEQ evaluated comments received from 19 entities through the ORSAC review and public comment process, and notes in the column "Parties That Submitted Similar or Relevant Feedback" the subset of 70 suggestions from these groups that overlap with DEQ recommendations.

Key of organizations with overlapping recommendations:
AHAM – Association of Home Appliance Manufacturers
APR – Association of Plastic Recyclers

CL – Closed Loop Partners
FPI – Foodservice Packaging Institute
GPI – Glass Packaging Institute
Metro – Metro (Metropolitan Planning Organization for the Portland region)
ORRA – Oregon Refuse and Recycling Association
ORSAC – Oregon Recycling System Advisory Council
OWA-OWC-WI – Oregon Winegrowers Association, Oregon Wine Council, and Wine Institute
PI – Potential Industries
Upstream – Upstream Policy Institute