



Oregon Department of Environmental Quality

List of Specifically Identified Materials

Plastic Pollution and Recycling Modernization Act

Version 001 – Jan. 11, 2024; Effective Feb. 1, 2024

Background

ORS 459A.917 allows DEQ, in consultation with producer responsibility organizations and the Oregon Recycling System Advisory Council, to “establish and maintain a list of specifically identified materials”.

The regulatory consequence of SIM designations are twofold and are limited to producer responsibility organizations:

- Producer responsibility organizations (including prospective producer responsibility organizations) must, in their program plans or plan amendments, describe any efforts the PRO proposes to make to support collection, processing or responsible recycling of SIMs. [See ORS 459A.875(2)(g)]
- Any covered product designated as a SIM and collected for the purpose of recovery is subject to responsible disposition requirements on PROs, regardless of how the material is collected for recycling or by whom. [See ORS 459A.896(2) and ORS 459A.869(7)]

This document lists covered products DEQ designated as Specifically Identified Materials.

Designations

The following covered products are designated as Specifically Identified Materials:

Covered Product	Rationale for Designation and Anticipated Outcome
Polycoated gable-top cartons and aseptic cartons	<ul style="list-style-type: none">• This material is included in the Uniform Statewide Collection List.• Commingled recycling processing facilities serving Oregon requested a SIM designation for this material because of its potential to pose challenges involving processing and marketing.• DEQ expects PROs to propose efforts to support processing and marketing of these materials.

Translation or other formats

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Covered Product	Rationale for Designation and Anticipated Outcome
Nursery packaging	<ul style="list-style-type: none"> • Some nursery packaging is included in the Uniform Statewide Collection List. • Commingled recycling processing facilities serving Oregon requested a SIM designation for this material because some (such as those colored using carbon black) may pose challenges involving processing and marketing. • Other nursery packaging (e.g., polystyrene) is not included in the USCL and may contribute to contamination. • DEQ expects PROs to propose efforts to support processing and marketing of these materials, and to reduce contamination.
Aluminum foil and pressed foil products	<ul style="list-style-type: none"> • These materials are included in the PRO Recycling Acceptance List. • These materials are not included in the USCL and may not be collected commingled effective July 1, 2025. Therefore, local governments that currently collect the material commingled will be required to delist the material. This will initiate a change to long-standing practice in parts of the state. • PROs are required to develop outreach resources (see ORS 459A.893), and DEQ expects those to include specialized resources to encourage recycling of these materials at newly established PRO collection points.
Shredded paper	<ul style="list-style-type: none"> • Same rationale and anticipated outcome as “aluminum foil and pressed foil products” listed above.
Glass bottles and jars	<ul style="list-style-type: none"> • Same rationale and anticipated outcome as “aluminum foil and pressed foil products” listed above, except that very few communities are currently collecting glass commingled. Most on-route collection programs for glass collect the material source segregated from other materials. • For any communities that choose to discontinue on-route collection entirely, as well as those that currently collect it commingled, DEQ expects PROs to develop specialized educational resources to encourage recycling at collection points and discourage placing the glass in the commingled system.

Covered Product	Rationale for Designation and Anticipated Outcome
Aerosol containers made of steel and aluminum.	<ul style="list-style-type: none"> • Same rationale and anticipated outcome as “aluminum foil and pressed foil products” listed above. • Also, some aerosol containers may be delivered to PRO collection points with hazardous contents still intact (e.g., pesticides). • DEQ expects PROs to develop specialized educational resources to encourage users to only deliver empty aerosol containers to PRO collection points, and to use other collection options (e.g., HHW programs or solid waste disposal, depending on the material and location) for containers that are not empty.
Thermoformed PET packaging	<ul style="list-style-type: none"> • Some of these materials are included in the Uniform Statewide Collection List (i.e. tubs), but clamshells and trays are not. • Reclaimers and others have shared concerns regarding label adhesives that pose technical, environmental and economic challenges. • Also, “look-alike” blister pack made of PVC can be an impactful contaminant in the PET thermoform recycling process. • Finally, DEQ has outstanding questions involving the stability and accessibility of responsible end markets with a particular focus on reclaimers. • DEQ expects PROs to propose efforts to encourage recycle-compatible adhesives, to keep PVC out of the PET thermoform recycling stream, and to ensure material reclaimers meet standards for responsible end markets (OAR 340-090-0670(2)). For example, eco-modulation of PRO membership fees or alternative methods may address these issues. <p>Note: Some local governments and private entities currently collect PET thermoforms. SIM designation for these materials requires PROs to ensure responsible disposition if doing so is practicable (ORS 459A.896(2)).</p>
Single-use cups	<ul style="list-style-type: none"> • These materials are not included in any collection list. • Some producers and local governments have indicated interest in eventually accepting this material in the USCL. DEQ has concerns regarding the potential for cups to bring along large quantities of non-

Covered Product	Rationale for Designation and Anticipated Outcome
Single-use cups (cont.)	<p>accepted materials (trays, clamshells, plates, etc.) as well as other impactful contamination (especially food waste).</p> <ul style="list-style-type: none"> • DEQ expects PROs to propose efforts to understand and address this category of covered products, and the challenges they pose to the recycling system.
Polycoated (and similar) paperboard packaging, such as packaging for refrigerated or frozen food products (excluding polycoated gable-top cartons and aseptic cartons, which are designated separately)	<ul style="list-style-type: none"> • These materials are not included in any collection list. • Several members of the public sought inclusion of these materials in the Uniform Statewide Collection List, claiming that many of these materials, such as frozen food boxes, can be recycled effectively by paper mills, and that including them in the USCL would reduce public confusion and boost fiber recovery. • DEQ lacks verification that all of these materials are readily recyclable (e.g. polycoated paperboard vs. paperboard with wet strength), that existing end markets can accept and recover adequate yield from these materials, and that the added benefits (e.g., higher fiber recovery) from inclusion will exceed added detriments. • DEQ expects PROs to propose efforts to understand and address user behavior and impacts on commingled recycling processing facilities and end markets. Future efforts may lead to a proposal to “onramp” the material into the USCL (ORS 459A.914(4)).

History of Designations

Jan. 11, 2024: This is DEQ’s first designation of SIMs. Designations were informed by DEQ’s consultations with the Oregon Recycling System Advisory Council October 2023 – January 2024. There are currently no producer responsibility organizations with an approved program plan in Oregon, so DEQ was unable to consult with any PROs.

Non-discrimination statement

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