



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Recycling System Steering Committee Meeting Summary

May 1, 2020

1pm - 3pm

Via Zoom

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
<ul style="list-style-type: none"> Draft meeting summary to the RSC members for review 	OC	5/11
<ul style="list-style-type: none"> DEQ to circulate results of its January 31st stakeholder survey 	DEQ	5/15
<ul style="list-style-type: none"> OC to send out RSC May and June meeting placeholders 	OC	(Meetings scheduled through 6/15. Others TBD)
<ul style="list-style-type: none"> OC will follow-up and ask RSC members who have submitted concepts or filled in the elements checklist (from the assignment in February) if they are still relevant and if they want to share those with the group. 	OC	Completed.
<ul style="list-style-type: none"> OC will work with the DEQ project team to develop a process road map and engagement structure that responds to the needs identified today and in preparatory conversations as well as meet the goals of the project overall. 	DEQ/OC	5/15

Meeting Attendees:

Steering Committee Members: Dylan de Thomas, Sarah Grimm, Nicole Janssen, Scott Keller, Laura Leebrick, Matt Stern, Vinod Singh, Amy Roth, Kristan Mitchell, Jeff Murray, Pam Peck, David Allaway, Abby Boudouris, Timm Schimke, Jay Simmons, Jason Hudson, and Bruce Walker.

Facilitation Team: Robin Harkless and Amy Delahanty

DEQ Staff: Sanne Stienstra, Justin Gast, Peter Spendelow, Brian Stafki, Loretta Pickerell, Steve Siegel, Tina Schaefer,

Registered Meeting Participants: Gretchen Sandau, Scott Klag, Pete Chism-Winfield, Jeanette Hanna, Lauren Aguilar, Dave Claugus, Wendy Weiker, Shannon Martin, Audrey O'Brien, Beth Vargas Duncan, Brian Fuller, Charlie Fisher, Contracia Carrier, Dan Weston, Dean Kampfer, Eric Stephens, Heather Church, Jeanette Hanna, Jim Nam, Kara Steward, Keith Ristau, Kristen Bartels, Kristin Leichner, Luis Sandoval, Mary



Recycling Steering Committee

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Vihstadt, Meghan Borato, Nick Isbister, Nickole Vargas, Patty Moen, Reed Carlson, Resa Dimino, Rosalynn Greene, Shannon Jones, and Shannon Pinc.

MEETING SUMMARY:

Welcome and Agenda Review

Facilitator Robin Harkless, Oregon Consensus, welcomed the group and Recycling Steering Committee (RSC) members gave brief introductions. Robin then reviewed the proposed agenda and intended goals of the meeting with the group, which were for RSC members to discuss shifts in the process as a result of the COVID-19 pandemic; and discuss collective needs and commitments of the RSC for engagement moving forward. She then invited Amy Delahanty, Oregon Consensus, to review Zoom protocols with meeting participants and members of the public.

DEQ Project Team Update

As follow up to DEQ Administrator Emer's memo to the RSC on April 13, project leads Abby Boudouris and David Allaway shared additional clarifications with the RSC about DEQ's thinking and intentions for this project. David expressed appreciation for everyone working on the RSC efforts, and shared that in the last six weeks DEQ has spoken with most, but not all, RSC members. Based on those discussions and particularly concerns or confusion raised, the project leads conveyed the following:

- **DEQ's commitments.** DEQ's two primary commitments are to 1.) the RSC process, including the infrastructure and legal and relational frameworks research as well as a collaborative, consensus-seeking process. In anticipation that the full RSC would not be able to resume its work in April and possibly beyond, Lydia Emer's April memo was meant to provide transparency and convey that in parallel, DEQ would be taking action through development of placeholder language for legislation. David noted that any consensus commitment will require RSC members to be similarly engaged through the end of September. 2.) modernize Oregon's recycling system in order to optimize environmental benefits; create a system that is strong and resilient to supply and demand; and restore and maintain public trust, and for DEQ, this requires they represent the needs of all Oregonians to achieve these goals.
- **DEQ's understanding of the consensus seeking process.** DEQ will continue to honor the process of consensus seeking. DEQ shared that the charter defines consensus as "the willingness to accept the group's recommendations; and consensus means everyone can live with a proposal from the group." DEQ shared that their view of the consensus-seeking process is that the RSC will discuss elements / proposals and indicate their level of support. Where the group reaches consensus, the RSC is indicating a commitment to actively support or not oppose those agreements moving forward. For points of divergence, members will have an opportunity to write a minority opinion. All of these outcomes will be memorialized in Oregon Consensus' final process report.
- **2021 Legislation.** Abby reminded the group that in September 2019, Administrator Emer noted that the work of the RSC would accelerate in preparation for the 2021 legislative session. Additionally, Ms. Emer stated that she was adding Abby Boudouris as co-chair to allow DEQ to seamlessly plan for



Recycling Steering Committee

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legislative work. In January, DEQ reiterated that they expected legislation in 2021. DEQ believes that they have been transparent with the RSC in preparing for legislation for 2021, and does not believe this effort will be inconsistent with the spirit of consensus seeking in the RSC process.

- In order for the Executive branch to introduce legislation, DEQ needs to submit an outline about legislation in early June. There is not flexibility on that date, even during the current crisis. Administrator Emer made it clear that DEQ should keep its options open, and meeting the legislative deadline ensures that. The agency can modify or abandon the concept, and the Governor could choose not to proceed. Having a concept does maintain a vehicle of legislation, regardless of the content. It also supports DEQ's commitment to modernize the recycling system. It would be DEQ's legislative concept (not the) committee's, unless they chose to support it.
- Regardless of what happens in the RSC, if DEQ decides to proceed with legislation in any form, they will consult and negotiate with interested parties. In the course of those conversations, the concept may be amended, pushed forward, or dropped. Where the committee finds consensus on elements, DEQ will not oppose those, and the consensus-seeking process will help the Agency evolve its thinking moving forward. DEQ acknowledges they may not be successful with significant modernization in 2021, but the agency feels they need to be prepared and willing to move forward in that session.
- DEQ noted concerns about the stability of domestic markets, maintaining public trust, underlying economic conditions and addressing the outdated policy framework as additional rationale for submitting a concept during the 2021 legislative session.
- **Potential roles of producers.** Abby also shared that there is a rapidly evolving policy landscape outside of Oregon regarding producer responsibility in other states. DEQ has heard from many brands and trade associations that they are preparing in different ways for EPR legislation, and some are looking to Oregon to provide an alternative to what has previously been proposed elsewhere. DEQ sees an opportunity for the State and its partners to shape how EPR happens in Oregon, rather than have something handed to them from elsewhere. At a future meeting, DEQ hopes to share with the RSC its reasoning and explain from the perspective of policy and outcomes, why they believe producers should play a larger role in Oregon's recycling system, and are eager to meaningfully engage the RSC in how EPR might work for Oregon, recognizing there are many ways to do that. David acknowledged that DEQ is open to looking at alternatives to EPR if we can show how, and how well they meet the desired functions identified by the RSC.

Following this, Robin invited RSC members to share any initial feedback or questions. The following comments and questions were shared by members:

- *RSC Question:* When will DEQ share your current vision for what an EPR program for Oregon might look like?



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

- *DEQ Response:* We are hoping to share out some initial thinking once we have a clearer picture of people's interest and availability in moving forward in this process. Needing to clarify if and how the RSC will proceed, we want to share out the information in the right space at the right time.
- *RSC Question:* Will there be an opportunity for DEQ to talk with the RSC for how Life Cycle Assessment (LCA) might fit into a future system?
 - *DEQ Response:* We hope to bring in LCA and environmental impact considerations in June when the RSC sees the preliminary results of the infrastructure research. There will also be additional opportunities to discuss LCA.
- *RSC Question:* What's the difference between a consensus-building and consultative process?
 - *Oregon Consensus Response:* Generally, a consultative approach is when an agency/entity consults with a group to get input and information, and then they take an action/make a decision. A consensus approach is when everyone is contributing and building a solution together. Participants work to meet multiple needs and interests and together build something that everyone can live with.
- *RSC Comment:* Appreciated the decision to postpone activities in April. The memo from Administrator Emer was interpreted to mean that the RSC efforts were ending completely and that the agency was planning to take a different path to develop a legislative approach, so appreciate the additional clarification and context from DEQ at this meeting.
- *RSC Question:* The memo suggested the recycling system may be in a crisis in 2021. What we are seeing now is a less than a 2% pricing change in the commingle system. We are not seeing this play out right now as a crisis. Can you explain where you're seeing that?
 - *DEQ Response:* We don't know what the future state of the recycling system will be, and moving forward with a legislative concept gives us the flexibility and ability to address a situation in 2021 if the timing is right and/or needed. If we don't move forward with a legislative concept, it guarantees that if there's a crisis we won't have an executive branch vehicle to move forward with. We aren't hoping for a crisis, but we want to be prepared.
- *RSC Comment:* In early April, as was conveyed to DEQ, our industry was focusing efforts on ways to ensure the health and safety of frontline workers and worst-case scenario planning. This caused the industry's bandwidth to be very uncertain while they were taking care of immediate needs of their workers, business and service delivery. I have concerns with how that conversation was reflected in Administrator Emer's letter, and disagree with the theory that the system has not been resilient. We have survived 2008 and National Sword. Is it DEQ's understanding of the process of finding consensus where we can, and for those items that there is disagreement, DEQ is still able to move those other items forward through the legislative process? This is different from my understanding of the consensus process we committed to. It's important for all of



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

us to understand how things will move forward and continue. We have committed a lot of time, efforts, and thoughts to the process, and do not want to see this fail. DEQ responded that they prefer to develop ideas via the consensus process, but also maintain that they and anyone else may need to act on things for which the RSC does not reach full consensus, and that all outcomes (consensus or not) will be fairly characterized in a third-party report at the end of this effort.

- Is the consensus-building process and legislative concept development happening as parallel processes? If so, how do we provide input on the legislative concept process?
 - *DEQ Response:* Yes, the RSC has the ability to inform the legislative concept and DEQ can amend whatever it submits in late summer.
- *RSC Question:* If the consensus and legislative concept process are parallel threads, at what point might they converge and/or inform each other?
 - *DEQ Response:* At this time, it is uncertain. DEQ needs to understand if and how the group would like to proceed. We are committed to proceed in this consensus-building pathway, but recognize there is a compressed timeline and that others may not have the bandwidth to proceed.

A few additional members shared similar confusion about the legislative process; DEQ's commitment to the consensus-building efforts; and concerns that a DEQ legislative concept will in some ways be represented as a RSC product. Robin observed that she heard a commitment from DEQ that their preference was to work through a consensus process, and that any actions not confirmed by RSC consensus that are carried forward by DEQ, will not be construed by DEQ as a Recycling Steering Committee product.

Robin shared that Oregon Consensus will document the process and outcomes on behalf of the RSC in a final report at the conclusion of this effort. The final process report will include general discussions, information shared, deliberations and outcomes that clearly note where there was alignment and disagreement. The facilitation team will lay out issues and divergent perspectives and any minority reports with counter proposals. The report will be a public document to inform decision makers and others about the work and conclusions of this representative group.

Following this, Robin did a 'go-around' with RSC members to confirm their willingness to proceed and identify any needs they have to be able to continue their participation moving forward. Members offered some uncertainty, but all shared a commitment to moving forward with the RSC consensus-building process. Several members offered that as an immediate next step, the group should focus on elements that were consensus ready.

Public Comment

Kristen Bartels (Team Recycle) briefly shared her appreciation to RSC members for taking the time to engage in the process and their continued commitment through this time.

Wrap Up and Next Steps



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

The facilitator summarized that this was a chance for the group to get more clarity from DEQ and for the RSC to confirm commitments (and any new needs or conditions) to continuing the work. Generally, the group affirmed its commitment to the consensus-seeking process to develop frameworks for modernizing the Oregon system. They have some uncertainty and remaining questions about how the RSC effort will link to DEQ's ongoing efforts to develop legislative concepts through its executive branch process and how to reconcile these two efforts. (For some, this new awareness around DEQ's parallel effort has changed the decision space and approach for the RSC effort.) They want as a group to start with common elements and those for which there may be some early, easy success in reaching agreements. David and Abby attempted again to suggest that their concept will very much be informed by the work of this group, particularly now with the confirmation that everyone is prepared to resume the consensus effort. RSC members expressed a strong desire to see, as soon as possible, DEQ's current thinking.

To wrap up, Robin offered next steps:

- Anticipate the placeholder meetings in the coming weeks, May 7th and May 15th, will happen and likely centered around common elements that are consensus ready.
- For May 7: OC will follow-up and ask RSC members who have submitted concepts or filled in the elements checklist (from the assignment in February) if they are still relevant and if they want to share those with the group. Beyond that, the RSC won't be requested to do any major homework for next week. The upcoming meeting will be a chance to familiarize with DEQ's and any other ideas that were ready to get tipped out at the previously scheduled March 18 meeting.
- There is a need to stay nimble and focused moving forward given the complexity of issues and compressed timeframe. OC will work with the DEQ project team to develop a process road map and engagement structure that responds to the needs identified today and in preparatory conversations as well as meet the goals of the project overall. The RSC's job will be to focus on the substantive issues and stay in the good faith mindset of collaboration.
- In closing, Abby offered DEQ will process what was heard today and come up with a plan, and that it was helpful to hear everyone's commitments.