



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Recycling System Steering Committee

Meeting Summary

May 7, 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	5/14
<ul style="list-style-type: none"> Revise alignment ready list of elements as discussed today and organize into next two RSC agendas 	OC/DEQ	5/15 and 5/21 meeting agendas
<ul style="list-style-type: none"> Oregon Consensus to distribute the small RSC work group organizing template and sign-up sheet 	OC	5/18
<ul style="list-style-type: none"> DEQ to confirm dates of optional information sessions to the RSC about RRS's follow-up from the January 31st information session, Life Cycle Assessment, and designing for equity. <i>Note: LCA information session has been scheduled for June 2</i> 	DEQ	5/31
<ul style="list-style-type: none"> Post PPT presentations from today on the DEQ project page 	DEQ	Completed.

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, and Bruce Walker.

Facilitation Team: Robin Harkless and Amy Delahanty

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

Registered Meeting Participants: Lauren Aguilar, Susan Baker, Denise Barnes, Tino Barreras, Kristen Bartels, Sarah Bloomquist, Julie Burton, Reed Carlson, Trent Carpenter, Taylor Cass Talbott, Dave Clagus, Josie Cummings, Thomas Cuomo, Rocky Dallum, Calli Daly, Jeff Epstein, Scott Farling, Charlie Fisher, Rosalynn Greene, Julie Jackson, Bryce Jacobsen, Shannon Jones, Dean Kampfer, Alli Kingfisher, Scott Klag, Dave Larmouth, Matt Markee, Ramsey McPhillips, Tess Milio, Garry Penning, Sal Peralta, Jerry Powell, Cat Rhoades, Tina Shaefer, Lisa Sepanski, David Skakel, Kara



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Steward, Jenna Stillman, Lindsay Stovall, Beth Vargas Duncan, Mary Vihstadt, and Rick Winterhalter.

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 1.) resume efforts to develop and deliberate frameworks concepts within the RSC, starting with presentations from Metro, DEQ (and other RSC members) on their preliminary thinking; 2.) identify areas of potential alignment or 'consensus ready' common elements to set the near-term agenda from the RSC efforts; and 3.) hear updates and next steps for successful completion of the RSC effort.

Robin noted that before the COVID-19 disruptions, the RSC had been preparing for deliberations on framework concepts for consideration in modernizing Oregon's recycling system, with a request to submit ideas or be prepared to weigh in on the list of common elements that emerged from the contracted research. Today's session will resume those efforts with modifications to the process given the pause and direction from DEQ to prepare for 2021 legislation. Robin then invited RSC members who had shared preliminary concepts to provide a high-level presentation as a starting point for deeper conversations. She noted that preliminary concepts had been shared by Metro and DEQ.

Metro Preliminary Concept

Pam Peck, Metro, presented Metro's high-level concept and feedback on elements to the RSC (see [full PPT for additional details](#)). She shared that following the January 31st information session, Metro engaged area local governments on the RSC [Key Functions of a Future System](#) and policy elements to help inform its preliminary concept. RSC members Scott Keller (representing the City of Beaverton) and Bruce Walker (City of Portland) were engaged, and offered their non-official positions and perspectives in the conversations. Pam said there was strong consensus among the local governments in many areas, which helped to inform the following supported policy elements:

- Advance producer responsibility in the system
- Local and/or state processing facility and end market requirements
- Contamination standards and requirements for generator feedback
- Labeling requirements
- Expanded bottle bill (e.g. wine and spirits)
- Recycled content standards
- Disposal bans – potential study option area
- Market development – responsibility of producers

Pam then highlighted Metro supports a modernized integrated Extended Producer Responsibility (EPR) recycling system for Oregon. This includes producers fully funding the system, and who are held to high standards of performance, accountability and transparency. Furthermore, the concept attempts to fulfill Oregon's 2050 Vision and



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Framework for Materials Management; includes elements that help reduce materials life cycle impacts; and advances equitable outcomes. She noted that the concept focuses on whole system design and whole system integration with broad participation to achieve environmental benefits, equity, transparency, certainty, efficiency and effectiveness. Pam emphasized the concept was very high level and that there are many remaining questions left to be addressed. She shared an eagerness to engage in the afternoon's discussions and to see where there may be consensus on elements to move forward in the RSC process. Following Pam's presentation, the following clarifying questions and initial feedback was provided by RSC members:

RSC Question: Can you clarify what measures will be included to reduce life cycle impacts?

- *Metro Response:* Part of this is through the standardized statewide recycling list that dictates how covered materials will be managed, which will take Life Cycle Assessment (LCA) into account. Additionally, this would include using eco modulated fees that are based on LCA.

RSC Question: Can you clarify what you mean by 'advances equitable outcomes'?

- *Metro Response:* We think about equity in a few different ways. One would be making sure there is reasonable equitable access to services whether you live in a single-family home, condo, or rural area of the state. Regarding equitable outcomes, this could be addressing what is a living wage for workers in the system; opportunities for Oregon based small businesses to participate in the system; consideration of impacts of the system on the informal recycling sector; and good neighbor or community benefit agreements. Pam shared those are some examples of how equity could be advanced in the system, but that she hoped the RSC further engages stakeholders and organizations to see what they would want to see.

RSC Question: Can you clarify further the role of producers and government in this concept?

- *Metro Response:* We want the producers to fund and operate aspects of the system, but with strong government oversight that sets the framework and goals to be achieved for the program.

RSC Question: In this concept the role of government is essentially what we have now, except the government sets the guidelines directly with the haulers, not with an intermediary organization. What improvements do you think could be made to the collection sector?

- *Metro Response:* We think this is an integrated whole design system. It seeks to reduce fragmentation and provides incentives in the right place for cleaner materials in the system. Right now, decisions aren't made in a coordinated way across all aspects of the system, which we think causes challenges in addressing contamination.
- *RSC Comment:* It may be that weaknesses at the collection end are only an issue in the Portland region and not throughout the state. Did you speak with other municipalities or districts in the region?
 - *Metro Response:* Pam responded that this concept is from a Metro and area local governments' perspective. This concept, and supported policy



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

elements, were informed by conversations with local solid waste directors and various DEQ meetings. Scott Keller emphasized that during those conversations he was offering his perspective as a representative of the City of Beaverton, not from the League of Oregon Cities. He noted Metro's concept had not been vetted yet by the League of Oregon Cities, but could be at a later time. The City of Portland shared that they raised concerns about certain aspects of EPR during conversations with Metro particularly with the role producers would play in operating the system, and was pleased to see that the current concept reflected the City's desire for a very strong, government-directed program that would provide the necessary funds to DEQ for statewide oversight and monitoring, including an option for a clear opt out of local governments, if desired.

DEQ Concept

Project leads Abby Boudouris and David Allaway presented an overview of DEQ's preliminary concept to RSC members. Abby reviewed the process that informed their concept, which included a series of internal agency discussions that examined the RSC desired functions and frameworks research; and reflecting on DEQ's conversations with key stakeholder groups, RSC members and colleagues from states and other provinces. The RSC's goals to optimize environmental benefits; create a strong and resilient system; and to restore and maintain public trust, served as guideposts for the draft concept.

David Allaway stated DEQ's draft concept offers a conceptual policy framework for recycling of packaging and printed paper (PPP) that shares responsibility between local governments, the recycling industry, producers and the state. The concept includes the following supported collection, processing and end-market elements:

- **Collection elements:**
 - Local governments continue to manage collection
 - New obligations:
 - Parallel access (collect recyclables wherever garbage is collected)
 - Collect materials from a uniform statewide list
 - Implement contamination reduction programming
- **Processing and end-markets elements:**
 - Even playing field for all processors: outbound quality standards
 - Processors allowed to impose contamination upcharges, reject badly contaminated loads
 - Producers obligated to provide for end-markets
 - Strong preference for mechanical recycling
 - New requirements: disposition transparency, restriction on transfer
 - Producer contracts with MRFs
 - Policy to address stranded assets, require infrastructure redundancy
- **Other elements:**
 - Support Bottle Bill expansion
 - "Truth in labeling" (recyclability claims)



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

- Continuous improvement in social equity
- Continue use of life cycle thinking to inform best practices

David also shared DEQ's rationale for incorporating EPR into modernizing Oregon's system, which included: EPR will help to finance collection and processing elements; provide markets and shelter generators, local governments, collectors and processors from market volatility; provide for regulatory mechanisms to achieve desired outcomes; create feedback loops to reduce contamination (labels, design); ability to address the larger life cycle of materials (eco modulation, waste prevention, etc.); and create a stronger linkage between those who benefit and those who pay. DEQ recognizes this draft concept is one approach, and the agency looks forward to learning about other approaches in the coming months with RSC members.

RSC Question: What collection issues would this concept propose to address? From my perspective, collection is collection. Certainly more can be done around the state with contamination protocols, but I don't see the benefit of getting involved in the collection end, and I'm curious how the funding of collection expenses with incentives for cost containment would work. I'd like to explore this further.

- *DEQ Response:* From DEQ's perspective, if we are going to have a uniform statewide list to reduce contamination, collect materials to optimize environmental benefits, have meaningful anti-contamination programming, and fund parallel access, we don't believe those can be funded using the current rate mechanisms process in most parts of the state. The results of the Cascadia research in June might cause DEQ to reconsider proposing the above policy elements, so we will hold open the potential to change course. In terms of cost containment, we have a couple options that might work and are eager to share those with RSC members and explore this topic further.

RSC Question: What gives you confidence that manufacturers will change their packaging through incentives?

- *DEQ Response:* RRS shared some examples of eco modulation in France, which is starting to show some improvement. We can also get at the issues of putting problematic materials in the system through labeling requirements. One refined element we are thinking about is all packaging and printed paper would be covered in the system, regardless whether it is targeted for recycling. Specifically, the producers of non-recycling materials will pay for the cost of reducing and managing contamination in the system. We may not get all of the contamination out, but if the producers who are contaminating the system have to pay for it, hopefully they will reduce contamination. Even if it doesn't completely reduce it, at a minimum we would have a funding stream for all players in the system.

RSC Question: I am uncertain about the true potential to require truth in labeling. I know we can set Oregon law, but are we going to be able to monitor and enforce all the different potential packaging?

- *DEQ Response:* There's compelling evidence in California that it can be done. We hope to share some of this content at an upcoming meeting.



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

RSC Question: Is this your placeholder concept that you would submit in June for future legislation, or will it be flushed out in further detail?

- **DEQ Response:** If DEQ had to submit something today, this is where we would start, but we have time for this to evolve through discussions with the RSC.

RSC Question: Who owns the material when they are delivered to the processor?

- **DEQ Response:** I don't know the answer to that. I think the RSC needs to talk through a couple of options.

RSC Question: Could the things you mentioned that could be done by a Producer Responsibility Organization on the back end also be done through government regulation of the facility? Right now there's only a small amount of material from the curbside that a MRF struggles in selling to the market. Could some of this be done through direct-regulation of the processing facilities?

- **DEQ Response:** Yes, some of that could be accomplished, but I'm less confident that all could be. Particularly when we are talking about when materials leave the state. One intriguing feature of EPR to DEQ is that we can hold the entire system and all players accountable when plastic ends up being shipped out to a country that lacks safe disposal options. We could "enforce" against that through an EPR system, and it would be much harder if we were only doing that through permitting processors.
- **RSC Follow-up Question:** There are a lot of questions processors have around this topic and it's an important one. Would there be an opportunity to set aside time to get a deep dive into this?
 - **DEQ Response:** Absolutely and we agree. Robin will propose a process that will allow for a small group to form on various topics.
 - **Follow-up Comment:** We also think it's important that representatives from various sectors on the committee hear the full conversation. (DEQ agreed.)

RSC Discussion:

Robin stated that at the previous RSC meeting, several members offered as an immediate next step the group should focus on elements that were perceived to be 'alignment' ready, or those for which the group would likely support advancing for Oregon. OC then worked with DEQ to develop a proposed list of alignment common elements for which there may be some early, easy success in reaching agreements. This list was informed by RSC members who provided initial thinking on elements that might work for Oregon and over the course of RSC conversations of previous Frameworks meetings.

The list of consensus-ready elements will set the agenda for the upcoming RSC meetings (May 15th and 21st) for further discussion and consensus-seeking. The intent at future meetings will be for the group to walk through each element and get a consensus agreement around the definition and what action needs to be taken in order to modernize the system, recognizing a bigger conversation will need to happen to view these elements in relationship to one another. Robin then invited members to offer feedback on the initial list of 'alignment ready' elements for near term RSC discussion, which were the following:

- A. Material-specific LCA database



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

- B. Defined optimal end-of-life pathways
- C. Required contamination reduction programming (if funded)
- D. End-market transparency/accountability
- E. End-market specifications/requirements (environment, health, safety)
- F. Support bottle bill expansion
- G. Labeling requirements, "truth in advertising"

RSC members ask the following clarifying questions and comments:

- The word 'specifications' in E might be a more difficult conversation.
- What does 'defined optimal end-of-life pathways' mean? DEQ clarified this element came out of the RRS report that noted current state law specified the hierarchy. David shared the hierarchy has proven itself to be in pretty good alignment with environmental measures, but sometimes lacks nuance and doesn't provide enough detail, or say much about the different forms of recycling. He noted there are instances where the hierarchy gets things wrong from an environmental perspective. This element would involve a conversation regarding how we use/change the hierarchy in the future, and how that gets woven into policy for the future.
- What does 'if funded' mean? Does that address what's coming in the door from generators?
 - DEQ clarified the intent of this element is to be generator-facing contamination reduction programming. The 'if funded' is there because the ability for local governments to self fund this, if required, is a flash point among some public sector participants. The potential funding mechanisms, including non-EPR and EPR options, are not alignment ready or relatively simple, but DEQ believes if there was funding, we could find consensus and alignment that local governments would be obligated to implement contamination.
- What do you mean by end-market transparency?
 - DEQ noted that this element is intended to address connection between the processor, through the broker, to the end-market. It's post-processing transparency and accountability. Elements D&E are grouped together.

Following this, Robin did a 'go-around' with RSC members to confirm the proposed elements list was consensus ready to help set the substantive agenda for future discussion at the next RSC meetings. **The group confirmed the list of elements to initiate the first round of deliberations, and offered the following changes:**

- Propose adding post-consumer recycled content requirements.
- Note the bottle bill expansion may not be "simple".
- Would like to see contamination reduction being addressed throughout the process
- There are lots of details to be discussed with regards to end-market specifications, accountability, transparency.
- Remove the 'if funded' aspect of contamination reduction



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Action: The alignment ready items, as revised today, will be used to set the initial deliberative agenda of the next two RSC meetings.

*Facilitator's Note: The revised list, as currently outlined, is as follows in draft proposed agendas for the upcoming RSC meetings:

May 15 --

- Material-specific LCA database to inform EOL pathways
- Defined optimal end-of-life pathways
- Truth in labeling
- Required generator-facing contamination reduction program

May 21 --

- End-market transparency
- End-market specifications/requirements (environment, health, safety)
- Support bottle bill expansion
- Post-consumer recycled content requirements

Public Comment

David Skakel wondered 1.) who would undertake the responsibility for the work under EPR proposals for market development; and 2.) what the anticipated timeline is to implement and operationalize the actions needed to modernize the system. DEQ responded that the legislative concept would first need to be developed and gone through the legislative process. The agency assumes different parts would phase in at different times, but further conversations are needed.

RSC Roadmap

David Allaway reviewed the updated RSC roadmap . He suggested that overall, the process is the same moving forward, but with a more compressed timeline. There are shorter, more frequent virtual meetings rather than all day in-person meetings. From May through August, the RSC will do initial consensus seeking around individual elements. In June, the RSC will hear the infrastructure results from Cascadia and hear information from DEQ on the environmental impact of the draft scenarios. In August, there will be consensus-seeking on a more comprehensive proposal including infrastructure and framework elements, culminating in a final RSC process report from Oregon Consensus in September. David noted RRS is continuing with its research to answer the outstanding RSC member questions from the January workshop session. DEQ will offer optional information sessions to the RSC in the coming weeks about RRS's follow-up information, LCA, and equity.

Wrap Up and Next Steps



Recycling Steering Committee

Modernizing Oregon's recycling system with support from Oregon Consensus

Robin acknowledged the RSC lost time due to the shifts in the process as a result of the COVID-19 pandemic, and the process was further challenged by moving to deliberating in a virtual format. She also acknowledged from last week that the RSC members confirmed their desire and commitment to continue the collaborative effort, and the facilitation team has been working to design a process in the virtual setting that will be workable to help the group accomplish this goal. This will require the need for nimble, small group efforts that will happen in parallel to RSC meetings to help set up for deliberations and consensus seeking of the full group. To that end, the facilitation team will send out an organizing template in the near term to establish volunteers willing to work on behalf of the full RSC to review and develop options for specific elements.

Loosely, the work of the small groups is to review specific elements. This will include members discussing the pros and cons of the element, and identifying alternatives that will come back to the RSC for deliberation. Robin stated DEQ staff are prepared to assist the groups in the meetings, as well as Oregon Consensus if facilitation and process support is needed. Small group work could be done via phone, in a virtual setting, or a shared document. Robin offered there is a need to stay nimble and focused moving forward given the complexity of issues and compressed timeframe. Robin emphasized this will be an iterative process, and the RSC's job will be to focus on the substantive issues and stay in the good faith mindset of collaboration. This will include members to be clear on the impacts, concerns, or items they can live with to avoid major surprises at the end of the process. ORRA asked a question and raised a concern about the origin of the alignment-ready elements list. Robin clarified the alignment ready list came from looking at the various responses to the key elements checklist that were sent to the facilitation team.

Action: ORRA requested access to PowerPoints; DEQ said they would be posted on the DEQ website following the meeting.