



Recycling System Steering Committee Meeting Summary

May 21, 2020

1pm - 3pm

Via Zoom

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
Ad hoc group will form to address processing system elements and to consider implementation details regarding end market specifications/requirements (environmental, health, and safety; and other processing key elements. (Group members: Matt Stern, Jay Simmons, Pam Peck, David Allaway, Jeff Murray, and Vinod Singh)	OC to coordinate ad hoc group coordinating call	Complete. (scheduled for 6/1)
Ad hoc group will meet and continue to address remaining specifics regarding Post-Consumer Recycled Content. (Includes offerings of assistance from Amy Roth and Jay Simmons.)	Dylan de Thomas, Nicole Janssen, David Allaway; staffed by Justin Gast	TBD
Submit substantive questions related to the EPR collection phase to Oregon Consensus ahead of the May 29th RSC meeting.	ALL	ASAP
Send out scheduling polls for additional June, July & August virtual RSC meetings	OC	Complete.

Meeting Attendees:

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

Facilitation Team: Robin Harkless, Amy Delahanty, and Jennah Stillman



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

Additional Participants: Lauren Aguilar, Kristen Bartels, Sarah Bloomquist, Reed Carlson, Pete Chism-Winfield, Heather Church, Dave Claugus, Paul Cosgrove, Shannon Crawford, Josie Cummings, Thomas Cuomo, Rocky Dallum, Calli Daly, Resa Dimino, Jeff Epstein, Scott Farling, Charlie Fisher, Stanley Girard, Rosalynn Greene, Emily Ham, Bryce Hesterman, Garth Hickle, Bruce Jacobson, Dean Kampfer, Alli Kingfisher, Scott Klag, Dave Larmouth, Cindy Leichner, Kristen Leichner, Tess Millio, Sal Peralta, Shannon Pinc, Jerry Powell, Cat Rhoades, Keith Ristau, Julie Robertson, Tina Schaefer, Eric Stephens, Lara Steward, Nickole Vargas, Beth Vargas Duncan, Mar Vihstadt, and Dan Weston.

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 review, clarify and/or refine ideas with a consensus check for advancing specific 'alignment ready' elements for modernizing Oregon's system; and review the overall RSC road map.

Alignment Ready Elements

Facilitator note: at a previous RSC meeting, several members offered as an immediate next step that 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 draft a list of 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 was confirmed by RSC members on May 7th to set the deliberative agenda for the upcoming RSC meetings.

Robin reminded the group that for this meeting, the RSC task would be to review the final set of alignment-ready elements for initial consensus. She acknowledged the overall process will also include a broader review of the comprehensive draft for modernizing the system, so the individual elements can be considered in relationship to one another. Robin then invited David Allaway, DEQ, to present the first alignment-ready element for discussion.



Transparency/Accountability of Outbound Materials Discussion

David Allaway, DEQ, stated that many RSC members have talked about the importance of end-market transparency throughout the RSC process. Members have discussed that without transparency in the system, it is difficult to know whether materials collected for recycling end up in places that do not have sufficient ability to process materials, nor the ability to hold stakeholders accountable when that happens. He noted sending materials to locations that don't have the ability to safely dispose of material, harms the environment, people of these communities, and undermines public confidence in recycling in the U.S. He then posed the following question for RSC members:

- Should Oregon require transparency regarding the disposition of materials post-processing?

RSC members generally affirmed their support of requiring transparency regarding the disposition of materials-post processing. There were questions related to **how** this may be done e.g. destination reporting, how far along the process can transparency be extended to, and auditing requirements. Additional comments and questions included the following:

- Strong support for the concept. MRFs in the Metro region already do some level of destination reporting, but there's a need to and create a process to ensure confidentiality and limit the burdens of reporting. We have some ideas to be able to do that.
- How far along the process could we extend transparency requirements?
- We want to make sure materials are going to the proper destination. Some aspects would need to remain confidential from a business proprietary perspective, but there are ways to get around those concerns through auditing measures.
- If there is pull through demand with traceability, we can set up an appropriate system where material is staying here in the U.S. e.g. use of Post-Consumer Recycled Content. One of the biggest issues will be around pricing, but there are ways that information can still be kept confidential.
- I'd like to see not just note where the material is either disposed of, but also if the material is made into something beneficial.
- This is the crux of a number of issues and we should look through the lens of what will meet the needs of all Oregonians.

End-Market Specifications/Requirements (Environmental, Health, and Safety)

David Allaway, DEQ, reviewed the second alignment-ready end-market element for discussion. He shared that while transparency (previous element) will expose what is



happening in the disposition of materials post-processing, transparency alone doesn't prohibit harm. This element attempts to address standards or include requirements to avoid harm. David stated the intent of this element will be to restrict the transfer of materials to locations where those materials will cause significant environmental, health or safety concerns. David reminded the group that the Infrastructure Subcommittee explored this idea previously, and the full RSC confirmed that the safe disposition of materials to countries that meet basic standards should be included as an assumption in all infrastructure scenarios being developed by Cascadia Consulting in the infrastructure research.

- Should Oregon disallow the transfer of materials to location that do not meet basic standards for environmental protection or worker health and safety?

RSC members affirmed their support to disallow the transfer of materials to locations that do not meet basic standards for environmental protection or worker health and safety. Members raised questions about how to verify that businesses overseas would be audited, or ways to ensure materials are going to places that can be handled properly. There were some concerns raised regarding the costs related to auditing and cautioned against creating auditing processes that may have unintended consequences. Some members suggested looking at the Basel Convention as a starting place and potential model to address those concerns. In addition, a suggestion was made to look at different certifications to inform Oregon's options for creating accountability measures.

Other additional details for the group to pursue included the following:

- It could be possible to find a third party to investigate who is working on similar types of effort and could be a helpful starting point for the group.
- Potentially involve the brokers.
- Use of a registration process for mills.
- Identify countries or Regions that don't have a solid waste system that can't handle the materials.
- Review existing efforts e.g. RIOS and Basel Action Network, who may have an idea of vetting and certifying flows of material.

The RSC confirmed general agreement that the two above ideas re: outbound material transparency and accountability should move forward, with an acknowledgement that there are remaining questions about how these features could be implemented. These standalone elements will be included in the consensus-alignment category for future discussion, and reviewed as a package for final consensus seeking.



NEXT STEPS: A small ad hoc group will look at transparency/accountability of outbound materials and end market specifications/requirements (*Facilitator note: this ad hoc group will also discuss additional other processing elements included in the Key Elements checklist. Group members include: Pam Peck, Jay Simmons, Jeff Murray, Vinod Singh, David Allaway, and Matt Stern.*)

Recycled Content Requirements and/or Incentives

Justin Gast, DEQ, provided background on Post-Consumer Recycled Content and shared examples of ways to address post-consumer recycled content within a non-EPR and EPR recycling system. He noted the ideas shared today were drafted by DEQ with input and feedback from RSC members Dylan de Thomas and Nicole Janssen. It was further clarified that as of today, no 'proposal' was on the table, rather initial thinking to get the group going on this element.

- Post-Consumer Recycled (PCR) content requirements:
 - Conduct an assessment of State procurement laws.
 - Contingent on funding, mandate that local governments seek a minimum 10% PCR in the manufacture of roll carts, bins and containers used for external collection of solid waste, recyclables and organic materials.
 - Support economy-wide mandates for PCR. Principles could include:
 - Must be technically achievable and realistic;
 - Economically efficient;
 - Environmentally beneficial;
 - Subject to periodic review and adjustment

Dylan and Nicole clarified the above example requirements could be implemented with or without an EPR system. Nicole emphasized PCR requirements will create pull-through demand for materials that Oregon has difficulty moving, and will assist in providing additional transparency in the system. Following this, RSC members briefly discussed assessing state procurement laws and preferred minimum requirements for PRC content. Some members noted an interest in requiring more than a 10% minimum. One member signaled some concern about PCR requirements and how they may have unintended consequences. They noted that for example, in the case of copy paper, recycled content is not always the lowest impact choice, and mandating the use of PCR can interfere with the market for lower impact alternatives. DEQ highlighted they are in the process of reaching out to the Department of Administrative Services to better understand whether current PCR laws are being followed, which may inform next steps. Robin then conducted a preliminary consensus check with RSC members.



PRELIMINARY CONSENSUS AGREEMENT: The RSC agreed that there should be a requirement for Post-Consumer Recycled content. There are remaining questions about how the requirements would be written, or whether there would be penalties and enforcement related to potential requirements. More development is needed for a final consensus check on this element. As such, *this standalone element will be included in the consensus-alignment category for future discussion, and reviewed as a package for final consensus seeking.*

NEXT STEPS: A small ad hoc group will look at existing statutes and consider how Oregon could modernize Post-Consumer Recycled content requirements: *Justin Gast, Dylan and Nicole started a conversation; Jay Simmons and Amy Roth offered to be added to the discussion.*

Expanded Bottle Bill

David Allaway shared that expansion of the bottle bill was a common element recommended from the RRS January report, and presented at this meeting for further discussion by RSC members. The following question was asked:

- Would RSC members like to see increased diversion of glass from the curb through expansion of the bottle bill to include wine and liquor?

During the discussion, RSC members supported the expansion of the bottle bill, with some discussion about including this element in a legislative package, as the topic may be contentious in the state legislature. One member noted there may be support and/or interest from a faction of Oregon wineries to be included in a refillable program as they explore ways to be more sustainable. Robin then conducted a preliminary consensus check with RSC members.

PRELIMINARY CONSENSUS AGREEMENT: The RSC agreed they would like to see increased diversion of glass from the curb through expansion of the bottle bill to include wine and liquor. **This preliminary endorsement does not obligate the expansion of the bottle bill to be part of a legislative package.** *This standalone element will be included in the consensus-alignment category for future discussion, and reviewed as a package for final consensus seeking.*

Public Comment:

Dave Claugus noted he would be willing to participate in working through details for end-market transparency and specification issues.



Wrap Up and Next Steps

Robin reviewed the draft RSC roadmap and process design with RSC members. She shared OC has scheduled additional RSC meetings on Extended Producer Responsibility, which will begin on May 29th, starting with a discussion and review of integrating producer responsibility into the collection phase of Oregon's recycling system. She noted some members previously submitted questions to OC and DEQ around this topic. She then invited others to submit additional questions to Oregon Consensus to be included in the draft agenda. Robin highlighted the intent of this discussion will be for the group to take a deeper dive into this complex issue together. Future EPR conversations will be focused on the other phases of the system e.g. processing and markets.

A few RSC members then asked questions and relayed confusion regarding DEQ's legislative concept; whether/how the legislative concept intersects with the RSC consensus-building effort; and if the RSC will see a revised concept that takes into consideration the agreements made by the RSC. DEQ shared they intend to put a legislative concept forward, that will be informed by the RSC discussions. Additionally, the Agency intends for the concept to evolve over time. One member offered that there are aspects that can be done in and outside of the legislative process and they recommended that the RSC not be limited to what can happen in the legislature.

Following this, Robin reminded the group about the various ad hoc efforts that will be ongoing and those that were initiated at the meeting. Robin stated OC pulled from other common elements and tried to organize topics that might help organize RSC members around other ad hoc work. She then invited interested members to join ad hoc groups to address other processing topics and non-EPR funding elements. RSC members Matt Stern, Vinod Singh, David Allaway, Pam Peck and Jeff Murray elected to join the processing ad hoc group. None elected to be part of the latter group. Robin shared OC will provide a revised roadmap to include the new ad hoc work and resend to RSC members. With that, the meeting was adjourned.