

Truth In Labeling Task Force

Meeting #3

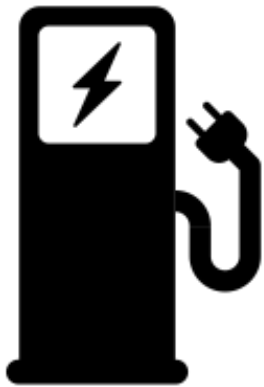
Thursday, 3/17/2022 

Introduction

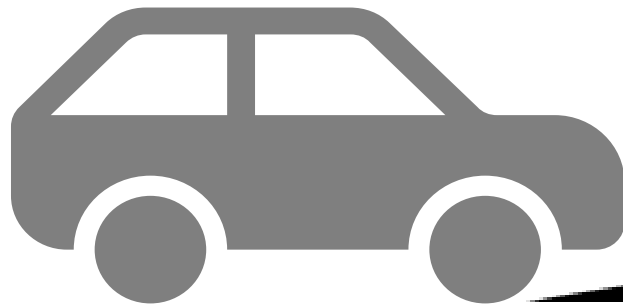


Truth In Labeling Task Force Work Plan

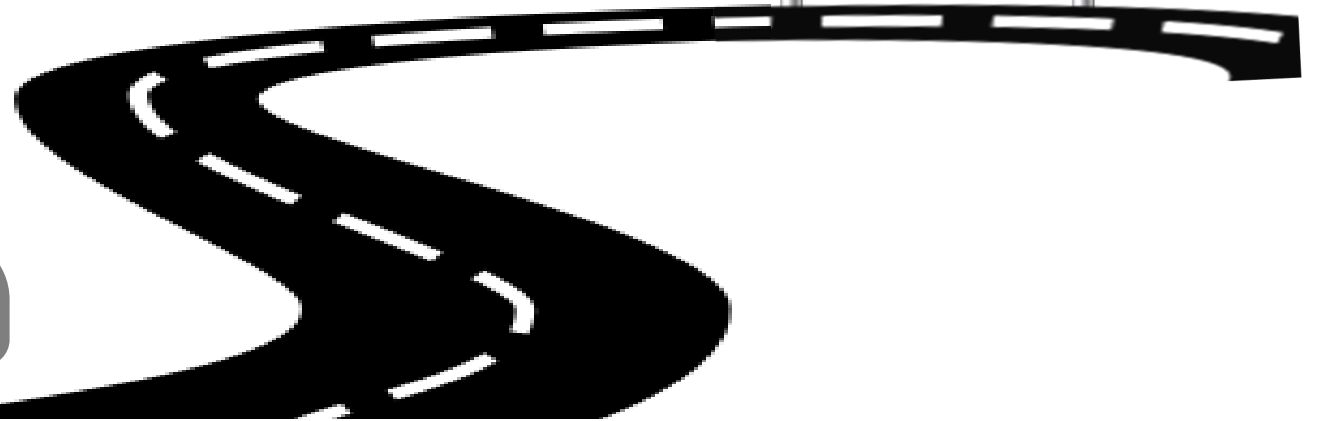
Fuel:
Full Truth In
Labeling Task
Force



To Consider:
Scope, Research, Future
Labeling, Recommendations




Roadmap:
4 or 5 Task Force
Meetings



June 1, 2022 Truth
In Labeling Report

Road Map




- **March 17 – TIL Task Force Meeting #3**
 - **April 4 – TIL Task Force Meeting #4**
 - **Week of April 18 – TIL Task Force Meeting #5**
 - **Week of May 2 – TIL Task Force Meeting #6**
 - **Week of May 16 – TIL Task Force Meeting #7**
 - **Week of May 23 – TIL Task Force Meeting #8**
 - **Week of May 30 (Holiday) – Delivery of Report**
- 

Road Map




- **March 17 – TIL Task Force Meeting #3**
 - **Scope Review & Challenge**
 - **Strawperson Proposals**

 - **April 4 – TIL Task Force Meeting #4 (Longer Meeting?)**
 - **Strawperson review and refining**
 - **Report outline**
- 


Road Map



- **Week of April 18 – TIL Task Force Meeting #5 (Longer Meeting)**
 - Finalize recommendations
 - Drafting Report
 - **Week of May 2 – TIL Task Force Meeting #6 (Longer Meeting)**
 - Complete draft
- 

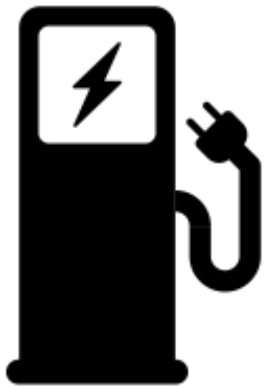
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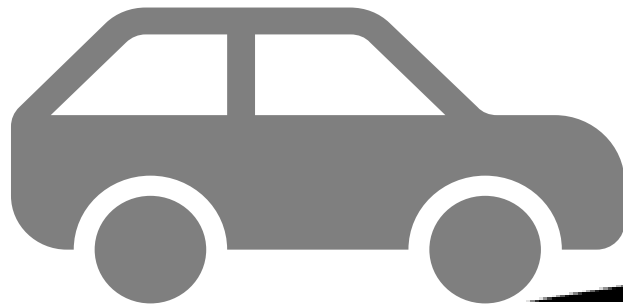
- **Week of May 16 – TIL Task Force Meeting #7**
 - **Editing**
 - **Week of May 23 – TIL Task Force Meeting #8**
 - **Finalization**
 - **June 1, 2022 – *Delivery of Report***
- 

Truth In Labeling Task Force Work Plan

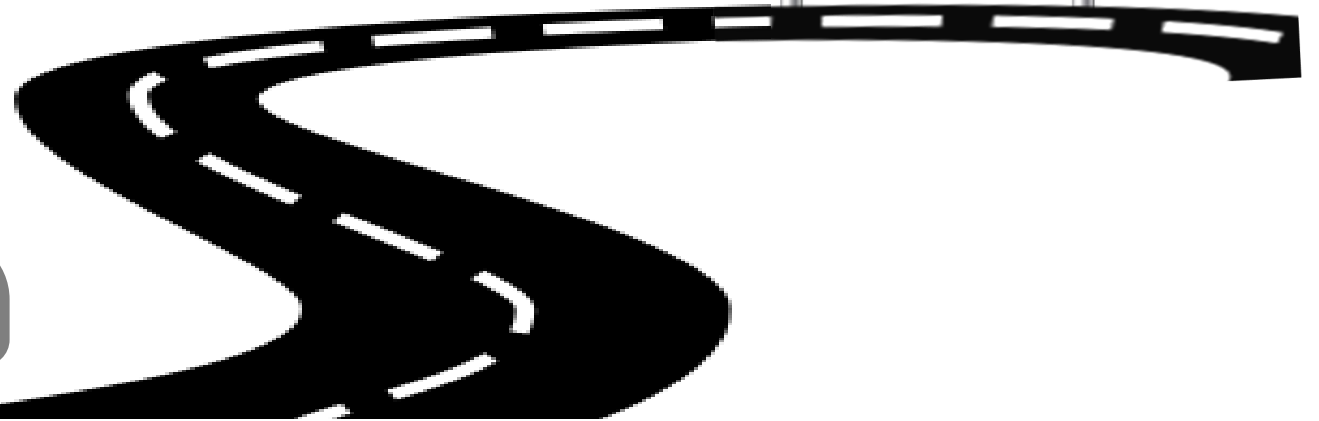
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Roadmap:
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June 1, 2022 Truth
In Labeling Report

Truth In Labeling Task Force Work Plan



**June 1, 2022 Truth In
Labeling Report**



Truth In Labeling Task Force Charge




The task force shall study and evaluate misleading or confusing claims regarding the recyclability of products made on a product or product packaging. The study must include consideration of issues affecting accessibility for diverse audiences.

The task force shall submit a final report and recommendations for legislation in the manner provided by ORS 192.245 to the interim committees of the Legislative Assembly related to the environment no later than June 1, 2022.




Proposed Truth In Labeling Task Force Scope Screen



- Did the Task Force study and evaluate misleading or confusing claims regarding the recyclability of products made on a product or product packaging?
 - Did the Task Force consider issues affecting accessibility for diverse audiences?
 - Does the Task Force need more information to make our decision?
- 

Next Steps



- **Review & Narrow/Edit Strawpeople Proposals**
 - **New Ideas**
 - **Define “diverse audiences”**
 - ***Call to Doodle – we need to set dates!***
- 

Truth In Labeling Task Force Work Plan



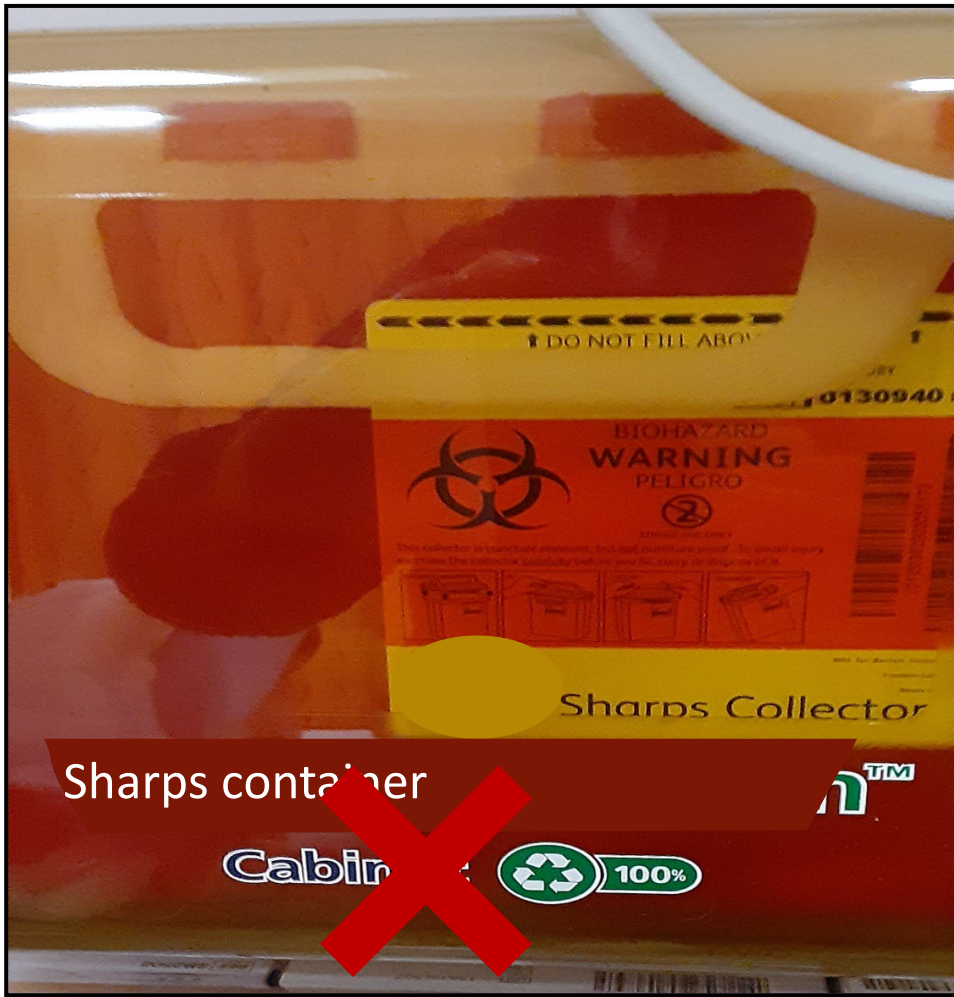
**June 1, 2022 Truth In
Labeling Report**



SB 343 and RMA affects on labeling

All items included in this presentation are for illustration purposes only. DEQ and the Task Force make no claims that any items shown are or ever will be accepted for recycling or labeled as recyclable in Oregon or California.





Possibly included on OR's statewide list (RMA)



Possibly able to use chasing arrows in CA (343)





CURBSIDE RECYCLABLE INSULATED SHIPPING SYSTEM
INSULATES • CUSHIONS • PROTECTS

Complies with Federal Trade Commission Codes
 260.12 & 260.13




...packaging made from recycled water bottles!




This Renewliner™ has no adhesives, PVC, papers or other materials to contaminate the polyester recycling stream. The fill is recycled PET staple fiber, and the film is 100% PET. **MADE IN USA.**

Possibly included on OR's statewide list (RMA)



Possibly able to use chasing arrows and make recyclability claim in CA (343)



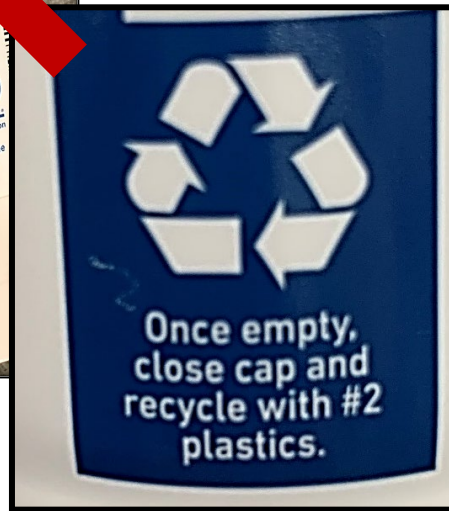


Possibly included on OR's statewide list (RMA)



Possibly able to use chasing arrows in CA (343)





Possibly included on OR's statewide list (RMA) ?

Possibly able to use chasing arrows in CA (343) X

Photo from prnewswire.com



Possibly included on OR's statewide list (RMA)



Possibly able to use chasing arrows in CA (343)



343 does not override federal law requiring the chasing arrows on batteries.

Section 103(b)(1) of the federal Mercury-Containing and Rechargeable Battery Management Act required the chasing arrows on batteries.



Possibly included on OR's statewide list (RMA)



Possibly able to use chasing arrows in CA (343)





Possibly included on OR's statewide list (RMA)



Paperboard yes, plastic shell no

Possibly able to use chasing arrows in CA (343)



Paperboard yes, plastic shell no



Possibly included on OR's statewide list (RMA)

?

Possibly able to use chasing arrows in CA (343)

?



Possibly included on OR's statewide list (RMA)



Paperboard box yes, pouch no

Possibly able to use chasing arrows in CA (343)



Paperboard box yes, pouch no



Possibly included on OR's statewide list (RMA)



Possibly able to claim recyclability in CA (343)



PVC?

Multi-layer films?

All materials

Polystyrene?

K-cups?

May be labeled as
recyclable in California

May be accepted for
recycling in Oregon

*PET
thermoforms**

PET Bottles
HDPE
Metal
Paperboard
Office paper
Glass
Newspaper

*Polypropylene**



*Materials listed are for example only. California and Oregon haven't established their acceptance lists.

Straw person proposals



ORRA's proposal (summarized)

1. Focus first on plastic packaging.
2. Plastic packaging must be on the Oregon Uniform Statewide Collection List (USCL) and collected in the commingled stream to have the chasing arrows on it.
3. Require a resin ID code alone.
 - a. Example -RC1, RC2, RC3...
4. Plastic packaging must be on the Oregon USCL, to use the chasing arrows in any location, or make any other claims about recyclability.
5. Provide time for packaging producers to prepare for these changes.
6. Require plastics industry to propose/lobby for federal legislation to remove chasing arrows in all 36 remaining states. Add an ecomodulation fee for every year it is not done?
7. Full ad campaign statewide to teach Oregonians about label changes.



Use the above label on products and packaging that are on the statewide list for commingled recycling at curbside/depot.



Use the above label on products and packaging that are NOT on the statewide list for commingled recycling at curbside/depot.

Tom Egleston's proposal (summarized)

Hybrid of option #1 and #2 from the Menu of Potential Options

1. Status quo

- Take no action to regulate recyclability claims and the use of the chasing arrows symbol at the state level.
- As California implements SB 343, over time, the number of misleading labels in Oregon should decrease. Labeling may not fully represent what is recyclable in Oregon due to potential misalignment between the two states' systems.

2. Support labeling improvements at a federal level with the Green Guides and keep the status quo in Oregon

- Like the status quo option above, this option would not regulate recyclability claims in Oregon. It would rely on additional improvements from updates to the Federal Trade Commission's Green Guides (scheduled in 2022)

AMERIPEN's proposal

AMERIPEN Preferred Federal Approach

- Federal law/regulation doesn't mandate recyclability labeling for covered packaging.
- Producers choosing to make recyclability claims on labeling for covered packaging, federal law/regulation requires producer to follow related criteria established by EPA and enforced by FTC.
- Criteria should acknowledge approved third-party programs for standardized recyclability labeling.
- Criteria and requirements should acknowledge packaging elements that require consumer action to achieve recyclability for covered packaging.
- For non-recyclable packaging, federal law/regulation prohibits use of resin identification code (RIC) within chasing arrows symbol on labeling.
- For non-recyclable packaging, federal law/regulation prohibits other labeling intending to lead consumer to believe packaging should be sorted for recycling.
- For covered package with multiple components or material types, under federal law/regulation recyclability statement or symbol may be displayed on external packaging pursuant to criteria established by EPA, with indication of packaging elements that are not recyclable.

AMERIPEN Proposed Oregon-Specific Approach *

- Prohibit labeling on covered packaging that makes a deceptive or misleading recyclability claim.
- Prohibit use of chasing arrows symbol, chasing arrows symbol surrounding resin identification code, or any other symbol or statement indicating that it is recyclable unless it is designated for collection under PRO plan approved by DEQ.
- Allow recyclability labeling on covered packaging if it:
 - Is required by another state law or agency or by federal law or agency at time claim is made;
 - Is part of widely adopted and standardized third-party labeling system; or
 - Uses chasing arrows symbol in combination with a clearly visible line placed at 45 degree angle over chasing arrows symbol to convey that item is not recyclable.
- Require DEQ to review state criteria against enforceable federal statutory or regulatory recyclability labeling for covered packaging standards within 180 days after such is implemented at federal level and permit DEQ to adopt federal criteria in lieu of state recyclability labeling requirements.

** Based on last version of compromise language for Washington State 2022 Senate Bill 5297 (Das).*

Anja Brandon's proposal

Oregon-specific labeling requirement that is largely aligned with CA – Do Not Recycle Approach

- Require clear, standardized recycling labels (chasing arrows, instructions for separating products as needed) for items that are on Oregon's statewide recycling collection list.
- Require clear, standardized "Do Not Recycle" labels (chasing arrows with strike-through and the words "DO NOT") on products that are not on Oregon's statewide recycling collection list AND are not accepted in California.
 - Option – add a threshold for the "DO NOT" recycle label, e.g., items that are recyclable in less than X% of areas in Oregon but above Y%.
 - For items that are close to the threshold and accepted in CA, do not add an on-product label either way.
 - Other Option – "OR Do NOT Recycle" Allow/add "OR" to demonstrate it's Oregon specific
- Prohibit the sale of any product that makes on-product recyclability claims that are NOT on Oregon's statewide collection list as they would be misleading and deceptive.

Dylan de Thomas's proposal

- Prohibit use of chasing arrows symbol, chasing arrows symbol surrounding resin identification code (RIC), or any other symbol or statement indicating that it is recyclable unless it is designated for collection under PRO plan approved by DEQ.
- Following CA SB 343 compliance assessment, offer on-ramp for materials non-OR-but-CA-accepted materials and amendment of RMA PRO program plan implementation to address infrastructure/education needs.
- Consider mandating RIC w/o triangle, only number
- Consider adjusting timeline of statewide list finalization in Oregon to allow for more dialogue with CA
- Allow/mandate embedded recyclability labeling via QR code or other "smart" labeling technology.

Public input



The road ahead

- **Next meetings** – complete Doodle poll
 - Meeting 4 - 4/4
 - Meeting 5 - week of 4/18
 - Meeting 6 - week of 5/2
 - Meeting 7 - week of 5/16
 - Final meeting? - week of 5/23
- **Review proposals**
 - Questions?
 - Edits?
 - New ideas?

