



State of Oregon Department of Environmental Quality

Written Comments

Plastic Pollution and Recycling Modernization Act (SB 582, 2001)
Rulemaking Advisory Committee Meeting 1 of 5, Rulemaking 1

This document is a compilation of written comments received related to the first meeting of the advisory committee for the Plastic Pollution and Recycling Modernization Act Rulemaking held July 20, 2022.

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SENT VIA EMAIL: Recycling.2023@deq.oregon.gov

To: Roxann Nayar, Oregon Department of Environmental Quality

From: Paloma Sparks, Oregon Business & Industry

Re: Draft recycling rules 1-5

Date: August 12, 2022

Thank you for the opportunity to submit comments on the initial proposed rules for the Recycling Modernization program for Oregon Business & Industry members. OBI is Oregon's most comprehensive business association representing over 1,600 businesses that employ over 250,000 people. We represent multiple sectors and serve as the state's Retail and Manufacturing Councils.

Rule 1: Fees

Without a great deal of more information, it is difficult to provide meaningful comment on the agency administrative fee. At this point, we have not finalized all the elements of what DEQ will be doing and what the fee would pay for. From OBI's perspective, it makes more sense for this rule to be addressed once other elements of the program are more clearly defined. We urge the agency to either delay this rule or to more clearly identify what the fee will pay for in much greater detail.

Rule 2: Market Share

The proposed language described in the materials provided by DEQ does not make sense. Market share should be defined the way most people understand the phrase – meaning the percentage of sales by a company. That is how most dictionaries would define the phrase and the rules should not significantly depart from that. There are other elements of the rules that more properly address the “weight” or “financial burden”. Redefining “market share” in a way that is counterintuitive to fit a goal of addressing how products enter into the recycling system will create unnecessary confusion.

Rule 3: PRO Coordination

We urge the department to delay development of this rule until we know more about how many and which types of PROs we may have in place for the program. Will they be industry-specific? Or will there just be more than one doing essentially the same thing? It would be better if the actual PROs, rather than possible PROs, be able to participate in the development of this rule.

Rule 4: Responsible End Markets

This rule presumes two separate conflicting philosophies that must be reconciled. First, if local governments and haulers control which products are recyclable and how, then the PRO has little control over how and where items are recycled. The rule, though, presumes a level of control over the system that simply is not reflected in the law or structures of our system. Either

