



State of Oregon Department of Environmental Quality

# Rule Concepts 6: PRO Program Plan Timelines

Plastic Pollution and Recycling Modernization Act (SB 582, 2001) Rulemaking Advisory  
Committee Meeting 2 of 5, Rulemaking 1

## Background

Statute directs the date for beginning implementation of the first set of approved Producer Responsibility Organization program plans. It also defines the duration of the first PRO program plan and subsequent, updated PRO program plans. The relevant citations and language are as follows:

- (Program start deadline) c. 681 §59 Oregon Laws 2021 (temporary statutory provision): “A producer responsibility organization shall first implement an approved producer responsibility program plan no later than July 1, 2025.”
- (Duration of first PRO program plan) ORS 459A.878(3): “A plan approved by the department under this section is valid for three years.”
- (Duration of updated PRO program plans) ORS 459A.878(3), amended version which takes effect on April 1, 2027: “A plan approved by the department under this section is valid for five years.”
- (Deadline for submission of updated PRO program plans) ORS 459A.878(4): “No less than 180 days before a plan approved under this section expires, a producer responsibility organization shall submit a plan to be approved under this section for an additional four years. A plan submitted for approval under this subsection must satisfy the requirements of ORS 459A.875 and describe any substantive changes from the previously approved plan. Until a plan submitted under this subsection is approved, the previously approved plan remains in effect.”

DEQ proposes to clarify through a rule concept that an initial program plan approved by DEQ is valid for the program years of 2025-2027 and that plans approved after April 1, 2027 are valid for five program years. Under this rule concept, an initial program plan will expire on Dec. 31, 2027. Program plans approved after April 1, 2027 will expire on Dec. 31<sup>st</sup> of the last program year the plan is intended to cover.

Without this rule concept, it is possible to interpret ORS 459A.878(3) as stating that an initial program plan expires exactly three years from its date of approval and that plans approved after April 1, 2027 expire five years from their dates of approval. Under this interpretation, the timing of updated program plan submissions depends on the dates when the prior program plan was approved. For instance, under this interpretation, if DEQ approves multiple initial program plans, each initial program plan may have a different expiration date.

The proposed rule concept would help allow for a more consistent and predictable timeline for updated program plan submissions and reviews. It would mean that an initial program plan could cover implementation to the end of 2027, instead of a portion of 2027 as determined by when the initial program plan is approved.

Aligning program plan timelines will enable coordination of both planning and implementation if there are multiple PROs. It will also allow for a fixed calendar for publishing the needs assessment and integrating outcomes into new or amended program plans.

## Rule concept for discussion at Sept. 28, 2022 RAC meeting: PRO program plan timelines

DEQ seeks feedback from RAC members on the following concept:

The first three-year PRO program plan period will encompass the 2025, 2026, and 2027 calendar years. It will run from July 1, 2025 (or earlier in 2025, if stipulated in approved program plan) to Dec. 31, 2027.

### First program plan period (3 years)

Program Year 1	Program Year 2	Program Year 3
July 1, 2025 (or earlier, if stipulated in approved program plan) to Dec. 31, 2025	Jan. 1, 2026 to Dec. 31, 2026	Jan. 1, 2027 to Dec. 31, 2027

Subsequent PRO program plan periods will run for five-year increments beginning on Jan. 1 and ending on Dec. 31 (i.e., the first set of updated plans will be valid from a start date of Jan. 1, 2028 through to an end date of Dec. 31, 2032).

### Subsequent program plan period (5 years)

Program Year 4	Program Year 5	Program Year 6	Program Year 7	Program Year 8
Jan. 1, 2028 to Dec. 31, 2028	Jan. 1, 2029 to Dec. 31, 2029	Jan. 1, 2030 to Dec. 31, 2030	Jan. 1, 2031 to Dec. 31, 2031	Jan. 1, 2032 to Dec. 31, 2032

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