



Bottle Bill News

Oregon Liquor Control Commission
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Bottle Bill Information Bulletin

PORTLAND, OR. – At a special meeting on January 30, 2020 the Oregon Liquor Control Commission undertook the initial step to rescind previous rulemaking that established a definition of “milk” for determining whether or not specific categories of beverage containers are exempt from collection and redemption under the Oregon Bottle Bill. The Commission initially adopted the rule in December 2019 (OAR 845-020-0005(11)).

OLCC’s partners in the beverage container recycling industry have informed OLCC of technical challenges they face implementing the December 2019 rule changes. To better align with the barriers to accepting empty containers of milk and plant-based milk beverages that do not fall under the statutory exemption, the OLCC has initiated rulemaking to again look at the definition of “milk.”

Until such rulemaking is complete manufacturers, retailers, and redemption centers may continue to apply the prior (pre-December 2019) definition of milk to beverage containers; this includes cultured milk such as kefir and buttermilk.

Manufacturers were given until January 2021 to label dairy and plant-based beverages not included in the OLCC’s definition of “milk.” The requirement that dairy and plant-based milks be labeled with OR 10¢ by January 1, 2021 will be temporarily set aside (in OAR 845-020-0016(5)).

The December 2019 Commission action was the result of a collaborative rulemaking process that took place in fall 2019. A rules advisory committee including industry partners convened in October 2019 to agree on the rule concept and language. That was followed by a public hearing in November 2019, and an open comment period was held from Nov. 1 through Nov. 22, 2019 to solicit feedback from stakeholders and the public.

The OLCC will consult with its industry partners to determine the process for re-working the rule’s definition of “milk” and the process and timeline for implementation. This rulemaking could result in rescinding the language that was added during the 2019 rulemaking process. OLCC will work with Oregon Beverage Recycling Cooperative, grocers both large and small, and manufacturers of milk and milk-beverage products that are or might be exempt from bottle bill redemption, to provide for and ensure orderly compliance within the marketplace.

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