Plastic Pollution and Recycling Modernization Act

A presentation from Oregon DEQ to the NIST virtual workshop

January 24, 2023
10am – 11:25am PST
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Oregon’s Plastic Pollution and Recycling Modernization Act (Senate Bill 582, 2021)

- Shared responsibility
- New responsibilities on local governments, processing facilities, producers
- Comprehensive reform and modernization
Recycling

Challenges

1. Public confusion over what can be recycled.
2. Unstable markets and unfavorable economic signals.
3. Inequities throughout the recycling system.
4. No assurance of responsible recycling.
5. More waste and less recycling over time.

Solutions

- Statewide Collection List
- Commodity Risk Fee Protects Ratepayers
- Social Equity Elements
- Responsible End Markets
- Processor Permitting

Recycling increases as it becomes easier and more accessible.
Plastic pollution

Challenges

- Increasing production and consumption of single-use plastic
- Increasing plastic pollution and waste
- Lack of reduction goals, accountability

Solutions

- Waste Prevention Programs
- Reducing Lifecycle Impacts
- Plastic Packaging Recycling Goals
How it will work

PRODUCERS

PRODUCER RESPONSIBILITY ORGANIZATION

STATEWIDE COLLECTION LIST & PRO DEPOT LIST

LOCAL EXPANSION OF RECYCLING SERVICES

EDUCATION AND CONTAMINATION REDUCTION

MATERIAL PROCESSING

RESPONSIBLE END MARKETS

OVERSIGHT AND INTEGRATION

DEQ ADVISORY COUNCIL
Stakeholder engagement, project planning and research extend throughout implementation.

2021:
- DEQ implementation planning

2022:
- Jan. 1: Law goes into effect
- DEQ hiring
- Advisory Council appointed
- Labeling Task Force report due

2023:
- First rulemaking
- Collection needs assessment
- Pilots for contamination reduction
- Studies for processor fees

2024:
- Second rulemaking
- First PRO program plans due
- Purchasing assessment due
- First equity study due
- First multifamily study due

July 1, 2025:
- Producers join a PRO and pay fees
- PROs implement approved plans
- Local collection program changes begin
- Processors obtain permit or certification

Start-up timeline

Stakeholder engagement, project planning and research extend throughout implementation.
MRF permitting

- Under **ORS 459A.955**, a person may not establish or operate a commingled recycling processing facility in this state unless the person obtains a disposal site permit issued by DEQ under ORS 459.205.

*Pic courtesy of Justin Gast*
MRF permitting and reporting requirements

Likely permit requirements
- Sort materials / manage contaminants
- Market materials to responsible end markets
- No public nuisance or health hazards
- Limit pollution
- Meet outbound performance standards (purity, contamination, and capture rate targets)

Likely reporting requirements
- Inbound material quality and contamination
- Capture rates
- Outbound contamination levels
- Final end markets of materials
  - may be fulfilled through third-party certification
Responsible end markets

**Definition** (ORS 459A.863(29)):
“a materials market in which the recycling or recovery of materials or the disposal of contaminants is conducted in a way that benefits the environment and minimizes risks to public health and worker health and safety.”
Material-specific definitions for “end market”

- **Glass**: user of the recyclate to make a new product

- **Metal**: producer of the recyclate, e.g. of ingots, sheet, coil etc. by smelting

- **Paper**: facilities that re-pulp recycled material

- **Plastic for food and beverage packaging and children’s toys**: user of the recyclate to make a new product

- **Plastic for all other applications**: last handler of the recyclate (typically flakes or pellets) before sold to a producer.
Standard for “responsible”

- Compliant
- Transparent
- Environmentally-sound
- Achieves adequate yields
Responsible end market reporting

MATERIAL PROCESSORS

(quarterly disposition reports)

(anonymous, consolidated version)

PRO ANNUAL REPORT

(pursues practicable solution)

(contacts if a non-responsible market identified)

PRO

PRODUCER RESPONSIBILITY ORGANIZATIONS

ADVISORY COUNCIL

(documents solution, annual auditing)

DEQ

DEQ

DEQ
Oregon’s “materials management” hierarchy

**Pre-RMA**
“Solid waste management”

- Reduce amount of waste generated, then
- Reuse materials, then
- Recycle material, then
- . . . and etc.

**Post-RMA**
“Materials management”

Minimize the net negative impacts of materials across their full life cycle . . .

Reduce the amount of materials used . . .

If information on impacts is unavailable or highly uncertain, then:
- Reduce amount of waste generated, then
- Reuse materials, then
- Recycle materials, with preference given to pathways that result in the greatest reduction of negative impacts on well-being and environmental health. Where impacts are not known, preference is given to:
  - Displacement of more impactful materials, and
  - Processes that best preserve value and molecular structure
Extra reporting for non-mechanical recycling

ORS 459A.875(2)(I)(iv)
In association with a requirement that materials are managed in accordance with Oregon’s hierarchy of materials management, when intending to send materials to non-mechanical recycling, the PRO must first submit a comparative evaluation of the environmental impacts for DEQ review/approval.
Evaluation and disclosure of life cycle impacts

ORS 459A.944
To obtain eco-modulation incentives (reduced fees), producers must evaluate products’ life cycle impacts using standards and methods approved by the Environmental Quality Commission.
• The top 25 producers in the state must make evaluations for at least 1% of their products available to the public.
Formulating material acceptance lists

ORS 459A.914(3)
“In determining whether a material should be included on [the Uniform Statewide Collection List or the PRO depot list]……the commission shall consider:
h) economic factors
i) environmental factors from a life cycle perspective”
More information

Rulemaking webpage - [oregon.gov/deq/rulemaking/Pages/Recycling2023.aspx](oregon.gov/deq/rulemaking/Pages/Recycling2023.aspx)