



June 1, 2022

Truth In Labeling Final Report and Recommendation

Executive Summary

Submitted to the Oregon Legislature

Executive Summary

Oregon's Plastic Pollution and Recycling Modernization Act (SB 582, 2021), or RMA, makes the state a leader in innovative approaches to recycling system transformation, aiming to reduce impacts on system workers, create more robust recycling markets and improve effects on human health and the environment.

Public confusion about what and how to recycle has been one of several root drivers of instability in Oregon's recycling system. That confusion stems in part from misleading and confusing labels. The RMA established the Truth In Labeling Task Force and directed its members to study this topic and make recommendations for legislation to the Legislature. The Task Force met between January 2022 and May 2022 and makes recommendations below to the Oregon Legislature. This is not recommended legislative text. Outside the scope of the RMA requirements, the Task Force also makes two recommendations to producer responsibility organizations or PROs – the nonprofits that will be organized to serve their producer members and satisfy several new compliance obligations under the RMA.

Recommendations

The following recommendations only apply *if* a producer (as defined under the RMA) decides to place a recyclability claim on a product or its packaging. If no recyclability claim is made on a product or packaging, then there are no requirements made of the producer in these recommendations.

The Task Force derived the following new definition of a recyclability claim – A producer who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is "recyclable," or any other like term, or through the use of a symbol (e.g., chasing arrows symbol) or by otherwise directing a consumer to recycle the consumer good (e.g., text-based claims). Any claim includes but is not limited to the resin identification code surrounded by chasing arrows. It would not include a RIC that adheres to the ASTM standard for the RIC, which does not include chasing arrows surrounding the resin code, instead having the resin code being surrounded by a solid equilateral triangle.

1. **If** a recyclability claim is made on a product or a package (text and/or symbol):
 - a. **For items on the Oregon local government collection list** (the uniform statewide collection list is a subset of this list) – allow recyclability claims (text and/or symbol) and require all claims to follow standards for language, including instructions where needed.
 - b. **For beverage containers covered by the bottle bill as defined in ORS 459A.700** – allow recyclability claims (text and/or symbol), and require all claims to follow standards for language, including instructions where needed.
 - c. **For items exclusively on the Oregon depot list** – allow recyclability claims (text and/or symbol), and require all claims to follow standards for language, including instructions where needed.
 - i. Instructions must say "drop-off recycling only" or "recycle separately" or similar.
 - d. **For all other items** - prohibit recyclability claims; exemption allows the use of recycling symbol ONLY if surrounded by a circle with a 45-degree slash (universal "do not"). This would not apply to the use of the RIC within an equilateral triangle, as the code is described in the ASTM standard.
2. Mandate embedded consumer-facing recyclability labeling via commonly-used smart-labeling technology, if adhering to all the above language – allow five years for compliance from July 1, 2025, when the PRO begins implementation of their plan.
3. Provide time for producers to prepare for any changes to be adopted – covers all above items.

4. Oregon Department of Environmental Quality (DEQ) should coordinate with other west coast states on the development of recycling acceptance lists.
5. Require DEQ to review enforceable federal statutory or regulatory recyclability labeling against state criteria within 180 days of implementation at the federal level and permit DEQ to adopt federal criteria in lieu of state recyclability labeling requirements, subject to oversight by the Oregon Legislature.
6. Support labeling improvements at the federal level that align with Oregon's goals for Truth in Labeling.

Accurate labeling regarding claims of recyclability are helpful in ensuring proper consumer participation in the recycling system and ultimately in achieving the environmental benefits that come with recycling materials. It is the hope of the Task Force that producers of recyclable materials in Oregon continue to label them as such following the recommendations laid out in this report.

Members of the Legislative Assembly may request a copy of the full report by emailing rethinkrecycling@deq.oregon.gov. The report is also available online at the Truth In Labeling [website](#).

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