

# Truth In Labeling Task Force

Presentation to the Senate Energy and Environment Committee

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# Why labeling is a problem

Confusing or misleading labeling leads to contamination of the recycling system.

Contamination leads to:

- Safety impact on workers who often remove contaminants by hand.
- More expensive processing of mixed recyclables.
- A complete loss of end markets accepting recycled materials.

Misleads consumers who make purchases based on labeling.

**67%** of consumers polled looked at the recycling label before discarding an item<sup>1</sup>.

# Confusing or misleading labels



# Other labeling laws

**Maine:** Maine's 2021 extended producer responsibility bill will incentivize labeling of packaging material to reduce consumer confusion and creates other incentives consistent with generally accepted industry standards.

**Federal:** the federal government regulates environmental labeling via the Federal Trade Commission Green Guides.

- The guides allow positive recycling claims to be made when 60% of communities nationally have access to recycling an item.
- Items that are not recyclable in Oregon can be labeled with recyclability claims.



Example of a label allowed by the FTC Green Guides

# Other labeling laws

**California:** SB 343 (2021) declares the use of the chasing arrows symbol, the chasing arrows symbol surrounding a resin identification code, or any other mark or statement indicating recyclability to be deceptive or misleading unless the product or packaging is recyclable according to statewide recyclability criteria.

- Ensures that recyclability claims are truthful and that consumers receive accurate and helpful information about recycling products and packaging.
- Should impact Oregon starting in 2026.
- Oregon expects to see fewer items labeled with the chasing arrows or recyclability claims on non-recyclable products or packaging.
- Some items may be label as recyclable for CA but are not accepted for recycling in Oregon.
- Overall, SB 343 should reduce misleading or confusing claims on items sold into Oregon.

May be labeled as  
recyclable in California



*PET thermoforms\**

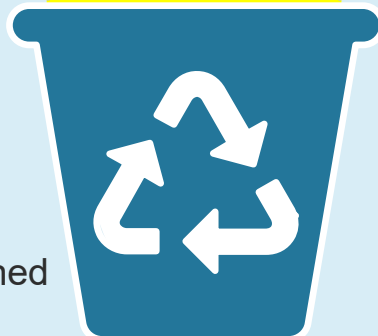
May be labeled as recyclable in CA  
and accepted for recycling in OR



May be accepted for  
recycling in Oregon



*Polypropylene\**



\*Materials listed are for example only.  
California and Oregon haven't established  
their acceptance lists.



# Recommendations

If a recyclability claim is made on a product or a package (text and/or symbol):

- **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.
- **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.
- **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.
  - Instructions must say "drop-off recycling only", "recycle separately" or similar.
- **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.

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.

Provide time for producers to prepare for any changes to be adopted – covers all above items.

Oregon DEQ should coordinate with other west coast states on the development of recycling acceptance lists.

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.

Support labeling improvements at the federal level that align with Oregon's goals for Truth in Labeling

# Labeling guidance for accessibility

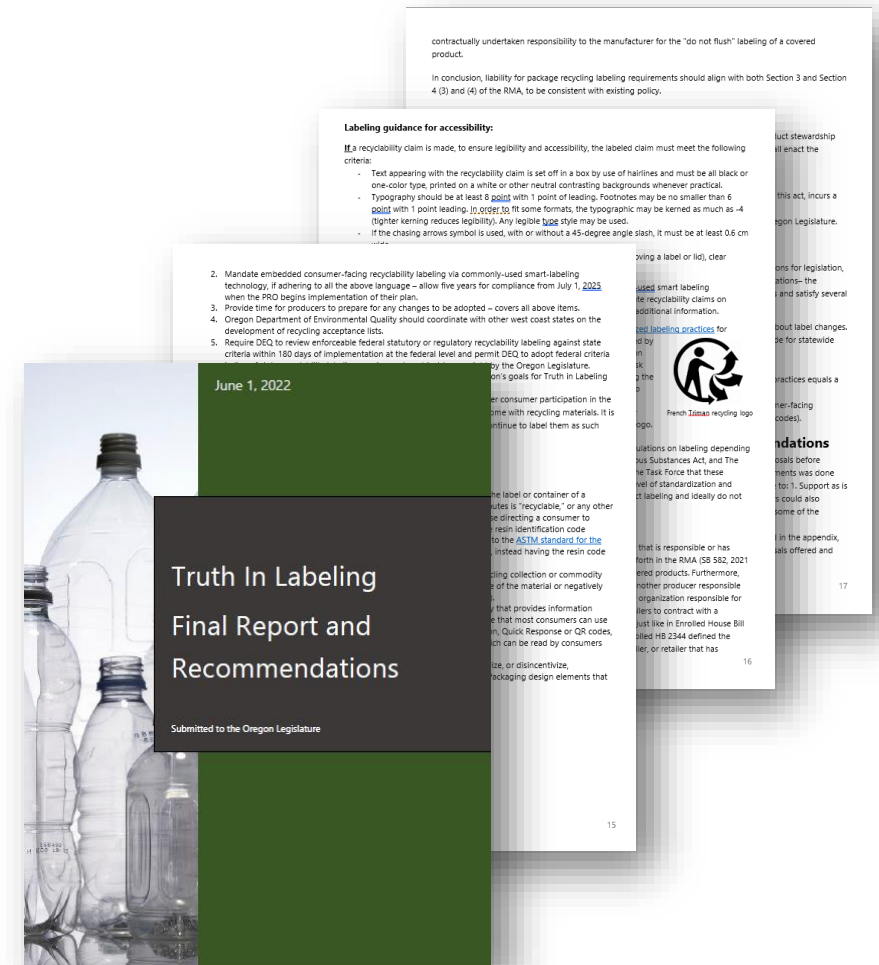
**If** a recyclability claim is made, to ensure legibility and accessibility, the labeled claim must meet the following criteria:

- Text appearing with the recyclability claim is set off in a box by use of hairlines and must be all black or one-color type, printed on a white or other neutral contrasting backgrounds whenever practical.
- Typography should be at least 8 point with 1 point of leading. Footnotes may be no smaller than 6 point with 1 point leading. In order to fit some formats, the typographic may be kerned as much as -4 (tighter kerning reduces legibility). Any legible type style may be used.
- If the chasing arrows symbol is used, with or without a 45-degree angle slash, it must be at least 0.6 cm wide.
- If the consumer must take action before recycling the product (e.g., removing a label or lid), clear instructions for what steps are needed must be provided.



# Other recommendations

- Definitions
- Liability recommendation
- Civil penalty enforcement
- Recommendations to the Producer Responsibility Organizations



# Questions?

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