

February 15, 2021

Honorable Lee Beyer, Chair
Senate Committee On Energy and Environment
900 Court St. NE
Salem, Oregon 97301

RE: SB 581 (Dembrow) – Oppose

Dear Chair Beyer and Committee Members:

Thank you for the opportunity to submit testimony on Senate Bill 581, a proposal which would direct the Environmental Quality Commission to establish and enforce Oregon-only recyclability labeling standards for consumer products. On behalf of the Household & Commercial Products Association (HCPA), I respectfully oppose this measure in its current form.

HCPA members manufacture a variety of products including household cleaning products, air care products, aerosol products, floor polishes and waxes, automotive maintenance and appearance products, and consumer pesticides. These products are essential tools for wide a variety of functions necessary to maintain clean and healthy homes and institutional facilities. Many of these products (e.g., disinfectants, sanitizers) are federally registered products because they provide significant public health benefits including COVID-19 response.

The Federal Trade Commission's (FTC) "Guides for the Use of Environmental Claims" (FTC Guides) have helped to effectively reduce unfair or deceptive environmental marketing claims by promoting uniformity and consistency since being released in 1992. Under the FTC Guides, all product claims are to be specific, factual and substantiated. The principles in the FTC Guides have been adopted by virtually all states. The FTC has continued enforcement through consent agreements of its labeling guidelines. The FTC Guides have been revised a number of times since its initial release, including in 1998 to address, among other things, product claims of "recyclable" and "recycled content."

HCPA believes that uniform labeling requirements are essential to the free flow of interstate (as well as international) commerce and supports the adoption of FTC Guides by states in conjunction with existing state truth-in-advertising statutes. Unfortunately, SB 581 would prohibit the use of the nationally recognized How2Recycle Label, because the label uses the chasing arrows symbol. The goal of the How2Recycle Label is to reduce consumer confusion with a clear and consistent recycling label and corresponding informational website. It provides companies with a way to ensure compliance with FTC guidelines, while using nationwide recyclability data. The bill would further prohibit commonly used recycling labels identifying a package or product as recyclable by ASTM standards, which are currently required by Oregon and also required by many other states.

Instead, SB 581 seeks to mandate the use of a new label to be developed through the EQC by rulemaking. If Oregon restricts the use of these symbols, while other states mandate their use, it may lead to increased customer confusion, potentially leading to decreased recycling rates and an increase in contamination. Producers will have to develop packaging exclusively to meet Oregon requirements, which will increase costs for Oregon consumers, or alternatively, producers cannot sell products in Oregon, which will limit consumer options for important products.

For these reasons, HCPA requests a NO vote on this measure and welcomes the opportunity to work with your committee on finding solutions to educate the Oregon public on consumer product recyclability.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Finarelli', is written over a faint circular stamp.

Christopher Finarelli

Director, State Government Relations & Public Policy - Western Region