



April 11, 2023

The Honorable Pam Marsh, Chair
Oregon House Committee on Climate, Energy and Environment
900 Court St NE, H-474
Salem, OR 97301

Re: **SB 543-A: OPPOSE**

Dear Chair Marsh:

Despite recent amendments, the undersigned organizations remain opposed to SB 543, legislation that would ban restaurants and other food vendors from using expanded polystyrene food containers. In short, SB 543 is unnecessary given passage of Oregon's sweeping extended producer responsibility (EPR) law.

The Plastic Pollution and Recycling Modernization Act¹ became effective on January 1, 2022, and the Department of Environmental Quality (DEQ) is currently developing implementing regulations. In summary², the EPR law:

- Requires producers³ of covered products (packaging, food service ware, and printing and writing paper) to fund improvements to the state's recycling system and expand recycling to areas and individuals who did not previously have access to these types of services. This step will increase recycling.
- Ensures that collected materials are recycled "responsibly" to further ensure the environment and public health are protected. This step will increase recycling.
- Incentivizes sustainable packaging and products by imposing higher fees on non-recyclable products or those that create additional impacts on the environment. This step will reduce packaging material.
- Establishes specific plastic packaging and plastic food service ware recycling rate targets that if not met, authorizes DEQ to require the Producer Responsibility Organization (PRO) to identify actions necessary to meet the statewide plastic recycling goal. This step will increase recycling and reduce packaging material.
- Provides program oversight by granting authority to DEQ to permit and audit recycling processes and a newly appointed advisory council will review PRO recycling plans.

¹ [SB 582](#)

² <https://www.oregon.gov/deq/recycling/Documents/recModORflyer.pdf>

³ <https://www.oregon.gov/deq/recycling/Documents/RMAProducerObligationsSummary.pdf>

The Legislature should allow DEQ and stakeholders to complete the EPR rulemaking process before advancing additional packaging related legislation. Compliance with the EPR law will cost the business community millions. Limiting packaging options available to restaurants will reduce supply and further drive-up costs. We ask that you set aside SB 543.

American Chemistry Council:	Tim Shestek
American Institute for Packaging and the Environment:	Dan Felton
Consumer Brands Association:	Brendan Flanagan
Dart Container Corporation:	Jonathan Choi
Foodservice Packaging Institute:	Carol Patterson
Oregon Business & Industry:	Scott Bruun
Pactiv Evergreen, Inc:	Heather Kazmark
Plastics Industry Association:	Kris Quigley
Western Plastics Association:	Cherish Changala-Miller

cc: Members, Oregon House Committee on Climate, Energy and Environment