



Chair Lively, Vice-Chair Gamba, Vice-Chair Levy, and members of the Committee, for the record my name is Terry Grill, and I serve as Chair of the Coalition for Protein Packaging.

Thank you for the opportunity to submit testimony regarding the treatment of raw-protein contact packaging under Oregon's Recycling Modernization Act and related extended producer responsibility (EPR) requirements.

Our coalition includes raw materials suppliers, packaging manufacturers, protein processors, material scientists, and food-safety experts who are aligned with Oregon's goals to reduce waste, improve recycling performance, and protect public health. We support a strong, modernized recycling system and the core intent of SB 582. At the same time, we want to ensure that the program is implemented in a way that is compatible with food safety, worker safety, and practical realities in the commingled recycling system.

Why Raw-Protein Packaging Is Different

Packaging that is in **direct contact with raw meat, poultry, seafood, and fish** is fundamentally different from most other consumer packaging. At end-of-life, it is often heavily contaminated with blood, juices, and residues that can harbor pathogens associated with foodborne illness. As a result, these materials:

- Do **not** meet "clean and dry" standards for commingled recycling.
- Pose elevated **health risks** to workers who handle, sort, and process recyclables.
- Contaminate otherwise recyclable paper, cardboard, and plastics when commingled.

Across the country, materials recovery facilities (MRFs) routinely treat raw-protein contact films, pads, and trays as **non-recyclable** and direct them to disposal. Oregon's own recycling system has operated this way in practice for many years because there are no widely available, safe, and economically viable end markets for this contaminated material in a commingled system.

Alignment with Oregon's Statute and Authority

The Legislature, in SB 582, anticipated that **not every material** could or should be collected through commingled recycling. ORS 459A.863(6)(b) allows the Environmental Quality Commission (EQC), by rule, to exempt “any other material” from the definition of covered product after consultation with the Recycling System Advisory Council. That is an important safety valve to avoid forcing incompatible materials into the system.

Raw-protein contact packaging is a clear example of where that authority is needed:

- It is **incompatible** with commingled recycling due to contamination and foodborne pathogen risks.
- It is **governed by federal food-safety requirements** that prioritize barrier performance, leak prevention, and shelf life, rather than recyclability.
- It represents a **small share of packaging by weight**, but can have a **disproportionate impact** on contamination and system costs if incorrectly designated as recyclable or obligated in ways that encourage collection attempts.

Impacts on Consumers and the Food System

The purpose of this exemption is **not** to avoid responsibility. Rather, it is to recognize that forcing raw-protein packaging into an EPR framework designed for recyclables can lead to worse outcomes for Oregon consumers, including:

- **Higher retail prices** for fresh protein as producers and retailers respond to increased shrink, spoilage, and handling costs.
- **Shorter shelf life** if packaging is modified primarily to meet theoretical recyclability requirements, leading to more frequent stock-outs and increased waste.
- **Reduced availability and choice**, particularly in rural or underserved communities that depend on longer shelf life to ensure consistent access to fresh proteins.

If materials are pushed toward “recyclable” designs that do not meet established food-safety and performance standards, the result could be more frequent leaks, damaged packages, and compromised cold-chain

integrity. These impacts cascade through the entire chain, from processors to transporters to retailers, and ultimately show up at the checkout counter and in household waste.

Impacts on Recycling System and Workers

Trying to handle raw-protein packaging as though it were a standard recyclable also places additional burdens on:

- **Solid waste and recycling workers**, who could be exposed to a higher load of pathogens and biological contamination.
- **MRFs and haulers**, who must deal with contaminated bales, fouled equipment, and higher sorting and disposal costs.
- **Other producers**, whose truly recyclable materials may be downgraded or rejected due to contamination from raw-protein residues.

An exemption for this narrow category of packaging is therefore a **system-protection measure**. It helps maintain the integrity and economic viability of the recycling program while allowing EPR resources to be focused on materials that genuinely can be recycled at scale.

A Narrow, Targeted, and Collaborative Solution

The Coalition for Protein Packaging is not seeking a broad carve-out. We are requesting a **narrow, clearly defined exemption** for packaging in **direct contact with raw and processed meat, poultry, seafood, and fish**, where:

- Food-safety and federal regulatory requirements drive the need for high-performance, contamination-resistant materials.
- Commingled collection is **not realistic or safe**, based on how the system currently functions.
- Attempting to recycle these materials would create **more harm than benefit**, both economically and from a public health perspective.

We are committed to collaborating with DEQ, EQC, and the Advisory Council to develop clear rule language, practical definitions, and safeguards to prevent misuse of the exemption. We also remain open to future innovation: if, over time, dedicated safe collection systems or truly

decontaminating recycling technologies become available at scale, the regulatory framework could evolve.

Conclusion

In summary, we respectfully urge the Legislature and DEQ to support a **rule-based exemption** for raw-protein contact packaging under the Recycling Modernization Act. Doing so will:

- Protect worker and public health.
- Avoid contamination and cost burdens in the recycling system.
- Preserve food safety, shelf life, and consumer access to essential proteins.
- Align with the flexible exemption authority the Legislature already provided.

Thank you for your consideration and for your leadership on both recycling modernization and public health. I would be pleased to answer any questions or work with staff on language that meets these shared goals.

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