



Oregon's Plastic Pollution and Recycling Modernization Act **Senate Bill 582 (2021)**

Senate Interim Committee on Energy, & Environment
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Oregon's North Star for Materials

The 2050 Vision describes how people in Oregon:



Produce and use materials



Conserve resources



Protect the environment



Live well

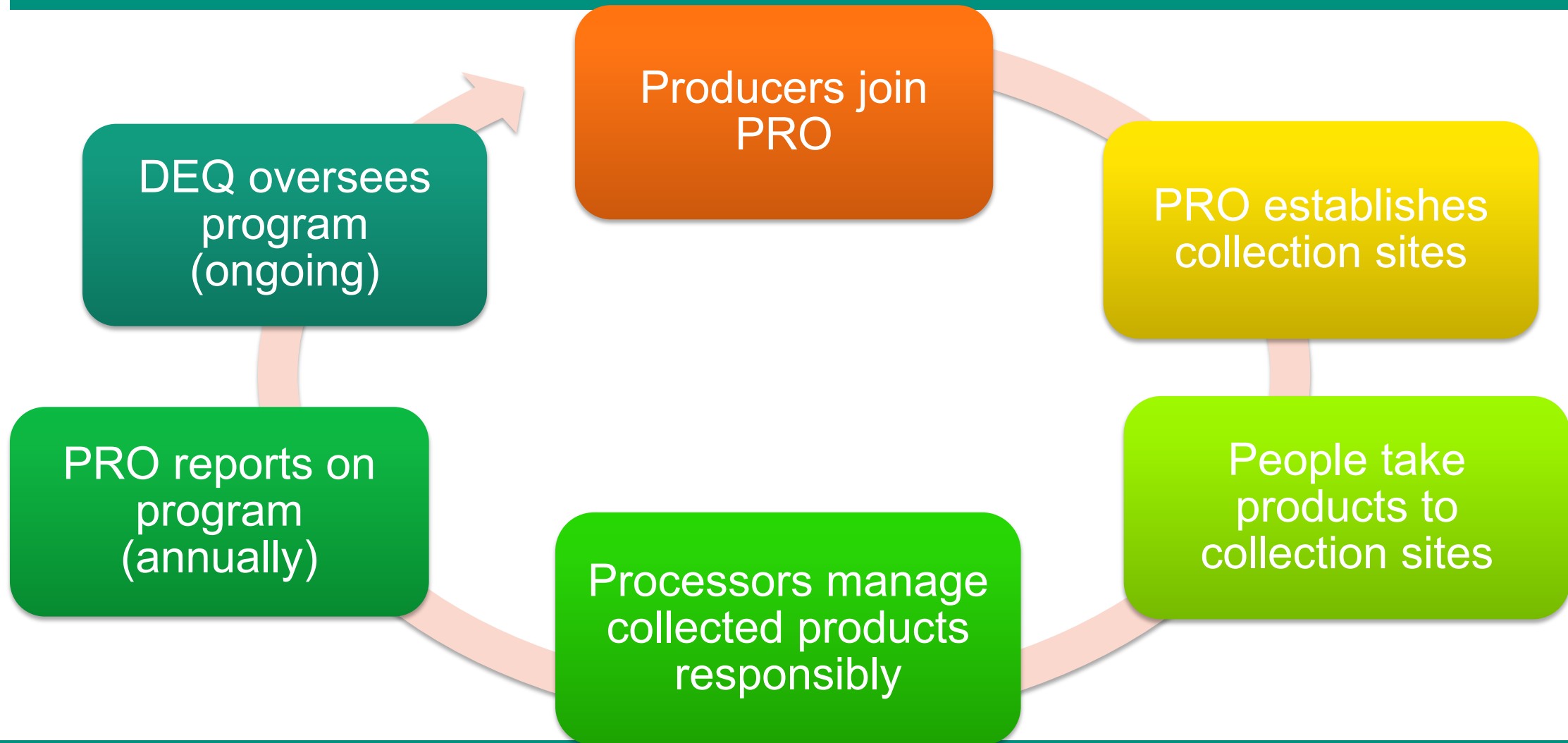
Materials Management in Oregon

2050 Vision and Framework for Action

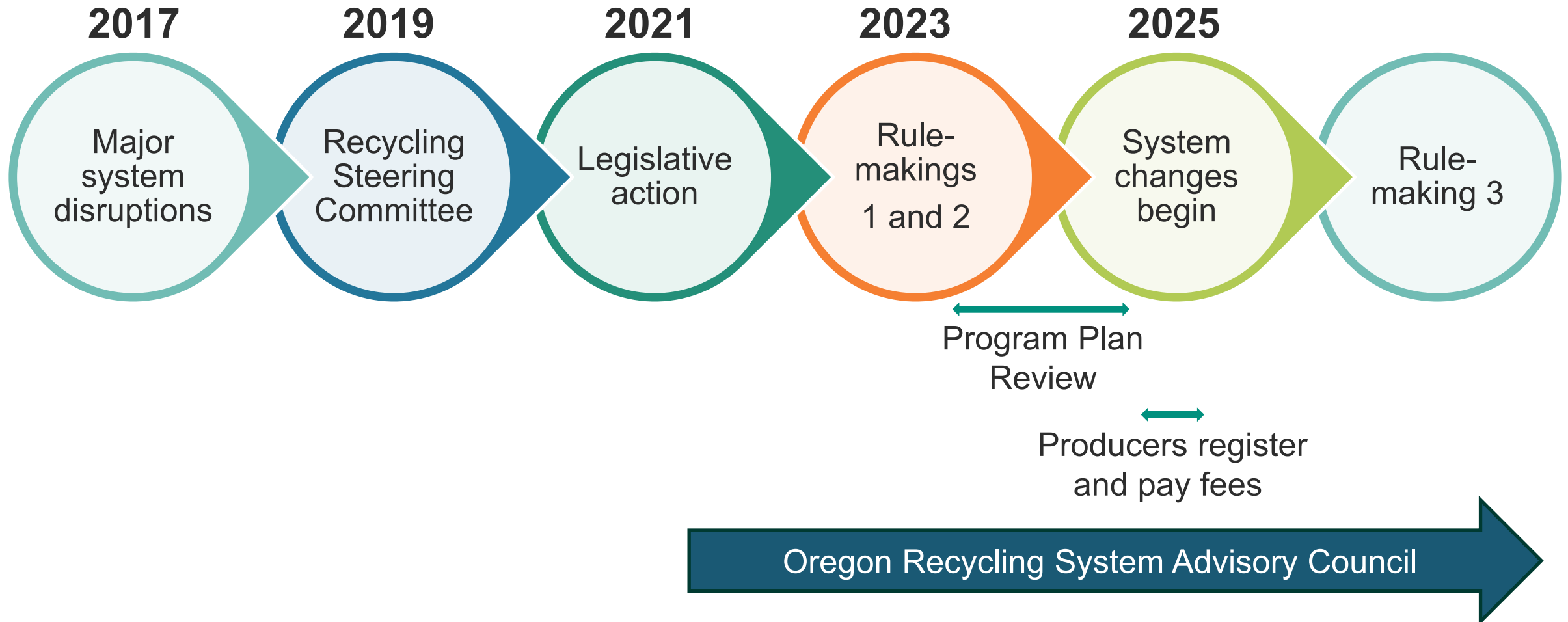
Adopted by the
Environmental Quality Commission
December 6, 2012



How product stewardship programs work



Timeline: Oregon's Recycling Modernization Act



Producer Responsibilities

1 Register

2 Report

3 Pay

What are "Exemptions"?

The Recycling Modernization Act has two types of exemptions for producers:

- **Small Producer Exemption**

(ORS 459A.863(32)(a)-(g)) Small producers can qualify in seven different ways. If a company qualifies as a small producer, they don't have to:

- Register with a PRO
- Report their supply data
- Pay fees to the PRO

- **Covered Product Exemptions**

These exemptions apply to specific products. When a product is exempt, it's not considered a "covered product."

- This means producers don't have to pay fees for those products or report them to the PRO in most cases.

Covered Product Exemption Process

Product exemptions came from two processes:

- **Legislative Process** - Individual exemptions were negotiated when lawmakers created the Act. (ORS 459A.863(6)(b)(A-Q))
 - Beverage containers that are part of Oregon's Bottle Bill
 - Paint packaging collected by PaintCare
 - Rigid pallets
 - Items used on a farm
- **Rulemaking Process** - The law allows additional exemptions to be added through agency rulemaking. (ORS 459A.863(6)(b)(R))
 - Packaging for management of infectious waste
 - Some reusable/refillable pressurized cylinders
 - Packaging used to store durable goods long-term

Criteria for Product Exemptions in Rule

Consistent with statutory exemptions:

1. Does not enter the commingled system as a recyclable or as a contaminant
2. Covered by another EPR program
3. Discarded outside the state



DRAFT: Covered Products Exemption Request Process

Draft prepared for the April 17, 2023, Oregon Recycling Council meeting

The Plastic Pollution and Recycling Modernization Act includes a definition for “covered products”—those products for which producers are obligated to pay fees to a Producer Responsibility Organization. The relevant definition is located in ORS 459A.863, with specific exemptions from the definition noted in ORS 459A.863(6)(b). The Oregon Environmental Quality Commission may exempt additional products from the definition of “covered product” by rule as part of the upcoming rulemaking. A producer of a covered product not exempt under ORS 459A.863(6)(b) can apply for an exemption by submitting a request formatted according to the draft criteria listed below. DEQ, in consultation with the Recycling Council, will review and make recommendations to the Commission regarding whether or not additional exemptions in rule are warranted.

Draft criteria for covered product exemption requests

Part 1

1. Does the proposed exemption align with an existing exemption category in ORS 459A.863(6)(b)? (“yes” responses should be accompanied by detailed justifications that address the italicized text in parentheses)
 - Does the product bypass the commingled recycling system? (describe how the product is disposed of or recycled without appearing in the commingled system, neither as a material to be recycled nor as a contaminant)
 - Is the product covered in another Oregon EPR program? (indicate which EPR program covers the product), or
 - Is the product disposed of outside of Oregon? (describe how the product leaves the state before disposal)

--if no, then--

2. Is there another strong rationale for exempting the product?
(if so, describe the rationale)

If the answer to either question #1 or #2 is “yes,” move on to questions #3 and #4 and provide detailed justifications for the response to each.

Part 2

3. Would exemption of the product result in considerable “free ridership?”

Rulemaking 3

- Began November 2025
- Anticipated conclusion early 2027
- 29 exemption requests received from 17 requestors
 - including for protein packaging and reusable produce packaging
- DEQ consulted with the Oregon Recycling System Advisory Council about exemptions November 2025 – January 2026
- DEQ exemption recommendations to Rulemaking Advisory Committee:
 - Include 4 product-specific exemptions (one is leased reusable plastic containers for fresh produce)
 - Do not include protein packaging or single-use berry packaging

Considerations Related to Exemptions

When producers / products are exempted, other producers pay for the cost of managing their products when they enter the commingled recycling system.



Comparing California and Oregon Laws

	California's Senate Bill 54	Oregon's Recycling Modernization Act
Primary Goal of the Law	Catalyze redesign in the packaging industry to reduce plastic and make all packaging reusable, recyclable or compostable.	Overhaul the state's recycling system to address systemic problems using an extended producer responsibility approach.
Redesign Mandate	<ul style="list-style-type: none">• 25% source reduction of plastic packaging by 2032 across the collective of producers through a "cap and trade" approach to plastics use.• 100% of packaging must be recyclable, compostable or reusable by 2032.	None.

Thank You