Follow-up Questions from the Senate Committee on Energy and the Environment Hearing from January 13, 2026

Questions from the Committee are provided in teal. CAA's responses are in black.

Producer registration, compliance & enforcement

Under ORS 459A.869, every obligated producer must register with a PRO and pay annual membership fees (with exceptions in ORS 459A.872). ORS 459A.962 authorizes DEQ to issue compliance orders and civil penalties, including those tied to ORS 459A.869.

What steps are CAA and DEQ taking to verify that all required producers have registered and paid fees?

Under Oregon's EPR framework, compliance monitoring and enforcement follow a division of responsibilities between Circular Action Alliance (CAA), as the approved Producer Responsibility Organization, and the Oregon Department of Environmental Quality (DEQ), as the regulatory authority. CAA is responsible for monitoring fulfillment of producer obligations and escalating unresolved cases to DEQ. DEQ is responsible for overseeing statutory compliance and enforcement.

The program is designed to enable full participation through systematic identification, monitoring, outreach, and escalation rather than a single point-in-time verification. This includes conducting market research and sector mapping to identify potentially obligated producers, monitoring registration, reporting, and fee payment activity, and performing ongoing outreach and follow-up as new prospective producers are identified. CAA's efforts include direct communications, technical guidance, producer education webinars, trade association engagement, and individualized assistance to help producers understand their obligations and easily register and comply.

Producer participation in Oregon's first program year has been strong, particularly among large and nationally recognized brands. As of the end of November 2025, 2,874 producers are Oregon participants, and CAA generated sufficient first-year revenue from this broad producer base to support program operations. This level of participation reflects both producer awareness of the law and the effectiveness of CAA's ongoing research, outreach, and compliance follow-up processes, which continue to expand as new prospective producers are identified.

Have any enforcement actions commenced for noncompliant producers?

CAA formally initiated its compliance management process in Q3 2025, following the program launch, and issued its first round of delinquency notices to producers that had not fulfilled one or more registration, reporting, or payment obligations. These actions were taken pursuant to a formal policy that aligns with statute, administrative rules, and the approved Oregon Program Plan. In Q1 2026, after the statutory three-month resolution period for unresolved delinquencies expired, CAA began escalating unresolved cases to DEQ for enforcement consideration, consistent with ORS 459A.869(10). At that point, responsibility for further enforcement rests solely with DEQ. While cases have been escalated, to CAA's knowledge, no producer has yet completed DEQ's enforcement process resulting in a final determination of statutory noncompliance.

CAA has also complied with statutory requirements by publishing and periodically updating a searchable registry of compliant members on its website, as required under ORS 459A.869(8). The absence of publicly listed noncompliant producers at this time reflects that DEQ has not yet notified CAA of any noncompliance determinations, not a lack of compliance oversight.

How will enforcement against noncompliant producers address the equity impact on producers who have already paid fees (e.g., fee burden and fairness for compliant members, what is the process to refund producers that might have overpaid because of non compliant producers not paying into the system)?

The Oregon EPR program is designed to ensure fairness between producers that comply on time and those that participate late. All producers in a given program year pay the same fee rate for a given material category, regardless of when they register; late-joining producers are required to back-report and retroactively pay fees for all applicable prior program years at the same fee rates as other producers in that Program Year. To prevent inequities, CAA's Oregon State Addendum to its Producer Participation Agreement expressly authorizes the assessment of retroactive fees, interest, and late charges for delayed participation. These are agreements that have already been executed by thousands of producers. These mechanisms ensure that late participants ultimately pay their full and fair share of program costs, rather than shifting that burden to compliant producers.

There is no direct refund to on-time compliant producers when additional producers join late and remit retroactive payments. Instead, any additional revenue collected from late participants increases the program's reserve balance at the material-category level. Those balances are considered during future fee-setting cycles and may reduce future fee rates for all producers in that category. In this way, the equity benefit is delivered programmatically and proportionally over time, while late participants may incur additional

financial consequences, including interest and penalties, preserving fairness across the producer community.

Public-facing compliance registry

ORS 459A.869(8) requires PROs to publish, and update at least quarterly:

a) A searchable registry of compliant members, and
b) The identity and reasons for noncompliance for any members currently out of compliance.

CAA's website appears to list "all members" without distinguishing compliant vs. noncompliant entities or reasons. Where can stakeholders access the statutorily required public list of noncompliant members?

CAA maintains a public-facing Oregon Producer Membership Registry on its website and updates it at least quarterly, consistent with ORS 459A.869(8). The registry currently reflects producers that are participant members of CAA's Oregon program. At this time, no producers are listed as noncompliant because no producer has yet been formally determined by DEQ to be noncompliant through its enforcement process. Once CAA is notified that such a determination has been made, CAA will publicly identify the producer and the reason for noncompliance, as required by statute.

If CAA has provided a non-reporting producer list to DEQ for follow-up, will that list be published to meet the ORS 459A.869(8) transparency requirement?

CAA provides DEQ with lists of producers that have unresolved delinquencies—such as failure to register, report, or pay fees—in accordance with statutory requirements, the approved program plan, and CAA policy. These lists support DEQ's regulatory oversight and enforcement activities but do not constitute determinations of statutory noncompliance. Under Oregon's EPR program, only DEQ determines whether a producer is noncompliant with statute and regulation. Once unresolved delinquencies are escalated, DEQ may take enforcement action that could ultimately result in a formal noncompliance determination. Only after DEQ communicates such a determination to CAA will CAA publicly list the producer as noncompliant and disclose the reason for noncompliance. Because no producers have completed that DEQ-led enforcement process, no producers are currently listed as noncompliant. In parallel, CAA continues to update its public Producer Membership Registry quarterly.

Consumer price impacts

Have DEQ or CAA observed any early price impacts on consumers associated with RMA implementation?

Pricing decisions are determined by individual producers. CAA, as the PRO, is not privy to how producers manage the impact of EPR fees.

Responsible End Markets (REM) planning

What is CAA's current plan for REM verification and development between now and the amended PRO plan submission?

CAA continues to work to increase the number of end markets that are self-attested, the cursory step in the REM verification process. Once the plan amendment, which will be submitted in February, is approved, CAA will begin to implement the interim verification process described in the program plan. This interim verification process includes a combination of desktop and on-site audits, leveraging recent on-site audits conducted by a subset of standards approved by DEQ. Where a prior on-site audit has not occurred and is warranted according to the risk assessment, CAA will initiate an on-site audit to complete interim verification.

In tandem, CAA is working to develop an independent standard developed by an ANSI-accredited standard development organization. The goal is for this standard to meet DEQ's verification requirements and serve as the formal verification process.

What criteria, milestones, and timelines will be used to demonstrate responsible end market capacity and performance?

- **Criteria**
  - Quantity of self-attested end markets
  - Quantity of verified end markets
  - Quantity of end markets per material type
  - Percentage of covered material volume sent to REMs
  - Percentage of each CRPF's destinations attested as REMs
- **Milestones**
  - Obtaining self-attestation from 100 end markets (currently at 88)
  - Completing 25% of interim verifications by the end of 2026 (commencing after approval of program plan amendment)
  - Creation and approval of an ANSI-accredited REM standard
  - Completing 100% of interim verifications by June 30, 2027
- **Assurance processes**
  - Weekly self-attested REM list update and export to CRPFs and DEQ
  - Regular review with DEQ on priority end market outreach targets and newly discovered entities through shipment and disposition data
  - Quarterly disposition reporting from brokers and end markets

Designation & differentiation in the SIM process

In the SIM designation process, would DEQ provide additional procedural detail on how materials are assessed and differentiated—e.g., distinguishing a polypropylene deli container from a polypropylene drink cup—and how this affects collection, sorting, and fees?

Once a material is designated as a SIM, CAA assesses the activities necessary to address the issues that led to the SIM designation. The estimated cost of those activities will be applied to the fees for the affected material categories.

Fee differentials & transition timing

How much higher are fees for materials designated as SIM compared with items on the Uniform Statewide Collection List (USCL)?

No SIM-designated materials were assigned additional fees for 2026, as CAA believed the SIM fees collected in 2025 were sufficient to fund the needed research actions to address the SIM concerns. In 2025, SIM fees accounted for between 2% - 40% of the total fees for the designated product categories, with an average of 10% increase in fees.

What is the expected timeframe and pathway for a SIM material to transition off SIM (including criteria to qualify), and how does that timeline manage fee impacts on producers?

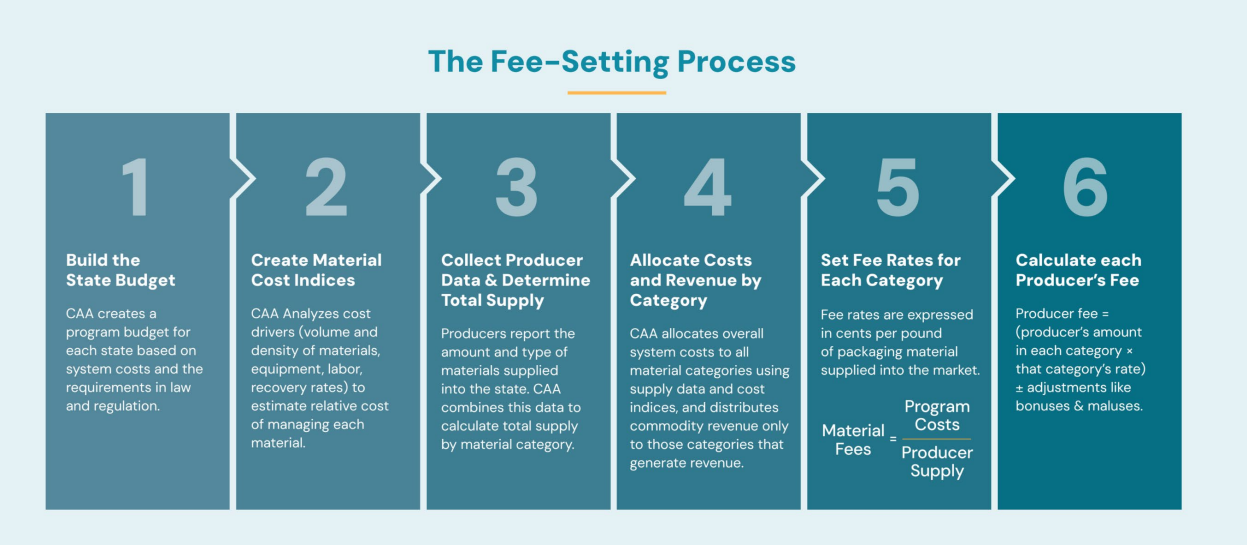
CAA expects to submit requests to DEQ for the removal of all currently designated SIMs as research is completed to support the request. CAA plans to submit the first requests to DEQ in Q2 of 2026. DEQ has not communicated how a SIM designation can be removed, but CAA has requested that the agency develop a process for removing a SIM designation. CAA is committed to working with the agency to identify all outstanding issues and questions that have led to a SIM designation, ensuring that sufficient information is provided to the agency so it can fully consider a SIM designation request.

If CAA deems that no additional research or system investment is necessary to address the SIM concerns, SIM fees will not be applied to the covered material category fees.

Transparency and Accountability

How were producer fees under the Plastic Pollution and Recycling Modernization Act determined, and why hasn't that process been made public?

The steps in the fee setting process are described below:



CAA has offered an overview of the fee setting process and the breakdown of fees within the Oregon program in a document available on our webpage, at this link.

CAA has also published the producer fees for 2026, https://circularactionalliance.org/s/OR-2026-Fee-Schedule-Public.pdf

How is the Department of Environmental Quality (DEQ) and Circular Action Alliance (CAA) ensuring transparency in how collected fees are allocated and spent?

As part of the annual report, CAA is required to disclose how funds are spent within each program compliance area. CAA will provide detailed accounting of funds spent by program area and the local governments and service providers that received funding from CAA in the financial section of the annual report, due June 30 of each year.

Why are producers not given access to the underlying needs assessment or supply data used to develop the budget and fee structure?

Two foundational data collection efforts were undertaken to determine the costs associated with the funding obligations for system expansion (ORS 459A.890 (5)), including the Needs Assessment conducted by DEQ and the Oregon Recycling System Expansion Optimization Project (ORSOP) undertaken by CAA. The Needs Assessment results can be found on DEQ's website, https://www.oregon.gov/deq/recycling/Documents/recLocGovNeedsAssess.pdf. While the Needs Assessment helped identify the jurisdictions that were interested in receiving funding, it did not identify the specific investments needed to enable the collection of the Uniform Statewide Collection List (USCL).

To obtain a more precise estimate of the investments needed to meet compliance obligations under ORS 459A.890 (5), CAA commissioned the ORSOP study, conducted in

2024. The results of the ORSOP study were an estimate of the nature and scale of investments needed for each jurisdiction to effectively collect and manage USCL materials. Those findings are summarized in Table 1 of the approved program plan.

How can producers accurately plan future budgets without clear visibility into how their fees are calculated or expected to change?

In the approved program plan, CAA provided a forecast of fees by material category, available in Table 20 of the approved plan. Absent the producer reported supply data, which is an essential piece in the fee setting process, as outlined in the answer to question #1, CAA offered an estimated fee range for each material category. Once producer reporting occurred, CAA found the overall average fee rate for 2025 was within 2% of the high projection.

Each year, fees are set in October, and producers are issued invoices in January.

Additionally, CAA offers an extensive suite of resources to prepare producers for reporting and payment. The wide range of topics offered in our webinar series aimed at preparing producers for compliance can be found at Webinar Archives — Circular Action Alliance.

Input from Oregon-Based Producers

What specific opportunities exist for Oregon-based and regional businesses to provide input or feedback as the RMA is implemented and adjusted?

As this is a shared responsibility model EPR program, CAA believes input from partners and community members across the state is essential to its success. This is reflected in the development of the first program plan, as evidenced in *Appendix D: Interest Holder Engagement*, in the approved plan. Additionally, each draft program plan submission received review by the Oregon Recycling System Advisory Council (ORSAC) and rounds of public comment. CAA reviewed and considered the suggestions received from parties participating in those public input opportunities.

To begin developing the 2028-2032 program plan, which will be submitted in 2027, CAA will host listening sessions with interest holders from around the state, which will include at least ten meetings with local governments, service providers, community-based organizations and Recycling Council members. CAA is seeking input from these groups to learn about their needs, goals and desired outcomes, so CAA can holistically ensure the system evolves in a way that meets the needs of Oregonians.

State of Oregon
DEQ Department of Environmental Quality

Questions from the committee are in bold, followed by DEQ's response.

Under ORS 459A.869, every obligated producer must register with a PRO and pay annual membership fees (with exceptions in ORS 459A.872). ORS 459A.962 authorizes DEQ to issue compliance orders and civil penalties, including those tied to ORS 459A.869.

- **What steps are CAA and DEQ taking to verify that all required producers have registered and paid fees?**
- **Have any enforcement actions commenced for noncompliant producers?**

When Circular Air Alliance (CAA) becomes aware of a producer not in compliance with the Act, in alignment with ORS 459A.869(10), CAA sends the producer a notification providing a 90-day window to come into compliance. If the producer does not take action, the producer then receives a notification from CAA of status change to "not-in-good-standing." These not-in-good-standing producers are then added to a monthly list CAA sends to DEQ for its use in enforcement. This list also must be posted to CAA's website and updated on a quarterly basis, pursuant to ORS 459A.869(8)(b).

The first monthly list came to DEQ in January 2026, after fee payment for 2025 wrapped up and the 90-day period to cure expired. Prior to this, CAA sent DEQ two advance lists of producers who had failed to report supply for the March 31, 2025, deadline pursuant to OAR 340-090-0870. The list sent to DEQ in October 2025 contained approximately 700 potentially noncompliant producers. DEQ contacted all producers on the list and is working to bring the producers into compliance. Through this process, these producers have fallen into three categories:

1. Producers who have claims that they are either not obligated or a small producer, or who have otherwise not pursued compliance action because another producer registered/reported/paid on their behalf. These producers are given the opportunity to certify their status with the department.
2. Some took action to become members in good standing with CAA.
3. The rest have remained on the list that came through to DEQ in January, and DEQ will continue attempts to bring them into compliance.

Producers that repeatedly fail to take action in response to notification may be prioritized for enforcement action (e.g. civil penalties); no formal enforcement actions have yet been taken at this time.

• Have DEQ or CAA observed any early price impacts on consumers associated with RMA implementation?
• What monitoring methodology will be used to track price effects (e.g., baselines, intervals, reporting)?

The law does not place any restrictions on companies in terms of how to generate the funding necessary to cover the producer fees. In the legislative phase, DEQ commissioned research on price impacts of packaging EPR in the Canadian context and found no meaningful difference in the price of a basket of goods among provinces with and without active packaging EPR programs (RRS 2020). Consumer price impact monitoring was ultimately not included in the Oregon law.

• In the SIM designation process, would DEQ provide additional procedural detail on how materials are assessed and differentiated—e.g., distinguishing a polypropylene deli container from a polypropylene drink cup—and how this affects collection, sorting, and fees?

Under ORS 459A.917, DEQ, in consultation with the Recycling Council and PRO(s), is to establish and maintain a list of Specifically Identified Materials (SIM). DEQ is required to consider criteria listed in ORS 459A.917(2). A SIM designation triggers one, and sometimes two requirements:

- First, for all materials that are designated, the PRO is to identify in its program plan efforts to support collection, processing or responsible disposition (ORS 459A.875(2)(g)). The details of those efforts are within the purview of the PRO, and subject to review and approval by DEQ.
- If a covered product identified as a SIM is not already on the USCL, the PRO Recycling Acceptance List, or used to comply with plastic recycling rate requirements per ORS 459A.926, SIM designation can trigger a second requirement, which is to obligate the PRO to ensure responsible disposition, if doing so is practicable (ORS 459A.896(2) and ORS 459A.869(7)).

The initial and current list of DEQ-designated SIMs can be viewed here. Much of the initial assessment of materials occurred during the 2022-2023 rulemaking for recycling acceptance lists, and details of those assessments can be viewed in a variety of documents contained on DEQ's Recycling webpage. The assessments included a Request for Information, extensive discussions with members of a Technical Workgroup, Rulemaking Advisory Committee, and the Recycling Council, as well as hundreds of other parties, research into end markets, environmental life cycle assessments and extensive economic modeling.

The current list of SIMs demonstrates varying degrees of differentiation. Statute affords flexibility in how granular or broadly DEQ defines materials for purposes of SIM designation.

• How much higher are fees for materials designated as SIM compared with items on the Uniform Statewide Collection List (USCL)?
• What is the expected timeframe and pathway for a SIM material to transition off SIM (including criteria to qualify), and how does that timeline manage fee impacts on producers?

DEQ's formal designation of covered products as SIMs includes the reason for that designation for each material. When the concerns that justified the SIM designation have been adequately addressed, DEQ can consider removing the SIM designation for that material.

For example, shredded paper is a material that historically was collected commingled in some areas of the state. Shredded paper was ultimately placed on the PRO Recycling Acceptance List (and not the Uniform Statewide Collection List) through the 2023 rulemaking process. In DEQ's view, this merited a SIM designation for shredded paper since system users would benefit from some additional communications or outreach to help them understand the change in recycling collection practices. If behavioral evidence comes in that supports the transition from on-route to depot collection has been successful, that designation could be removed.

How is the Department of Environmental Quality (DEQ) and Circular Action Alliance (CAA) ensuring transparency in how collected fees are allocated and spent?

CAA's budgeting of fees toward various elements of obligation is subject to DEQ's oversight and approval through the program plan process. This process includes public comment and an advisory role by Oregon Recycling System Advisory Council. Spending of

fees must be reported annually by CAA to DEQ as part of statutorily required annual reporting. The annual report for 2025 (first year of full implementation) is due June 30, 2026.

Why are producers not given access to the underlying needs assessment or supply data used to develop the budget and fee structure?

The initial needs assessment conducted by DEQ is available online.

The stated goal of this law was to shift recycling costs from consumers and local governments to producers. Should Oregonians expect a reduction in their trash or utility bills as a result?

Oregon's law utilizes a shared responsibility model, with multiple stakeholder groups sharing in obligations rather than either ratepayers or producers solely taking on full obligation and full costs of the state's recycling system. Notably, most costs of commingled curbside collection remain with ratepayers rather than shifting over to the producers' balance sheet.

Whereas reduction of rates is not a required deliverable of the law, it will likely be an outcome in some communities. The net impact on garbage and recycling fees is expected to vary significantly across the state, depending on historical services and new services. Generally speaking, payments by the PRO to commingled recycling processing facilities were designed to bring the average "tipping fee" down to $0. Historically, those fees were paid by collection companies, who recouped their expenses by passing them on to collection service customers. In return for this funding, these facilities take on new permit obligations, modernizing their equipment and reducing their contamination in order to meet new performance standards.

In some cases, producer funding for other program elements will reduce garbage rates, all other factors being equal. For example, the City of Portland's Residential Curbside Collection Service Rate Study (for rates effective July 1, 2025) reports that the Act's subsidy for collection of glass has reduced costs used in calculating recycling collection charges by $0.25 per month.

If consumers' bills don't go down—and product prices rise—would you agree this law effectively causes consumers to pay twice: once through local utility bills and again through higher grocery costs?

It is important to note that the Recycling Modernization Act (RMA) involves both *new costs* and *shifting of costs*. New costs are associated with recycling modernization and improvements; these are generally paid for by the PRO (directly or through compensation

of other parties in the system). At the same time, certain costs are also shifted from ratepayers to the PRO. An example of this dynamic involves the cost of processing mixed recyclables. Historically, those costs were passed by the processing facilities to the collection service customers, and from there to households and businesses using the recycling system. The Act obligates producers to pay for those processing costs (on average) but also increases the processing costs as part of improving management of contamination and improving disposition.

Generally the RMA does not hand over the local waste management system to producers, as would be the case in a sole-responsibility system, but rather maintains the existing system of local government-franchised haulers and commingled recycling processing facilities that compete with one another on the free market, places legal obligations on producers and other players in the system alike, and channels producer funding toward systemic fixes. Some protections against "charging twice" within this system include:

- Free market competition among the commingled recycling processing facilities, meaning that those charging higher tipping fees may lose customers (haulers may choose to bring their waste to competing facilities);
- Pursuant to ORS 459A.923(2)(g) and OAR 340-090-0820(5)(a)(A), commingled recycling processing facilities must report information to the department that enables local governments to reduce financial impacts on ratepayers;
- Free market competition among producers and retailers that sell obligated products gives advantage to producers that assimilate EPR fees across regional or national businesses rather than allocating those costs to Oregon consumers by taking the price of goods up to the next price point; and
- Ongoing obligations on local governments to set rates for the collection of waste and recycling. Implied in that obligation is an expectation that the local governments will review statements of allowable costs to ensure that waste collectors are not over-charging for services.

What specific opportunities exist for Oregon-based and regional businesses to provide input or feedback as the RMA is implemented and adjusted?

Oregon Recycling System Advisory Council (ORSAC) includes several local businesses involved in recycling: Denton Plastics, Rogue Waste Systems, City of Roses Disposal & Recycling, Far West Recycling, and Start Consulting Group. All ORSAC full Council meetings provide time on the agenda for public input. Rulemaking Advisory Committees (RAC) have included local producers such as Tillamook and New Seasons, as well as local businesses involved in recycling and local trade associations (e.g. Oregon Business and

Industry, Oregon Refuse and Recycling Association). All RAC meetings include a public comment period, and all draft rules undergo public comment.

Public input is invited every step of the way. When particular concerns have been raised by key local stakeholders, DEQ has often sought out informal discussion in order to better understand their questions and suggestions for implementation – for example, DEQ recently conducted individualized outreach to key groups and businesses that provided public comment on a recent PRO plan amendment.

How is the state ensuring that local companies—not just national or multinational producers—have a meaningful voice in shaping program decisions?

DEQ's primary means of engaging local companies and other local interested parties is through the public process involved with rulemaking, program plan review and approval, annual report review and approval, and through direct engagement with ORSAC. DEQ generally endeavors to recruit local companies to participate in all stakeholder bodies involved with implementation of the Act.

Note: the statute does not give DEQ oversight over the membership of the PRO's Oregon or national Boards, and therefore decisions about board membership rest with the PRO.

Why was the exemption process for business-to-business and transport packaging developed so late, and why were producers required to provide retroactive documentation without clear prior guidance?

Pursuant to ORS 459A.869(13), the exemption for privately-recycled material, a producer can demonstrate that a proportion of its material qualifies for an exemption if three criteria are met: private collection; no separation of material at a commingled recycling processing facility; and processing at a responsible end market. The statutory language is in the past tense – i.e., the exemption is available for material that was privately recycl*ed*. Therefore, DEQ interprets the law as documentation of past recycling is needed to claim the exemption.

In launching the exemptions process, DEQ issued substantial guidance and held one webinar and two listening sessions in early 2025. DEQ then solicited exemption claims during a two-month period (February - March 2025). DEQ needed to finalize rules regarding this exemption, which occurred in November 2024, before issuing the guidance and soliciting claims. DEQ needed to complete the process by the end of April 2025 to allow the PRO to integrate results into fee-setting.

In 2025, DEQ also offered a simplified claims process for three materials commonly recycled privately and for which the department has good statewide data on private

recycling volumes – tertiary (transport) cardboard, pallet wrap, and shredded paper. For these materials producers need only report their supply into the state in order to receive their portion of the exemption.

This is an annual process. In 2026, producers have a 3-month window to submit claims, which recently opened.

Given that data shows transport packaging rarely enters Oregon's recycling system, why weren't similar reviews conducted for other B2B material categories before assigning fees?

The exemption for private recycling can be claimed for any product recycled outside the commingled system – transport packaging, B2B packaging, or other. All exemptions granted are factored into fee-setting by the PRO.

DEQ data shows that 40% of the commingled waste stream comes from commercial sources, meaning that transport packaging, although frequently privately-recycled, also enters Oregon's commingled recycling system. DEQ estimates in 2022, approximately 80,000 tons of source-segregated cardboard (i.e., commercial in origin) went into the commingled system, while 217,000 tons of the material were recycled outside of the commingled system. The 80,000 tons in the commingled system comprised 36% of the total volume of corrugated cardboard managed in the system in that year. Were this source-segregated material exempt, producers of residential cardboard or other materials would potentially need to carry the cost of recycling the commercial cardboard and pay 36% more than their fair share.

How will DEQ and CAA prevent fees from being unfairly assessed on materials that never enter the state's recycling stream?

Many materials not accepted for recycling still end up in the recycling system – contamination was one of the root causes of the problems that inspired the Act in the first place. The law requires that covered products not accepted for recycling must still pay fees because the law is not intended to perversely incentivize non-recyclables, because non-recyclables impose system costs as contaminants, and because the law includes an element of environmental impact reduction that applies to recyclables and non-recyclables alike.

Additionally, there are existing exemptions in statute and rule for materials that are very unlikely to enter the recycling system (e.g., wood pallets, several types of refillable pressurized cylinders, packaging used for management of infectious waste, packaging

used for long-term storage of durable goods, etc.) and opportunities for producers to propose other materials for exemption in rule on a rolling basis.

How is DEQ coordinating with the Oregon Department of Agriculture (ODA) and the FDA to address food packaging that is essential for food safety?

DEQ has coordinated with ODA to conduct outreach to regional food producers regarding their obligations under the Act. DEQ has also liaised with FDA to understand the FDA's Letter of No Objection (LNO) process for food-contact packaging.

Beyond these efforts, DEQ does not consider that further coordination with ODA and FDA is needed at this time. Oregon's law does not impose any design mandates on producers, meaning that food producers need not change their packaging to comply with the law, and that there is no conflict among the RMA and laws addressing food safety.

Are there plans to re-evaluate fee structures for food packaging materials where no safe or feasible alternatives currently exist?

DEQ has not identified any products with no safe or feasible alternatives that face associated challenges to comply with the law. For most applications of packaging, producers have multiple viable options. However, were there a producer lacking alternative options for their packaging, they could still comply with Oregon's law, as it does not impose any design mandates on producers.

How will the state ensure that food producers are not unfairly burdened with higher fees for materials required by federal food safety laws?

According to ORS 459A.884(3), producer fees must be set in a manner that maintains proportionality among materials in terms of the costs to the PRO to manage them, i.e., materials should not cross-subsidize one another. If a material imposes higher costs on the recycling system or otherwise isn't accepted for recycling, it must be assessed as a higher per-pound fee. The law does not give DEQ or the PRO direction or authority to consider federal food safety regulations as part of fee-setting.