

HB 4030 -1, -4, -5, -6, -9 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

Prepared By: Erin Pischke, LPRO Analyst

Meeting Dates: 2/10, 2/12

WHAT THE MEASURE DOES:

The measure excludes from “covered products” certain blueberries’, strawberries’, or cane berries’ packaging, as well as noncompostable packaging that comes in direct contact with any amount of fresh or processed meat, poultry, fish, or seafood from producer responsibility requirements for packaging, paper, and food serviceware. Takes effect on the 91st day following adjournment sine die.

- *FISCAL: Fiscal impact statement issued*
- *REVENUE: Revenue impact statement issued*

ISSUES DISCUSSED:

- Types of materials used by various food packagers
- Costs to packaging producers to comply with Recycling Modernization Act (RMA)
- Legal challenge to RMA

EFFECT OF AMENDMENT:

-1 The amendment excludes from “covered products” packaging that is used solely in business-to-business transactions and not intended to be distributed to the end consumer of the product that the packaging contains from producer responsibility requirements for packaging, paper, and food serviceware.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

-4 The amendment excludes garbage bags from “packaging” in producer responsibility requirements for packaging, paper, and food serviceware.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

-5 The amendment exempts from “covered products” for a five-year period noncompostable packaging that comes into direct contact with any amount of meat, poultry, fish or seafood that is raw or not ready to eat from producer responsibility requirements for packaging, paper, and food serviceware.

Detailed Summary:

Removes from “covered products” noncompostable packaging that comes in direct contact with any amount of **fresh or processed** meat, poultry, fish, or seafood from producer responsibility requirements for packaging, paper, and food serviceware. Defines “not ready to eat” and “raw” in relation to meat poultry, fish, or seafood items. Exempts from “covered products” noncompostable packaging that comes into direct contact with any amount of meat, poultry, fish or seafood **that is raw or not ready to eat** from producer responsibility requirements for packaging, paper, and food serviceware. Establishes that the exemption of raw or ready to eat meat poultry, fish, or seafood is in effect for a five-year period that begins on the effective date of this Act. Requires the Department of Environmental Quality, before the five-year exemption period lapses, to determine whether facilities capable of transporting and recycling or densifying, in a safe and effective manner, pathogen-contaminated packaging from raw or not-ready-to-eat meat, poultry, fish, or seafood are readily available to accept packaging generated by households in Oregon. Requires the Environmental Quality Commission, by rule, if DEQ determines that such facilities are not readily available, to extend the five-year

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exemption period for an additional period of five years. Repeals exemption provisions on January 2, 2037.

- *FISCAL: Minimal fiscal impact*
- *REVENUE: No revenue impact*

-6 The amendment establishes that until a resolution of a legal challenge is reached, DEQ may not enforce any provision of producer responsibility requirements for packaging, paper, and food serviceware.

Detailed Summary:

Removes original bill text except for effective date. Establishes that until a resolution of a legal challenge is reached, DEQ may not enforce any provision of producer responsibility requirements for packaging, paper, and food serviceware. Requires DEQ to stay any enforcement action initiated by DEQ against a producer of packaging before the effective date of this Act. Prohibits a PRO from, with respect to a producer of packaging, requiring the producer to pay fees established, assess any penalty or interest for the failure to pay fees, or allow any previously assessed penalties or interest to continue to accrue.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

-9 The amendment is identical to the -5 amendment, with exception of the seafood packaging repeal date, which is changed to 2038 from 2037. It also exempts from “covered products” for a five-year period noncompostable packaging that comes into direct contact with any amount of meat, poultry, fish or seafood that is raw or not ready to eat from producer responsibility requirements for packaging, paper, and food serviceware.

Detailed Summary:

Removes from “covered products” noncompostable packaging that comes in direct contact with any amount of **fresh or processed** meat, poultry, fish, or seafood from producer responsibility requirements for packaging, paper, and food serviceware. Defines “not ready to eat” and “raw” in relation to meat poultry, fish, or seafood items. Exempts from “covered products” noncompostable packaging that comes into direct contact with any amount of meat, poultry, fish or seafood **that is raw or not ready to eat** from producer responsibility requirements for packaging, paper, and food serviceware. Establishes that the exemption of raw or ready to eat meat poultry, fish, or seafood is in effect for a five-year period that begins on the effective date of this Act.

Requires the Department of Environmental Quality, before the five-year exemption period lapses, to determine whether facilities capable of transporting and recycling or densifying, in a safe and effective manner, pathogen-contaminated packaging from raw or not-ready-to-eat meat, poultry, fish, or seafood are readily available to accept packaging generated by households in Oregon. Requires the Environmental Quality Commission, by rule, if DEQ determines that such facilities are not readily available, to extend the five-year exemption period for an additional period of five years.

Repeals seafood packaging exemption provisions on January 2, **2038**.

- *FISCAL: Minimal fiscal impact*
- *REVENUE: No revenue impact*

BACKGROUND:

In 2021, Senate Bill 582 made significant changes to Oregon's recycling system that include, but are not limited to: requiring that covered producers become a member of a producer responsibility organization which ensures that products collected are recycled by responsible end markets; establishing statewide recycling rates for plastic and recycling contamination reduction goals; and addressing the development and implementation of educational resources and promotional campaigns.

Covered products, which include packaging, printing and writing paper, and food serviceware, must be collected and managed responsibly by the participating producers under the law, which is known as the Recycling Modernization Act (RMA). Some products are exempt from the RMA. According to the Oregon Department of Environmental Quality (DEQ), there are two ways a covered product can be exempted from the RMA:

1. Through the legislative process, modifying ORS 459A.863(6)(b)(A-Q) or
2. Through the agency rulemaking process

For DEQ to exempt a product from the RMA, three criteria must be met:

- The product does not enter the commingled system as a recyclable material or as a contaminant
- It is covered by another extended producer responsibility program
- It is discarded outside of Oregon

Once a product is exempted, costs for managing their products when they enter the commingled recycling system are shifted to producers of covered products to pay.