



OREGON REFUSE & RECYCLING ASSOCIATION

February 11, 2026

House Committee on Climate, Energy, and Environment
Oregon State Capitol
900 Court Street NE
Salem, OR 97301

RE: HB 4030 – Oppose

Chair Lively, Vice Chairs Gamba and Levy, and Members of the House Committee on Climate, Energy, and Environment:

I am writing on behalf of the Oregon Refuse and Recycling Association (ORRA), representing the companies who operate Oregon's waste collection, recycling, and material recovery systems. ORRA's regular members collect and process most of Oregon's residential and commercial refuse and recyclables, and operate material recovery facilities, compost facilities, and many of Oregon's municipal solid waste transfer stations and landfills; additionally, ORRA's associate members provide goods and services to our members, including various types of trucks and equipment needed for the proper collection and handling of solid waste and recycling.

ORRA is in strong opposition to HB 4030 as introduced, as well as the -1, -4, -5, and -6 amendments, all of which undermine the Plastic Pollution and Recycling Modernization Act (RMA) (SB 582, 2021) and bypass the deliberate, technical process the Legislature established in 2021 to evaluate whether specific materials should be covered or excluded from the RMA, and consequently whether the producers of such materials should be responsible to assist in the cost of managing those materials.

Under the RMA, producers of covered products are required to share in the costs of managing the materials they contribute to Oregon's waste stream, particularly when those materials contaminate commingled recycling systems and increase processing costs. The RMA is a shared responsibility model in which every participant in Oregon's recycling system has a role to fulfill in order for the law to succeed. The producer responsibility framework in the RMA is foundational to keeping recycling affordable for local governments and their ratepayers.

Material exemptions should continue to be managed through rulemaking and the existing RMA exemption request process. The Legislature created a clear and expert-informed process for considering product exemptions and/or additions. Authority was granted to the Environmental Quality Commission (EQC), after consultation with the Oregon Recycling System Advisory Council (ORSAC), to determine whether materials should be included or excluded based on specific, data-driven criteria, including whether they enter the commingled recycling system or create contamination. This structure and public process ensures decisions are informed by subject matter experts, and that they are consistent, transparent, and grounded in system-wide impacts. In fact, on

January 27, 2026, the DEQ convened the second meeting of the RMA Rulemaking Advisory Committee meeting to discuss “exemptions from ‘covered product’ definitions” which included discussions of certain business-to-business packaging formats used exclusively in the industrial and manufacturing process, as well as garbage bags. As the RMA continues implementation, now is not the time to change the law’s thoughtful, consistent, and comprehensive process to piecemeal exemptions pushed through the short session.

HB 4030 usurps the administrative process and raises questions of fairness and practicality.

Exempting portions of a material type (PET Thermoform with hinged lids, or clamshells) based on what product they once contained would be challenging to implement from a recycling acceptance list and producer fee standpoint and it raises questions of fairness and practicality. For example, berry clamshells are substantially similar in material, use, and appearance to clamshell containers that may contain other products, such as bakery items. This will make it exceedingly difficult to successfully educate consumers, and will create confusion and frustration for the public, leading to contamination of the recycling stream. Furthermore, producers of covered products are expected to share in the costs of managing the materials they contribute to Oregon’s waste stream. These materials will continue to enter the waste stream, functionally shifting the cost of handling these materials and addressing issues of contamination in our commingled recycling to other producers and ratepayers.

To the amendments:

The -1 amendment raises significant concerns by proposing to exclude packaging used solely in “business-to-business transactions,” a term that is not clearly defined. This ambiguity creates enforcement challenges and risks unintentionally exempting materials that do, in fact, enter the waste stream. Moreover, the current law already excludes rigid pallets and pallet wrap or similar packaging used to secure palletized loads (Sections (6)(b)(D) and (6)(b)(H)). As drafted, the amendment is unnecessary and risks creating loopholes without the benefit of rulemaking discussions and ORSAC review.

The -4 amendment is even more problematic. Garbage bags are expressly designed for the containment or protection of products and for single use, placing them squarely within the statutory definition of “packaging” under the RMA. During consideration of a recommended exemption, the relevant advisory subcommittee of the ORSAC declined to support removing garbage bags from the program, citing their significant contamination impacts and the law’s clear inclusion of single-use bags as packaging. Instead, the subcommittee recommended that DEQ explore solutions through existing rulemaking tools, such as eco-modulation fees or creating separate fee categories. Exempting garbage bags through statute would bypass this expert-informed process and remove producer responsibility for a material made of film plastic, when film plastics are known as “the bane of material recovery facilities,” consistently increasing contamination and processing costs.

The -5 amendment would exempt non-compostable packaging that comes into direct contact with raw or not-ready-to-eat meat, poultry, fish, or seafood from producer responsibility requirements for at least five years, with the possibility of extension, creating further uncertainty in the system. While ORRA recognizes the need to safely manage pathogen-contaminated materials, this amendment again shifts exemption decisions out of the established, RMA-authorized rulemaking

process and into statute. These determinations require technical evaluation of collection, processing, and recycling system impacts, not blanket statutory exemptions. Creating broad, time-limited exclusions without full system analysis risks destabilizing the program and undermining the regulatory framework the Legislature intentionally designed. The amendment doesn't remove the material from the system; it simply exempts producers from paying for its impact.

Finally, the -6 amendment raises the most serious concerns. This amendment would prohibit DEQ from enforcing **any** producer responsibility requirements statewide until the resolution of a legal challenge and would halt all fee collection and enforcement actions for all producers. This goes far beyond the recent federal district court ruling in *National Association of Wholesaler-Distributors (NAW) v. Oregon DEQ*. Judge Simon's preliminary injunction was narrowly tailored to NAW and its members and focused on due process concerns related to fee-setting transparency. The court explicitly declined NAW's request to extend relief to other producers, or to broadly suspend implementation of the RMA. The court also set the case for trial on July 13, 2026, noting the importance of resolving the case quickly.

In contrast to Judge Simon's ruling, the -6 amendment would effectively freeze the entire program, regardless of producer status, legal posture, or compliance. This sweeping statutory pause is not required by the court's decision and would significantly disrupt ongoing implementation. As designated local government service providers, **ORRA members have already made substantial investments in infrastructure, planning, and system improvements in reliance on the RMA and the expectation that producer fees would reimburse them for those required investments.** Halting enforcement and fee collection would create uncertainty, jeopardize those investments, and shift costs back onto local governments and ratepayers.

Most importantly, HB 4030 and the proposed amendments collectively move exemption and enforcement decisions away from the process set forth by the Legislature in the RMA, weakening the framework the Legislature adopted just a few years ago and setting a precedent for piecemeal changes (often politically driven) rather than expert-informed, data-driven, system-based evaluation.

If specific materials or implementation issues warrant adjustment, the appropriate and lawful path already exists through DEQ and ORSAC review under the criteria established in statute. ORRA strongly believes these decisions should remain in rulemaking and existing exemption processes.

For these reasons, we respectfully urge the committee to reject HB 4030 and its amendments, and to allow the Recycling Modernization Act to proceed as intended.

Thank you for the opportunity to share our testimony.

Sincerely,



Jennifer Purcell
Deputy Executive Director
Oregon Refuse and Recycling Association