



AMERIPEN
American Institute for Packaging and the Environment

Support Testimony

-6 Amendment to HB 4030
Stay of Enforcement of Extended Producer Responsibility

House Committee on Climate, Energy, and Environment

February 12, 2026



Chair Lively, Vice-chairs Levy and Gamba, and members of the House Committee on Climate, Energy, and Environment.

AMERIPEN – the American Institute for Packaging and the Environment – appreciates the opportunity to submit comments on the -6 amendment to House Bill 4030 (HB 4030) that would stay enforcement of ORS 459A.860 to 459A.975, or rules adopted thereunder, until a final resolution of *National Association of Wholesaler-Distributors v. Feldon*, D. Or. Case No. 3:25-cv-1334-SI.

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. As the leading voice for packaging policy in the United States, AMERIPEN collaborates with legislators, regulators, and stakeholders to develop science-based, data-driven solutions that enhance packaging's role in protecting products and promoting circularity. We have several member companies with a presence in Oregon, as well as many more that import packaging materials and products into the state.

On February 6, 2026, the U.S. District Court in Oregon ordered the Oregon Department of Environmental Quality (DEQ) to cease enforcement of the Recycling Modernization Act (RMA) against the plaintiffs in the above-named lawsuit pending a trial date set for July 13, 2026. In granting the plaintiff's request for an injunction against enforcement by DEQ, the District Court pointed to several "serious questions" about the law's constitutionality, and that there is "a likelihood of irreparable injury" to the plaintiffs.¹

AMERIPEN agrees with the concerns of potential inconsistent enforcement raised by many Oregon businesses and industry groups. Producers who are not named plaintiffs could be unfairly burdened by a law that many of their competitors are no longer obligated to follow for the near future. Such burdens could include being "forced to pay more than their share of the costs to fund it" and being "unable to recover fees paid in support of a law of questionable constitutionality" if the plaintiffs ultimately prevail.²

For these reasons, AMERIPEN supports the -6 amendment to HB 4030 before the committee as a means to ensure that serious legal matters before the court are resolved before enforcement commences. Without this amendment, AMERIPEN concurs with local business concerns around the potential for imminent and irreparable harm, including unrecoverable compliance costs, competitive distortions, and the risk of steep civil penalties – to those not covered by the injunction. AMERIPEN's support of the -6 amendment is limited to a need resulting from the recent court action and should not be viewed as a reflection on the underlying RMA.

Conclusion

AMERIPEN urges the Committee to support the -6 amendment to HB 4030 as a means to ensure equity and respect for the judicial process. We continue to welcome the opportunity to work with all stakeholders to create a reasonable pathway to improve recycling, composting, and reuse, and to increase packaging circularity in Oregon.

¹ *National Association of Wholesaler-Distributors v. Feldon*, D. Or. Case No. 3:25-cv-1334-SI (order granting preliminary injunction, Feb. 6, 2026).

² Public Hearing before the Oregon House Committee on Climate, Energy, and Environment, Feb. 10, 2026 (statement of Derek Sangston, Plcy Dir & Cnsl for the Oregon Business & Industry).