



Open Government Impact Statement

81st Oregon Legislative Assembly
2021 Regular Session

Measure: SB 582 - A

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 4/27/2021

SUMMARY

Establishes producer responsibility program for packaging, printing and writing paper and food serviceware. Requires producers of covered products to join producer responsibility organization that implements producer responsibility program plan approved by Department of Environmental Quality.

Directs department to establish uniform statewide collection list for recyclable materials.

Establishes Oregon Recycling System Advisory Council.

Establishes Truth in Labeling Task Force.

Repeals labeling requirements for rigid plastic bottles and containers.

Requires commingled recycling processing facility to obtain disposal site permit. Prohibits delivery of certain recyclable materials to recycling processing facility other than permitted or certified facility.

Imposes civil penalty not to exceed \$25,000 for each violation of provisions of Act.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure exempts from public disclosure information contained in the annual report a producer responsibility organization provides to the Department of Environmental Quality detailing the membership fees paid to the producer responsibility organization by individual members and information that can be used to calculate the market share of individual members. The measure also exempts from public disclosure information designated confidential that is furnished to the department during an audit or review of a producer responsibility organization's cost accounting and reimbursement request records for funds provided to local governments and local government services providers to compensate them for recycling costs of products covered under a producer responsibility program plan.

This measure exempts from public disclosure proprietary or confidential information that is received by the department or by an organization conducting a study of costs to commingled recycling processing facilities of recycling or removing contaminants from covered products. This measure also exempts from public disclosure proprietary information provided by a person operating within the recycling system to the department for use in conducting an equity study. Additionally, this measure exempts from public disclosure proprietary information related to the final end market of recycled materials that is marked confidential by a commingled recycling processing facility and provided to the department to obtain a disposal site permit.



Finally, this measure exempts from public disclosure materials that are required to be provided to the department while the department is investigating violations of and enforcing compliance with provisions of the product responsibility program.

If these public records were instead subject to mandatory disclosure under public records law, trade secret information of producers of covered products and organizations involved in recycling those products could be made public.