

**Senate Bill 582-9 Public Hearing Follow-up
Plastic Pollution and recycling Modernization Act**

DEQ is providing the following additional information in response to written and oral testimony received during the April 8th public hearing on SB 582 -9.

1. **Comment:** *The post-consumer recycled (PCR) content mandates in this bill are not workable.*
Response: There are no PCR requirements that apply to producers in this bill. There is one limited requirement on local governments in Section 21, which applies only to purchases of recycling and waste containers. Use of PCR content is a possible incentive in the PRO's graduated fee structure ("eco-modulation") – however, the PRO is prohibited from withholding that incentive in cases where producers are prohibited from using PCR content in their covered products (Section 11(4)(a)).

2. **Comments:** *DEQ/EQC should be able to exempt materials based environmental impacts, costs, etc.*
Response: SB 582-9 allows the Environmental Quality Commission to exempt materials through administrative rule (Section 2(6)(b)(P)).

3. **Comment:** *DEQ/EQC should not be able to add to the list of covered products or expand PRO duties to include collection.*
Response: SB 582-9 does not grant administrative authority to add to the list of covered products, and only grants EQC authority to require special collections of certain covered products (Section 22(1)(b)).

4. **Comment:** *Products that meet post-consumer recycled (PCR) goals should be taken off the list of covered products.*
Response: PCR targets for materials sold *into* Oregon do not necessarily help recycling programs in Oregon, when most products used here are manufactured elsewhere. Given the complexity of demonstrating use of PCR, there are also major oversight challenges with demonstrating compliance with PCR mandates for hundreds of thousands of products. Such oversight would create major administrative burdens for the regulatory agency and producers.

5. **Comment:** *SB 582-9 tries to do too many things at once.*
Response: The bill provides sufficient time to stand up this program and set a strong foundation to the work described. Before PROs are required to provide services, there are four years to conduct necessary rulemakings, needs assessments, PRO formation, and DEQ review and approval of PRO plans. Oregon's recycling system is complex and without addressing all the elements of the system together, the problems our outdated system faces will not be fixed.

6. **Comment:** *Oregon manufacturers struggle to find post-consumer recycled content to use in their products.*
Response: SB 582-9 would make more PCR content available to Oregon manufacturers by requiring processors and producers to guarantee that materials collected in Oregon are recycled at responsible end markets.

7. **Comment:** *Over-the-counter drugs are covered by the drug take-back program, so they're paying twice for the same packaging.*

Response: Drug take-back fees are designed to cover safe disposal of unused medicines. Packaging is incidental, and the drug take-back program does not target empty packaging.

8. **Comment:** *Who is the producer if food serveware is sold to a distribution company in a bordering state like Idaho before being sold into Oregon?*

Response: It would be the distribution company. See Section 3(3): "The producer of food serveware is the person that first sells the food serveware in or into this state."

9. **Comment:** *Why should the EQC have authority to change the plastics recycling goal?*

Response: DEQ was instructed to include ambitious and aspirational stretch goals for plastics. Since these goals have regulatory consequences if they are not met, EQC may adjust the goals based on outcomes and criteria identified in Section 27(2)(b) – if, for example, it is discovered that achieving the goals would be prohibitively expensive or environmentally counter-productive.

10. **Comment:** *If the wine industry joins this program instead of the bottle bill, smaller companies will not benefit from the exemption for bottle bill producers who distribute less than five tons of non-bottle bill packaging.*

Response: The exemption for secondary and tertiary packaging for producers whose beverage containers are covered by the bottle bill is an incentive for the wine industry to join the bottle bill.