



February 8, 2023

To: Members, Oregon State Legislature

Re: **SB 543 and SB 544 – OPPOSE**

The undersigned organizations, representing a cross section of employers including packaging and consumer product manufacturers, material suppliers, retailers/grocers, agriculture, restaurants, and others urge you to oppose SB 543 and SB 544. Taken together, these bills would impose new and costly requirements on our industries, delegate unfettered authority to the Environmental Quality Commission (EQC) to ban any type of plastic packaging it deems “unnecessary” and fail to account for the recent enactment of one of the nation’s most comprehensive packaging recycling and waste reduction programs.

As you may know, Oregon became one of only 4 states to enact a sweeping extended producer responsibility (EPR) program aimed at increasing packaging recycling and reducing waste. The Plastic Pollution and Recycling Modernization Act¹ became effective on January 1, 2022 and the Department of Environmental Quality (DEQ) is currently developing implementing regulations. In summary², the EPR law:

- Requires producers³ of covered products (packaging, food service ware, and printing and writing paper) to fund improvements to the state’s recycling system and expand recycling to areas and individuals who did not previously have access to these types of services. This step will increase recycling.
- Ensures that collected materials are recycled “responsibly” to further ensure the environment and public health are protected. This step will increase recycling.
- Incentivizes sustainable packaging and products by imposing higher fees on non-recyclable products or those that create additional impacts on the environment. This step will reduce packaging material.

¹ [SB 582](#)

² <https://www.oregon.gov/deq/recycling/Documents/recModORflyer.pdf>

³ <https://www.oregon.gov/deq/recycling/Documents/RMAProducerObligationsSummary.pdf>

- Establishes specific plastic packaging and plastic food service ware recycling rate targets that if not met, authorizes DEQ to require the Producer Responsibility Organization (PRO) to identify actions necessary to meet the statewide plastic recycling goal. This step will increase recycling and reduce packaging material.
- Provides program oversight by granting authority to DEQ permit and audit recycling processes and a newly appointed advisory council will review PRO recycling plans.

The Legislature should allow DEQ and stakeholders to complete the EPR rulemaking process first before proposing sweeping packaging policy changes that will undoubtedly add state administrative costs and be unduly burdensome for the regulated community. At this point, estimated costs are in the millions to the business community. We ask that you set aside both SB 543 and SB 544.

American Chemistry Council:	Tim Shestek
American Forest & Paper Association:	Erin Hall
American Institute for Packaging and the Environment:	Lauren Aguilar
Consumer Brands Association:	Brendan Flanagan
Dart Container Corporation:	Jonathan Choi
Flexible Packaging Association:	Sam Schlaich
Foodservice Packaging Institute:	Carol Patterson
Household & Commercial Products Association:	Christopher Finarelli
Oregon Business & Industry:	Scott Bruun
Oregon Restaurant & Lodging Association:	Greg Astley
Plastics Industry Association:	Kris Quigley
Western Plastics Association:	Cherish Changala-Miller