



# Meeting minutes

Meeting: Regional Waste Advisory Committee (RWAC) Meeting  
Date: Thursday, February 20, 2020  
Time: 8 a.m. to 10 a.m.  
Place: Metro Regional Center council chamber (3<sup>rd</sup> floor)  
Purpose: *The purpose of the Regional Waste Advisory Committee is to provide input on certain policies, programs, and projects that implement actions in the 2030 Regional Waste Plan, as well as to provide input on certain legislative and administrative actions that the Metro Council or Chief Operating Officer will consider related to implementation of the 2030 Regional Waste Plan.*

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## **Members in Attendance:**

Roy Brower, Metro  
Joe Buck, Small business owner  
Sharetta Butcher, North by Northeast Community Health Center (NxNE)  
Marilou Carrera, Portland Resident  
Alondra Flores Aviña, Student  
Jill Kolek, City of Portland  
Theresa Koppang, Washington County  
Shannon Martin, City of Gresham  
Christa McDermott, Community Environmental Services, PSU  
Audrey O'Brien, Oregon Department of Environmental Quality (DEQ)  
Eben Polk, Clackamas County  
Jenny Slepian, City of Lake Oswego  
Beth Vargas Duncan, Oregon Refuse and Recycling Association (ORRA)

## **1. CALL TO ORDER & MEETING OVERVIEW**

Roy Brower (Metro) brought the meeting to order at 8:05 a.m. and previewed the agenda.

## **2. LOCAL GOVERNMENT'S ROLE WITH DISCARD MANAGEMENT**

Shannon Martin (City of Gresham) introduced the topic to the committee. He thanked Jill Kolek (City of Portland) for her work putting the presentation and materials together for committee presentation. Mr. Martin noted that the presentation will be high level and there will be opportunity to go in further depth if anyone has additional questions.

Mr. Martin began noting who manages the system. The state sets the regulatory standards through Oregon administrative rules which includes the Opportunity to Recycle Act. Within these administrative rules, Oregon cities with a population of 4,000+ people are required to include recycling with their garbage services. These administrative rules also drive recycling and waste prevention education programs. The government responsibilities are split: Metro oversees the transfer and disposal and they set regional service standards for local governments. Local government regulates the collection of garbage and recycling and sets rates for residential, multi-family, and commercial customers (Portland is an exception that will be discussed further into the presentation). Local governments do not control the flow of solid waste or recycling. Private haulers make their own decisions to maximize route efficiencies. Some private haulers own and operate their own transfer stations and landfills. But even though a private collection company may own a transfer station, they do still utilize other facilities.

Mr. Martin noted that the focus of today's presentation is on waste and recycling collection and the regulation of solid waste, recycling, and compost and the services provided by private collection companies. He noted that residential collection is franchised. There are service standards from Metro and there are also requirements at the local level through city and county codes: maintenance of equipment, no oil leaks, to name a few examples. Local governments also support education programs for users. The commercial system is very similar, with a few caveats in the City of Portland which has open market system for commercial collection and Gresham which has open market system for construction and demolition waste for projects with city permits.

Audrey O'Brien (DEQ) asked Mr. Martin to provide an example of a service standard.

Mr. Martin provided the example of collection frequency: food scrap collection should minimally be collected once per week. The same applies with recycling. These are service standards that are in agreement with Metro to ensure the system is meeting the needs of the customers. The system is designed to serve the public and provide options that meet their needs. Regardless of type of housing, residential, or commercial, the system is built to support these groups.

Mr. Martin shared data around who is producing garbage, recycling, and food scraps in the region (waste stream users):

1. Residential generates 27%
2. Multifamily generates 15%
3. Construction and demolition generates 17%
4. Businesses and other organizations generate 41%

Mr. Martin noted that each year, Metro consolidates this information from local governments who report on materials collected. Private collection companies report data to local governments who then compile the information which goes to Metro and in turn Metro provides the data to Oregon DEQ. This is where these numbers come from. For the waste stream, the region's recovery rate was 46.9% in 2017 which is the latest accessible data. The majority of what is recovered is recycling (67%) and composting (23%) and energy recovery (10%).

Franchise haulers are granted the right by the local governments to exclusive territories and offer standardized services and fees. The reason for this is to look at route efficiencies, reduce greenhouse gas emissions and pollution. Most garbage and recycling haulers are franchised with a few notes/exceptions: Washington County has hauling certificates which replace franchise contracts. Also, Portland haulers compete in a free market for commercial and multifamily customers and each hauler sets its own rates. Portland haulers still need to meet certain levels of services, but they can set their own rates.

Mr. Martin shared a map of the hauler franchises which concluded his portion of the presentation.

Jenny Slepian (City of Lake Oswego) began by sharing that under state law, local governments are responsible for providing garbage and recycling services. For most communities, the default is to have weekly pickup. Portland is an exception with bi-weekly collection. Recycling varies between weekly and bi-weekly around the region. For the most part, the standards for what can go in the recycling are consistent. They are different in Marion County. Glass recycling varies from weekly/bi-weekly. Yard debris is the category with the most variation on collection and availability. The biggest difference is whether food scraps can be added to the yard debris bin. Currently food scraps can be included in the yard debris bin in Portland, Beaverton, Hillsboro, Forest Grove, Lake Oswego, Milwaukie, and Wilsonville. It is usually only available to single family units and not in multifamily units.

Ms. Slepian shared a slide that breaks down the composition of what specifically is in the waste collected. The slide is from DEQ Material Recovery Generation Rates Report. The report is generated by obtaining samples of waste at the point of disposal, sorting waste into different material categories, weighing them, and then combining them with disposal quantity information to determine the total amount of different materials being disposed. These studies are useful to help determine if recycling education programs are effective in getting Oregonians to recover the materials on the list of accepted materials. This also helps the state and region make policy decisions around infrastructure for collecting new material.

Ms. Slepian provided information on rates and service. Most rates are a 'pay as you throw' and they are on a volume-based rate schedule which is reviewed and set by local jurisdictions. In Lake Oswego and Silverton, they are considering a different system: garbage equity. What this means is that those with the largest carts (90 gallons) would pay more per gallon than those with the smallest carts. The hope is to reduce waste. Most places, residents can choose the size of the cart you have. The most common is the 35 gallon roll cart. Costs to residents are based on the size of the cart and frequency of pickup. In Portland, commercial accounts are set up individually with property owners choosing a garbage and recycling service based on costs and services provided. Property managers are required under state law to provide access to recycling services. Portland and Beaverton require landlords to provide recycling services to their residents through local ordinance. Some local governments such as Lake Oswego build in this requirement through administrative rules in franchise agreements.

Local governments are responsible for compliance monitoring and enforcement but they also work with the counties for additional support. Most cities and counties match Metro's business recycling requirement for paper and containers. The responsibility to comply with recycling falls on the party who contracts with the hauler. All multifamily communities are required to have recycling for a full range of recyclable materials. Portland requires that recycling containers are as conveniently located as garbage containers and have clear signage. Landlord and property managers must provide written recycling information to all residents at least once per year and to all new residents within 30 days of moving in.

Ms. Slepian moved to answer the question of what happens to the material at the end of the hauling process. Haulers will deliver the waste to a transfer station which will then prepare the garbage for transportation to a landfill. Haulers primarily deliver recycling for processing to six different material recovery facilities that process commingled recycling collected from both businesses and residences. Yard debris and food scraps go to transfer stations as well at which point they are transferred to compost facilities. Some local governments also oversee solid waste facilities. Clackamas County operates a transfer station near Sandy, Washington County oversees a landfill near Hillsboro, and Clackamas County also oversees an illegal dumping program that works on public lands.

Jill Kolek (City of Portland) presented on education and outreach. She noted that cities and counties answer thousands of questions each day about garbage, recycling, and composting. There are hotlines and emails that get answered. There are also a lot of materials created/distributed such as decals, how-to guides, stickers, and a variety of publications and electronic newsletters (to schools, property managers, and businesses). One focus in messaging across the region focuses on food waste and proper approaches to composting at home. Increasingly, education and outreach is managed with a focus on accessibility and inclusiveness. At a minimum, local governments ensure that core materials are translated into several languages. Also, interpretation services are available for those calling in for information. Local governments also seek partnerships with community based organizations (CBOs) to further the work.

Ms. Kolek noted that there is technical assistance and outreach across the region. There are technical assistance programs such as *Recycle at Work* and *Sustainability at Work* which help thousands of businesses each year. Technical assistance staff are available to provide onsite assessments, recommended best practices, certifications, and recognition as a green business leader. Educational resources are also available which provide a connection to service providers such as food rescue agencies and reuse organizations. Many communities support multifamily units as well through community presentations, signage and other materials, etc. Local governments also have access to a large group of volunteers across the region who have completed the Master Recycler program. This is a pool of over 7,400 people throughout the region. Master Recyclers promote messaging and goals around recycling and composting. They help to organize litter and community collection events, and some will present to businesses and faith-based organizations where they belong. Some local governments also support school programs which include technical assistance for waste reduction, classroom presentations, grants, and certification as Oregon Green Schools. One example in Clackamas County is that these efforts helped to eliminate millions of single use milk cartons as a result of transitioning to bulk milk dispensers.

Many local governments support repair fairs or fix-it fairs to repair household items, small appliances, and clothing. There is also growing effort around the region for a library of things. Beaverton, Hillsboro, and eight libraries in Clackamas County have started these libraries for reuse. Many jurisdictions also support bulky waste collection events. What works for one county might not work for the other, but the various jurisdictions continue to come together, share and improve. Ms. Kolek noted that there are many smaller jurisdictions who lack the resources and staff to deliver on the requirements found in the Opportunity to Recycle Act which is where the counties provide support on their behalf.

Ms. Kolek highlighted current projects happening throughout the region, namely the multifamily service improvement project which includes standards, bulky waste management, educational signage, and standardized container color-coding. The goal of the project is to ensure that multifamily units will experience garbage and recycling collection that is consistent no matter where they live throughout the region. Another current area of focus is business food scraps separation policy, as food waste is a key focus area for the region making up 18% of the waste stream, 50% of which comes from businesses. There are also efforts by local jurisdictions to connect businesses with local food rescue agencies such as food banks, local pantries, and meal donation sites to reduce waste of edible food. The business food scraps separation policy applies to food that cannot be prevented or donated. Policy implementation is currently underway. All food businesses such as restaurants, grocery stores, institutional kitchens, and schools will be required to keep food scraps out of the garbage. This policy will start with official notification March 31, 2020 to the largest food businesses, with a phased approach over the next four years. Small businesses like food carts will not be required to participate, but they may do so voluntarily.

Ms. O'Brien noted the importance of household hazardous waste services and asked the presenters to elaborate on that if possible.

Shannon Martin shared that Metro has household hazardous waste collection facilities at Metro Central and South stations. Also, that the local governments partner with Metro for community collection events around the region. These community events can be highly attended and overwhelming so the local governments don't tend to overly promote these events. One of the major questions that comes to Metro's Recycling Information Center relates to household hazardous waste and what to do with it.

Marilou Carrera (Portland resident) asked about the partnerships with CBOs and what kinds of CBOs are partnering with government.

Ms. Kolek shared one recent example of a \$100,000 grant that was received through a recycling partnership to do education in multifamily residences. That funding is being shared/distributed with CBOs in order to provide resources within their own communities. The CBOs receiving the funds and working directly with communities are David Douglas, Trash for Peace, and Unite Oregon.

Ms. Sharetta Butcher (NxNE) also shared that there is a class that will be graduating shortly with the Master Recyclers program.

Ms. Kolek mentioned that the Master Recyclers program does cater/tailor its courses to the attendees and develops curriculum and content relevant to the group/attendees.

Eben Polk (Clackamas County) noted that there are people on staff providing full time outreach and technical assistance to multifamily communities and property managers. There is a mix of partnerships and in-house staff.

Ms. Kolek indicated that local government also partners with the Community Environmental Services at Portland State University who does a lot of fieldwork through the multifamily program. This includes delivering resources that go out to these sites, making sure signage is installed, and that infrastructure is in place, which can be a big issue.

Ms. Carrera asked a follow up question of whether the local governments work with the Oregon Community Health Workers. She noted that she views this work with a health lens. Community Health Workers serve as a community liaison.

Theresa Koppang (Washington County) noted that Washington County is doing some health work through Centro Cultural of Washington County with their promotores.

Ms. Carrera asked if the Master Recyclers tend to be clustered in particular areas or how widely they are dispersed.

Ms. Kolek responded that these volunteers do tend to be more centrally located. They do want to ensure as many communities are represented, and if there is an applicant coming from a more remote or underserved area, it is possible that their application would get weighed more heavily over others. The class has 30 spots and frequently gets at least 80 applicants for each session.

Ms. Carrera asked Shannon Martin about compliance on the business side and who is compliance for and how it works.

Mr. Martin shared that Metro provided ordinances for a regional business recycling requirement and required that the local governments comply with that ordinance. It now is up to all local governments to enforce and educate businesses to be compliant. The new business food scraps compliance will also be folded into this. There are some code issues that get enforced as well. Local governments also oversee safety, design review for garbage enclosures, etc. to make sure that businesses are meeting city codes.

Ms. Carrera asked if the system operates with an incentivizing process or a disincentivizing process.

Mr. Martin communicated that all of the local government programs are technical assistance based. The goal is to provide as much education and support as possible before looking at enforcement. The business recycling requirement passed in 2009. DEQ helped with one large retailer who was not in compliance. For the most part, efforts have been successful in partnering with businesses.

Mr. Polk followed up that a large amount of time spent by government staff in this field involves technical assistance, outreach, and education.

Ms. Slepian shared that there have been some fines issued in Lake Oswego. But this was only after multiple attempts to work with an organization over the course of years sometimes with no improvements. Usually it reaches a point of being a health concern which is usually the point at which the code is more strictly enforced. The majority of the time the effort revolves around how to support those businesses to become compliant. There is a long process before enforcement.

Beth Vargas Duncan (ORRA) asked if the fining helps.

Ms. Slepian shared that for businesses, the fining and enforcement does work. One of the challenges is with the 'revolving door' of property managers for multifamily. They have fined one property three times for noncompliance. But with each new property manager, the issues start up again.

Christa McDermott (PSU) asked about compliance around some of the non-Metro-wide requirements and bans (local with disposable silverware and statewide plastic bag).

Ms. Kolek noted that the system tends to be complaint-based. Some bans are more visible to the public (front of house like bag/plastics bans) versus food scraps collection which is back of house and less visible.

Ms. Slepian shared that Lake Oswego had a plastic bag ban in place before the State ban. They adopted the state ban. But with only one compliance officer, the system is very complaint based. There are residents who may not fully understand the state law and they become frustrated when they see plastic bags (usually the bigger plastic bags) in use and want fines to be issued against those businesses. Local governments need to then explain why that can't be done.

Mr. Martin noted that local governments are preparing policy direction to their council members around next steps with enforcement because the way the bill is written, it is a Class D misdemeanor (only in some jurisdictions) which means that a law enforcement officer would need to enforce. For this reason, the focus is on helping business get and remain compliant.

Ms. McDermott asked about some of the DEQ data of the region's waste composition that was presented and if there has been any change over time and how it is being tracked and which initiatives are working.

Ms. Slepian shared that Lake Oswego does waste audits as a part of their franchise agreements. Also, when Lake Oswego rolled out their curbside composting program, they did try to gather data on the impacts. But they were not able to get solid data from that effort, noting how difficult it is to measure. She supports individual waste audits which can help see how many of these individual services and initiatives are having an impact.

Ms. Kolek added that Metro has does some analysis around single family and multifamily and what is in the garbage and recycling, and what are contamination levels and the composition. This is on a regional level. The DEQ is every five years or so.

Roy Brower (Metro) shared that Metro does work to serve as a central hub of information. But as far as characterization studies, Metro and DEQ are able to do that every five to seven years and it is hard to attribute the changes to any particular policy versus what is happening more generally in

commerce. He provided the example of volume changes in use/distribution of newspapers and magazines which is market related.

Ms. Kolek emphasized that the economy impacts these waste streams as well.

Ms. Slepian communicated that the changes overall in the global recycling market will also continue to have an impact. There have been many plastics that are incorrectly going in recycling. Ideally, these plastics would start going into the garbage, but then the plastics garbage numbers would go up. This could change the data somewhat.

Mr. Brower expressed the importance for the committee (particularly non-government members) to understand how critical the local governments are in partnership with Metro to implement the 2030 Regional Waste Plan. We are fully integrated which makes it difficult at times to separate the work being done both in tandem and in partnership between Metro and local governments.

### **3. FOOD WASTE DISPOSAL BAN UPDATE**

Jennifer Erickson (Metro) shared that she is with the department's policy and compliance team and she is working on the food waste disposal ban. When combining the edible food and food scraps waste from the DEQ Material Recovery Generation Rates report, that is the largest component of waste disposed each year. A little over half of this waste comes from businesses. This was the impetus starting over twenty years ago to work on ways to get food scraps out of the waste stream. The business food scraps collection requirement passed the Metro Council in July 2018. Nineteen of the twenty-one local governments who are required to adopt the requirement have done so (as of March 2020, all 21 have adopted the requirement). One component is a collection requirement for businesses to collect and separate food scraps (back of house where food is prepared and where they bring back plate scrapings). This is a food-only program. The second component of the regional food scraps policy is a ban on disposal of food scraps generated by businesses. When the Council adopted in 2018 the required commercial collection program, they also adopted a companion resolution to implement a disposal ban. This would be implemented and enforced at disposal facilities. When the resolution was adopted, there was no specific date outlined which meant that Metro did not know when this would take effect. In October 2019, the timetable was established by the Metro Council: the disposal ban will be effective January 2025.

Ms. Erickson explained the expected approach of the disposal ban. Metro is in the process of reviewing research from 2015 which looks at other communities in the United States and Canada who already have disposal bans in place. Metro also reviewed existing bans for hazardous waste, medical waste, electronics, etc. which already have local bans on disposal. Metro looked at how these bans were written, who they effect, how they are regulated, and how they are enforced. That material is all being reviewed currently as well as looking at if there are any new communities who have adopted a ban. Metro is also seeking input from communities who have adopted bans in the recent past to find out what they have learned and what might they do differently. The next step will be a stakeholder mapping process to understand who all the stakeholders are who might be affected by the disposal ban. After these steps, Metro will most likely come back to RWAC, share what has been learned, and ask for input/recommendations around: how best to carry the policy forward, how to form it, and who should be at the table when putting the policy together. Ms. Erickson noted that a part of the likely approach is that the disposal ban would be enforced at the point of disposal—at waste facilities. There is a focus on communication and assistance, not enforcement. For example, facilities would report loads that violate the standard and working with haulers and local government partners to determine the source of the loads.. In these instances, Metro would want to work to determine where the load came from, which jurisdiction and what business in order to help businesses refine their approach and comply with the ban. In other words, the model is based more in technical assistance and support, and less so on punitive

measures. There will still most likely need to be some punitive component if there are chronic abusers of the system. There will need to be some form of penalty that gets enforced. The goal is to have a policy before the Metro Council by the end of 2021. This will give some time to move thoughtfully through the process and create a well-developed policy to bring before Metro Council.

Beth Vargas Duncan commented that if Metro recognizes that it rarely needs to have a punitive measure for people that can't resolve the issue, maybe others of us could also use that tool, which would be useful.

Mr. Polk asked if Ms. Erickson could clarify the scope for the policy. All transfer stations in the Metro boundary?

Ms. Erickson clarified that the scope is all disposal facilities that receive commercial waste from the Metro region. Any facility that is permitted to receive solid waste for disposal in the region (transfer stations, landfills, Marion County burner...).

Mr. Brower added that Metro is also in the process of adopting transfer station administrative rules which set the minimum standards for how transfer stations will operate. Mostly, this mirrors existing standards and requirements, but it will start to include some of the food-related acceptance requirements. At some point in time, some of the private transfer stations will be expected to take commercial and residential food scraps along with yard debris. Willamette Resources Inc. (WRI) in Wilsonville and Pride in Sherwood are about to begin taking food scraps. Pride was given \$500,000 through the Investment & Innovation grant program to help fund a collection area for food scraps, which is currently being built.

Ms. Carrera asked Ms. Erickson about the stakeholder mapping and how "stakeholder" will be defined.

Ms. Erickson clarified that a stakeholder is anyone who is potentially affected by the policy. Early brainstorming has started with Metro's equity team to help develop a comprehensive stakeholder map. The team will also be presenting before Metro's Committee on Racial Equity (CORE) as the stakeholder map is developed to ensure Metro's process is comprehensive and inclusive.

Joe Buck (Small business owner) asked about containers and space restrictions for individual property and business owners.

Ms. Erickson responded that there will be some temporary 12-month waivers as well as technical support for local businesses. It is possible that through the technical assistance, it may be determined that a business truly has limitations on space that are prohibitive to their participation. That is where the waiver will allow some time flexibility to assess options. The system will be flexible to deal with local conditions. The policy will be focused on a larger scale—egregious offenders. There won't be people picking through loads to look for small amounts of food waste. This will be targeting big loads/obvious large quantities of food.

Mr. Buck asked where the responsibility falls in terms of businesses versus property owners. Perhaps a business wants to comply but the property owner hasn't accommodated with the requirements.

Ms. Erickson stated that as part of the business food waste requirement that affects businesses, landlords are required to allow participation and they cannot hinder collection service. Local government representatives from the initial committee that helped form the collection policy

emphasized the importance of clarity that property owners, managers, and those who lease space must allow this service to be provided. This is built into every local code as well.

Mr. Brower noted that initially as this policy rolls out over the next three years, it will primarily be the responsibility of the local governments to implement. Ultimately, Metro will back that up with the food waste ban that will take effect in 2025. Metro will work with local governments to gain compliance until 2025, at which point some of that responsibility could shift to Metro.

Beth Vargas Duncan added that garbage haulers work closely with local governments on enclosure designs. As buildings are being developed, local governments have been helpful in getting quick turn-around so that haulers can see the design and make comments before something is constructed. This has been very useful and hopefully will continue as such.

Ms. McDermott asked about the policy going before Metro Council by 2021. Is there an evaluation component or evaluation plan? Will there be a process asking whether things are working? She also asked about whether we will be reducing edible food in the waste stream. What is the effect in terms of carbon emissions? And what has been the qualitative experience for businesses. She wanted to know if this will be a part of the policy.

Ms. Erickson responded that Metro, in partnership with local governments and the Metro Research Center, have developed a robust data collection system called FRED. Information was gathered about the businesses that will be impacted by this policy, they were grouped, and a system has been set up so that all local jurisdictions can go out to those businesses and certify if that business is in compliance with the program. They also collect qualitative information about whether those businesses have waste prevention practices in place, are they donating food and to whom. That data comes back to Metro on a quarterly basis. Metro is also measuring materials coming into the transfer stations so that it is known how much food waste is being captured. The first quarterly report has already been done to determine who is in compliance, who is not, who has waivers and why etc. Metro has a partnership with the Oregon Food Bank to identify all the food rescue agencies and providing that data to local jurisdictions to connect potential businesses to those agencies through a comprehensive mapping project.

#### **4. COMMITTEE PHOTO**

The committee paused their meeting to take a group photo.

#### **5. APPROVAL OF ITEMS**

- November 2019 meeting minutes were approved by committee
- January 2020 meeting minutes were approved by committee

#### **6. EXTENDED PRODUCER RESPONSIBILITY (EPR) POLICY OVERVIEW**

Pam Peck (Metro), Director of the Policy and Compliance division, introduced Metro Senior Planner, Scott Klag, who does the department's work in legislative affairs. She explained that when there are things going on in the legislature that might affect solid waste and recycling, Mr. Klag monitors that information and brings it to Metro Council as appropriate. This allows Metro Council to take a position on the issues if they would like, or they may direct staff on how they would like to interact on those issues. Mr. Klag also works to advance legislative priorities that are set by the Metro Council. Mr. Klag sits on the board of the Product Stewardship Institute, which is a national organization. He also represents Metro on the Northwest Product Stewardship Council.

Ms. Peck shared that today's presentation would provide context to the committee on Extended Producer Responsibility (EPR) as a policy framework for achieving Metro's goals as we manage

materials in our system. She explained EPR in its most basic form: if you make it, you take it. It is a requirement on people and companies who produce products and packaging that when the consumer is finished using it, they take responsibility for making sure that the items are properly disposed of. This could be hazardous waste, reuse, recycling, etc. EPR is a specific type of product stewardship that is required. It is made mandatory through a law, typically at the state level. But there are a number of communities who have adopted policies around product stewardship at the local level. Product stewardship can be voluntary as well: any company can decide that they want to be better stewards of the materials they produce. EPR involves a specific laws which sets out the government oversight.

Ms. Peck noted that the 2030 Regional Waste Plan (RWP) identifies EPR as a key strategy to help reduce the environmental and human health impacts of products and packaging that are used in Oregon. To provide some context around where EPR is being discussed: flowing from the RWP, the Metro Council has directed Metro staff to work on EPR for mattresses, on which they have taken the position that this is a priority in this legislative session. If action does not happen at the state level, the Metro Council has indicated an interest to consider a local policy. At the state level, the Oregon DEQ has identified EPR a potential strategy to help modernize the state's recycling system.

Scott Klag (Metro) noted that waste management has historically been managed on the local level, but in the past decades, it has become more evident that what is being consumed/produced are both national/global kinds of issues that need to be managed. Mr. Klag shared some of the history around EPR and product stewardship. Mr. Klag highlighted one feature of EPR: by shifting financial and management responsibility with government oversight upstream to the producer, this provides incentives for the manufacturers to work on how to better design products which have less impact.

Mr. Klag noted that when EPR laws are passed, the goal is to level the playing field for the manufacturers. Voluntary product stewardship will result in some corporations participating and others opting out. With EPR, all producers are required to be involved. The financial responsibility is the responsibility of the producers. It is important that there be stewardship organizations with compliance entities. There are companies that work with manufacturers to determine what type and quantity of materials they are using. The data is now becoming easier to track.

Mr. Klag shared that government oversight of EPR programs is an area that is new and being heavily discussed. There should be some flexibility for corporations, but the oversight is still important. Some components to legislation include performance goals, convenience standards, penalties, audit requirements, and anti-trust protections.

In Oregon, there are a few voluntary programs around batteries and carpets. Oregon has a few legislative programs: bottle bill (currently at a \$0.10 deposit), paint, drug take back program (2019), and a mattress bill currently being considered. There is a bill to cover household hazardous waste (HHW) more extensively (will be presented in 2021). Currently, there are groups looking into a potential national container law and they are consulting heavily with the state of Oregon and possibly modeling components after Oregon's bottle bill.

In 2007, a bill passed for electronics (e-waste) which included computers, TVs, and expanded to include printers in 2011. Oregon has three hundred collection sites and collects twenty-five million pounds per year to be processed. There is not a point-of-sale fee, but rather a cost-internalization program. This means that the manufacturers work with organizations that set up collections sites with contractors who collect these materials throughout the northwest. As materials come in, manufacturers pay.

Mr. Klag shared a few key points about the Oregon Paint Care program: Paint makes up about 50% of the material coming into the HHW facilities. Oregon has a system of about one hundred twenty-five collection sites around the state which collects about 800,000 gallons of paint each year. This saves the rate payers in the Metro area about \$1 million each year. Mr. Klag also noted a few high level elements of the mattress bill currently being considered with the Oregon legislature: the bill will create jobs and reduce mattresses going to landfills. There is also an equity component to examine how to ensure accessibility to low-income households. Mr. Klag highlighted the importance of the work being done by local governments and local businesses to help start building infrastructure for these programs.

Beth Vargas Duncan asked about antitrust – that means producers are saying we need to put a fee on ourselves to manage the products we are creating. She wanted to clarify the antitrust issues.

Mr. Klag elaborated on two different issues: in the case of batteries and electronics, those industries do set fees within themselves. Protocols and mechanisms that they follow to ensure they don't run into antitrust issues. There are current procedures in place for some of these voluntary programs. The other area is for point-of-sale fees where money is being collected (paint currently, mattresses potentially). Those fees are or would be reviewed and approved by the DEQ to ensure it is only being used to manage the program/services and to protect the consumer.

Beth Vargas Duncan wanted to clarify that the producer is setting a fee, which they figure out amongst themselves. That fee will fund their own organization/producer responsibility organization and the only exterior oversight is state laws. Is that correct? From her experience with EPR, it sounds like people are saying that this will change behavior. What is going to force them to change behavior? The concern is that people are paying more for items, then the system needs to be strong enough to affect change.

Mr. Klag shared that within producer organizations, the best option is to have them take back a lot of their product. That is better to have these individual manufacturers take back their products so that they can innovate, use better materials that are maybe more easily recyclable, etc. Many of these programs are just getting started though. There is a movement now in Europe and Canada where manufacturers are starting to cost differentiate within their producer organization that the more expensive it is to recycle a product, the greater the fees will be for that manufacturer. This is also starting to emerge in the United States. Those are called eco-modulated fees. Washington had a draft EPR bill which included elements of this. There are also some looking at CO2 impacts of these products.

Mr. Brower let the committee know that we will keep them updated on the mattress bill at the state legislature. If the bill does not pass the legislature, the Metro council may be interested to pursue local options. He then asked for committee members who attended the Metro South Transfer Station tour to share about their experience:

Beth Vargas Duncan wanted to give kudos to the company/staff working at the transfer station under the different contract. The space is cleaner and run more efficiently. Kudos to Penny Erickson.

Ms. McDermott: heard and saw the need for a different infrastructure – trench/pit model versus flat floor operations. The need for a different transfer station was clear. She realized the need for functional organization. One thing we did see was mattresses being dumped.

Ms. Carrera shared that she has had the opportunity to visit the Metro Central Station in the past which was their first connection to the work. Ms. Carrera noted that it was nice to see the order of

things. She was very appreciative of staff and the HHW component. It was helpful to see the overall scope of what has to be dealt with – fully appreciate the desire to build up a new facility that is more efficient and can accommodate more. People, institutions, use less. Penny’s expertise was valuable – she really advocated – speaking to collective knowledge and experience of the people on the ground.

Mr. Buck was impressed by the hazardous waste collection and the amount of time committed to manage materials. One of the biggest issues at the facility was the size of the vehicles – big trucks, trailers, space...The facility needs to be updated just to accommodate things today. Self-haul and haulers in the same facility can help in some ways with efficiencies, but it is a challenge – and he could see the need for new design.

Mr. Brower noted that the committee will have an opportunity to join one of the Metro tours to the newer, modern Seattle facilities.

**7. MEETING AJOURNED at 10 a.m.**