

# REGIONAL WASTE ADVISORY COMMITTEE

## Meeting Worksheet

**PRESENTATION DATE:** August 18, 2022      **LENGTH:** 20 minutes

**PRESENTATION TITLE:** WPES participation in Recycling Modernization Act Implementation

**DECISION TYPE:** Informational

**RELATED REGIONAL WASTE PLAN GOALS:** Goals 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16.

**PRESENTER(S):** Audrey O'Brien (Oregon Department of Environmental Quality)  
Rosalynn Greene, Jill Aki Hrycyk and Sabrina Gogol (Metro, Waste Prevention and Environmental Services)

### PURPOSE OF PRESENTATION

- Overview of the Recycling Modernization Act key provisions, issues of interest to WPES in the first rulemaking period (2022-23).
- Overview of rule-making processes and composition of committees.
- Request for committee input on topics to bring to a future RWAC meeting that is an advisory decision meeting.

### ACTION REQUESTED

- The committee's feedback is requested on the list of topics to bring to future RWAC meetings.

### BACKGROUND

The Plastic Pollution and Recycling Modernization Act (RMA) will update Oregon's outdated recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The Oregon legislature passed the legislation in 2021 and the Department of Environmental Quality (DEQ) must implement the new system by July 1, 2025. The new law is designed to increase responsible recycling. It will make recycling easier, expand access to recycling services, upgrade the facilities that sort recyclables, and create environmental benefits while reducing social and environmental harms, such as plastic pollution.

### Path to implementation

Rulemaking is the first step in the implementation process and will take place in two stages. The first will establish rules for the accepted materials list, local government compensation and producer responsibility organization (PRO) plan requirements. The Environmental Quality Commission (EQC) will consider draft rules from this stage in late 2023. The second rule-making process begins in 2023 and will focus on recycling processing facility requirements, incentives for better product/package design and how to protect ratepayers from costs to modernize the system. The EQC will consider the second set of rules in mid-2024. The PRO(s) that form to meet producer obligations under the law must submit their program plans to DEQ in March 2024 and begin implementation by July 1, 2025.

## **Advisory committees**

The Oregon Recycling System Advisory Council or Recycling Council will advise DEQ and the producer responsibility organizations on key recycling system elements, including the uniform statewide collection list, PRO program plans, and more. The council consists of 17 members appointed by the Governor, plus 2 non-voting members of the Legislature appointed by the Senate President and Speaker of the House. Members of the council represent local governments, community-based organizations representing the interests of historically underserved groups, small business, environmental nonprofit organizations, the recycling industry, service providers, processors or material end users and producers of covered products or producer trade associations or suppliers. The council's duties begin during the initial development and implementation phase prior to July 2025 and continue throughout ongoing implementation in perpetuity. Pam Peck, WPES Policy and Compliance Program Director, represents local governments on the Recycling Council and was elected as Council chair at the group's first meeting in June 2022.

DEQ is convening a rule-making advisory committee to review the technical issues and fiscal impacts related to the proposed rules. DEQ has appointed members that reflect the range of entities that are both directly and indirectly affected by proposed changes to the rules. Rosalynn Greene, WPES Policy and Program Development Manager, represents local governments on this committee. WPES staff are committed to working closely with area local governments and other stakeholders to support rulemaking that carries out the original intent of the legislation and minimizes disruption to existing services.

## **Recyclable materials collected in the Metro region – potential changes ahead**

RMA implementation will likely result in changes to the list of materials accepted for recycling at homes and businesses in the region starting in 2025. Additional materials may be accepted at recycling depots and via other collection methods. Some materials may shift from home collection to depot or other collection methods to reduce contamination, support more recycling and ensure materials go to responsible end markets. DEQ will convene a panel to discuss collection methods and how to support convenience and accessibility standards for regions across the state. With the unique needs and infrastructure of the Metro region, there is an opportunity for collection and accessibility standards in this region to meet the needs of people in multifamily housing and those who want to walk, bike, or take public transit to drop off RMA-covered materials.

## **Responsible end markets – potential changes ahead**

The responsible end market requirements in Oregon's new recycling law will lead to more transparency and standards about where and how materials collected in Oregon are recycled. The law includes oversight of producers and processors to ensure responsible recycling. These statutory requirements were intended to address the negative environmental, social, economic and health impacts that can result from irresponsible recycling. There are currently four areas where rulemaking is needed to clarify the obligations related to responsible end markets:

1. Specify which persons in the recycling supply chain are considered the "end market;"
2. Clarify standards for what would constitute a "responsible" end market
3. Set auditing requirements for "responsible end markets;" and
4. Clarify actions that may be considered "practicable" for the PRO's obligation to ensure product delivery to responsible end markets with materials managed in an environmentally-protective manner and according to Oregon's materials management hierarchy.

## **Local government compensation**

Local governments will also be eligible to receive funding for new expansion of on-route collection as well as additional collection such as through depots and mobile collection. This summer, DEQ will work with local governments—including Metro—to better understand needs related to

expanding recycling collection and inform rules related to producer obligations to support expanded collection.

**What are the key elements that guide Metro participation?**

The Metro Council adopted 2030 Regional Waste Plan and legislative principles for Equity in the Solid Waste System provide guidance or critical lenses for providing input, feedback, and options for implementation of the RMA. Essentially, the RMA advances multiple goals, actions, and principles already adopted by Metro Council. To this end, Metro is looking at how rulemaking for the RMA can advance the original intent of the legislation and where there is broad intent also advance Metro's goals, actions and principles.

- The Metro 2030 Regional Waste Plan aims to eliminate disparities experienced by people of color and historically marginalized communities from the full life cycle of products and packaging used and disposed in the region. Metro supports legislation providing that whoever designs, produces, sells or uses a product bears responsibility for minimizing the product’s environmental impact throughout all stages of the product’s life cycle. Metro supports efforts to minimize the health, safety, environmental, economic and social impacts associated with consumer products and packaging throughout all stages of a product’s life cycle, beginning with resource extraction and continuing through design, manufacturing, consumption and disposal.
- The Metro legislative principles for Equity in the Solid Waste System supports legislation advancing:
  - Community restoration, community partnerships and community investment
  - Access to recycling, waste and reuse services and information
  - Good jobs with improved worker health and safety, compensation and career pathways
  - Business opportunities in the local economy
  - Community health through minimized impacts from system operations - locally and in end markets - and from toxic chemicals in products and packaging.
  - Requirements that establish of targets, standards and compliance processes, as appropriate, to ensure progress toward equity goals.

**Topics for RWAC advisory meeting**

*An RWAC advisory discussion of the following topics this Fall would be in time to inform Metro’s participation in the first rulemaking period for the RMA.*

Topic	Decision type	Focus of input/reflection
Recyclable materials collected in the Metro region	Consult	Accessibility and convenience for people across the region.
Responsible end markets	Consult	Performance standards, monitoring and auditing, funding that ensures responsible end markets.
Public communication	Consult	Support for accessible messaging.

**QUESTIONS FOR CONSIDERATION**

Thinking about the list of Recycling Modernization Act topics that are particularly relevant to this committee, we’d like the committee’s feedback on what is included in a future advisory discussion. Questions for consideration include:

- Do you recommend adding or changing any of the topics in the list? Why?
- Do you recommend removing any of the topics in the list? Why?

**NEXT STEPS**

- The committee's recommendations will be carefully considered and the draft topics edited accordingly. The final draft will be submitted to WPES Director for approval.
- WPES staff will return to the committee in the Fall to present proposals for each topic, invite committee feedback, and provide an update on any related developments and activities.

**ATTACHMENTS**

DEQ timeline