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Thank
The webinar

Q&A

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Send anonymously

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PSI is a policy expert and consulting nonprofit that powers the emerging circular economy.

WEBINAR SERIES: PREPARING PRODUCERS FOR OREGON PACKAGING EPR

Printing & Writing Paper

Oregon Department of Environmental Quality
Extended Producer Responsibility packaging law
July 16, 2024



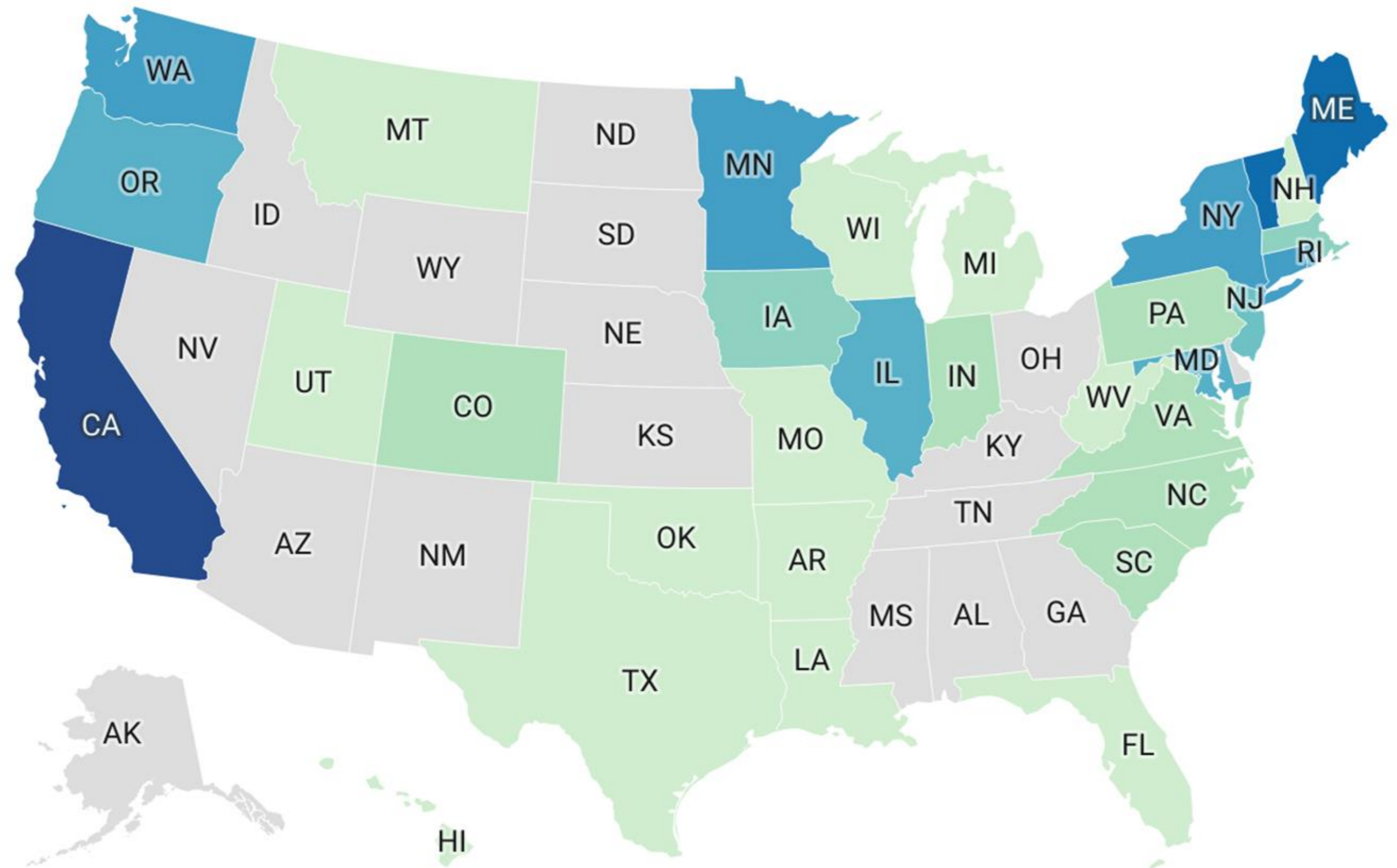
Who is Product Stewardship Institute?

- **National nonprofit:** 23 years
- **Focus:** Consumer products and packaging
- **Members:** State & local gov't's /Board of Directors
- **Partners:** Business, non-profits, int'l gov'ts, academic
- **Collaborative problem solver**
- **Multi-stakeholder engagement**



U.S. EPR LAWS 2024

139 laws
19 products
33 states



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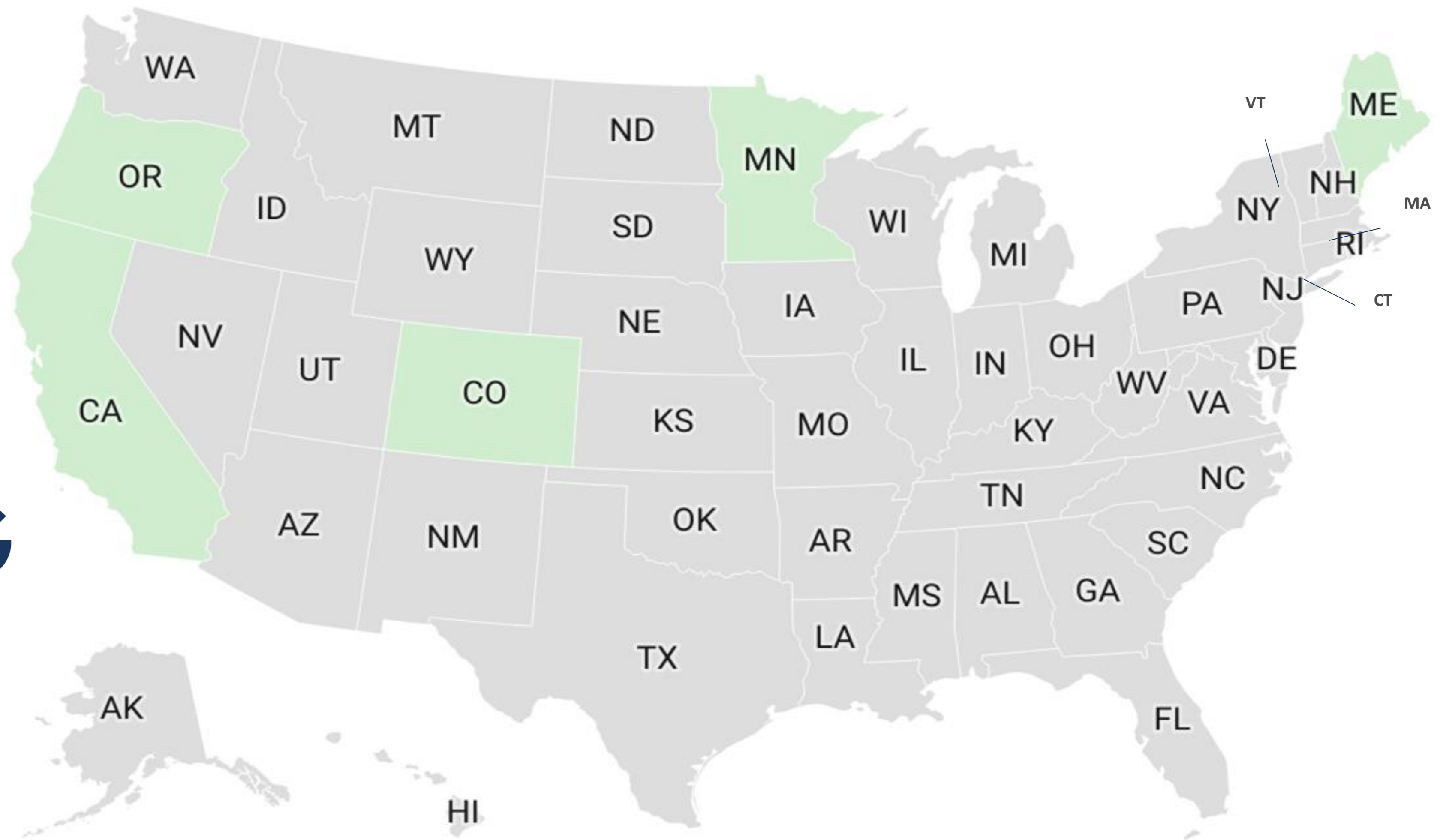
Number of State EPR Laws





U.S. PACKAGING EPR LAWS

5 states

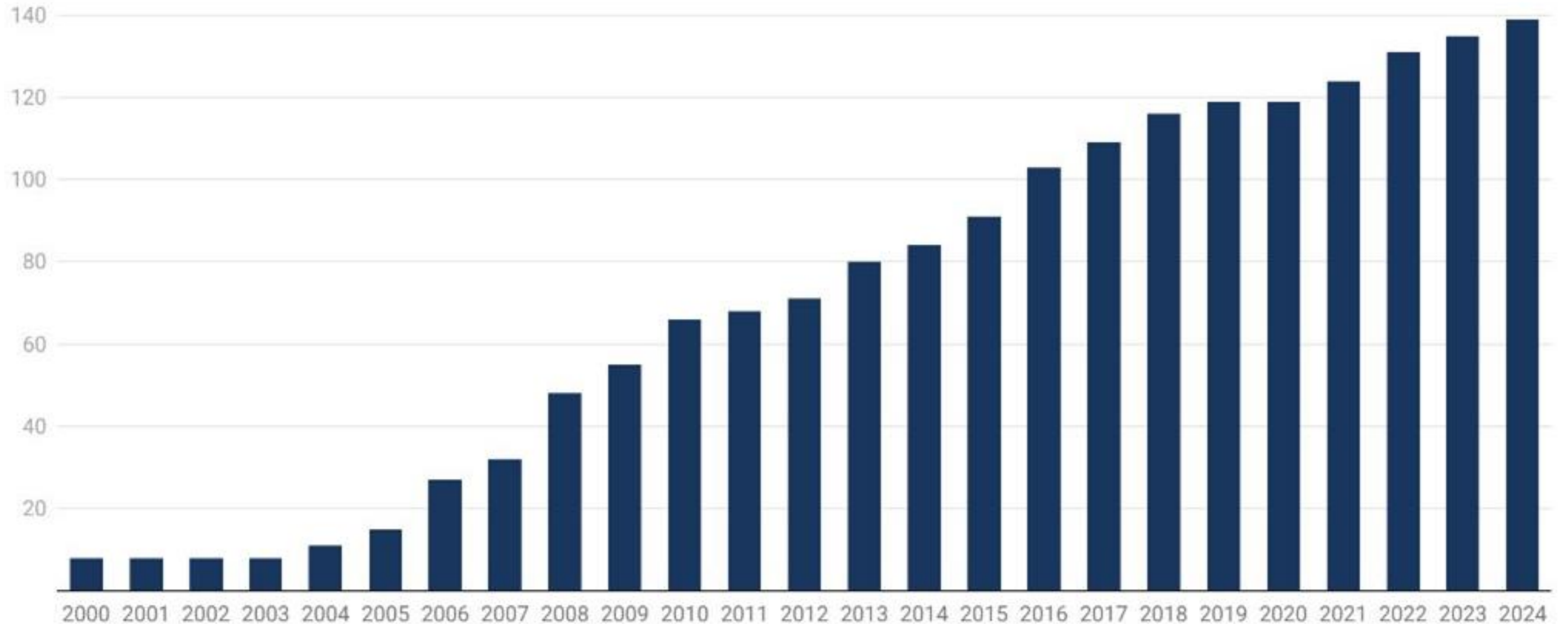


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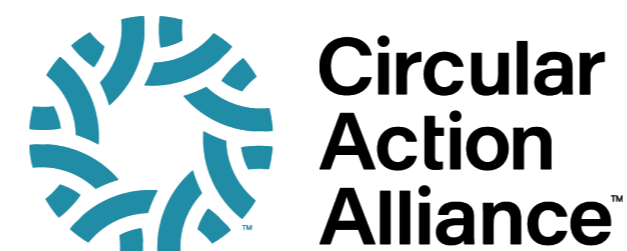
State Packaging EPR Laws



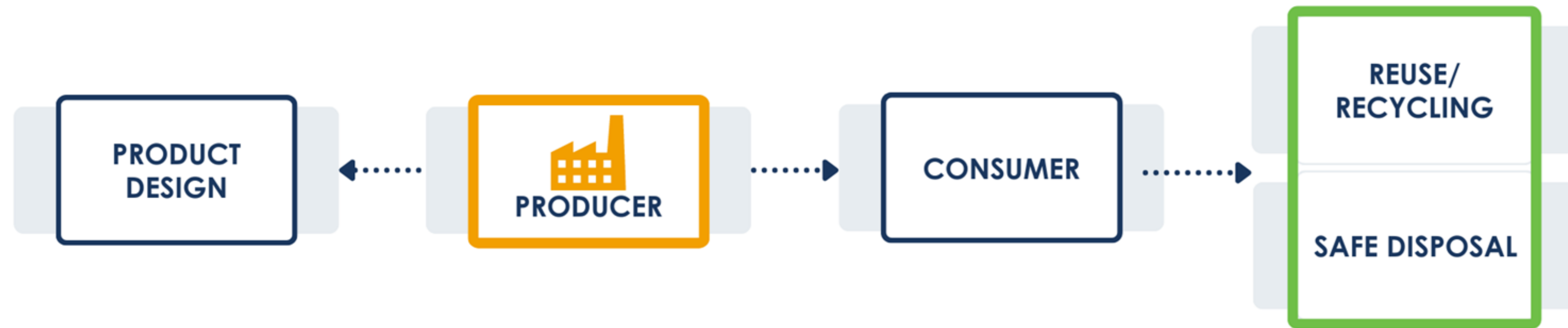
U.S. EPR LAWS SINCE 2000



PSI
Founded



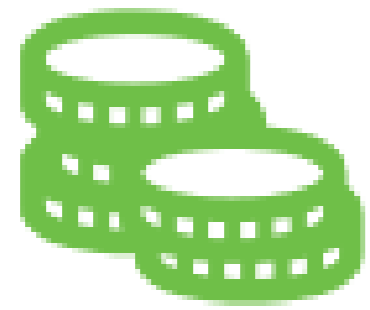
EXTENDED PRODUCER RESPONSIBILITY



A **law** that **extends** a producer’s financial and managerial **responsibility** for its products and packaging beyond the manufacturing stage — both **upstream** to product design and **downstream** to **postconsumer** reuse, recycling, or safe disposal.

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WHY EPR?



Reduces **government costs**



Incentivizes **waste reduction, reuse, recycling**



Increases **collection convenience, education**



Establishes **performance goals** to gauge program effectiveness

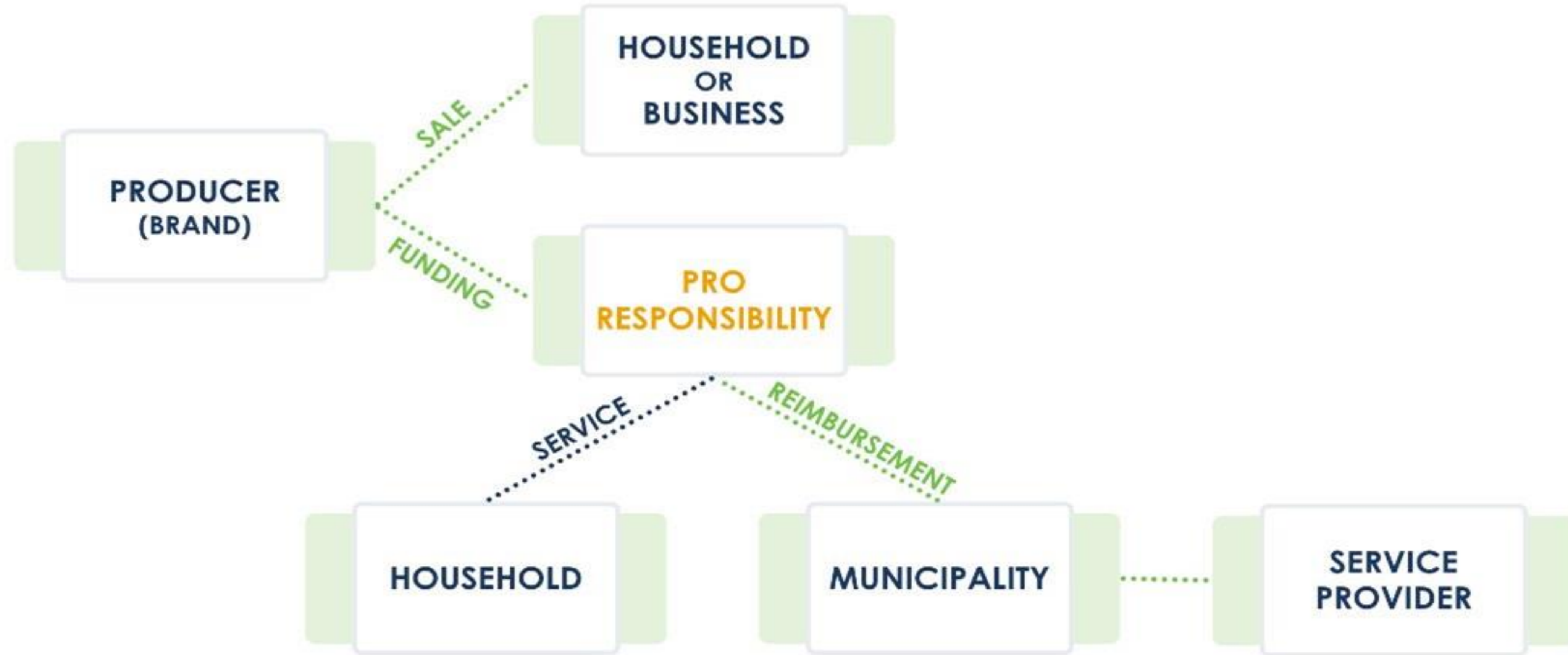
ELEMENTS OF EFFECTIVE EPR LAW

Covered Materials/Products	Governance (PRO, Advisory, Govt)	Performance Standards	Stewardship Plan Contents
Covered Entities	Funding Inputs	Outreach & Education Requirements	Annual Report Contents
Collection & Convenience	Funding Allocation	Equity & Environmental Justice	Implementation Timeline
Responsible Party ("Producer")	Design for Environment	Enforcement & Penalties for Violation	Additional Components & Definitions

Current Recycling System



Packaging EPR Recycling System



OREGON'S RECYCLING MODERNIZATION ACT



81st OREGON LEGISLATIVE ASSEMBLY—2021 Regular Session

**Enrolled
Senate Bill 582**

Sponsored by Senator DEMBROW, Representative SOLLMAN; Senators MANNING JR, TAYLOR, Representatives ALONSO LEON, CAMPOS, DEXTER, GRAYBER, HELM, HOLVEY, HUDSON, KOTEK, MARSH, MCLAIN, NERON, NOSSE, POWER, PRUSAK, REYNOLDS, SALINAS, SANCHEZ, SCHOUTEN, SMITH WARNER (Pre-session filed.)

CHAPTER _____

AN ACT

Relating to modernizing Oregon's recycling system; creating new provisions; amending ORS 90.318, 459.005, 459.015, 459.035, 459.772, 459.995, 459A.005, 459A.007, 459A.008, 459A.025 and 459A.080 and section 3, chapter 534, Oregon Laws 2015; and repealing ORS 459A.675, 459A.680 and 459A.685.

Be It Enacted by the People of the State of Oregon:

MODERNIZING OREGON'S RECYCLING SYSTEM
(Legislative Findings; Definitions)

SECTION 1. Legislative findings. The Legislative Assembly finds and declares that:

(1) Oregon's statewide recovery rate, which seeks to preserve public health, safety and welfare and conserve energy and natural resources, has declined each year between 2013 and 2018, and that Oregon is not on track to meet the statewide waste recovery and generation goals pursuant to the measurement methodology that the Legislative Assembly established in 2015.

(2) The way Oregon's residents use and consume materials and products, and the way residents manage them when no longer wanted, has changed significantly in the 35 years since Oregon's first recycling programs were established, that the state's recycling policies were not designed to address such changes, and that these factors have created unintended consequences, such as the deterioration of natural systems regionally and worldwide, as well as increased levels of pollution, greenhouse gas emissions that contribute to global climate change and reductions in human well-being, especially for the most vulnerable populations.

(3) It is necessary to adopt a policy that will minimize such unintended consequences across the entire life cycle of products and that will require producers of packaging and printed paper sold or distributed in Oregon to help finance the management of, and ensure an environmentally sound stewardship program for, their products.

(4) It is the State of Oregon's policy to prioritize practices that prevent and reduce the negative environmental, social, economic and health impacts of production, consumption and end-of-use management of products and packaging across their life cycle, and that it is the obligation of producers to share in the responsibility to reduce those impacts.

SECTION 2. Definitions. As used in sections 1 to 43 of this 2021 Act:

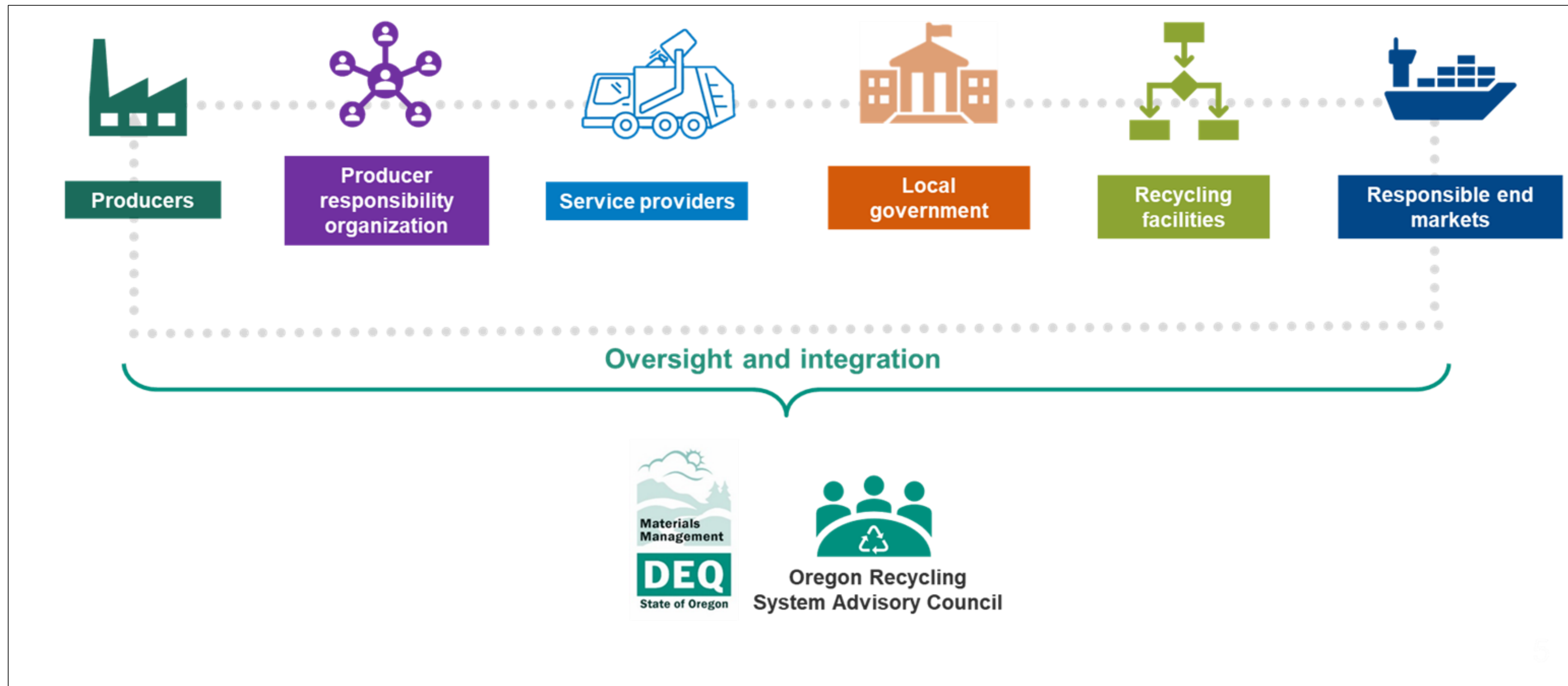
Enrolled Senate Bill 582 (SB 582-B) Page 1



OREGON'S ACT: HOW DID WE GET HERE?



SHARED RESPONSIBILITY MODEL



COVERED PRODUCTS

Examples of covered products



Examples of exempted products under the RMA

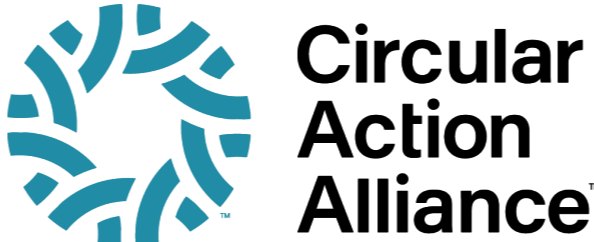




A Modernized Recycling System

EXPANDING RECYCLING SERVICES

Funding to level the playing field among our communities.



STATEWIDE COLLECTION LIST

Oregon commits to recycling better



MATERIAL PROCESSING

New standards for sorting quality, managing contamination, reporting, and paying workers a living wage.



EDUCATION & CONTAMINATION REDUCTION

Direct community engagement is an integral part of improvement



PRODUCER RESPONSIBILITY

Producers pay $\frac{1}{3}$ - $\frac{1}{2}$ of system costs



PRODUCER OBLIGATIONS

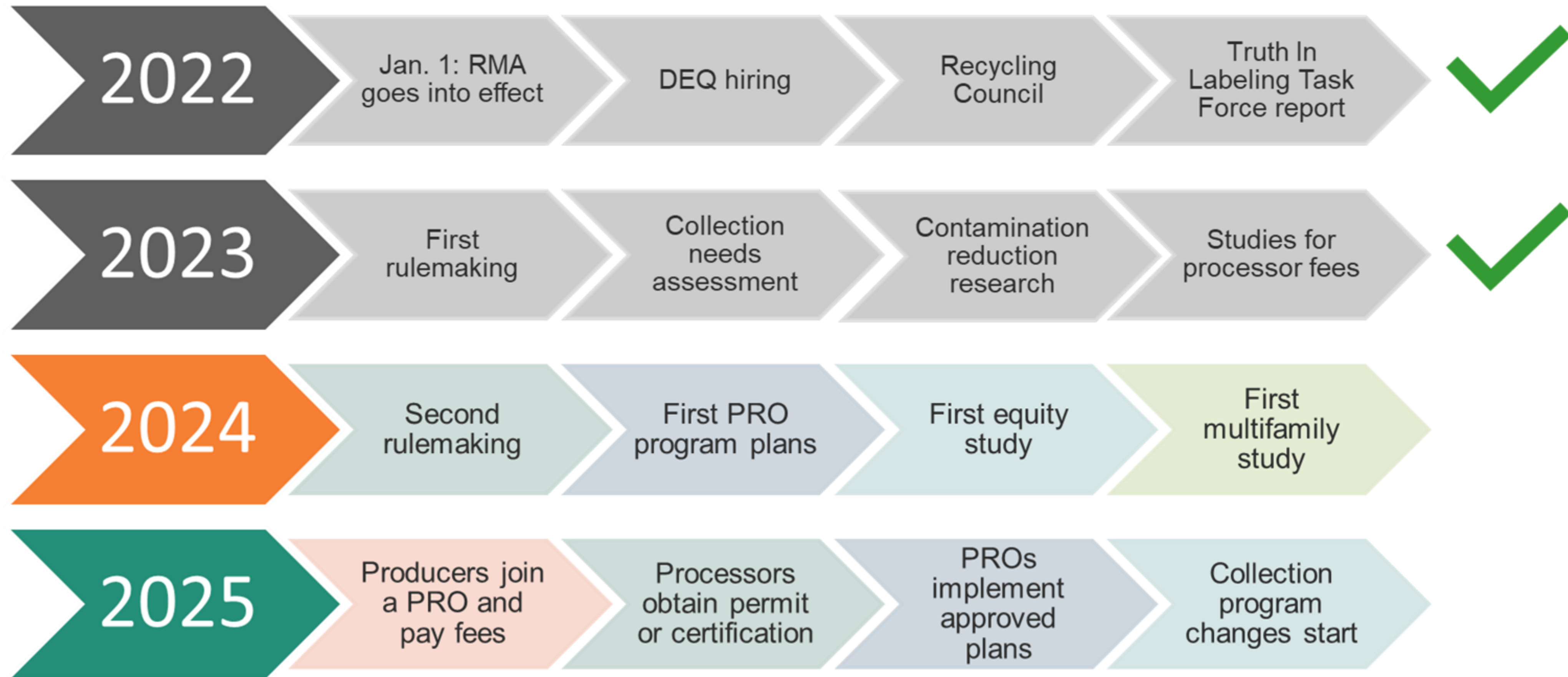
- Join a PRO
- Report data on product sold in or into the state
- Pay fees
- **Large Producers only** - Evaluate and disclose the environmental impacts of 1% of products every two years



ENFORCEMENT APPROACH

- Rules proposed as part of the current rulemaking (in public comment now):
 - Failure to join a PRO (any producer) = Class I violation
 - Failure to submit an impact evaluation (large producers) = Class II violation
 - Misreporting of supply volumes (any producer) = Class II violation

IMPLEMENTATION TIMELINE



KEY DATES FOR PRODUCERS

CAA producer
working group join
date
July 2024

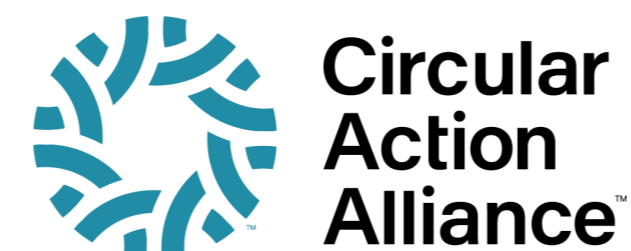
Likely PRO plan
approval
Early 2025

Producer
pre-registration
Mar. 31, 2025

PRO plan due
Mar. 31, 2024

PRO plan start
date
Jul. 2025

INFO FOR PRINTING & WRITING PAPER PRODUCERS



IS IT A COVERED PRODUCT?

ORS 459A.863(20)“Printing and writing paper” includes, but is not limited to, newspaper, magazines, flyers, brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other general use.



Bound books are exempt

PAPER FOR GENERAL USE

Examples include calendars, greeting cards, postcards, calendars, construction paper



CATEGORIZING PAPER PRODUCTS: ADDITIONAL EXAMPLES



Packaging (*storage item*)



Not a covered product



Packaging or Printing and Writing Paper
(*case specific*)



Packaging (*consumer wrap*)

AM I AN OBLIGATED PRODUCER?

- Small producers are exempt (ORS 459A.863(32))
 - (32)(a) Is a nonprofit organization
 - (32)(c) Gross annual international revenues under \$5 million (lumped across associated producers), –or–
 - (32)(d) Sells less than one metric ton of covered products onto the market in Oregon (lumped across associated producers)

IDENTIFYING THE OBLIGATED PRODUCER

ORS 459A.866(2)(a) For printing and writing paper that is a magazine, newspaper, catalog, telephone directory or similar publication, the producer is the publisher.

(b) For printing and writing paper not described in paragraph (a) of this subsection, the producer is:

(A) The person that manufactures the printing and writing paper under the manufacturer's own brand;

(B) If the printing and writing paper is manufactured by a person other than the brand owner, the person that the owner or licensee of a brand or trademark under which the printing and writing paper is used in a commercial enterprise, sold, offered for sale or distributed in or into this state, whether or not the trademark is registered in this state; or

(C) If there is no person described in subparagraphs (A) and (B) of this paragraph within the United States, the person that imports the printing and writing paper into the United States for use in a commercial enterprise that sells, offers for sale or distributes the printing and writing paper in this state.

TWO PRODUCER CATEGORIES

Published items that require specialty printing

The publisher is obligated



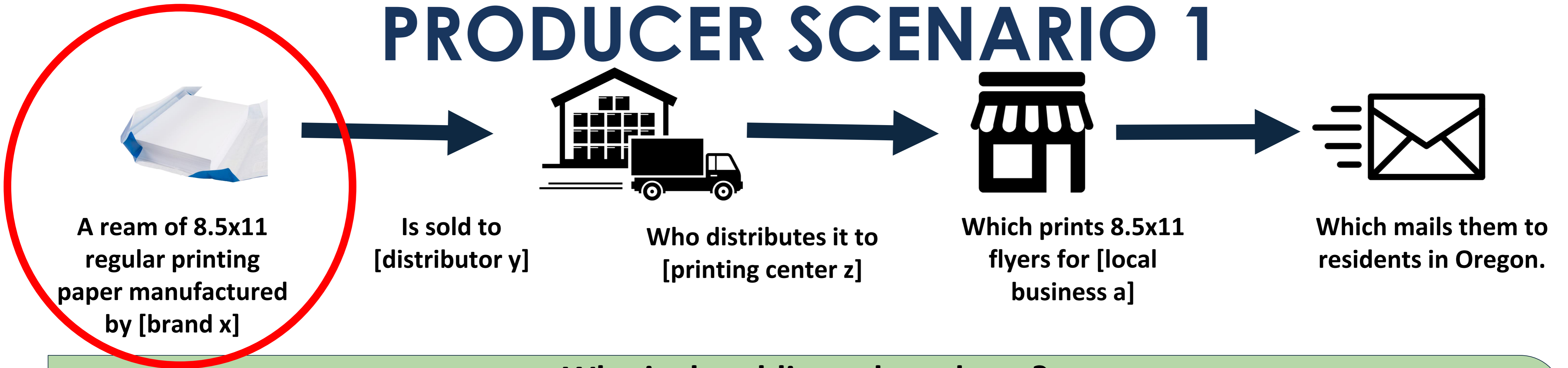
All other printing and writing paper

Three tiered definition applies

1. Manufacturer-brand owner,
2. Licensee,
3. Importer



PRODUCER SCENARIO 1



Who is the obligated producer?

Is it a publication that requires specialty printing? ❌

Therefore the item is treated as all other printing and writing paper, and obligation is assigned to Brand X.

PRODUCER SCENARIO 2

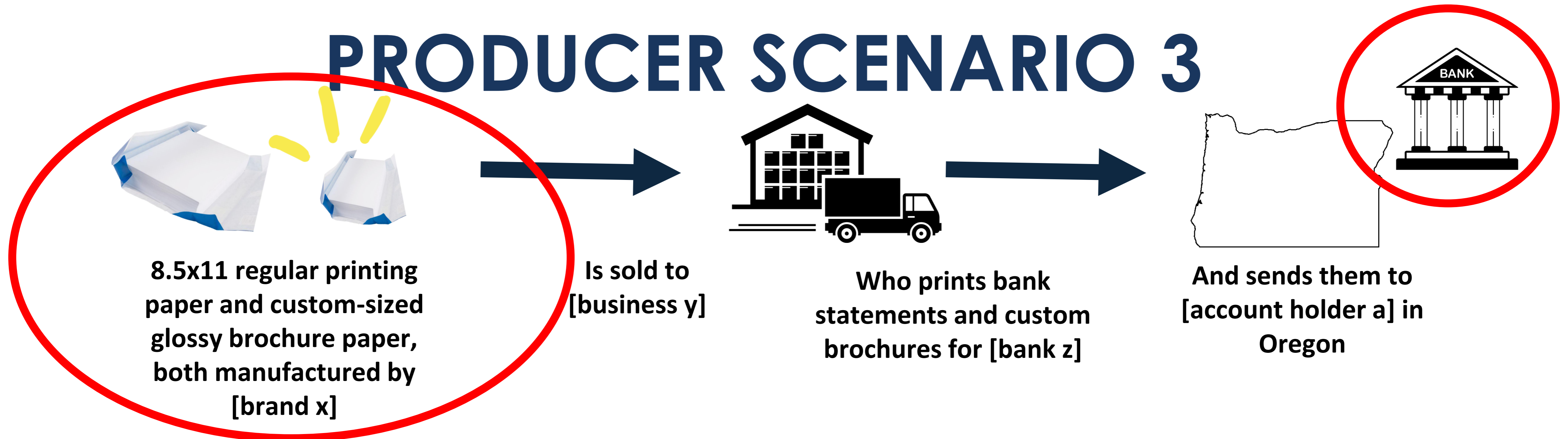


Who is the obligated producer?

Is it a publication that requires specialty printing? ✗

Therefore obligation is assigned to the branded manufacturer, Brand X.

PRODUCER SCENARIO 3



Who is the obligated producer?

8.5x11 statement

Is it a publication that requires specialty printing? ❌
 Therefore obligation is assigned to the branded manufacturer, Brand X.

Custom Brochure

Is it a publication that requires specialty printing? ✅
 Therefore the publisher, Bank Z, is obligated.

PRODUCER SCENARIO 4



Greeting cards manufactured by and bearing the brand of [greeting card company x]

Sold at [retailer y].

Who is the obligated producer?

*Is it a publication that requires specialty printing **X***
Therefore obligation is assigned to the branded manufacturer, card company X.

PRODUCER SCENARIO 5



Appliances manufactured and sold by [Appliance Brand X] that are accompanied by an instruction manual.

Sold at [retailer y].

Who is the obligated producer?

Instruction Manual

Is it a publication requiring specialty-printing? ✓

Therefore obligation is assigned to the publisher, Brand X.

PRODUCER FEES

- Another member of the supply chain can pay the fee for a product in lieu of the obligated producer paying
- Fees will be considerably lower for paper compared with plastic due to requirement that products not cross-subsidize one another
- Newspapers and magazines can do advertising in lieu of paying fees.



MATERIAL LISTS

Uniform Statewide Collection List



Corrugated cardboard



Paperboard boxes



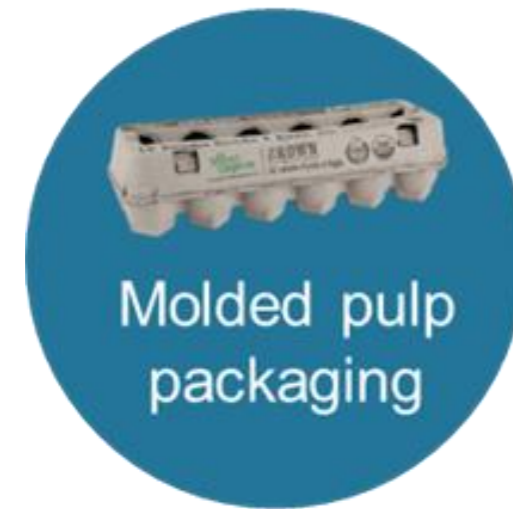
Kraft paper



Office and other paper



Paperback books, telephone directories



Molded pulp packaging



Tissue paper and gift wrap



Newspaper and magazines



Cartons



Plastic bottles



Plastic tubs



Nursery pots



Plastic buckets, and pails



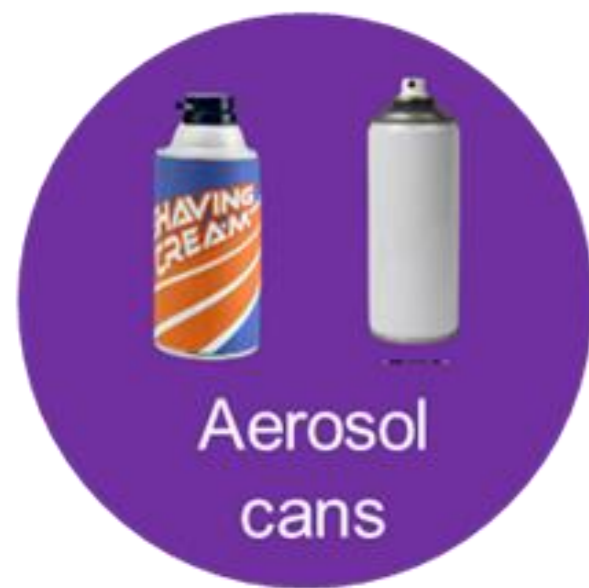
Aluminum and steel cans



Scrap metal

MATERIAL LISTS

Producer Responsibility Organization Depots



Aerosol cans



Aluminum foil



Pressurized canisters



Shredded paper



Glass bottles and jars



6-pack handles



Polyethylene film



Lids



Block white expanded polystyrene



Bulky plastic containers

MATERIAL LISTS

Specifically Identified Materials



Gable-top & aseptic cartons



Nursery Packaging



Metal aerosol containers



Cups



Polycoated paperboard



Shredded paper



Glass bottles and jars



Aluminum foil and pressed foil



PET Thermoforms

ECO-MODULATION

- Fee adjustments applied by the PRO to individual producers' (base) fees.
- PRO proposes criteria and magnitude of fee adjustments in its program plan, must continually incentivize reduction in environmental and human health impacts.
- Plan's proposed approach to eco-modulation must indicate consideration of five factors, including *evaluation and disclosure of life cycle impacts*.

ECO-MODULATION/LIFE CYCLE ASSESSMENT: PROPOSED RULES

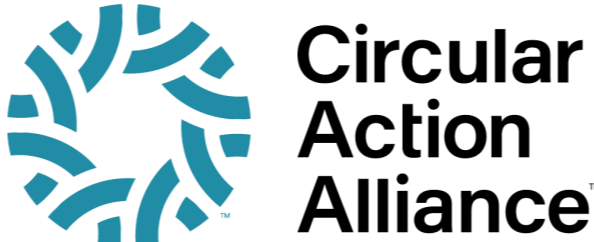
Rules apply to...

- Top 25 producers that must disclose impacts for 1% of their products once every two years.
- These rules tell them how to define their 1%, the calendar for disclosure, and what to do for subsequent deadlines.
- PROs have to offer their member producers one bonus for simple evaluation and disclosure and a larger bonus for evaluation and disclosure that meets our threshold for substantial impact reduction.



ECO-MODULATION/LIFE CYCLE ASSESSMENT

Impact Category Indicator	Seriousness Weighting	Robustness Factors	Intermediate Coefficients	Final Weighting
	(A)	(B)	C = A*B	C Scaled to 100
Climate change	14.41	0.87	12.54	21.24
Water use	10.88	0.47	5.11	8.66
Land use	10.16	0.47	4.78	8.09
Resources use, fossils	8.36	0.6	5.02	8.50
Resource use, minerals and metals	7.58	0.6	4.55	7.71
Ionizing radiation, human health	6.47	0.47	3.04	5.15
Ozone depletion	6.33	0.6	3.80	6.43
Particulate matter	6.2	0.87	5.39	9.14
Plastic physical impact on aquatic biota	5.88	0.17	1.00	1.69
Acidification	5.61	0.67	3.76	6.37
Photochemical ozone formation, HH	5.38	0.53	2.85	4.83
Eutrophication, freshwater	3.55	0.47	1.67	2.83
Eutrophication, terrestrial	3.3	0.67	2.21	3.75
Eutrophication, marine	3.29	0.53	1.74	2.95
Plastic – other impacts	2.61	0.60	1.57	2.65



ECO-MODULATION/LIFE CYCLE ASSESSMENT

Additional Environmental and Human Health evaluation requirements, under which producers must:

- Report hazardous substances embedded in their products and any associated hazardous release, exposure, and/or alternatives assessments.
- Report any instances of non-compliance in any jurisdiction pertaining to customer health and safety.
- Cross-report EU sustainability reporting regarding material impacts of their packaging on affected communities.

ADDITIONAL ASPECTS OF THE LAW

- Permit program for commingled recycling processing facilities (CRPFs)
 - Outbound bale contamination standards
 - Material-specific capture rate targets
- Joint obligation on CRPFs and PROs to send materials sent to recycling to responsible end markets that are
 - Compliant
 - Transparent
 - Environmentally-sound
 - Achieving adequate yields



CAA's Producer Timeline



Notes:

- Final first year fee schedule will likely be released in May 2025
- Signed agreements will be needed to allow for producer reporting

Next Compliance Steps – Register with CAA

Regulations in Colorado require producers to register by **October 1, 2024**. CAA will also be required to provide the Oregon DEQ with a list of registered producers as part of CAA's revised program plan, due by September 27, 2024.

Early producer registration will help:

- Reduce free riders in the system (i.e., non-compliant obligated producers);
- Provide CAA with more precise producer data to inform accurate and fair fee schedules.

Registration consists of filling out CAA's registration form, available through the link, QR code and our website. To ease producer compliance, CAA is working to register all producers in Colorado, California, and Oregon. At this time, there is no cost to register.

Scan the QR code or click the link to complete CAA's [covered producer registration form](#).

This is the first step in the producer registration process.



Producer Services and Reporting



- CAA is developing detailed guidance materials to provide reporting and compliance instructions to producers.
- Producers can expect guidance materials to be released by September 2024.
- CAA is working on the development of the producer reporting portal. Once finalized, Oregon's reporting categories will be added to the portal.
- CAA is projecting that the producer reporting portal will be ready to receive producers' data in Q1 2025.

Stay Engaged with CAA

Producer Resource Center

- Producer resources page with FAQs, Producer Working Group information and other updates

Monthly Newsletter

- The latest updates for each state and new resources

Producer Working Group

- Next PWG: August (date TBD)
- PWG is now closed to producers that have not registered
- Topic – TBD

Scan the QR code or click the link to complete CAA's [covered producer registration form](#).

This is the first step in the producer registration process.



Webinar Series: Preparing Producers for Oregon Packaging EPR

August 6 - Consumer Goods and B2B Packaging
September 10 - E-Commerce and Online Retail Packaging



WEBINAR SERIES: PREPARING PRODUCERS FOR OREGON PACKAGING EPR

Thank you!



**PRODUCT
STEWARDSHIP
INSTITUTE**



**Circular
Action
Alliance™**



State of Oregon
Department of
Environmental
Quality