

WEBINAR SERIES: PREPARING PRODUCERS FOR OREGON PACKAGING EPR

Writing and Printing Paper Webinar - July 16, 2024

Q&A Extended Response



1. Who will be doing the enforcement that was outlined?

See ORS 459A.962, which gives Department of Environmental Quality authority to issue civil penalties for violations of the Recycling Modernization Act. Classification of various producer violations, including failure to join a PRO and mis-reporting of product volumes sold into the state, is subject to the current rulemaking in public comment through July 26, 2024.

2. Are other “entire” products, like paper and writing paper - for example, filing boxes, aluminum foil, cling film, storage boxes - in scope for Oregon?

Moving boxes, file folders and file boxes are explicitly included in the statute as representative products of "nondurable materials used in storage, shipping, and moving." Rules included in the current rulemaking also clarify that three subcategories of packaging that may reach the customer empty--storage items, service packaging, and customer wraps--are covered products.

3. Would a product manual that is included in the package with a product covered?

Yes, the product manual is an example of printing and writing paper, which is obligated under the law. See scenario 5 in the webinar slides.

4. Is paper consumer wrap or paper cushioning obligated? Specifically, is paper consumer wrap or paper cushioning obligated as a Product? For example, writing paper? I presume consumer wrap is only obligated IF used as packaging but not IF sold to consumers in Oregon?

In the current rulemaking, rules are proposed that would clarify that consumer wraps, including paper consumer wraps, are obligated as a product. As such, if the rule goes into effect in its current iteration, the wrap sold to consumers in Oregon would be obligated.

Meanwhile paper cushioning is also obligated as a "nondurable item used in shipping," which is explicitly included in the statutory definition of "packaging." See ORS 459A.863(18)(a)(C).

5. Is there a minimum size of paper that is obligated and a maximum? Or is it any paper size?

There is no minimum size requirement for a product to meet the definition of "printing and writing paper."

6. How can a producer of a ream of paper know where the flyer is mailed to? What if they do not have knowledge or control over that?

When there are multiple steps in a supply chain that delivers a product to Oregon, that can complicate the effort to generate and report accurate data for EPR compliance. This problem is not specific to printing and writing paper--it is also a problem for consumer goods manufacturers who lose sight of their goods once sold to a distributor, who may or may not sell the product into Oregon vs. another state. In such instances, producers in a supply chain may need to collaborate in order to obtain data needed for compliance. CAA will also provide guidance to member producers on how to estimate their covered product volumes, and Oregon's rules allow for estimates if they use best available methodology - see OAR 340-090-0700(1)(e). Oregon's statute also allows producers to trade the PRO registration and fee payments obligations among supply chain members for ease of implementation -- see ORS 459a.869(3)-(4).

7. How much time will producers have to review the Participant Producer Agreement in September? Guidance will be great but it appears we can only access it once the agreement is signed and our legal department will need time to review the agreement.

Circular Action Alliance (CAA) is developing a standard, non-negotiable Participant Producer Agreement (PPA) to best provide harmonized and equal services to all producers. The PPA will be provided to producers beginning in September. Producers that register with CAA will be able to access the organization's Producer Working Group for monthly updates and insights on EPR

compliance, but producers will only have access to CAA's reporting guidance once they sign the PPA. Reporting guidance will be available at the same time as the PPA. There is no deadline to sign the PPA so a producer can take as much time as needed to review the PPA.

8. Is the newspaper/magazine printer or the individual publication responsible as the "producer?"

For newspapers and magazines it is the publisher who is responsible rather than the printer -- see ORS 459A.866(2)(a).

9. Where would a print service provider fall into this? They aren't producing the paper itself, nor are they the brand the product is created for. But they are manufacturing the newspapers, magazines, and other covered products.

Printers, if they are neither publishers nor branded or licensed manufacturers of the paper for printing and copying on which they are printing (i.e., the two categories of obligated producers for printing and writing paper), will not be obligated for the materials that they print. They may be asked by other supply chain entities to collaborate in order to generate the data needed by those entities in order to comply. They may also be obligated for products sold in their printing stores, especially if the items bear their brand; this would need to be looked at on a case-by-case basis.

10. We are a printing company and our product streams include business cards, banners, brochures that are shipped to clients in Oregon - are all included under the DEQ program?

All of these products are examples of printing and writing paper.

11. Have there been prior webinars on the Oregon Recycling Modernization Act? If yes, are they available to be viewed?

For a short overview of the RMA requirements and impacts for producers, DEQ has recorded a short summary (see link below), available on their website. CAA has also hosted webinars discussing the requirements of the RMA which are available upon request by emailing info@circularaction.org. In addition, CAA hosts weekly onboarding sessions (see link below) for producers reviewing EPR requirements across all U.S. states.

[Short Summary Recording](#)

[Weekly Onboarding Sessions](#)

12. Newspapers printed in Washington and delivered to a publisher in Oregon, are the responsibility of the Oregon publisher?

Yes, the obligated producer for newspapers that are sold or distributed in Oregon is the publisher; it is not consequential that the printing occurred in Washington.

13. I'm still very confused as to where a print service provider falls into these laws. They generally aren't printing on reams of paper - they are printing on large rolls, or cut sheets that are significantly larger than the 8.5x11 in the examples. And most are not printing for themselves, but are printing for clients/brands. Who is then obligated?

Printing publications on large rolls or cut sheets would be considered specialty-printing, and as such the client/brand, who is serving in the role of publisher pursuant to ORS 459a.866(2)(a), is the producer for such products rather than the printer.

14. If a Post-It Note has a fine layer of adhesive across the top, should a producer report the full weight of the Post-It Note, or just the weight of the paper?

Obligated producers will report weight of product sold in or into Oregon to the PRO. With respect to post-it notes, you would include the weight of the adhesive in your reporting. It's the entire post-it note, adhesive included, that is serving as "paper used for writing" (from the definition of "printing and writing paper" at ORS 459A.863(20)), rather than just the fiber.