

## DEQ considers amendment to plastic recycling

*by Bend Weekly News Sources*

Written public comments accepted through Monday, Feb. 12; public may also provide oral comments at Feb. 23 Environmental Quality Commission meeting

The Oregon Department of Environmental Quality (DEQ) has received a petition from a group of 11 industry associations asking DEQ and the Oregon Environmental Quality Commission (EQC) to amend Oregon's recycling and waste reduction rules, specifically regarding the recycling of rigid plastic containers.

DEQ is accepting written public comments on the amendments proposed in the petition through Monday, Feb. 12. It will issue a staff report with recommendations to the EQC, including a summary of written comments, at the next commission meeting, scheduled for Friday morning, Feb. 23 to be held at the Oregon Department of Fish and Wildlife (ODFW) Headquarters, at 3406 Cherry Ave. NE in Salem. The commission will discuss the proposed amendments and the public will have an opportunity to give oral comments at the Feb. 23 meeting.

A full copy of the rule amendment petition is available for review on the DEQ's Web site and a copy of the rulemaking notice is available by clicking [here](#), or from Peter Spendelow of DEQ's Solid Waste Program, Portland, at (503) 229-5253, toll-free in Oregon at 1-800-452-4011, x5253.

Lawyer and lobbyist Paul S. Cosgrove filed the petition Jan. 11 on behalf of 11 petitioners. They include: the Northwest Food Processors Association; Associated Oregon Industries; Plastic Shipping Container Institute; Rigid Plastic Container Group; Oregonians for Food and Shelter; Soap & Detergent Association; Adhesive and Sealant Council; American Chemistry Council; Consumer Specialty Products Association; Cosmetic, Toiletry and Fragrance Association; and the Grocery Manufacturers Association.

Currently, as established by the 1991 Oregon Recycling Act, any rigid plastic container sold in Oregon must meet at least one of three requirements: contain at least 25 percent recycled content; be made of plastic that is recycled in Oregon at a rate of at least 25 percent; or be reusable (refillable for at least five times). The proposed amendments would make three changes:

â€¢ Recycling rates would be measured using the amount of plastic that is collected and intended to be recycled, whether or not the plastic actually gets recycled into a new product. Currently, the plastic must be manufactured into a new plastic product in order to be counted as recycled.

â€¢ Companies using rigid plastic containers to package their products would have the choice of calculating the average recycled content for all their containers, or of calculating the recycled content of each container individually. Currently, each container must contain at least 25 percent recycled content to qualify. Averaging is not allowed under current rules.

â€¢ Container manufacturers are directed to measure their recycled content only as the average for all rigid plastic containers that they manufacture. Currently, container manufacturers determine separately the recycled content of each type of container rather than the average of all containers that they manufacture.

Companies that package their products in rigid plastic containers must individually comply with the state plastic container law when the overall rigid plastic container recycling rate in Oregon dips below 25 percent. The 2005 rate, announced by DEQ in December 2006, declined to 24.3 percent, triggering the series of recycling-related requirements. Some packagers may need to take steps such as using recycled plastic in their containers or changing to use a type of plastic which has a higher recycling rate if the overall rigid plastic container rate remains below 25 percent through 2008. By law, packagers have a one-year grace period in which to prepare to meet the state requirements; DEQ could start enforcing the requirements beginning in 2008.

Written comments on the proposed rule amendments may be sent by mail, fax, or e-mail to Peter Spendelow, DEQ Solid Waste Program, 811 SW Sixth Ave., Portland, OR 97204. The fax number is (503) 229-6977.

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