



State of Oregon Department of Environmental Quality

## Rule Concept: Entry of a New PRO

Plastic Pollution and Recycling Modernization Act (SB 582, 2021)  
Rulemaking Advisory Committee Meeting 5 of 6, Rulemaking 1

Feb. 17, 2023

### Background

This memo provides background information and proposes a rule concept regarding the timeline for a new Producer Responsibility Organization entering the system.

The Plastic Pollution and Recycling Modernization Act includes statutory language that directs the date to begin implementing the first set of approved PRO program plans. It also defines the duration of the first PRO program plan and subsequent, updated PRO program plans. The relevant citations for these items were included with the rule concept on [PRO Program Plan Timelines](#) that was presented to the Rulemaking Advisory Committee on Sept. 28, 2022, and set a standard calendar for PRO program plan periods.

The statutory citations and rule concept do not specify when a new PRO can apply to enter the system. Oregon allows multiple PROs to foster competition. However, a rule allowing a prospective PRO to submit a program plan at any time could prompt excess changes to the PRO coordination plan and disrupt efficiency. On the contrary, a rule limiting the entry of new PROs to the start of each five-year program period could leave producers without more PRO options for extended periods of time.

### Concept for discussion at RAC meeting on March 10, 2023

DEQ proposes a rule concept to allow prospective new PROs to submit program plans on the same calendar as renewal applicants (180 days before the end of a program period), and to submit plans at other times (for example, midstream in a program period) upon petitioning DEQ and receiving advance approval.

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