



Date: July 26, 2024

To: Oregon DEQ

Re: **Comments pertaining to DEQ second set of rulemakings to clarify and implement the Plastic Pollution and Recycling Modernization Act of 2021**

The Lubricant Packaging Management Association (LPMA) are appreciative of the opportunity to submit comments pertaining to the Plastic Pollution and Recycling Modernization Act (RMA), Rulemaking 2.

The Founding Members LPMA include BP Lubricants USA, Inc. (Castrol), Chevron U.S.A. Inc., ExxonMobil Oil Corporation, Pennzoil-Quaker State d/b/a SOPUS Products (Shell) and VGP Holdings LLC (Valvoline). The Founding Members have created the LPMA, a national non-profit extended producer responsibility ("EPR") compliance agency, with a purpose of providing EPR compliance options for its members and supporting the development of circular material management solutions for their petroleum-based and related products and packaging.

The LPMA product scope includes packaging for oil-based lubricants, grease, antifreeze, engine additives, and other fluids typically used in transportation and mechanical applications. While these packaging types are covered products under the RMA, the residual fluid in these packaging containers often makes them incompatible with the common curbside collection program. They can often end up in the disposal stream and landfills if a specific and targeted collection and recycling solution is not applied. Packaging formats collected by Interchange programs contain a range of materials including, but not limited to, high-density polyethylene (HDPE), polypropylene (PP), polyethylene (PE), metal, cardboard, paper, and other constituents.

LPMA is supportive of OAR 340-090-0840(3) and ORS 459A.869(13)(a), which provide an exemption from the RMA and a reasonable solution for packaging material types that are better managed separately from the common collection system.

LPMA is also supportive of the DEQ criteria for covered producer exemption requests:

- A collection system that is independent of the common collection system
- A system whereby material does not undergo separation from other packaging material at recycling processing facility.
- Results reporting and verification of use of responsible end-markets for collected material

In our experience, everywhere that there is a successful EPR program for packaging, there is a separate collection and material management system for petroleum and petroleum related packaging. If the DEQ would like more information on EPR programs for petroleum and petroleum related products and packaging in other jurisdictions I would be pleased to provide this.



Our request is for the development of a clear process through which DEQ would:

1. Acknowledge that an exemption request has been received; and
2. Within a reasonable timeframe, confirm that the criteria for exemption have been met.

This objective of this process would be to provide our members with compliance assurance and provide Circular Action Alliance with program scope clarity.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "DL", is written over a light blue horizontal line.

David Lawes