

July 7, 2026

Via e-mail & Public Comment Submission Portal

Circular Action Alliance
SCS Standards and Assurance Systems

Re: Comments on Draft Certification Standard for Responsible Markets (REM) for Recycling of Paper, Packaging, and Food Serviceware

Dear CAA and SCS Team:

On behalf of the waste and recycling industry, thank you for the opportunity to comment on the draft Certification Standard for Responsible Markets (REM Standard). Collectively, the National Waste & Recycling Association (NWRA), Solid Waste Association of North America (SWANA), Washington Refuse & Recycling Association (WRRRA), Oregon Refuse & Recycling Association, and the Resource Recycling Coalition of California (RRCC), hereafter “the Coalition,” represents the municipal solid waste and recycling industry that operate collection systems, material recovery facilities (MRFs), recycling infrastructure, transfer stations, and disposal facilities across the United States. Our members have extensive experience managing both recyclable commodities and residual materials within highly regulated systems.

The Coalition supports the broader objective of improving transparency and accountability in downstream recycling systems. At the same time, the draft REM Standard raises several important concerns regarding scope, terminology, legal alignment, and implementation burden. Our primary concerns are (1) the inclusion of disposal facilities, particularly landfills, within the scope of the REM certification framework and (2) the requirement for MRFs to ensure REM Standard compliance. Both provisions extend the standard beyond the intended scope of most state packaging EPR programs and impose obligations on entities that are not part of the recycling system itself.

The draft standard states that eligible entities include “other locations where material disposition occurs (e.g., landfills, incineration facilities),” and separately defines “disposal entities” as in-scope entities. However, disposal facilities like landfills are not part of the recycling system and should not be part of the REM certification process. In addition, the certification process creates a layer of regulatory requirements, particularly environmental requirements that can be inconsistent with existing state and federal laws. Landfills are already heavily regulated under comprehensive environmental permitting and compliance frameworks that address virtually all of the concerns identified in the certification program. Requiring such facilities to become REM certified is therefore unnecessarily burdensome, and likely to create confusion that could result from inconsistencies with existing federal and state law.

Equally concerning, the draft standard requires MRFs to “ensure” downstream entities to comply with the REM Standard. MRFs often have limited visibility into, and even less control

over, the operations of downstream processors, brokers, reclaimers, manufacturers, and other end markets, particularly as materials move through complex and evolving commodity markets. Imposing responsibility on MRFs for the compliance status of independent third parties creates significant legal, practical, and administrative challenges. Such a requirement could restrict market access, discourage participation in recycling programs, and place an unreasonable compliance burden on MRFs for activities outside their ownership or control.

To facilitate review and submission through the public comment process, we have prepared Attachment A, which presents our comments in a format aligned with the comment form instructions.

1. Disposal facilities, especially landfills, should not be included in the core national REM certification framework because landfills are not recycling end markets

The draft standard defines an “end market” as an entity that produces recycled output used as feedstock to replace virgin materials in a final product or product component. It separately defines a “disposal entity” as an entity that receives covered materials that were not recycled, such as materials to be landfilled or incinerated, and defines a landfill as a waste disposal facility used for controlled disposal of waste. These are fundamentally different functions.

Inclusion of disposal entities as end markets is overbroad. A landfill is not an end market in the ordinary or statutory sense. It does not produce recycled output. It does not serve as a manufacturing endpoint for covered recyclables. Its role is the lawful management of residual materials and contaminants that are not recycled. Including landfills within the same certification architecture as end markets and recycling supply chain actors blurs the distinction between recycling and disposal and risks undermining the conceptual clarity of the REM framework. The draft itself distinguishes among end markets, supply chain entities, and disposal entities as separate “entity types,” which further reinforces that disposal should not be treated as part of the core responsible market framework.

The Coalition therefore recommends that disposal entities, including landfills, waste-to-energy facilities, and other final disposition facilities, be removed from the core national scope of the REM Standard. Specific proposed edits are set out in Attachment A, including comments on Sections 2.1, 2.2, and the relevant definitions.

2. If disposal-related provisions are retained, they should be moved to state-specific appendices only where state law expressly requires them

If CAA and SCS determine that some treatment of disposal entities must remain, NWRA strongly recommends that such provisions be moved out of the core national standard and instead placed in state-specific appendices only for those states where applicable statute or regulation expressly requires disposal-related REM treatment.

This approach would better align the standard with the document’s stated structure of harmonizing shared requirements while preserving appendices for jurisdiction-specific obligations. It would also avoid turning one state’s implementation choices into a default national rule.

This issue is especially important because Oregon’s implementation materials describe a responsible standard that applies not only to end markets and supply chain entities, but also to “other locations where material disposition occurs,” including landfills and waste-to-energy facilities. Oregon’s current REM list includes a separate category for “Disposal sites and Other Facilities,” including multiple landfills and a transfer station.

By contrast, no other state includes these facilities.

State	Citation	Landfill Treatment
California	Cal. Pub. Res. Code § 42041(ad)	Statute does not reference landfills or disposal facilities within the REM construct.
Colorado	C.R.S. § 25-17-703(41)	Statute is silent on landfills/disposal sites within the REM definition.
Maine	06-096 C.M.R. ch. 428, § 4(C)	Rule expressly excludes landfilling as a covered service.
Maryland	Md. Code, Env't § 9-2501(w)	Statute affirmatively carves disposal out of "covered services."
Minnesota	Minn. Stat. § 115A.1441(31)	Statute is silent on landfills/disposal sites within the REM definition.
Washington	RCW 70A.208.020(36)	Definition is production-of-feedstock based, which by its plain language excludes landfills/disposal facilities.

In summary, California's draft rule (§ 18980.4) and Washington's statute (RCW 70A.208.020(36)) explicitly tie "end market" to entities producing feedstock for the creation of new or reconstituted products. Colorado's CAA program plan and Maryland's draft Phase One regulations operationalize REM through recyclers, processors, and market-development investments. Minnesota's REM definition keys to the state's waste-management priority order, which places disposal last. Maine's rule affirmatively disqualifies destinations that landfill or fuel-burn the material.

Oregon’s approach may reflect Oregon-specific regulatory choices, but it should not be embedded as the national default.

Tracking final material disposition is not the same thing as converting disposal facilities into responsible markets. The final REM Standard should distinguish clearly between those two concepts. Several comments in Attachment A are intended to make that distinction.

Relatedly, the REM Standard should not preclude or discourage legitimate beneficial uses of recovered materials, including the use of recovered glass as alternative daily cover or as road aggregate at permitted landfill facilities where allowed by applicable law and permit conditions. While such uses may not qualify as “recycling” or as responsible end-market activity, they may represent lawful, operationally necessary, and environmentally regulated forms of material management. This distinction is particularly important for materials such as glass, where viable end markets are regionally limited, intermittent, or economically impracticable. REM implementation should preserve flexibility in such circumstances and clearly distinguish among (1) qualifying recycling or responsible end-market activity, (2) lawful beneficial use that may not qualify as recycling, and (3) disposal or final disposition for reporting purposes.

3. Existing U.S. landfill regulation already provides robust legal and environmental oversight

The draft standard imposes broad requirements on disposal entities under sections addressing legal compliance, management responsibility, labor, health and safety, environmental soundness, documentation, and complaints/violations. For U.S.-based permitted landfills, many of these requirements are duplicative and could be inconsistent with existing federal, state, and local permitting, operational, monitoring, corrective action, and reporting obligations, including without limitation RCRA Subtitle D, state solid waste permits, Title V air permits, and National Pollutant Discharge Elimination System (NPDES) permits.

The current approved program plan for Oregon takes a contradictory stance, requesting a variance for landfill certification until 2030 stating:

“5. Domestic landfills will be deemed responsible, unless CAA receives information on potential noncompliance. CAA requests this variance pursuant to OAR 340-090-0670(3)(e).

Landfills and disposal sites in the U.S. and Canada are already verified and controlled periodically by local environmental agencies

CAA requests a variance for landfill or disposal sites in the U.S. and in Canada, as soon as they provide an operating permit delivered by the local authority. Verification might be performed if information regarding potential noncompliance is provided to CAA.”¹

Layering a separate REM certification process on top of that framework is hugely burdensome and would not materially improve recycling outcomes, nor would it meaningfully improve the management of residual material. Instead, it would create expense, administrative burden, and confusion without a corresponding environmental benefit. This is particularly true where disposal is being tracked for yield, contamination, or final disposition purposes rather than because the facility itself is serving as a recycling market. Additionally, the standard's stated

¹ Oregon Program Plan 2025-2027, Circular Action Alliance, page 162, <https://www.oregon.gov/deq/recycling/Documents/CAAAApprovedPlan.pdf>.

limitation in Section 2.2.1 that it does "not impose new regulatory requirements" is contradicted by the practical effect of requiring landfills to undergo third-party audits, maintain five-year recordkeeping specifically for covered materials, and disclose violations to a certification body.

4. For states that expressly require treatment of disposal facilities, U.S. permitted landfills should be deemed compliant based on Subtitle D and applicable state permits

If a state's law or regulations explicitly require disposal facilities to be addressed within a REM-related framework, we recommend a structured and administratively workable compliance approach for U.S.-based permitted landfills. For landfills located in the United States, compliance should be based on the facility's valid permit status under applicable federal and state solid waste requirements, including RCRA Subtitle D (40 CFR Part 258).

For the United States, the Coalition recommends that facilities with operating permits that conform with RCRA Subtitle D (40 CFR Part 258) be deemed sufficient to meet this benchmark. Subtitle D landfills are subject to detailed federal and state regulatory requirements, including:

- engineered composite liner systems,
- leachate collection and removal,
- groundwater monitoring and corrective action,
- location restrictions,
- closure and post-closure care obligations,
- permits and permit requirements, and,
- oversight by regulatory agencies.

These elements collectively reflect a comprehensive engineered landfill management system. Imposing additional requirements above and beyond the already rigorous requirements of RCRA Subtitle D and applicable state requirements would be duplicative, unnecessary and administratively burdensome.

Accordingly, limited to states where disposal facilities are contemplated as REM, the REM Standard should provide that:

- Municipal solid waste landfills that are permitted in compliance with applicable federal and state solid waste requirements, including RCRA Subtitle D, are deemed to satisfy any REM-related disposal facility criteria, absent credible evidence of material noncompliance;
- Possession of a valid operating permit should be sufficient to demonstrate conformance; and
- No duplicative REM certification, audit, or verification requirements should be imposed on such facilities.

For jurisdictions outside the United States, where comparable regulatory systems may not exist, conformance may be demonstrated through compliance with applicable national permitting and legal frameworks and/or an equivalent national or internationally recognized environmental management benchmark. Where appropriate, the UNEP/Basel Convention Technical Guidelines on Specially Engineered Landfill (Disposal Operation D5) may serve as a reference point for environmentally sound disposal. However, such international benchmarks should not be used to impose duplicative or additional requirements on U.S.-based landfills that are subject to REM requirements in a give state already regulated under Subtitle D and applicable state programs.

5. The standard should replace “ensure” obligations with a due diligence standard.

The Coalition is also concerned with language in Section 9.1.2 that requires an entity to “ensure” that downstream parties comply with the REM Standard. The transparency provisions require entities to *ensure* that downstream processors, including disposal entities, hold a valid certification to the standard. In complex domestic and international supply chains, requiring one entity to “ensure” the actions and compliance status of another independent downstream party is an unrealistic and unreasonable burden and potentially creates unintended legal exposure on an entity that is critical to the success of EPR programs across the United States.

The final document should instead use a reasonable due diligence standard. Entities should be required to exercise reasonable efforts to verify downstream status, maintain relevant records, and respond appropriately where credible concerns arise. They should not be held to a strict “ensure” obligation that may be outside their practical control, subjecting them to strict liability for foot-faults beyond their operations. Proposed substitute language is included in Attachment A.

6. Audit Frequency and Certification Body Discretion

Section 3.1.2 establishes a three-year certification cycle with an initial onsite audit, annual surveillance audits, and an onsite recertification audit. The provision further states that:

"[a]dditional audits or onsite follow-up visits may be conducted if needed as determined by the certification body (e.g., to ensure closure of a nonconformity)."

This grants the certification body open-ended discretion to require unscheduled visits. This requirement will be onerous for certified entities to comply with and may discourage some end markets from participation. For the waste and recycling companies this burden could result in significant expenses. CAA should explicitly include a cap on the frequency of unscheduled visits.

7. Environmental Disclosure Requirements

Section 8.3.2 requires entities to disclose to the certification body, upon request: "(a) Any chemicals of concern used in its processing operations; (b) Data on outdoor air, water, and land emissions; and (c) The total amount of waste generated from its facilities." The term "chemicals

of concern" is narrowly defined as chemicals required to be disclosed by permit or by the Toxics in Packaging Clearing House (TPCH) model legislation that are "intentionally added for use in processing." But the "upon request" disclosure of emissions data and total waste generated is open-ended. For the waste and recycling sector, there's no confidentiality protections for any operational data. The standard should be modified to: limit disclosures to data already reported to regulatory agencies, and include confidentiality obligations binding on the certification body.

8. Waiver of Legal Claims Against CAA and SAS

The disclaimer at the front of the standard (page 3) states that "the user covenants not to sue, and agrees to waive and release CAA, SAS, and its employees from any and all claims, demands, and causes of action for any injuries, losses, or damages...that may now or hereafter have a right to assert against such parties as a result of use of, or reliance on, this standard." While this is positioned as a condition of use of the document itself, CAA and SAS could argue that our members' participation in the certification system incorporates this waiver by reference. If so, our member companies would be waiving claims against CAA and SAS even if the standard is applied arbitrarily or in bad faith. We should clarify that this waiver applies only to the document use and not to the certification participation, and that any certification agreements include appropriate dispute resolution mechanisms.

9. Summary of recommended revisions & conclusion

The Coalition respectfully recommends that CAA and SCS revise the draft REM Standard as follows:

- Remove disposal entities, including landfills and waste-to-energy facilities, from the core national scope of the REM Standard.
- Move any disposal-related provisions to state-specific appendices only where expressly required by state law or regulation.
- For states that require disposal-related provisions, U.S.-based facilities permitted in compliance with EPA Subtitle D regulations should be deemed compliant when in possession of a valid permit, without a separate full REM certification process.
- If additional environmental-management criteria are retained for non-U.S. facilities, provide that compliance with an appropriate internationally recognized specification or equivalent legal framework is sufficient to establish conformance.
- Replace "shall ensure" obligations related to downstream facilities with a reasonable due diligence standard.
- Limit the number of unscheduled audits absent documented evidence of material nonconformity.
- Limit the open-ended environmental disclosure requirements to data already reported to regulators and include confidentiality obligations on the certification body.
- Clarify that this waiver applies only to document use and not to the certification participation or agreements.

- Clarify that the REM Standard does not preclude or discourage lawful beneficial uses of recovered materials, including recovered glass used as alternative daily cover or road aggregate at permitted landfill facilities, while distinguishing such uses from recycling or responsible end-market activity and allowing flexibility where recycling pathways are not reasonably available or are impracticable.

The Coalition appreciates the effort to improve accountability and transparency in downstream recycling systems. However, the current draft reaches too far by incorporating disposal facilities into the core national REM certification framework and by imposing obligations that, in some cases, exceed or blur the boundaries of state law.

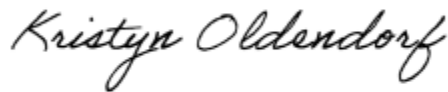
A revised approach, focused on true end markets, tailored to state-specific legal requirements, and respectful of existing federal and state permitting systems for disposal facilities, would produce a more workable, legally coherent, and durable standard.

Thank you for considering these comments. The Coalition would welcome continued dialogue as the REM Standard is refined.

Very truly yours,



Anne Germain
Chief of Technical & Regulatory Affairs
National Waste & Recycling Association



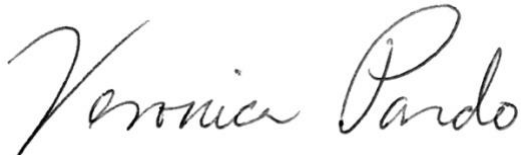
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ATTACHMENT A

The Coalition Comment Form Entries for REM Survey Submission

Comment Entry 1

Comment Type: Technical

Reference: Section 2.1.1; lines 33–40

Comment:

Section 2.1.1 is overbroad in making entities in the supply chain of “recycling or disposal” eligible for certification and in expressly including “other locations where material disposition occurs (e.g., landfills, incineration facilities).” The REM Standard should focus on true end markets and directly relevant recycling supply chain actors. Disposal entities are fundamentally different from end markets because they manage residuals rather than produce recycled output. Including landfills and waste-to-energy facilities in the core national scope blurs the distinction between recycling and disposal and improperly expands the concept of responsible markets.

Proposed Resolution:

Revise Section 2.1.1 to remove disposal entities from the core national scope. Suggested revision:

“Eligible entities include end markets and supply chain entities directly involved in the recycling pathway downstream of MRFs, depot collection points, or other collection methods. Disposal entities are not included in the core scope of this standard except where expressly required by applicable state law and addressed in a state-specific appendix.”

Comment Entry 2

Comment Type: Technical

Reference: Section 2.2.5; lines 55–57

Comment:

Section 2.2.5 excludes MRFs and composting facilities but does not similarly exclude landfills and waste-to-energy facilities, even though disposal facilities are not end markets and do not produce recycled output. This omission contributes to confusion regarding the intended scope of the REM Standard.

Proposed Resolution:

Revise Section 2.2.5 to add disposal facilities to the list of excluded entities from the core standard. Suggested revision:

“MRFs, composting facilities, landfills, waste-to-energy facilities, and other final disposal sites are not eligible for certification under the core national standard, except where expressly required by applicable state law and addressed in a state-specific appendix.”

Comment Entry 3

Comment Type: Technical

Reference: Section 5, definition of “End Market”; lines 143–145

Comment:

The definition of “End Market” appropriately focuses on entities that produce recycled output used as feedstock to replace virgin materials in a final product or product component. That

definition should be used consistently throughout the document and should not be expanded in practice to include disposal entities, which do not produce recycled output.

Proposed Resolution:

Add clarifying language to the definition of “End Market” or to Section 2 stating:

“For the avoidance of doubt, disposal entities, including landfills and waste-to-energy facilities, are not end markets because they do not produce recycled output for use in manufacturing.”

Comment Entry 4

Comment Type: Technical

Reference: Section 5, definition of “Disposal Entity”; lines 138–140

Comment:

The draft appropriately identifies disposal entities as distinct from end markets. That distinction should be preserved by removing disposal entities from the core certification framework and addressing them, if necessary, only in state-specific appendices where state law expressly requires such treatment.

Proposed Resolution:

Add a note to the definition of “Disposal Entity” stating:

“Disposal entities are not part of the core national REM certification scope and may be addressed only in state-specific appendices where expressly required by applicable law.”

Comment Entry 4A

Comment Type: General

Reference: Definitions Section; ISO-Referenced Definitions

Comment:

Numerous definitions throughout the draft Standard indicate that they are “adapted from ISO” standards. However, the referenced ISO definitions are not reproduced in the document, and access to ISO standards generally requires the purchase of copyrighted materials. As a result, many users of the REM Standard may be unable to readily understand, interpret, or verify the underlying definitions being incorporated into the certification framework.

In addition, because the draft Standard frequently relies upon these ISO-derived definitions, stakeholders may have difficulty determining whether a definition has been adopted in full, modified, or only partially incorporated. Providing the actual text being used would improve transparency, consistency, and implementation across jurisdictions and certification bodies.

Proposed Resolution:

Include the full text of each ISO-derived definition within the Standard or in an appendix, with appropriate attribution to the source standard. Explain that the definitions are derived from internationally recognized ISO standards to promote consistency and applicability across jurisdictions.

Comment Entry 5

Comment Type: Technical

Reference: Section 3.1.2; lines 63–72

Comment:

The three-year certification structure, including initial onsite audit, annual surveillance audits,

and recertification requirements, is not appropriate for disposal entities, particularly U.S.-based permitted landfills that already operate under comprehensive permit oversight. Imposing a parallel certification system on those facilities is duplicative and burdensome.

Proposed Resolution:

Revise Section 3.1.2 and related applicability provisions to exclude disposal entities from the general certification structure. If disposal entities remain in state-specific appendices, provide that compliant U.S.-based permitted facilities are deemed sufficient through permit status and applicable law, without separate REM audit requirements.

Comment Entry 6

Comment Type: Technical

Reference: Section 6.1 and applicability table; lines 60–63

Comment:

Applying the general certification requirements in Section 6.1 to disposal entities creates an unnecessarily duplicative framework where existing federal, state, and local permits already govern legal compliance. This concern is especially acute for U.S.-based permitted landfills.

Proposed Resolution:

Revise the applicability matrix in Section 6.1 to remove disposal entities from the core standard. For states where disposal-related treatment is required, provide in the state-specific appendix that compliance with the facility's permit and applicable law satisfies the legal-compliance requirement.

Comment Entry 7

Comment Type: Technical

Reference: Sections 7, 8, and 9 applicability tables

Comment:

Sections 7 through 9 apply labor, health and safety, environmental soundness, and transparency requirements to disposal entities. While these topics are important generally, applying them through a separate REM certification program is unnecessary and duplicative for regulated U.S. disposal facilities. These sections should not apply to disposal entities in the core national standard.

Proposed Resolution:

Remove disposal entities from the applicability columns in Sections 7 through 9 of the core national standard. If state-specific treatment is retained, address those requirements only in an appendix and deem U.S.-based permitted facilities compliant through permit status. Any more detailed requirements are duplicative and could be inconsistent with state and federal laws and should not be included.

Comment Entry 8

Comment Type: Technical

Reference: Sections 8.2 and 8.3; clauses 8.2.1–8.3.2

Comment:

If disposal entities remain in scope for certain states, the draft should allow conformance to be established through existing legal and environmental management systems rather than through

a duplicative REM-specific certification model. For U.S.-based permitted facilities, the relevant check should be permit compliance and the applicable federal and state regulatory framework.

Proposed Resolution:

Add state-specific appendix language substantially as follows:

“For disposal entities included pursuant to applicable state law, U.S.-based municipal solid waste landfills that are permitted under applicable federal and state solid waste requirements, including RCRA Subtitle D (40 C.F.R. Part 258), shall be deemed to satisfy any REM-related disposal facility criteria. Possession of a valid operating permit shall be sufficient to demonstrate conformance, and no separate REM certification, audit, or verification process shall be required for such facilities.

For disposal facilities located outside the United States, where comparable regulatory systems may not exist, conformance may be demonstrated through compliance with applicable national permitting and legal frameworks and/or an equivalent national or internationally recognized environmental management benchmark. Where appropriate, the UNEP/Basel Convention Technical Guidelines on Specially Engineered Landfill (Disposal Operation D5) may serve as a reference point for environmentally sound disposal.”

Comment Entry 9

Comment Type: Technical

Reference: Section 9.1.2

Comment:

Section 9.1.2 requires an entity to “ensure” that its downstream processors, including disposal entities, hold a valid certification to the standard. This is an impractical and overly rigid obligation, especially in complex domestic and global recycling chains. Entities should be required to exercise reasonable due diligence rather than guarantee the compliance status of independent downstream parties.

Proposed Resolution:

Replace “shall ensure” with “shall exercise reasonable due diligence to verify” in Section 9.1.2.

Suggested revision:

“The entity shall exercise reasonable due diligence to verify that its downstream processors of covered materials maintain the status required under this standard or applicable law, and shall maintain relevant records of that due diligence.”

Comment Entry 10

Comment Type: Technical

Reference: Section 9.1.3

Comment:

The Coalition supports tracking final disposition information, including disposal destinations where relevant. However, requiring that disposal destinations themselves be REM-certified conflates final disposition tracking with responsible-market qualification. The standard should preserve the distinction between documenting disposition and certifying disposal sites as REM entities. Oregon’s current list demonstrates that disposal sites are being listed separately from commodity-specific responsible end markets.

Proposed Resolution:

Revise Section 9.1.3 to clarify that documentation of downstream landfill/disposal destinations is for transparency and yield/disposition reporting purposes only and does not, by itself, require such facilities to be certified under the core national REM standard or imply that such facilities qualify as responsible end markets.

Comment Entry 11

Comment Type: Technical

Reference: Section 9.1.3; Appendix B; and any provisions addressing disposition, residual management, or state-specific implementation

Comment:

The REM Standard should not preclude or discourage legitimate beneficial uses of recovered materials, including the use of recovered glass as alternative daily cover (ADC) or as road aggregate at permitted landfill facilities where allowed by applicable law and permit conditions. While such uses may not qualify as “recycling” or as responsible end-market activity, they may represent lawful, operationally necessary, and environmentally regulated forms of material management.

This issue is particularly important for materials such as glass, where viable recycling end markets may be regionally limited, intermittent, or economically impracticable. Oregon’s program includes a concept of “impracticability” to address such circumstances, but this concept is not uniformly reflected across other state programs. Absent clear flexibility, the REM Standard could inadvertently constrain lawful material management pathways or create unintended pressure to classify all recovered material as recycling regardless of market feasibility.

Proposed Resolution:

Add language to Section 9.1.3 and any relevant state-specific appendix substantially as follows: “Nothing in this standard shall be interpreted to preclude or discourage lawful beneficial uses of recovered materials, including the use of recovered glass as alternative daily cover or as road aggregate at permitted landfill facilities, where such uses are allowed by applicable law and permit conditions. Such uses may be reported separately from recycling or responsible end-market activity and shall not require the receiving facility to be certified as a responsible end market. Where viable recycling pathways are unavailable or impracticable, the standard shall allow reasonable flexibility consistent with applicable law and clearly distinguish among recycling, lawful beneficial use, and disposal.”

Comment Entry 12

Comment Type: Technical

Reference: Section 10.1; clauses 10.1.1–10.1.2

Comment:

Section 10.1 addresses processing and disposition assurance and is appropriately focused on entities engaged in recycling-related processing. These requirements should not apply to disposal entities, which do not perform recycling and do not produce recycled output.

Proposed Resolution:

Revise the Section 10 applicability table to make clear that disposal entities are excluded from these requirements in all cases.

Comment Entry 13

Comment Type: Technical

Reference: Appendix B (Oregon); B1.1.1 and Oregon references in scope footnote

Comment:

Oregon's rules and implementation materials reflect a state-specific approach that includes locations where material disposition occurs and currently list disposal sites and other facilities. The core national REM Standard should not adopt Oregon's structure as the default national model. Instead, any disposal-related treatment should be limited to Appendix B or other state-specific appendices where expressly required.

Proposed Resolution:

Add explanatory language to Appendix B and Section 2 stating:

"Oregon-specific treatment of disposal entities reflects Oregon-specific legal requirements and does not alter the scope of the core national standard or establish a default approach for other jurisdictions."

Comment Entry 14

Comment Type: Technical

Reference: Section 1 Introduction; lines 7–14

Comment:

The introduction explains that the standard establishes harmonized requirements where state requirements align and uses appendices for unique state requirements. That structure supports a narrower national standard with state-specific appendices for non-common requirements, including any state-specific treatment of disposal facilities.

Proposed Resolution:

Add language to Section 1 stating:

"Requirements applicable only in specific jurisdictions, including any treatment of disposal entities, shall be addressed in the applicable state appendix rather than in the core national standard."

Comment Entry 15

Comment Type: General

Reference: General / all sections affecting disposal entities

Comment:

The Coalition supports the objective of transparent downstream accountability, including reporting final material disposition where relevant. However, disposal entities should not be folded into the national REM framework in a way that equates residual management with responsible end-market activity. A more durable approach is to keep disposal outside the national core standard, reserve state-specific treatment for jurisdictions that expressly require it, and recognize permit-based compliance and equivalent international management frameworks where such state-specific treatment is retained.

Proposed Resolution:

Revise the final standard consistent with the attached comments to:

1. remove disposal entities from the core national scope;

2. move any disposal-related requirements to state-specific appendices only where legally required;
3. deem U.S.-based permitted facilities compliant through permit status and applicable law, with equivalent pathways for non-U.S. facilities where necessary; and,
4. and provide flexibility to accommodate lawful beneficial uses of recovered materials where recycling pathways are not reasonably available or are impracticable.

Comment Entry 16

Comment Type: technical

Reference: 3.1.2

Comment:

Section 3.1.2 establishes a three-year certification cycle with an initial onsite audit, annual surveillance audits, and an onsite recertification audit. The provision further states that "[a]dditional audits or onsite follow-up visits may be conducted if needed as determined by the certification body (e.g., to ensure closure of a nonconformity)." This grants the certification body open-ended discretion to require unscheduled visits. This requirement will be onerous for certified entities to comply with and may discourage some end markets from participation. For the waste and recycling industry this burden could result in significant expenses.

Proposed Resolution:

Revise the standard to explicitly limit the number of unscheduled additional audits absent documented evidence of material conformity.

Comment Entry 17

Comment Type: Technical

Reference: 8.3.2

Comment:

Section 8.3.2 requires entities to disclose to the certification body, upon request: "(a) Any chemicals of concern used in its processing operations; (b) Data on outdoor air, water, and land emissions; and (c) The total amount of waste generated from its facilities." The term "chemicals of concern" is narrowly defined as chemicals required to be disclosed by permit or by the Toxics in Packaging Clearing House (TPCH) model legislation that are "intentionally added for use in processing." But the "upon request" disclosure of emissions data and total waste generated is open-ended. For the waste and recycling industry, there's no confidentiality protections for any operational data.

Proposed Resolution:

Modify the standard to: limit disclosures to data already reported to regulatory agencies, and include confidentiality obligations binding on the certification body.

Comment Entry 18

Comment Type: General

Reference: pg. 3

Comment:

The disclaimer at the front of the standard (page 3) states that "the user covenants not to sue, and agrees to waive and release CAA, SAS, and its employees from any and all claims, demands,

and causes of action for any injuries, losses, or damages...that may now or hereafter have a right to assert against such parties as a result of use of, or reliance on, this standard." While this is positioned as a condition of use of the document itself, CAA and SAS could argue that our members' participation in the certification system incorporates this waiver by reference. If so, our member companies would be waiving claims against CAA and SAS even if the standard is applied arbitrarily or in bad faith.

Proposed Resolution:

CAA should clarify that this waiver applies only to the document use and not to the certification participation or to certification agreements will include appropriate dispute resolution mechanisms.