



March 22, 2020

Via Electronic Transmission

Honorable Governor Kate Brown
Office of the Governor
900 Court St. NE, Suite 254
Salem, OR 97301-4047

Governor Brown,

Thank you for your thoughtful leadership in addressing the COVID-19 crisis. The Association of Oregon Counties (AOC), the League of Oregon Cities (LOC) and Oregon Refuse and Recycling Association (ORRA) join together to reassure Oregonians that we are prepared to continue providing essential solid waste management services during potential COVID-19 disruptions.

On March 16, the [White House issued guidance](#) for workers who work in a critical infrastructure industry. That was followed by a [Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response](#) issued by the U.S. Department of Homeland Security. Included in the guidance is “support to ensure the effective removal, storage, and disposal of residential and commercial solid waste.”

In Oregon, these essential solid waste services— garbage, composting, and recycling—are primarily provided through franchise or other agreements between cities and counties and solid waste management businesses across the state. The state sets standards in law in Oregon Revised Statutes [\(ORS\) Chapters 459](#) and [459A](#) and then grants to cities and counties the authority to implement solid waste management programs in their communities.

In response to the spread of COVID-19, you declared a state of emergency. To date, 26 counties and a number of cities in Oregon, have also declared a state of emergency to take actions necessary to protect the health and safety of communities across the state. [ORS Chapter 401](#) reinforces the responsibility and authority of the Governor and local governments during an emergency, and provides for state agencies to coordinate and facilitate efforts to respond to emergencies.

Solid waste management, including garbage, composting, and recycling services, are services essential to the protection of the health, safety and welfare of the community. To continue operation of these essential services during the COVID-19 crisis, AOC, LOC, and the members of ORRA that provide these critical services are prepared to prioritize service delivery should COVID-19 disruptions occur (Attachment A).

The goal is to continue to provide all essential solid waste services—garbage, composting, and recycling. However, Attachment A identifies prioritization of services in the event that it is necessary to protect the health, safety, and welfare of Oregonians, including the workers who provide these services.

Like many businesses across Oregon, as a result of COVID-19, solid waste and recycling businesses are facing financial and regulatory challenges. There could be significant disruptions in service due to factors such as employee availability, uneven demand, and difficulty marketing recyclable materials because of limited exporting capacity and additional constraints at facilities.

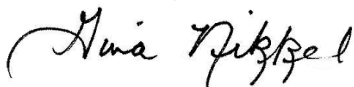
To ensure the health and safety of Oregonians and workers who provide these services for the duration of the COVID-19 emergency, we respectfully request the following regulatory relief and continued flexibility should unanticipated issues arise during the crisis:

- Include solid waste management services in any statewide declarations of emergency.
- Exempt solid waste management services from “Stay Home, Stay Healthy,” “Shelter in Place,” or similar restrictions, including transportation during curfews and hours of operation, etc.
- Continue exemptions relating to trucking and transportation, including Hours of Service, driver qualifications (including regularly scheduled drug and alcohol testing and driver medical card renewals, which could subject drivers to infection risks and burden health care providers), and ensure related facilities for repair, maintenance and fueling remain open.
- Increase tonnage limits to accommodate greater quantities of materials as needed.
- Prepare for flexibility in staging operations and locations as needed (recent flooding response in Umatilla County is a good example).
- Allow additional time to store materials.
- Allow for temporary disposal of recyclables or composting in the event the disruption forces prioritizing of service delivery.
- Suspend compliance timelines and increase permit flexibility related to the provision of solid waste and recycling services (including solid waste, water quality, and air permits).

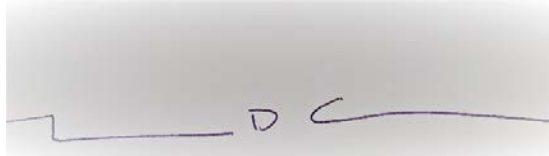
AOC, LOC and ORRA members share your goal to protect the health and public safety of all Oregonians, during the COVID-19 response, and always. Thank you for helping us continue to meet this goal. We are committed to do our part to provide all available assistance to the Oregon communities we serve during this unprecedented time.

Please do not hesitate to contact ORRA Executive Director Kristan Mitchell at kristanm@orra.net or (503)-588-1837 for questions, or additional information.

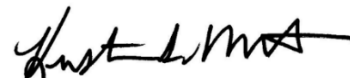
Respectfully,



Gina Nikkel
Executive Director
Oregon Association of Counties



Mike Cully
Executive Director
League of Oregon Cities



Kristan Mitchell
Executive Director
Oregon Refuse and Recycling Association

Attachment A: Solid Waste Management Essential Services by Priority of Services

Cc:

Joint Special Committee on Coronavirus Response
Honorable State Senator Peter Courtney, Senate President
Honorable State Senator Laurie Monnes Anderson, Senate President Pro Tempore
Honorable State Senator Ginny Burdick, Senate Democratic Leader
Honorable State Senator Herman E. Baertschiger Jr., Senate Republican Leader
Honorable State Representative Tina Kotek, House Speaker
Honorable State Representative Paul Holvey, House Speaker Pro Tempore
Honorable State Representative Barbara Smith Warner, House Democratic Leader
Honorable State Representative Christine Drazan, House Republican Leader
Nik Blosser, Chief of Staff, Governor Kate Brown
Andrew Phelps, Director, Office of Emergency Management

Attachment A: Solid Waste Management Essential Services by Priority of Services (3-22-2020)

The goal is to continue to provide all essential solid waste management services—garbage, composting, and recycling. This chart identifies prioritization of services in the event that it is necessary to protect the health, safety, and welfare of Oregonians, including the workers who provide these services. Also, OR-OSHA regulates worker safety; reduced paperwork enforcement would be requested, but all other worker safety stays in place.

Essential Services	Regulator(s)	Regulation
Priority #1: Garbage		
Collection Service	Federal Motor Carrier Safety Administration (FMCSA) and Oregon Department of Transportation (ODOT)	FMCSA/ODOT - Hours of Service, Driver Qualifications (including drug and alcohol testing and driver medical card renewals)
	Department of Environmental Quality (DEQ)	DEQ - ORS Chapters 459 and 459A Service Standards
	Cities and Counties (C&C)	C&C - Franchise Agreements Service Standards
Transfer Stations	DEQ	-DEQ - ORS Chapter 459 Disposal and Operations Plans -DEQ - Permits in multiple ORS Chapters (Solid Waste, Water, Air)
	C&C	C&C - Franchise Agreements
	Metropolitan Service District (Metro)	Metro Permits - Solid Waste, Water
Landfills	DEQ	DEQ – Permits in multiple ORS Chapters for Disposal, Air Quality (Title 5), Water, Operations Plans
	C&C	C&C - Franchise Agreements
Priority #2: Composting		
Collection Service	Same as Garbage	Same as Garbage
Compost Facilities	DEQ	ORS Chapter 459 Permits
Priority #3: Recycling		
Collection Service	Same as Garbage	Same as Garbage
Processors	Metro	Metro - Processors Reporting on End Users/Markets
End Users/Markets	DEQ	DEQ - Markets may be subject to Air and Water Permits