



AMERIPEN Comments Regarding the Draft CAA REM Standard

Submitted via <https://www.surveymonkey.com/r/CAA-REMs>

July 7, 2026

Below are comments AMERIPEN – the American Institute for Packaging and the Environment – submitted to the Circular Action Alliance (CAA) regarding its draft Certification Standard for Responsible Markets: For Recycling of Paper, Packaging and Food Serviceware (“REM Standard” or “Standard”).

#1 (Consistent terminology about markets instead of “end” markets)	
Type:	Editorial
Line #:	All
Clause #:	N/A
Comment:	AMERIPEN suggests replacing instances of “REM” with “RM” for consistency with the “Responsible Market” language and to acknowledge the markets may not be the “end” of the supply chain.
Proposed change or resolution:	N/A

#2 (Clarify the meaning of “possession”)	
Type:	Technical
Line #:	All
Clause #:	N/A
Comment:	The term “possession” is not always or clearly delineated throughout the Standard. Possession can mean either physical management or ownership (or both).
Proposed change or resolution:	AMERIPEN recommends clarifying wherever a use of “possession” means “physical possession,” particularly in the Entity Type definition.

#3 (Concerns about covering disposal entities)	
Type:	Technical
Line #:	34
Clause #:	2.1.1.
Comment:	AMERIPEN is very concerned about the risk of expanding obligations for REM Standard compliance beyond entities in the

	recycling supply chain, as this will add needless complexity and cost to an already-challenging system. AMERIPEN acknowledges CAA’s prior explanation that some state laws require entities disposing contaminants to be subject to responsible market requirements, but strongly cautions that the Standard must be extremely narrowly tailored to not apply beyond what is strictly required by law. As an example of the difficulty imposed by certifying disposal sites, requiring an entity to ensure a disposal site holds valid Standard certification (per subsection 9.1.2) is a logistically-challenging burden created by including disposal sites in the Standard. It may be unreasonable to require a REM to only use a verified disposal facility for things that they or another REM cannot process. Additionally, per CAA’s Oregon program plan, disposal sites in countries with legal frameworks for waste management and pollution control should be allowed to undergo an assessment to verify that they dispose of waste responsibly. If confirming disposal quantities is what is important, the onus should be placed on the recycling market to obtain and forward disposal reports from disposal sites as part of the process of verifying their disposal records.
Proposed change or resolution:	Language throughout the Standard should be made very specific that requirements for disposal sites apply only for entities disposing contaminants, and only for states where so required. Additionally, CAA should consider borrowing the provisions in its Oregon Program Plan to provide disposal sites that pass a risk assessment with a variance from being required to be certified under the REM standard or report and maintain itemized records of disposal amounts from certified entities that they have a business relationship with.

#4 (Requirement to “recycle”)	
Type:	Technical
Line #:	36
Clause #:	2.1.1.
Comment:	The Scope requires an eligible entity to “recycle” covered materials, but the Standard applies to locations downstream of

	collection. Some of those would not be the ones recycling (e.g., a broker or a secondary sorter).
Proposed change or resolution:	The second bullet should be removed or else should be modified to make the applicability of recycling optional as follows: "...EPR legislation, <u>if applicable;</u> "

#5 (Transporter and disposal entity standards)	
Type:	Technical
Line #:	37
Clause #:	2.1.1.
Comment:	It is unreasonable to expect intermediate supply chain entities, such as common carrier transporters, to achieve some of the certification standards currently being requested if they simply transport covered material without taking ownership of it or processing it. Moreover, certification requirements for such transporters should be applicable only to the material being handled. The standard should not unnecessarily discourage transporters from moving these materials.
Proposed change or resolution:	The following Standard requirements that are proposed for transporters should be reconsidered as they are not directly pertinent: preparing a written environmental management system plan, chemical management system plan, hazardous materials management system plan, and waste management plans. Because records will be maintained by other recycling supply chain entities certified under the Standard that will provide chain-of-custody assurance upstream and downstream of the transporters, the burden on them need not be as high. Additionally, if applicable standard elements are achieved through other entities, such as federal Department of Transportation and insurance requirements, those should be allowed to suffice in the appropriate categories.

#6 (Restriction for multisite certification)	
Type:	Technical

Line #:	45-46
Clause #:	2.1.3.
Comment:	AMERIPEN disagrees with the restriction on multisite certification, as it unnecessarily prevents efficient compliance opportunities for some businesses.
Proposed change or resolution:	AMERIPEN recommends revising the language to allow for multisite certification by default and to create a trigger such that the PRO or the government entity can request a site-specific certification if the market is flagged as higher risk for noncompliance.

#7 (Compost facilities left unaddressed)	
Type:	Technical
Line #:	56
Clause #:	2.2.5
Comment:	Composting is an important compliance pathway within EPR yet is unaddressed in the Standard.
Proposed change or resolution:	AMERIPEN urges CAA to develop a pertinent standard for composting markets without delay. AMERIPEN seeks to know when CAA plans to finalize the REM Standard Certification Body Requirement and the REM Standard Certification Body Approval and Oversight Procedure, as referenced in subsection 4.1. It ideally would occur at the same time as this Standard.

#8 (Support and clarification for benchmarking between standards)	
Type:	Technical
Line #:	73-75
Clause #:	3.1.3.
Comment:	AMERIPEN strongly supports the allowance for accepting benchmarked standards that are substantially similar to the Standard, as it will reduce compliance burdens.
Proposed change or resolution:	AMERIPEN strongly encourages CAA to align the Certification Body requirements with existing state laws and the Certification Body requirements of the other standards in the benchmarking

	process to the extent possible. ISO 17065 and the intention to align with other benchmarked standards should also be referenced. AMERIPEN also requests clarification that standard recognition process can include the onsite audit, and that REMs in compliance with recognized benchmarked standards may apply to carry over previous onsite audits to this Standard.
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#9 (Upstream disclosure of loss of certification)	
Type:	Technical
Line #:	76-77
Clause #:	3.1.4.
Comment:	There is no requirement for a suspended entity to disclose to its upstream or downstream entities that it lost its certification due to failing critical indicators. This would risk entities moving covered material through the supply chain without the opportunity to know that another entity fell out of compliance. Moreover, it is unclear how much time an entity will have to correct an issue before its certification is suspended.
Proposed change or resolution:	AMERIPEN recommends that CAA provide a system for informing entities when another entity within their supply chain is suspended from the Standard.

#10 (REM Standard Certification Body Requirement and Approval and Oversight Procedure timing)	
Type:	Technical
Line #:	106-107
Clause #:	4.1.
Comment:	It is unclear when the REM Standard Certification Body Requirement and the REM Standard Certification Body Approval and Oversight Procedure will be finalized.
Proposed change or resolution:	AMERIPEN seeks to know when the REM Standard Certification Body Requirement and the REM Standard Certification Body Approval and Oversight Procedure will be finalized. Will it be at

	the same time as the rest of the Standard, so it can be utilized comprehensively?
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#11 (“Chemical Recycling” definition)	
Type:	Technical
Line #:	130-131
Clause #:	5.
Comment:	The definition of “chemical recycling” is not distinguished enough from mechanical recycling.
Proposed change or resolution:	Revise the definition to include a sentence stating, “Does not include mechanical recycling or physical recycling technologies such as dissolution.”

#12 (“Hazardous Waste” definition)	
Type:	Technical
Line #:	183-184
Clause #:	5.
Comment:	AMERIPEN supports use of the federal definition of “hazardous waste” as a means of fostering a harmonized, nationwide standard.
Proposed change or resolution:	N/A

#13 (“Material Recovery Facility (MRF)” definition)	
Type:	Technical
Line #:	190-191
Clause #:	5.
Comment:	The “Material Recovery Facility (MRF)” definition uses “receives,” which is too broad of a term and applies to many facilities beyond those otherwise fitting the definition. The definition also uses “or sorts source separated solid waste,” which is too narrow of a stream scope.
Proposed change or resolution:	Replace “...receives, compacts, repackages, or sorts...” with “...processes, sorts, bales, compacts, or otherwise prepares

	materials for recycling and delivery to responsible markets..." to better reflect a MRF's role. Additionally edit it to read "...source separated <u>or commingled</u> solid waste..." to capture any differences between the terms.
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#14 ("Processing" definition)	
Type:	Technical
Line #:	196
Clause #:	5.
Comment:	Processing does not happen only in the waste streams that eventually lead to disposal; in fact, it is more likely to occur upstream of recycling instead.
Proposed change or resolution:	Add clarity by replacing the last sentence to instead read: "Processing does not occur at a disposal entity."

#15 (Separate end markets and supply chain entities columns)	
Type:	Technical
Line #:	N/A
Clause #:	6-10.
Comment:	As CAA considers revisions to the REM Standard, it may be helpful to distinguish responsibilities between end markets and supply chain entities that perform processing (as opposed to grouping them into one column).
Proposed change or resolution:	Consider separating the "End Market and Supply Chain Entity (processing)" column into two columns, so end market-specific requirements can be differentiated from supply chain entity (processing) ones.

#16 (Reporting violations timeline and recipient)	
Type:	Technical
Line #:	N/A
Clause #:	8.1.1.

Comment:	It is unclear what timeline entities have to remediate instances of noncompliance, if any is envisioned. Furthermore, it is unclear to what entity instances of nonconformance must be reported.
Proposed change or resolution:	AMERIPEN recommends specifying whether entities have a certain minimum amount of time to correct an issue before being suspended from certification (for violation of a critical element). AMERIPEN also recommends clarifying whether noncompliance must be reported from the Certification Body to the PRO and, if so, a copy should be provided to the examined entity. AMERIPEN also recommends specifying the expected timeframe in which such a report must be made.

#17 (Clarifying allowable visible releases)	
Type:	Technical
Line #:	N/A
Clause #:	8.2.1.
Comment:	Treating all visible releases strictly as critical violations is too punitive, as it ignores cases where such releases may be authorized by permit (e.g., steam releases).
Proposed change or resolution:	AMERIPEN recommends adding a caveat to this element such that, in cases where visible releases are permitted, it applies only when releases are in excess of the permit.

#18 (Clarify OCS “principles”)	
Type:	Technical
Line #:	N/A
Clause #:	8.2.2.d.
Comment:	It is unclear what an Operation Clean Sweep® “principle” is, especially given the different programs within it, and how entities will know if they are implementing them.
Proposed change or resolution:	AMERIPEN recommends specifying whether all components of OCS must be adhered to, or else which specific ones are relevant for this element.

#19 (Identifying and implementing "feasible changes" too subjective)	
Type:	Technical
Line #:	N/A
Clause #:	8.3.1.
Comment:	This specific subsection will be particularly challenging to implement, including due to the subjective use of "feasible." The information shared in 8.3.1 will help address some of the intent of this provision as is.
Proposed change or resolution:	AMERIPEN suggests striking this language.

#20 (Challenge requiring emissions reporting if not subject to permit)	
Type:	Technical
Line #:	N/A
Clause #:	8.3.2.b.
Comment:	It is unreasonable to expect entities to collect outdoor air, water, and land emission data if they are not otherwise required to do so by a permit or by law. The added expense discourages pursuit of Standard certification.
Proposed change or resolution:	AMERIPEN recommends applying a caveat to paragraph (b) to only apply where the data already exists due to permitting or other requirements.

#21 (Tracking incoming and outgoing materials)	
Type:	Technical
Line #:	N/A
Clause #:	9.1.
Comment:	There is no definition for "source/supplier" or "originating facility," so it is unclear how to distinguish them.
Proposed change or resolution:	AMERIPEN requests definitions of "source/supplier" and "originating facility."

#22 (Verifying certification of downstream entities)
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Type:	Technical
Line #:	N/A
Clause #:	9.1.2.
Comment:	This section creates unrealistic expectations for a downstream entity to be able to find out the original certification and other information (e.g., tonnage of a material) from other entities in the supply chain. For example, a disposal site would have to figure out the weight of contaminants removed farther upstream. Visibility is generally lost after the first transfer between entities, and reestablishing it is complicated by protection of proprietary information and lack of obligation for downstream entities to report to others.
Proposed change or resolution:	AMERIPEN requests removal of unrealistic reporting of information that is more than one entity removed from a reporting entity. Alternatively, this requirement could be applied only “to the extent feasible.” AMERIPEN also seeks acceptance of existing reporting where there is overlap. Finally, AMERIPEN recommends creating a new provision specifically addressing when a REM must confirm documentation specifically for disposal facilities.

#23 (Proprietary information needs strict protection)	
Type:	Technical
Line #:	N/A
Clause #:	9.1.3.
Comment:	Subsection 9.1.3 requires sharing of proprietary information about customers and material flows. This is extremely sensitive and deserves high levels of data safeguarding and protection from public disclosure.
Proposed change or resolution:	AMERIPEN urges the Standard to impose strict protection of this information and limit its sharing to only those entities that strictly require it for the Standard certification process. AMERIPEN also seeks clarity as to whether a PRO and other person other than the certification body will receive this chain-of-custody data.

#24 (Reporting of material received and sent)	
Type:	Technical
Line #:	N/A
Clause #:	9.2.2. and 9.2.3.
Comment:	Subsections 9.2.2 and 9.2.3 require entities to quantify covered materials received and sent by volume. However, weight is a more appropriate measure for recyclables and is consistent with EPR law expectations. Moreover, category groupings of materials may complicate reporting at the material level. Note that in some cases (such as the use of mixed bales), an entity may not be able to report by covered material category of each bale component unless it does periodic composition sampling. It is unclear to what entity the quarterly summaries are to be reported.
Proposed change or resolution:	AMERIPEN recommends having quantification be done by weight instead of volume, and recommends allowing it to be conducted in accordance with state materials categories if necessary. AMERIPEN seeks explanation as to whether and how the data will be reported to a PRO, certification body, or other figure. Finally, AMERIPEN asks whether CAA intends to create a reporting portal for this with the state covered material categories provided, to assist post-MRF entities that may not know what the categories are for each state.

#25 (Reduce mandated reporting frequency)	
Type:	Technical
Line #:	N/A
Clause #:	9.2.3.
Comment:	Requiring summaries to be provided quarterly risks being excessive without providing significant benefit.

Proposed change or resolution:	AMERIPEN recommends instead requiring summaries to be prepared no less than annually, at the direction of a PRO, to afford more flexibility.
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#26 (Recording and scope of violations)	
Type:	Technical
Line #:	N/A
Clause #:	9.3.1.
Comment:	While targeting important information, this provision is written open-ended and may call in information that is entirely unrelated to responsible market activities.
Proposed change or resolution:	This provision should be limited to that information that is directly relevant to conduct of responsible markets and the rest of the Standard.

#27 (Timeframe for remediating enforcement)	
Type:	Technical
Line #:	N/A
Clause #:	9.3.2.
Comment:	It is unclear whether there is a limit on the timeframe for information to be reported under this section, whether there is an expected timeframe in which to report penalties/violations, and whether there is an expected window for remediation of such issues to stay in compliance. Note that each type of penalty/violation requires different lengths of time for remediating.
Proposed change or resolution:	AMERIPEN recommends specifying how far back in time penalties/violations are applicable for this subsection, how much time entities have to report new penalties/violations, and how much time entities have to resolve open issues, if so expected to stay in compliance.

#28 (Revise market/supply chain entity efficiency review)

Type:	Technical
Line #:	N/A
Clause #:	10.1.2.
Comment:	“[N]ot disposed of unnecessarily” introduces a significant amount of subjectivity that merits clarification to better allow entities to achieve compliance. Furthermore, it assumes increased efficiency can be achieved in perpetuity.
Proposed change or resolution:	Replace with the following language that achieves similar intent: “Entity shall utilize a process to periodically review and evaluate processing efficiency, and to identify operational improvements to capture more recyclable materials.”

#29 (Labeling and language requirements)	
Type:	Technical
Line #:	N/A
Clause #:	11.1.1.
Comment:	Paragraph (2) of this subsection implies the existence of CAA “labeling and language requirements.” AMERIPEN is unaware of such requirements or where they are authorized under law or regulation. Furthermore, it references federal guidelines. It is unclear whether those will inform or complement CAA requirements.
Proposed change or resolution:	AMERIPEN seeks CAA’s explanation of what its “labeling and language requirements” are, where they are authorized or required by law or regulation, and how they relate to federal guidelines.