IDFA
International
Dairy Foods Association

Via Email

December 5, 2025

Nicole Portley
Program Plan Lead, Oregon DEQ
nicole.portley@deq.oregon.gov

RE: International Dairy Foods Association (IDFA) Letter to Oregon DEQ Regarding Scope of EPR Law as Applied to Cheese Wax

Dear Ms. Portley:

The International Dairy Foods Association (IDFA) appreciates your consideration of our request to exempt certain cheese wax from the definition of "covered product" under Oregon's Extended Producer Responsibility (EPR) law. We are writing as a follow-up to the Oregon Department of Environmental Quality's (DEQ) initial recommendation to not include an exemption for cheese wax in its report prepared for the November 19, 2025, Oregon Recycling Council meeting.[1] We respectfully request that the agency clarify, including through communications with the Circular Action Alliance, that cheese wax is not considered "packaging" under the Oregon EPR law.

During the November 19 Council meeting, which we attended remotely via Zoom, Oregon DEQ staff stated that assessing whether wax is part of the product or packaging is extraneous to the exemption process, as this question precedes the exemption question. We agree. Cheese wax is not packaging in the first place, as it is used during the manufacturing process as an intrinsic part of making waxed cheese that determines its essential characteristics. It is not merely added at the end of the manufacturing process in the same way as packaging. As a material that is not within the definition of "packaging", it should not require an exemption from the definition of covered packaging.

However, given that Circular Action Alliance (CAA) has issued guidance stating it considers "cheese wax" as an example of a "covered" product that "need[s] to be part of producer supply data" for purpose of the Oregon EPR law, we understood that submitting an exemption request was necessary to clarify that cheese wax is not covered by the Oregon EPR law.[2] We would like to emphasize that CAA's guidance is not legally binding as it is not codified in statute or regulation. The guidance itself states that "[t]hese examples reflect CAA's interpretation of both the statutory and regulatory language and are intended as guidance for informational purposes only and do not constitute legal advice."[3]

In the European Union (EU), cheese wax not considered "packaging" and is therefore outside the scope of EPR requirements.[4] This is important because it is not considered packaging that is then exempted; rather, it is outside of the scope of these programs to begin with. We believe Oregon should adopt the same position. Clarifying that cheese wax is not considered packaging would also

[1] Oregon DEQ, *Covered Products Exemption Requests: 2025*, https://www.oregon.gov/deq/recycling/Documents/ORSAC111925ProdExemptRequests.pdf.
[2] CAA, *Covered Materials & Producer Definitions: Colorado and Oregon* (rev. August 2025), https://static1.squarespace.com/static/64260ed078c36925b1cf3385/t/68962f2778a83b0f732683b4/1754672935735/Clean_+Final_August+2025_+Covered+Materials+%26+Producer+Definitions+%28OR%26CO%291+.pdf.
[3] *Id*.
[4] European Parliament and Council Directive 94/62/EC of 20 December 1994 on Packaging and Packaging Waste, http://data.europa.eu/eli/dir/1994/62/2018-07-04.

address what we understand to be Oregon DEQ's concerns about a potential "slippery slope" for other food packaging exemption requests, given that other food packaging does indeed meet the Oregon EPR law's definition of "packaging."

As explained in our exemption request, cheese wax is used as an inherent part of the *manufacturing* process for cheese, as opposed to being merely added at the end to protect or contain the product in the same way as packaging. The EPR laws do not regulate the manufacturing process for foods or other consumer packaged goods; to pull in cheese wax under the EPR laws would be to regulate the very manner in which the cheese is made. It is not merely that without wax the cheese's original characteristics would not be preserved, as would be the case if the wax functioned as packaging. Rather, the same cheese could not be made to begin with without wax. We also want to reiterate that waxed cheeses are rarely sold to the public without an outer plastic film or paper packaging layer. This outer layer functions as packaging for both the wax and the cheese, and is appropriately covered as packaging under the Oregon EPR law.

For these reasons, IDFA respectfully requests that DEQ confirm that cheese wax is not considered "packaging" under the Oregon EPR law, and therefore no exemption request is needed, and communicate the same to CAA so that they may update their guidance for producers. We welcome dialogue with DEQ and look forward to working collaboratively to address any additional questions or concerns regarding this request.

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IDFA thanks Oregon DEQ for considering this request. Please do not hesitate to contact us if you have any questions or would like additional information.

Respectfully submitted,



Danielle Quist
Vice President, Regulatory Affairs and Counsel

Cc: RethinkRecycling@deq.oregon.gov