



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings

February 2, 2022

July 15, 2021

Part of

Public Record

Present: Members Fuchs, Oberman, Primus, and Schultz
Staff Jonathon Binet, Stephanie Borges, William Brennan, Ellen Erichsen,
Amanda Gorski, Jessica Grunberg, Theodore Hunt, Craig Keats, Adam Kress,
Lisa Novins, Kristen Nunnally, Shelia Perry, Valerie Quinn, Janie Sheng,
Michael Small, Chip Vance

Topic: Docket No. FD 36511, Waste Management of Washington, Inc. and Waste
Management Disposal Services of Oregon, Inc.—Petition for Declaratory Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members about issues related to the Board's consideration of a petition for a declaratory order seeking a determination that (1) Petitioners' container-on-flat-car (COFC) pickup and delivery of cardboard waste is subject to the Board's exclusive jurisdiction, and (2) state regulation of Petitioners' COFC pickup and delivery of cardboard waste is preempted by federal law. In particular, staff and Board Members discussed the background of the proceeding, the related case pending in state court, the statutory regime governing preemption, and potential options for moving forward.