



Modernizing Oregon E-cycles Workshop 4 Summary
Meeting Date: December, 14 2022

Legislative Concept 477

The Oregon Department of Environmental Quality (DEQ) updated attendees on the completion of the Legislative Concept and request for stakeholders to submit requested amendments to DEQ. The purpose of the workshop was to walk through LC 477 section by section, answer questions, and review amendment proposals that had already been brought forward.

Section 1: Definitions and Covered Materials

What changes: Expanded list of covered devices and new definition or peripherals, definition of a “Electronics Producer responsibility organization”, deletion of definitions pertaining to the collection determination process and the state contractor program.

What stays the same: Most definitions remain unchanged including definition of a covered entity.

- The Consumer Technology Association (CTA) raised changes they had submitted to DEQ. Changes included: definition of the coordinating body, updated definition of a cell phone, removal of the requirement for a producer responsibility organization (PRO) to be a non-profit, a requirement that a PRO represent 3% of manufacturer obligations to be able to operate in Oregon, definition of manufacturers obligation based on market share, deletion of the definition of orphan devices, and moving gaming consoles from CEDs to peripherals.
- Oregon Refuse & Recycling Association (ORRA) expressed that a desire for materials that could summarize changes and impacts to the current program. DEQ indicated they were developing a factsheet to assist with that need.
- Metro asked if the law could be amended to allow DEQ ability to add CEDs in the future. DEQ answered that inclusion of new categories of CEDs would likely require subsequent legislative changes; however, LC 477 proposes requiring an E-Cycles program to evaluate whether any additional devices should be added for future consideration.

Section 2: Responsible Party

What changes: Addition of peripheral manufacturers, exemption for manufacturers selling fewer than 50 devices in the state the previous year.

What stays the same: Manufacturers must pay into the program to sell covered devices in the state, responsibility does not apply to reused/refurbished covered devices.

- No questions or input.

Section 3: Convenience Standard, Stewardship Plan, Performance Goals, Annual Report

What changes: New minimum convenience standard, addition of any willing permitted solid waste facility as a collection site, annual stewardship plan with performance goals, annual report, deletion lines pertaining to the collection determination process and the state contractor program.

What stays the same: Covered cost (collection, transportation, recycling), ability for PRO to provide joint collection services, conduct statistically valid sampling of CEDs.

- CTA asked DEQ to consider replace the generic formula for a convenience standard with an approach that would require a PRO to maintain the current infrastructure with language that allowed growth as needed. DEQ responded that the intent of the proposed standard is to maintain the current infrastructure while allowing for future growth and that the more general approach will make the law more durable in the future.
- Some participants requested data on the number of current sites and the number of potential sites.
- CTA expressed concerns with goals in the program plan being enforceable and therefore leading to issues with the program in the future. CTA also has concerns with reuse goals being included in program plans.
- CTA requested that DEQ continue to register manufacturers instead of requiring PROs to register them.
- CTA requested language be added to require a coordinating body.
- CTA expressed concerns with language regarding compensation for collection sites. CTA is not opposed to fair compensation but wants language the ensure this is a fair process.
- CTA and current PROs asked if device sampling was still needed under the proposed changes and if it could be removed.
- ORRA expressed support of ensuring all collection site cost are covered in the program.

Section 5: Stewardship Plan

What changes: Creates a timeline and process for program plans to be reviewed and approved by DEQ.

What stays the same: New section.

- CTA explained if coordinating body in added to the program there will need to be clarity to how and who submits a plan.

Section 6: Coordination

What changes: Enables multiple PROs to coordinate to meet the convenience standard and allows PROS to authorize a coordinating body to coordinate their activities. Authorizes DEQ to require PROs to use a coordinating body.

What stays the same: New section.

- CTA requested anti-trust language be added to allow coordination and that DEQ calculate market share instead of the PROs.

Section 7: Funding

What changes: Commission establishes by rule an annual fee for program administration and one-time fee for plan review.

What stays the same: New section

- No questions or input.

Section 8: Outreach

What changes: Requires PROs to develop and deliver education resources and public awareness activities through a uniformly branded and coordinated system.

What stays the same: New section.

- CTA expressed anti-trust concerns about the proposed language forcing manufacturers to use uniform branding. DEQ responded that this is not the intent or impact of this language. This language is used in other Oregon extended producer responsibility programs to ensure that there is not confusion among the public regarding whether multiple E-Cycles programs offer the same types of service.
- Local governments expressed support for greater outreach for the PRO working with them to share messaging.

Section 10: Enforcement

What changes: Authorizes DEQ to request information and data from PROs and defines what information should remain confidential.

What stays the same: New section.

- No questions or input.

Section 11: Retailers

What changes: “Posted” replaced with “made publicly available.”

What stays the same: Sale prohibition for CEDs unless they are labeled and registered. Requirement for retailers to provide information about E-cycles at point of sale.

- No questions or input.

Section 12: Posting of program documents, removal of collections determination and state contractor program.

What changes: Requires DEQ to make program plans and reports publicly available. Deletes language pertaining to the collection determination process and State Contractor Program.

What stays the same: DEQ required to make list registered manufactures and their brands publicly available.

- No questions or input.

Section 12: Posting of program documents, removal of collections determination and state contractor program.

What changes: Requires DEQ to make program plans and reports publicly available. Deletes language pertaining to the collection determination process and State Contractor Program.

What stays the same: DEQ required to make list registered manufactures and their brands publicly available.

- No questions or input.

Section 14: Landfill Ban

What changes: Inclusion of updated definitions.

What stays the same: Current proposal does not extend the ban to proposed new CEDs.

- ORRA members supported not adding the proposed additions to CEDS to the existing landfill ban.

Section 15: Prohibition on fees for covered entities.

What changes: Inclusion of updated definitions.

What stays the same: Fees may not be charged to covered entities for collection of CEDs, except for premium service.

- No questions or input.

Section 16: Covered Electronics Devices Account

What changes: Addition of “administering” and “enforcing” as eligible cost for DEQ.

What stays the same: Separation of funds from the General Fund.

- Participants asked that for a visual representation of how DEQ envisions the transition into the updates proposed for the program.