

DIVISION 20
BEVERAGE CONTAINERS AND
REDEMPTION CENTERS

845-020-0005**Definitions**

(1) The terms defined in ORS 459A.700 have the same meaning in OAR 845-020-0005 through 845-020-0030, unless the context requires otherwise.

(2) The definition of beverage in ORS 459A.700(1) includes "similar carbonated soft drinks." "Soft drinks" means any non-alcoholic drink except 100 percent coffee, tea, milk, cocoa and fruit or vegetable juices. "100 percent coffee, tea, milk, cocoa and fruit or vegetable juices" means the natural product with no water added, or concentrate that has been reconstituted to full strength, to which no flavorings have been added.

(3) As used in OAR 845-020-0005 through 845-020-0030, unless the context requires otherwise: "Person" includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

Stat. Auth.: ORS 459A, ORS 459.992(4), ORS 471 & ORS 472, including ORS 471.030, ORS 471.730(1), ORS 471.730(5), ORS 472.030, ORS 472.060(1) & ORS 472.060(2)(d)

Stats. Implemented: ORS 459A.725

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72; Renumbered from 845-010-0600; OLCC 8-1989, f. 7-28-89, cert. ef. 8-1-89

845-020-0010**Certification of Containers**

(1) A beverage container may be certified by the Commission if:

(a) It is reusable as a beverage container by more than one manufacturer in the ordinary course of business; and

(b) More than one manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(2) The Commission shall withdraw certification of a beverage container which it determines is no longer qualified for certification under section (1) of this rule.

(3) The Commission shall refuse to certify or shall withdraw certification of:

(a) A beverage container which by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, is reusable as a beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name;

(b) Each beverage container, in excess of one, for beer and other malt beverages, having a liquid capacity of 16 fluid ounces or less;

(c) Each beverage container, in excess of one, for beer and other malt beverages, having a liquid capacity of more than 16 fluid ounces; or

(d) Any beverage container which would tend to disrupt the orderly return and reuse of beverage containers.

Stat. Auth.: ORS 459A.725(1), ORS 459A.725(3), ORS 459A.730(1) & ORS 459A.730(2)

Stats. Implemented: ORS 459A.725

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72; LCC 44, f. 11-20-73, ef. 12-11-73; Renumbered from 845-010-0605

845-020-0015**Application for Certification of Containers**

Any manufacturer desiring certification of a beverage container shall make application to the Commission upon forms to be furnished by the Commission. The application shall state the name and address of the manufacturer requesting the container certification and the name and addresses of each other manufacturer, known to the applicant, who will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container. The application shall include such additional information as the Commission may require. Each application for certification will be

accompanied by the following:

- (1) Sample of the container to be considered for certification.
- (2) Container manufacturer's print of the container design and specifications.
- (3) Two color photographs (5" x 7") of container.
- (4) Statement of applicant and of one other manufacturer that each will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

Stat. Auth.: ORS 459A.725(1),
ORS 459A.725(3), ORS
459A.730(1) & ORS 459A.730(2)

Stats. Implemented: ORS 459A.730

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72;
Renumbered from 845-010-0610

845-020-0020

Redemption Centers

The Commission shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers for the return of empty beverage containers.

Stat. Auth.: ORS 459A.735(1),
ORS 459A.735(3) & ORS
459A.735(4)

Stats. Implemented: ORS 459A.735

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72;
Renumbered from 845-010-0615

845-020-0025

Application for Approval of Redemption Center

(1) Any person desiring approval of a redemption center shall make application to the Commission upon forms to be furnished by the Commission. The application shall include the following and such additional information as the Commission may require:

- (a) Name and address of each person to be responsible for the establishment and operation of the redemption center;
- (b) Exact location and mailing address of redemption center;
- (c) Kinds and brand names of the beverage containers which will be accepted at the redemption center;
- (d) Names and addresses of the dealers

- to be served by the redemption center;
- (e) Distances from the redemption center to the dealers to be served;
- (f) Days and hours of operation of the redemption center;
- (g) Description of parking facilities to serve the redemption center;
- (h) Information as to the approval or non-approval of the redemption center by the city council if the redemption center is located within an incorporated city or by the county court or board of county commissioners if the redemption center is located outside an incorporated city.

(2) A copy of the agreement between the person or persons to be responsible for the establishment and operation of the redemption center and each dealer to be served by the redemption center must be submitted with the application.

Stat. Auth.: ORS 459A.735(1),
ORS 459A.735(3) & ORS
459A.735(4)

Stats. Implemented: ORS 459A.735

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72;
Renumbered from 845-010-0620

845-020-0030

Standards of Sanitation and Cleanliness for Redemption Centers

All persons responsible for the establishment and operation of the redemption center shall at all times keep the redemption center premises, including the parking facilities serving the redemption center, in full compliance with law and with the orders and regulations of the Oregon State Board of Health, the State Health Division, the State Department of Agriculture, and other regulatory agencies. Such persons shall keep such redemption center premises in good repair, painted, clean, well lighted, free of litter and trash, and free of rodents, vermin, insects, and their harborage or breeding places.

Stat. Auth.: ORS 459A.735(1),
ORS 459A.735(3) & ORS
459A.735(4)

Stats. Implemented: ORS 459A.735

Hist.: LCC 39, f. 7-17-72, ef. 7-8-72;
Renumbered from 845-010-0625

845-020-0035

When Dealer Not Required to Accept Containers

(1) The Commission does not interpret ORS 459A.710 to require a dealer to accept an empty beverage container, if the dealer:

- (a) Has not offered the product in the specific container size for sale within the past six months;
- (b) Has reasonable grounds to believe the container was sold at retail outside Oregon;
- (c) Has reasonable grounds to believe that container was obtained from or through a distributor without paying the refund value. The primary goal of this subsection is to prevent distributors, recyclers or others from putting containers through the refund/return system more than once without paying the refund value.

(2) Dealers must not use this rule to frustrate the requirement of the Beverage Container Act that dealers accept return of up to 144 beverage containers sold in Oregon from any person in any one day.

Stat. Auth.: ORS 459A, ORS 459.992, ORS 471.030, ORS 471.730, ORS 472.030 & ORS 472.060

Stats. Implemented: ORS 459A.715

Hist.: LCC 1-1982(Temp), f. & ef. 1-22-82; LCC 5-1982, f. 3-26-82, ef. 4-1-82; OLCC 10-1987, f. 3-13-87, ef. 4-1-87; OLCC 15-1999, f. 6-9-99, cert. ef. 7-1-99