



Oregon Department of Environmental Quality

Modernizing Oregon E-Cycles: Amendment to HB 3220

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The Oregon Department of Environmental Quality engaged with the public over five workshops beginning in July 2022 to develop a legislative concept to improve the popular Oregon E-Cycles program and ensure its success for years to come. Workshop participants included the Consumer Technology Association, Oregon Refuse & Recycling Association, local governments, and current and past E-Cycles operators, collection sites and processors.

The content of the original legislative concept developed last fall and presented in the workshops has been introduced in [House Bill 3220](#). DEQ will seek an amendment to HB 3220 that reflects input from workshop participants, in the final workshops. A summary of input received and the changes sought in the amendment is below.

More information about the workshops can be found on DEQ's [Oregon E-Cycles Workshops webpage](#).

Topics	Input Received	Amendment Sought Based on Input	Sections in HB 3220 affected
Covered electronic devices	Include as covered electronic devices the following: <ul style="list-style-type: none">• A scanner• A small-scale server	Amend the definition of "covered electronic device" to scanners and small-scale servers	1
Covered electronic devices	Clarify that smartphones as excluded from "covered electronic device"	Expand exclusion "covered electronic device" to cover "telephones of any type."	1
Program administration, manufacturer obligation	Define roles and responsibilities regarding manufacturer obligations as follows: <ul style="list-style-type: none">• Manufacturers must register with DEQ• DEQ will calculate market share and provide to an electronics producer responsibility organization or, if multiple electronics producer responsibility organizations exist, to a coordinating body.• Electronics producer responsibility organization	Amendment will outline these roles and responsibilities and include definitions for "manufacturer obligation," "market share" and "product category."	1, 12

	or coordinating body will calculate manufacturer obligations		
Program administration	Remove requirement for an electronics producer responsibility organization to be a nonprofit	Change requirements for an electronics producer responsibility organization as follows: <ul style="list-style-type: none"> Remove requirement for an electronics producer responsibility organization to be a nonprofit Require an electronics producer responsibility organization to represent at least 5% of total manufacturer obligations 	1
Program administration, coordination	If multiple producer responsibility organizations are approved, require: <ul style="list-style-type: none"> Coordination through a coordinating body Coordination must include calculation of manufacturer obligation DEQ will provide market share to coordinating body for calculation of manufacturer obligation Coordinating body must submit plan to DEQ for approval 	Incorporate input, with some changes: <ul style="list-style-type: none"> Coordinating body will not submit a plan to DEQ; instead, terms of coordination will be set in the electronics producer responsibility organizations' plans. DEQ may direct changes to plans to ensure consistency on coordination requirements. 	1, 6
Equity, convenience standard, public awareness	<ul style="list-style-type: none"> Require an electronics producer responsibility organization to provide equitable service Require an electronics producer responsibility organization to engage with minority, lower-income, rural or other historically underserved communities. 	Include equity considerations by requiring: <ul style="list-style-type: none"> Program plan must describe how the electronics producer responsibility organization will provide convenient service and equitable service throughout the state, including to rural areas and minority, lower-income and other historically underserved populations An electronics producer responsibility organization must engage with and work to sustain high awareness of the program in minority, 	3, 8

		lower-income, rural, and other historically underserved communities	
Convenience standard	Allow counties time to adjust to changes in levels of collection sites required by new convenience standard	Allow counties time to adjust to changes in levels of collection sites required by new convenience standard: <ul style="list-style-type: none"> • DEQ may waive required number of collection sites with respect to a county or city if the proposed plan provides adequate or substantively equivalent collection convenience. 	
Goals	Change goal requirements: <ul style="list-style-type: none"> • Make goals aspirational • Remove reuse goals 	Change goal requirements as follows: <ul style="list-style-type: none"> • An electronics producer responsibility organization must establish and work to achieve collection goals and goals for maintaining high public awareness • If a program goal was not met in a previous year, an electronics producer responsibility organization must describe, with supporting data, what changes or steps program will undertake to ensure goals are achieved in upcoming year • Remove requirement to establish reuse goals; however, programs must work with reuse organizations and allow reuse (see "Reuse," below). 	3
Reuse, collection sites	Ensure opportunities for reuse under E-Cycles, including allowing a collection site to recover a collected device for reuse	Ensure reuse opportunities as follows: <ul style="list-style-type: none"> • An electronics producer responsibility organization must coordinate activities with recycling and reuse programs, including nonprofit organizations that refurbish technology, to 	3

		<p>further the environmentally sound management of recycling of electronics.</p> <ul style="list-style-type: none"> • A collection site may recover collected covered electronic devices for refurbishment and resale at retail. An electronics producer responsibility organization may require the weight of such devices to be excluded for reporting and compensation calculation purposes. 	
Collection sites	Require fair compensation to collection sites.	Require fair compensation to collection sites calculated to cover costs to collect, store, manage, and transport covered electronic devices.	3
Collection sites	Allow not just transfer stations, but all willing facilities with a DEQ solid waste permit to opt-in as collection sites, if willing.	Allow DEQ-permitted transfer stations, landfills and material recovery facilities to opt-in as collection sites, if willing.	3
Program administration, PRO tasks	Remove requirement for an electronics producer responsibility organization to conduct sampling	Remove sampling requirement	3
Program administration, PRO tasks, collection sites	Require an electronics producer responsibility organization to provide 90-day advance notice before removing a collection site from its network to affected entities	<p>Before removing a collection site from its network, an electronics producer responsibility organization must work with other electronics producer responsibility organizations or the coordinating body to determine if the collection site can be added to another electronics producer responsibility organization's network.</p> <p>If the collection site will not be part of any network, the electronics producer responsibility organization must provide 90-day notice prior to collection site removal to:</p> <ul style="list-style-type: none"> • DEQ; • Other collection sites in the same watershed; and 	3

		<ul style="list-style-type: none"> The public, via the program website <p>DEQ may require an electronics producer responsibility organization to retain a collection site if notice is not provided, unless the electronics producer responsibility organization has good cause for not providing notice.</p>	
Public awareness	An electronics producer responsibility organization should work with DEQ on public awareness.	An electronics producer responsibility organization or coordinating body shall consult with DEQ on public awareness.	8
Public awareness	Remove requirement for universal branding among multiple electronics producer responsibility programs	Remove requirement for universal branding	8
Anti-Trust	Add language to address anti-trust concerns.	Language to be added.	New Section
Transitional Provisions	Keep system on calendar year instead of fiscal year (July 1 – June 30)	<p>Keep system on calendar year; effective date of E-Cycles law changes will be January 1, 2026 instead of July 1, 2025.</p> <p>Other transition-related changes:</p> <ul style="list-style-type: none"> DEQ will make one final collections determination for 2024; the same collections determination will apply for 2025. The state contractor program and any manufacturer program for 2024 and 2025 must reconcile recycling credits by December 31, 2026. 	Transitional Provisions

Date: February 15, 2023

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