

State of Oregon Department of Environmental Quality

Modernizing Oregon E-Cycles

Section-by-Section Summary of Legislative Concept 477

Updated Dec. 9, 2022

This summary has been prepared by the Oregon Department of Environmental Quality for the convenience of readers. It is intended to provide a general, section-by-section orientation to Legislative Concept 477. LC 477 is a draft concept and some content may be subject to more than one interpretation.

LC 477 amends current laws related to Oregon E-Cycles, including Oregon Revised Statutes 459.247 and ORS 459A.310 to 459A.355.

Section 1 amends definitions used under the current E-Cycles laws and adds definitions for new terms. Changes include expanding the definition of “covered electronics devices” to include fax machines, gaming consoles, peripherals, and other devices. Other changes include defining an “electronics producer responsibility organization” (PRO) as a nonprofit organization designated by manufacturers to develop and implement an electronics producer responsibility program on the manufacturers’ behalf.

Section 2 sets forth requirements for a manufacturer of covered electronic devices to participate in an electronics producer responsibility program. Changes to existing law include adding an exemption for manufacturers that sell fewer than 50 devices in the state during the previous year.

Section 3 includes the information required for a program plan and annual report and a PRO’s obligations in program implementation. These obligations include a new minimum convenience standard, clarification for collection cost, and an obligation to enter into agreements for collection with willing permitted transfer stations.

Section 4 adds Sections 5-8 of LC 477 to ORS 459A.310 to 459A.335.

Section 5 describes the process by which DEQ will evaluate and approve program plans.

Section 6 allows two or more PROs to coordinate to meet the convenience standard or any other obligations and to authorize a coordinating body to coordinate activities.

Section 7 directs the Environmental Quality Commission to establish by rule an annual fee for program administration and a one-time fee for program plan review, with fees reasonably calculated to cover DEQ’s costs for implementation, administration, enforcement of the E-Cycles Law and for plan review.

Section 8 requires a PRO to develop and conduct education and public awareness activities for electronics recycling and further requires each PRO to work with all other PROs on a coordinated outreach plan for E-Cycles.

Section 9 adds Section 10 to ORS 459A.305 to 459A.355.

Section 10 requires a PRO to submit information requested by DEQ to evaluate the PRO's compliance. Trade secrets as defined by ORS 646.461 and information protected by trademark or patent remain confidential.

Section 11 prohibits retailers from selling covered electronics devices from brands and manufacturers not included on a list of registered brands and manufacturers that DEQ makes publicly available.

Section 12 describes DEQ's requirement to make certain information regarding registration with an electronics producer responsibility program publicly available. The section also amends ORS 459A.340 to remove DEQ's obligations to perform the collections determination, calculate manufacturers' return shares and return shares by weight and establish the state contractor program.

Section 13 repeals ORS 459A.315, 459A.322 and 459A.325. These provisions establish, respectively, the process for manufacturers to register with DEQ; the use of recycling credits; and the obligation by manufacturers participating in the state contractor program to pay their recycling fee. Under the new Oregon E-Cycles, there will be no state contractor program and manufacturers will register with a PRO, not with DEQ.

Section 14 amends ORS 459.247 to clarify that the landfill ban does not extend to new covered electronic devices.

Section 15 amends ORS 459A.330, which prohibits a collector for charging a fee to covered entities for the collection, transportation, and recycling of a covered electronics device, except for premium service. Section 15 extends this prohibition to an electronics producer responsibility program.

Section 16 updates requirements regarding DEQ's use of moneys from the Covered Electronic Devices Account to reflect the proposed new Oregon E-Cycles system.

Section 17 requires DEQ to evaluate any federal law that would establish a national program for the collection and recycling of electronics and report to the Legislature if DEQ determines that the federal law would substantially meet or exceed the requirements and intent of ORS 459A.305 to 459A.355.

Sections 18 – 21 outline the process for phasing out the collection determination process and the state contractor program.