

HB 2772 -2 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 1/31, 2/7, 3/5

WHAT THE MEASURE DOES:

Prohibits a manufacturer or retailer from selling specified household hazardous products in Oregon unless the product is labeled with a brand and included in a plan for a household hazardous waste stewardship program approved by the Department of Environmental Quality (DEQ). Requires manufacturers and retailers to provide consumers with program information at the time of sale and on the website of the stewardship organization in which the manufacturer is participating. Requires stewardship organizations to register annually with DEQ, provide lists of participating manufacturers and product brands covered by the organization, and submit to DEQ a plan for development and implementation of a household hazardous waste stewardship program. Requires stewardship program plan to include description of how the stewardship organization will manage and conduct covered product waste collection, finance and share costs among participating manufacturers, provide environmentally sound management, advertise and promote product collection opportunities, coordinate efforts with existing product stewardship programs, and provide convenient service. Establishes collection requirements based on population and presence of a permanent publicly owned or contracted household hazardous waste collection site. Requires stewardship program plan to show that the organization has made a good faith effort to coordinate with local government or another collection service provider for payment of costs associated with collection of non-covered products. Requires stewardship organization to implement plan within 60 days of DEQ approval; meet or exceed convenient service requirements; offer publicly owned or publicly contracted household hazardous waste collection sites first opportunity to participate as collection sites; provide environmentally sound management of all covered products regardless of manufacturer at no cost; notify retailers of collection opportunities; report back to DEQ annually on plan implementation; and establish and maintain a website with information about collection sites, participating manufacturers, and covered products. Directs DEQ to approve a submitted plan if it meets specified requirements and stewardship organization pays required fee as adopted by rule by the Environmental Quality Commission. Requires DEQ to approve or deny submitted plan within 60 days of receipt and provides guidance for rejected and revised plans. Authorizes DEQ to require a stewardship organization to pay an approved entity to conduct collection events if DEQ determines the plan does not provide convenient service. Directs DEQ to adopt program performance measures that include convenience standards and public awareness measures and to report biennially to the Legislative Assembly on the statewide system. Establishes the Household Hazardous Waste Stewardship Fund. Declares intent that development, implementation, and operation of household hazardous waste stewardship program be exempt from state antitrust laws. Becomes operative January 1, 2020. Requires initial plans for household hazardous waste stewardship programs to be submitted to DEQ no later than April 1, 2021. Requires that programs pursuant to plans approved by DEQ be implemented no earlier than January 1, 2022. Declares emergency, effective on passage.

REVENUE: Revenue impact issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

- Product stewardship programs for paint and e-waste

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- TriCounty Hazardous Waste and Recycling Program
- Public health and cost drivers of healthcare
- Risks of stored products and illegal dumping

EFFECT OF AMENDMENT:

-2 Differentiates responsibilities of manufacturer and retailer in providing information on the household hazardous waste program (program) to consumers. Requires manufacturers to maintain information on collection through the program for covered products and to provide the information to retailers in electronic and printable format. Requires retailers to post or provide the information to consumers to inform them of available collection opportunities. Allows retailers to provide information to consumers electronically. Removes penalties for program violations from statute pertaining to the disposal, collection, storage, or reuse or recycling of solid wastes. Aligns penalties for retailer violating program requirements with that of retailer penalties contained in ORS 459A.825 pertaining to the architectural paint stewardship program. Establishes any manufacturer or stewardship organization violating program requirements incurs a civil penalty not to exceed \$25,000 per day for each day of the violation.

BACKGROUND:

Product stewardship programs require manufacturers to share in the financial and physical responsibility for collecting and recycling products at the end of their useful lives. There are two statewide product stewardship programs currently operating in Oregon, one to address electronic waste, and one to address paint. In 2007, House Bill 2626 established a statewide program financed by manufacturers for recycling computers, monitors, and televisions. The program allows anyone to recycle up to seven electronics free of charge by bringing them to participating collection sites. In 2015, computer peripherals (keyboards and mice) and printers were added to the program. In 2009, House Bill 3037 created a paint stewardship pilot program to reduce the generation of post-consumer paint waste by allowing consumers to take unwanted paint to locations throughout the state for disposal. The bill also required creation of a stewardship organization of paint manufacturers to develop a plan and fund implementation of the program, as well as develop educational materials for consumers. The paint stewardship program was made permanent in 2013.

House Bill 2772 would establish a product stewardship program for household hazardous waste.