

HB 3220 A STAFF MEASURE SUMMARY
House Committee On Climate, Energy, and Environment

Carrier: Rep. Marsh

Action Date: 03/13/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-1-0

Yeas: 9 - Helm, Kropf, Levy B, Levy E, Marsh, Osborne, Owens, Pham K, Wallan

Exc: 1 - Andersen

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/8, 3/13

WHAT THE MEASURE DOES:

Defines, modifies, and removes terms. Modifies exceptions on prohibition on a manufacturer from selling or offering for sale any covered electronic device in or for delivery in Oregon. Establishes that a manufacturer is not required to participate in an electronics producer responsibility program for a given year if the manufacturer provides proof to the satisfaction of the Department of Environmental Quality (DEQ) that the manufacturer sold fewer than 50 covered electronic devices in this state during the previous year. Establishes that the failure of an electronics producer responsibility organization (PRO) to satisfy any of the obligations delegated to it by a manufacturer for developing and implementing an electronics producer responsibility program does not relieve the manufacturer of the manufacturer's responsibility to satisfy the requirements of ORS 459A.305 to 459A.355. Modifies requirement that manufacturer of covered electronic devices sold or offered for sale in Oregon to register with DEQ to include certain criteria. Repeals manufacturer's annual registration fee in ORS 459A.315. Modifies manufacturer's program for collecting covered electronic devices from covered entities in Oregon. Modifies criteria for electronics producer responsibility programs. Permits collection sites to recover collected covered electronic devices for refurbishment and resale at retail, and establishes criteria for recovered electronic devices. Authorizes rules adopted by Environmental Quality Commission (EQC) to include standards for section 4 of the Act for environmentally sound management practices and standards for participating collection sites. Establishes criteria and requires DEQ to approve, approve with conditions, or reject an electronics producer responsibility program plan. Establishes that an electronics PRO that plans to implement an electronics PRO beginning January 1, 2026, must submit an electronics producer responsibility program plan to the department no later than July 1, 2025. Establishes criteria for and responsibilities of coordinating bodies. Modifies provision for electronics PROs to coordinate services and authorize a coordinating body to coordinate activities if DEQ approves more than one electronics producer responsibility program plan to be implemented. Removes language related to electronics PROs calculating market share. Removes authorization by DEQ to require two or more electronics PROs to coordinate activities through a coordinating body if DEQ approves more than one electronics producer responsibility program plan to be implemented. Directs EQC to establish fee calculated to cover costs to DEQ of carrying out program. Modifies requirements for electronics PROs to develop educational resources and public awareness activities to advertise and promote, on a regular basis, recycling of covered electronic devices and collection opportunities statewide. Establishes the Legislative Assembly's intent that participation in electronics producer responsibility programs as required by ORS 459A.305 to 459A.355 be exempt from state antitrust laws. Establishes criteria for electronics PROs' educational resources and public awareness activities. Establishes requirements for retailers selling or offering for sale any covered electronic device, except for peripherals, in, or for delivery into this state. Modifies requirements for maintaining and making publicly available electronics producer responsibility program plans, revised plans, and reports. Establishes criteria for determining each manufacturer's market share for each product category. Requires DEQ to maintain on its website information on

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collection opportunities for covered electronic devices, including collection site locations and hours, and be made available in a printable format for retailers. Repeals requirement that DEQ establish state contractor program. Repeals requirement that DEQ make certain calculations used in administration of program. Repeals 459A.322 and 459A.325. Authorizes DEQ to use moneys in the Covered Electronic Devices Account to pay the costs of administering and enforcing ORS 459A.305 to 459A.355. Provides transition provisions. Requires an electronics PRO that plans to implement an electronics producer responsibility program beginning January 1, 2026, must submit an electronics producer responsibility program plan to DEQ no later than July 1, 2025. Requires the state contractor program, no later than March 1, 2026, to provide a report to DEQ. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Reasons for modernization of recycling program for electronic devices
- Workgroup process and stakeholder input
- Methods for determining how electronic devices for recycling are collected
- Alternative to recycling electronic devices
- Merits of electronic devices recycling programs

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Computer monitors, central processing units, and keyboards have printed circuit boards that contain toxic metals. In addition, a computer monitor's cathode ray tube generally contains toxic levels of lead. If computers or electronic equipment are burned or deposited in landfills, heavy metals can be released, threatening human health and the environment. Until 2007, household electronic devices were allowed to be handled as regular solid waste. However, businesses disposing of electronic waste could have been subject to the Department of Environmental Quality (DEQ) hazardous waste regulations. And, although used computers and electronic items such as televisions contain toxic and hazardous substances, they can also be refurbished for reuse or recycled to recover valuable metals and other materials for other uses.

Oregon E-Cycles, established by Oregon's Electronics Recycling Law (ORS 459A.300 -.365) in 2007, is a statewide program that requires electronics manufacturers to provide free, convenient recycling for computers, monitors, and TVs. Manufacturers must join a manufacturer-run program or participate in state-run recycling program. Each program accepts covered devices through a network of collection sites and services and recycles them under a plan approved by DEQ. Each year, DEQ determines the total weight of devices expected to be recycled in the state in the following year and assigns each manufacturer a portion of that total weight as its return share (minimum recycling obligation). Manufacturer programs must recycle at least the total weight of their participating manufacturers to avoid penalties, but must collect and recycle year-round under their approved plans, even if they exceed that amount. A 2011 update to the E-Cycles program allowed recycling credits when collections exceeded return shares and added printers and computer peripherals to the Oregon E-Cycles Program.

House Bill 3220 A modifies provisions of Oregon's electronics recycling program and modifies criteria for an electronics producer responsibility program.