

HB 3220-2
(LC 1053)
2/22/23 (STN/ps)

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3220**

1 On page 1 of the printed bill, delete lines 3 and 4 and insert “459A.310,
2 459A.315, 459A.320, 459A.330, 459A.335, 459A.340, 459A.355 and 459A.360; re-
3 pealing ORS 459A.322 and 459A.325; and prescribing an effective date.”.

4 Delete lines 7 through 27.

5 Delete pages 2 through 16 and insert:
6

7 **“ELECTRONICS PRODUCER RESPONSIBILITY**
8 **(Changes to Oregon E-Cycles Program)**

9
10 **“SECTION 1.** ORS 459A.305 is amended to read:

11 “459A.305. As used in ORS 459A.305 to 459A.355:

12 “(1) ‘Brand’ means a name, symbols, words or marks that identify a cov-
13 ered electronic device, rather than any of its components, and attribute the
14 device to the owner of the brand as the manufacturer.

15 “(2) ‘Collector’ means an entity that collects covered electronic devices
16 as part of [*a manufacturer program or the state contractor program*] **an elec-**
17 **tronics producer responsibility program.**

18 “[*(3) ‘Computer peripheral’ means:*]

19 “[*(a) A keyboard or mouse sold exclusively for external use with a computer*
20 *as a wireless or corded device that provides input into, or output from, a*
21 *computer; or*]

1 “[*(b) Cords used with a keyboard or mouse described in paragraph (a) of*
2 *this subsection.*]

3 **“(3) ‘Coordinating body’ means an entity designated by multiple**
4 **electronics producer responsibility organizations, or the Department**
5 **of Environmental Quality, to coordinate activities between the elec-**
6 **tronics producer responsibility organizations to meet the requirements**
7 **of ORS 459A.305 to 459A.355.**

8 “[*(4)(a)*] **(4)(a)** ‘Covered electronic device’ means:

9 “(A) A computer monitor of any type having a viewable area greater than
10 four inches measured diagonally;

11 “(B) A desktop computer or portable computer;

12 “(C) A television;

13 “(D) A [*computer*] peripheral; [*or*]

14 “(E) A printer[.];

15 **“(F) A facsimile machine;**

16 **“(G) A videocassette recorder;**

17 **“(H) A portable digital music player that has memory capability and**
18 **is battery powered;**

19 **“(I) A digital video disc player;**

20 **“(J) A digital video disc recorder;**

21 **“(K) A video game console;**

22 **“(L) A digital converter box;**

23 **“(M) A cable receiver;**

24 **“(N) A satellite receiver;**

25 **“(O) A scanner;**

26 **“(P) A small-scale server;**

27 **“(Q) A router; or**

28 **“(R) A modem.**

29 “(b) ‘Covered electronic device’ does not include:

30 “(A) Any part of a motor vehicle;

1 “(B) Any part of a larger piece of equipment designed and intended for
2 use in an industrial, commercial or medical setting, such as diagnostic,
3 monitoring or control equipment;

4 “(C) Telephones [*or personal digital assistants*] of any type [*unless the*
5 *telephone or personal digital assistant contains a viewable area greater than*
6 *four inches measured diagonally*]; or

7 “(D) Any part of a clothes washer, clothes dryer, refrigerator, freezer,
8 microwave oven, conventional oven or range, dishwasher, room air condi-
9 tioner, dehumidifier or air purifier.

10 “[~~(5)~~] (5) ‘Covered entity’ means any Oregon household, a business that
11 employs 10 or fewer individuals, a [*not-for-profit*] **nonprofit** organization
12 [*exempt from taxation under section 501(c)(3) of the Internal Revenue Code*]
13 that employs 10 or fewer individuals, or any person giving seven or fewer
14 covered electronic devices to a collector at any one time.

15 “(6) **‘Electronics producer responsibility organization’ means an or-**
16 **ganization that represents at least five percent of all manufacturer**
17 **obligations, designated by a manufacturer or group of manufacturers**
18 **to act as an agent of the manufacturer or group of manufacturers for**
19 **the purpose of developing and implementing an electronics producer**
20 **responsibility program on behalf of the manufacturer or group of**
21 **manufacturers, as required by ORS 459A.305 to 459A.355.**

22 “(7) **‘Electronics producer responsibility program’ means a state-**
23 **wide program for collecting, transporting and recycling covered elec-**
24 **tronic devices that is implemented by an electronics producer**
25 **responsibility organization pursuant to a plan approved by the de-**
26 **partment under section 6 of this 2023 Act.**

27 “[~~(6)~~] (8) ‘Environmentally sound management practices’ means practices
28 that comply with all applicable laws, including but not limited to adequate
29 record keeping, tracking the fate of recycled materials, performance audits
30 and inspections, provisions for reuse and refurbishment, compliance with

1 worker health and safety requirements, maintaining liability insurance and
2 financial assurances and practices that may be adopted by rule by the En-
3 vironmental Quality Commission.

4 “[7](a)] **(9)(a)** ‘Manufacturer’ means any person, irrespective of the sell-
5 ing technique used, including by means of remote sale:

6 “(A) That manufactures covered electronic devices under a brand that it
7 owns or is licensed to use;

8 “(B) That sells covered electronic devices manufactured by others under
9 a brand that the seller owns;

10 “(C) That manufactures covered electronic devices without affixing a
11 brand;

12 “(D) That manufactures covered electronic devices to which it affixes a
13 brand that it does not own; or

14 “(E) On whose account covered electronic devices manufactured outside
15 the United States are imported into the United States. This subparagraph
16 does not apply if, at the time the covered electronic devices are imported into
17 the United States, another person is registered as the manufacturer of the
18 brand of the covered electronic devices.

19 “(b) ‘Manufacturer’ does not include a person:

20 “(A) With a license to manufacture covered electronic devices for delivery
21 exclusively to or at the order of the licensor.

22 “(B) That manufactures only *[computer]* peripherals and no other covered
23 electronic devices.

24 “[8] *‘Manufacturer program’ means a statewide plan for collecting, trans-*
25 *porting and recycling covered electronic devices that is provided by a single*
26 *manufacturer or group of manufacturers pursuant to ORS 459A.320.]*

27 “**(10) ‘Manufacturer obligation’ means a manufacturer’s percentage**
28 **of the total obligation of all manufacturers of covered electronic de-**
29 **vices, as calculated under section 7 of this 2023 Act.**

30 “**(11) ‘Market share’ means a manufacturer’s percentage of all reg-**

1 **istered covered electronic devices by weight sold within a product**
2 **category during a specified time period.**

3 **“(12) ‘Nonprofit organization’ means an organization or group of**
4 **organizations described in section 501(c)(3) of the Internal Revenue**
5 **Code that is exempt from income tax under section 501(a) of the**
6 **Internal Revenue Code.**

7 *“[(9) ‘Nontelevision device’ means a device described in subsection (4)(a)(A),*
8 *(B), (D) or (E) of this section.]*

9 *“[(10) ‘Nontelevision market share’ means a manufacturer’s percentage of*
10 *all registered covered electronic devices except those described in subsection*
11 *(4)(a)(C) of this section that are sold in this state during a specified time pe-*
12 *riod.]*

13 *“[(11) ‘Orphan device’ means a covered electronic device for which no*
14 *manufacturer can be identified.]*

15 **“(13) ‘Peripheral’ means:**

16 **“(a) A keyboard, mouse or other device sold exclusively for external**
17 **use with a covered electronic device as a wireless or corded device that**
18 **provides input into, or output from, a covered electronic device;**

19 **“(b) Cords used with a keyboard, mouse or other device described**
20 **in paragraph (a) of this subsection; or**

21 **“(c) Other devices or equipment sold for use with a covered elec-**
22 **tronic device, as further defined by the commission by rule.**

23 *“[(12)] (14) ‘Person’ means the United States, the state or a public or*
24 *private corporation, local government unit, public agency, individual, part-*
25 *nership, association, firm, trust, estate or other legal entity.*

26 *“[(13)] (15) ‘Portable computer’ means any of the following that has a*
27 *viewable area greater than four inches measured diagonally and that can be*
28 *carried as one unit by an individual:*

29 *“(a) A laptop computer;*

30 *“(b) A notebook computer; or*

1 “(c) A notepad computer.

2 “[~~(14)~~] **(16)** ‘Premium service’ means services such as at-location system
3 upgrade services and at-home pickup services, including curbside pickup
4 service.

5 “[~~(15)(a)~~] **(17)(a)** ‘Printer’ means a device that:

6 “(A) Is used to make reproductions, or is multifunctional and performs
7 one or more operations such as scanning or faxing in addition to making
8 reproductions;

9 “(B) Is designed to be placed on a desk or other work surface and may
10 include an optional floor stand; and

11 “(C) Uses print technology such as laser, electrographic, ink jet, dot ma-
12 trix, thermal or digital sublimation.

13 “(b) ‘Printer’ does not include a device used to make reproductions that:

14 “(A) Is floor-standing;

15 “(B) Is a point of sale receipt printer;

16 “(C) Is also a calculator;

17 “(D) Can also make labels; or

18 “(E) Is embedded in something other than a covered electronic device.

19 “**(18) ‘Product category’ means a grouping of covered electronic**
20 **devices, as further described by the commission by rule, for purposes**
21 **of sorting covered electronic devices at collection and calculating**
22 **market share.**

23 “[~~(16)(a)~~] **(19)(a)** ‘Recycling’ means:

24 “(A) Processing through disassembling, dismantling, shredding, trans-
25 forming or remanufacturing covered electronic devices, components and by-
26 products into usable or marketable raw materials or products in a manner
27 such that the original products may lose their identity; or

28 “(B) Smelting materials from components removed from covered electronic
29 devices to recover metals for reuse in conformance with applicable laws and
30 rules.

1 “(b) ‘Recycling’ does not include:

2 “(A) Landfill disposal or incineration of covered electronic devices; or

3 “(B) Energy recovery or energy generation by means of combusting cov-
4 ered electronic devices, components and by-products with or without other
5 waste.

6 “[*(17) ‘Recycling credit’ means a credit granted to a manufacturer program*
7 *or a state contractor program for the collection, transport and recycling of*
8 *covered electronic devices in an amount that exceeds the program’s return*
9 *share by weight for a calendar year.*]

10 “[*(18)*] **(20)** ‘Retailer’ means a person that offers new covered electronic
11 devices for sale at retail through any means, including but not limited to
12 remote offerings such as sales outlets, catalogs or the Internet.

13 “[*(19) ‘Return share’ means the minimum percentage of covered electronic*
14 *devices that an individual manufacturer is responsible for collecting, trans-*
15 *porting and recycling.*]

16 “[*(20) ‘Return share by weight’ means the minimum total weight of covered*
17 *electronic devices that an individual manufacturer is responsible for collecting,*
18 *transporting and recycling.*]

19 “[*(21)(a)*] **(21)(a)** ‘Sell’ or ‘sale’ means any transfer of title for consider-
20 ation, including but not limited to remote sales conducted through sales
21 outlets, catalogs or the Internet, or any other similar electronic means.

22 “(b) ‘Sell’ or ‘sale’ does not include leases.

23 “[*(22) ‘State contractor program’ means a statewide program for collecting,*
24 *transporting and recycling covered electronic devices that is provided by the*
25 *Department of Environmental Quality for manufacturers who pay a recycling*
26 *fee to the department pursuant to ORS 459A.325.*]

27 “[*(23)*] **(22)** ‘Television’ means a television of any type having a viewable
28 area greater than four inches measured diagonally.

29 “[*(24) ‘Television market share’ means a manufacturer’s percentage of the*
30 *registered covered electronic devices described in subsection (4)(a)(C) of this*

1 *section that are sold in this state during a specified time period.]*

2 **“SECTION 2.** ORS 459A.310 is amended to read:

3 “459A.310. (1) ORS 459A.305 to 459A.355 apply to all manufacturers en-
4 gaging in the activities set forth in ORS 459A.305 [(7)] (9) before, on or after
5 June 7, 2007.

6 “(2) ORS 459A.305 to 459A.355 do not apply to reused or refurbished cov-
7 ered electronic devices.

8 “(3) A manufacturer may not sell or offer for sale any covered electronic
9 device, except for [*computer*] peripherals, in or for delivery in this state un-
10 less:

11 **“(a) Except as provided in subsection (4) of this section, the man-
12 ufacturer participates in an electronics producer responsibility pro-
13 gram that complies with the requirements of ORS 459A.305 to 459A.355;**

14 “[*(a)*] (b) The covered electronic device is labeled with a brand and the
15 label is permanently affixed and readily visible; and

16 “[*(b)*] (c) The brand is included in [*the*] a plan that is [*filed with*] **ap-
17 proved by** the Department of Environmental Quality pursuant to [*ORS*
18 *459A.320*] **section 6 of this 2023 Act.**

19 **“(4) A manufacturer is not required to participate in an electronics
20 producer responsibility program for a given year if the manufacturer
21 provides proof to the department’s satisfaction that the manufacturer
22 sold fewer than 50 covered electronic devices in this state during the
23 previous year.**

24 **“(5) The failure of an electronics producer responsibility organiza-
25 tion to satisfy any of the responsibilities delegated to it by a man-
26 ufacturer for developing and implementing an electronics producer
27 responsibility program does not relieve the manufacturer of the
28 manufacturer’s responsibility to satisfy the requirements of ORS
29 459A.305 to 459A.355.**

30 **“SECTION 3.** ORS 459A.315 is amended to read:

1 “459A.315. [(1)] Before January 1 of each year, a manufacturer of covered
2 electronic devices sold or offered for sale in this state shall register with the
3 Department of Environmental Quality, for a period to cover the upcoming
4 calendar year, on a form provided by the department. The registration shall
5 include:

6 “[*(a)*] (1) A list of all the brands **of covered electronic devices, not**
7 **including peripherals**, manufactured, sold or imported by the manufacturer,
8 including:

9 “[*(A)*] (a) Those brands being offered for sale in this state by the man-
10 ufacturer; and

11 “[*(B)*] (b) Those brands that were offered for sale in this state by the
12 manufacturer during the previous calendar year.

13 “[*(b)*] (2) [*A statement of whether the manufacturer will be implementing*
14 *a manufacturer program or utilizing the state contractor program for recycling*
15 *covered electronic devices.*] **The name of the manufacturer’s designated**
16 **electronics producer responsibility organization.**

17 “[*(c)*] (3) Any other information required by the department to implement
18 ORS 459A.305 to 459A.355.

19 “[*(2)(a)*] *Not later than July 1 of each year, a manufacturer of covered elec-*
20 *tronic devices sold or offered for sale in this state shall pay an annual regis-*
21 *tration fee to the department.*]

22 “[*(b)*] *For calendar years 2008 through 2011, the manufacturer registration*
23 *fee shall be:*]

24 “[*(A)*] *\$15,000 for manufacturers selling more than one percent of the total*
25 *number of units of covered electronic devices sold in this state the previous*
26 *calendar year.*]

27 “[*(B)*] *\$5,000 for manufacturers selling at least 0.1 percent but not more than*
28 *one percent of the total number of units of covered electronic devices sold in*
29 *this state the previous calendar year.*]

30 “[*(C)*] *\$200 for manufacturers selling at least 0.01 percent but less than 0.1*

1 *percent of the total number of units of covered electronic devices sold in this*
2 *state the previous calendar year.]*

3 *“(D) \$40 for manufacturers selling less than 0.01 percent of the total*
4 *number of units of covered electronic devices sold in this state the previous*
5 *calendar year.]*

6 *“(c) For calendar years 2012 and beyond, the Environmental Quality*
7 *Commission may modify the registration fees under this section so that the*
8 *total of registration fees collected approximately matches the department’s costs*
9 *in implementing ORS 459A.305 to 459A.355, excluding costs incurred under*
10 *ORS 459A.340 (4).]*

11 *“(3) If a manufacturer that ceases to manufacture, sell or import a covered*
12 *electronic device:]*

13 *“(a) Has not registered the device with the department and the department*
14 *determines that the device was sold in this state during the previous calendar*
15 *year, the manufacturer shall register the device with the department and pay*
16 *a registration fee of \$250.]*

17 *“(b) Has not registered with the department and receives notification from*
18 *the department of a return share and a return share by weight, or a*
19 *nontelevision market share or a television market share, the manufacturer shall*
20 *register with the department within 30 days of receiving the notification and*
21 *pay a registration fee of \$250.]*

22 **“SECTION 4.** ORS 459A.320 is amended to read:

23 *“459A.320. [(1) A manufacturer choosing to implement a manufacturer pro-*
24 *gram shall submit a plan to the Department of Environmental Quality at the*
25 *time of payment of the annual registration fee required under ORS*
26 *459A.315.]*

27 **“(1) In the form and manner prescribed by the Department of En-**
28 **vironmental Quality, an electronics producer responsibility organiza-**
29 **tion must annually submit to the department a plan for implementing**
30 **an electronics producer responsibility program.**

1 “(2) The [*manufacturer’s*] **electronics producer responsibility**
2 **organization’s** plan must describe how the [*manufacturer*] **electronics pro-**
3 **ducer responsibility organization will implement an electronics pro-**
4 **ducer responsibility program that complies with ORS 459A.305 to**
5 **459A.355, including how the electronics producer responsibility organ-**
6 **ization will:**

7 “(a) Finance, manage and conduct a statewide program to collect covered
8 electronic devices from covered entities in this state.

9 “(b) Provide for environmentally sound management practices to collect,
10 transport and recycle covered electronic devices.

11 “(c) Provide for advertising and promotion of collection opportunities
12 statewide and on a regular basis, **as described in section 9 of this 2023**
13 **Act.**

14 “(d)(A) [*Include convenient service in every county in this state and at least*
15 *one collection site for any city with a population of at least 10,000.*] **Provide**
16 **convenient and equitable service throughout the state, including to**
17 **rural areas and minority, lower-income and other historically under-**
18 **served populations.**

19 “(B) **At a minimum, convenient service must include a network of**
20 **collection sites distributed to ensure that 95 percent of the residents**
21 **of this state are within 15 miles of a collection site, and must also in-**
22 **clude:**

23 “(i) **At least one collection site in each county;**

24 “(ii) **In each city with a population of at least 10,000 but less than**
25 **200,000, at least one collection site, plus one additional collection site**
26 **for every additional 20,000 residents of the city over 10,000; and**

27 “(iii) **In each city with a population of 200,000 or greater, at least**
28 **10 collection sites, plus one additional collection site for every addi-**
29 **tional 50,000 residents of the city over 200,000.**

30 “(C) A collection site for a county may be the same as a collection site

1 for a city in the county. Collection sites shall be staffed and open to the
2 public at a frequency adequate to meet the needs of the area being served.
3 [A *program*] **An electronics producer responsibility organization** may
4 provide collection service jointly with another [*program*] **electronics pro-**
5 **ducer responsibility organization.**

6 “(D) The department may waive the requirements of subparagraphs
7 (B) and (C) of this paragraph with respect to a county or city if the
8 proposed plan demonstrates to the department’s satisfaction that al-
9 ternative services or collection sites would provide substantially
10 equivalent collection convenience.

11 “(e) Ensure continuous improvement of the electronics producer
12 responsibility program by:

13 “(A) Establishing and working to achieve measurable program goals
14 for:

15 “(i) Collection, such as amount collected or usage rates of collection
16 services; and

17 “(ii) Maintaining high public awareness of the program.

18 “(B) Evaluating every four years whether additional electronic de-
19 vices should be included in, or existing devices be removed from, the
20 program.

21 “(C) For any year for which a program goal was not met, describ-
22 ing, with supporting data, what changes or steps the program will
23 undertake that can ensure the program achieves its goals in the up-
24 coming year.

25 “(f) Coordinate with all other electronics producer responsibility
26 organizations through a coordinating body in accordance with section
27 7 of this 2023 Act, if applicable.

28 “(g) Coordinate activities with recycling and reuse programs, in-
29 cluding nonprofit organizations that refurbish technology, to further
30 the environmentally sound management of recycling of electronics.

1 **“(3) In addition to the information required under subsection (2) of**
2 **this section, an electronics producer responsibility program plan must**
3 **include:**

4 **“(a) A list of all processors that will be used by the electronics**
5 **producer responsibility program;**

6 **“(b) The contact information for the electronics producer responsi-**
7 **bility organization;**

8 **“(c) A list of all manufacturers participating in the electronics**
9 **producer responsibility program; and**

10 **“(d) A list of all brands of covered electronic devices manufactured,**
11 **sold or imported by each participating manufacturer, including:**

12 **“(A) Those brands being offered for sale in this state by each man-**
13 **ufacturer; and**

14 **“(B) Those brands that were offered for sale in this state by each**
15 **manufacturer during the previous year.**

16 *“(3) A manufacturer choosing to implement a manufacturer program*
17 *shall:]*

18 *“(a) Meet or exceed the requirements for collection sites described in sub-*
19 *section (2) of this section.]*

20 **“(4) An electronics producer responsibility organization must:**

21 **“(b) (a) Provide for collection, transportation and recycling of covered**
22 **electronic devices for covered entities free of charge, except that [a man-**
23 **ufacturer] an electronics producer responsibility program that provides**
24 **premium service for a covered entity may charge for the additional cost of**
25 **that premium service.**

26 **“(c) (b) Implement the plan required under this section.**

27 **“(c) Provide fair financial compensation to collection sites calcu-**
28 **lated to cover the costs of collecting, storing, managing and trans-**
29 **porting covered electronic devices.**

30 **“(d) Enter into agreements with all willing transfer stations, land-**

1 **fills and material recovery facilities, that are covered under a solid**
2 **waste disposal permit issued by the department, to collect covered**
3 **electronic devices in accordance with all applicable laws and the ap-**
4 **proved electronics producer responsibility program plan.**

5 *“(d) Conduct a statistically significant sampling or actual count of the*
6 *covered electronic devices, except for computer peripherals, collected and recy-*
7 *clered by the manufacturer each calendar year using a methodology approved by*
8 *the department. The manufacturer shall report the results of the sampling or*
9 *count to the department at least annually or as required by the department.*
10 *The sampling or count methodology must take into account information in-*
11 *cluding but not limited to the device type, weight and brand of each unit*
12 *sampled.]*

13 *“(e) [In addition to the report required by paragraph (d) of this subsection*
14 *and no later than March 1 of each year, the manufacturer shall provide a re-*
15 *port] **In the form and manner prescribed by the department, provide***
16 ***an annual report** to the department that:*

17 *“(A) Includes the total weight of covered electronic devices, including*
18 *[orphan devices and computer] peripherals, collected from covered entities in*
19 *this state by the [manufacturer] **electronics producer responsibility pro-***
20 ***gram** during the previous [calendar] year;*

21 *“(B) Includes the total weight of each type of covered electronic device,*
22 *including [orphan devices and computer] peripherals, collected from covered*
23 *entities in this state by the [manufacturer] **electronics producer responsi-***
24 ***bility program** during the previous [calendar] year; [and]*

25 *“(C) Details how the plan required under this section was implemented*
26 *during the previous calendar year.]*

27 *“(C) **Includes a list of all collection sites and processors used by the***
28 ***electronics producer responsibility program;***

29 *“(D) **Includes the total amount, by weight, of each type of covered***
30 ***electronic device collected at each collection site, or if approved by the***

1 department, a grouping of collection sites, presented in a manner that
2 assists the department in determining the rate of use of each col-
3 lection site;

4 “(E) Includes the results of any approved alternative methods of
5 service in adequately meeting the needs of the applicable jurisdiction,
6 including the date of each alternative service event and the total
7 weight of each type of covered electronic device, including peripherals,
8 collected at each alternative service event;

9 “(F) Details how the plan required under this section was imple-
10 mented during the previous year, including:

11 “(i) A description of how the electronics producer responsibility
12 organization complied with subsection (2)(e) of this section that in-
13 cludes whether goals have been met, a summary of public awareness
14 activities and copies of public awareness materials developed by the
15 electronics producer responsibility organization; and

16 “(ii) A summary of any safety or security problems that occurred
17 during the collection, transportation or disposal of covered electronic
18 devices and the actual or potential future resolutions of those prob-
19 lems; and

20 “(G) Includes an attestation that all covered electronic devices col-
21 lected under the electronics producer responsibility program were
22 collected and disposed of in compliance with all applicable laws, rules
23 and regulations and in accordance with environmentally sound man-
24 agement standards.

25 “(f) Retain all records related to the implementation and adminis-
26 tration of the electronics producer responsibility program for not less
27 than three years from the time the record was created and make the
28 records available for inspection and audit by the department upon re-
29 quest.

30 “(g) Provide, upon the request of the department, the contact in-

1 formation and a point of contact for each manufacturer participating
2 in the electronics producer responsibility program.

3 “(h)(A) Allow a collection site to recover collected covered elec-
4 tronic devices for refurbishment and resale at retail.

5 “(B) An electronics producer responsibility organization may re-
6 quire a collection site to exclude the weight of covered electronic de-
7 vices recovered for refurbishment or resale from the weight of covered
8 electronic devices collected by the collection site for the purposes of
9 annual reporting and determining compensation for the collection and
10 management of covered electronic devices unless:

11 “(i) The collection site is a nonprofit organization that refurbishes
12 technologies for resale and recovers the collected covered electronic
13 device for resale at retail, which may include online retail; or

14 “(ii) The collection site recovers the collected covered electronic
15 device for donation to an organization that refurbishes technologies
16 for resale at retail, which may include online retail.

17 “(i)(A) Prior to removing a collection site from an electronics pro-
18 ducer responsibility program, work with other electronics producer
19 responsibility organizations or the coordinating body, if applicable, to
20 determine if the collection site can be added to another electronics
21 producer responsibility program.

22 “(B) If the collection site will not be added to another electronics
23 producer responsibility program, the electronics producer responsibil-
24 ity organization must, 90 days prior to removing the collection site
25 from the electronics producer responsibility program:

26 “(i) Provide notice to covered entities by posting notice of the re-
27 moval on the program website; and

28 “(ii) Provide written notice to the department and all other col-
29 lection sites in the same watershed.

30 “(C) The department may require the electronics producer respon-

1 **sibility organization to retain a collection site if the electronics pro-**
2 **ducer responsibility organization does not provide notice as required**
3 **under subparagraph (B) of this paragraph, unless the electronics pro-**
4 **ducer responsibility organization demonstrates good cause for being**
5 **unable to provide notice.**

6 **“(5) The department shall review reports submitted under sub-**
7 **section (4)(e) of this section, and approve those reports that the de-**
8 **partment determines satisfy the requirements of subsection (4)(e) of**
9 **this section. If the department does not approve a report, the depart-**
10 **ment shall provide the electronics producer responsibility organization**
11 **with written notice of revisions necessary for approval and the**
12 **timeline for resubmittal.**

13 **“(6) Rules adopted by the Environmental Quality Commission to**
14 **implement this section may include standards for environmentally**
15 **sound management practices and standards for participating collection**
16 **sites.**

17 *“(4) A group of manufacturers may choose to implement a manufacturer*
18 *program as one entity, if in doing so the manufacturers meet the sum of their*
19 *individual return shares by weight under ORS 459A.340 (3) and that sum is*
20 *at least five percent.]*

21 *“(5) By July 1 of each year, a manufacturer that does not meet its return*
22 *share by weight for the previous calendar year shall pay the department for*
23 *the amount not achieved at a rate determined by the department to be equiv-*
24 *alent to the amount the manufacturer would have paid, plus 10 percent, to be*
25 *part of the state contractor program under ORS 459A.340.]*

26 *“(6) A manufacturer participating in the state contractor program under*
27 *ORS 459A.340 shall notify the department at the time of its registration each*
28 *year.]*

29 *“(7) Except as provided in subsection (4) of this section, a manufacturer*
30 *with less than a five percent return share is required to participate in the state*

1 *contractor program under ORS 459A.340.]*

2 **“SECTION 5. Sections 6 to 10 of this 2023 Act are added to and made**
3 **a part of ORS 459A.310 to 459A.335.**

4 **“SECTION 6. (1) The Department of Environmental Quality shall**
5 **approve an electronics producer responsibility program plan as pro-**
6 **vided in this section if the department determines that the plan sat-**
7 **isfies the requirements of ORS 459A.320.**

8 **“(2) Not later than 60 days after receiving a plan under ORS**
9 **359A.320, the department shall either approve, approve with conditions**
10 **or reject the plan. If the department rejects the plan, the department**
11 **shall provide the reason or reasons for the rejection. An electronics**
12 **producer responsibility organization must submit a revised plan to the**
13 **department no later than 45 days after the date of the rejection.**

14 **“(3) No later than 45 days after receiving a revised plan under sub-**
15 **section (2) of this section, the department shall either approve, ap-**
16 **prove with conditions or reject the revised plan.**

17 **“(4) If the department rejects a revised plan, the department may:**

18 **“(a) Require the electronics producer responsibility organization to**
19 **further revise the plan in accordance with a timeline set forth by the**
20 **department;**

21 **“(b) Direct changes to the revised plan; or**

22 **“(c) Direct the manufacturer or manufacturers on whose behalf the**
23 **revised plan was submitted to register with an electronics producer**
24 **responsibility organization with an approved plan.**

25 **“(5) If the department directs changes to a revised plan under sub-**
26 **section (4) of this section, the electronics producer responsibility or-**
27 **ganization must implement the changes or request a hearing under**
28 **ORS chapter 183.**

29 **“SECTION 7. (1) If the Department of Environmental Quality ap-**
30 **proves more than one electronics producer responsibility program plan**

1 to be implemented:

2 “(a) The department shall set a timeline for all electronics producer
3 responsibility organizations to designate a coordinating body. If all
4 electronics producer responsibility organizations are unable to desig-
5 nate a coordinating body in accordance with the timeline set by the
6 department, the department may either designate a coordinating body
7 or extend the timeline for all electronics producer responsibility or-
8 ganizations to designate a coordinating body.

9 “(b) The department may require changes to an approved plan to
10 ensure that all approved plans provide for a consistent means of ena-
11 bling coordination between electronics producer responsibility organ-
12 izations.

13 “(2) The coordinating body, or an electronics producer responsibility
14 organization if a coordinating body is not designated under this sec-
15 tion, shall annually calculate each manufacturer’s manufacturer obli-
16 gation by:

17 “(a) Multiplying the manufacturer’s market share for each product
18 category by the product category’s percentage of the total weight of
19 all covered electronic devices recycled during the previous year; and

20 “(b) Adding the percentages calculated under paragraph (a) of this
21 subsection.

22 “(3) The coordinating body must:

23 “(a) Annually reconcile the financial obligations between all elec-
24 tronics producer responsibility organizations based on the manufac-
25 turer obligations of the manufacturers participating in each
26 electronics producer responsibility program; and

27 “(b) Conduct any other coordination between electronics producer
28 responsibility organizations required by ORS 459A.305 to 459A.355 or
29 as directed by the department.

30 “(4)(a) Each electronics producer responsibility organization must

1 work with the coordinating body and with all other electronics pro-
2 ducer responsibility organizations to ensure the reconciliation of fi-
3 nancial obligations for the electronics producer responsibility
4 programs in accordance with the manufacturer obligations calculated
5 by the coordinating body under this section and to ensure that all co-
6 ordination required under ORS 459A.305 to 459A.355 is conducted.

7 “(b) An electronics producer responsibility organization or a coor-
8 dinating body may, after notice to the manufacturer, refer to the de-
9 partment any potential violations of the requirements of ORS 459A.305
10 to 459A.355 by the manufacturer.

11 **“SECTION 8. (1) The Environmental Quality Commission shall es-
12 tablish by rule an annual fee, which must be reasonably calculated to
13 cover the costs to the Department of Environmental Quality of im-
14 plementing, administering and enforcing ORS 459A.305 to 459A.355.**

15 **“(2) The commission shall establish by rule a one-time plan review
16 fee reasonably calculated to cover the costs to the department of re-
17 viewing the initial electronics producer responsibility program plan
18 submitted to the department for approval under section 6 of this 2023
19 Act by each electronics producer responsibility organization. The de-
20 partment may not approve an initial plan under section 6 of this 2023
21 Act if the electronics producer responsibility organization has not paid
22 the fee required by this subsection.**

23 **“SECTION 9. (1) An electronics producer responsibility organiza-
24 tion, or the coordinating body if one is designated under section 7 of
25 this 2023 Act, shall consult with the department to develop educational
26 resources and public awareness activities to advertise and promote,
27 on a regular basis, recycling of covered electronic devices and col-
28 lection opportunities statewide. At a minimum, an electronics pro-
29 ducer responsibility organization must:**

30 **“(a) Promote recycling of covered electronic devices through the**

1 **electronics producer responsibility program;**

2 **“(b) Establish a toll-free telephone number and a website address**
3 **that a covered entity may use to contact the electronics producer re-**
4 **sponsibility organization about the electronics producer responsibility**
5 **program;**

6 **“(c) Publicize information on the location of collection sites and all**
7 **other collections services offered by the electronics producer respon-**
8 **sibility program; and**

9 **“(d) Engage with and work to sustain high awareness of the pro-**
10 **gram in minority, lower-income, rural and other historically under-**
11 **served communities.**

12 **“(2) If the Department of Environmental Quality approves more**
13 **than one electronics producer responsibility program plan, each elec-**
14 **tronics producer responsibility organization must, in conjunction with**
15 **the coordinating body designated under section 7 of this 2023 Act and**
16 **in consultation with the department, coordinate with all other elec-**
17 **tronics producer responsibility organizations to implement ongoing**
18 **public awareness activities to ensure that covered entities can easily**
19 **identify, understand and access the services provided by all electronics**
20 **producer responsibility programs that are operational in this state.**
21 **The public awareness activities must:**

22 **“(a) Utilize a statewide system of promotion that allows covered**
23 **entities to easily understand that all electronics producer responsibil-**
24 **ity organizations are providing services under ORS 459A.305 to ORS**
25 **459A.355; and**

26 **“(b) Satisfy the requirements of subsection (1) of this section, in-**
27 **cluding providing a single website and toll-free telephone number**
28 **listing the collection services of all electronics producer responsibility**
29 **programs.**

30 **“SECTION 10. (1) The Department of Environmental Quality may**

1 require a manufacturer or an electronics producer responsibility or-
2 ganization to submit information to the department to evaluate com-
3 pliance with ORS 459A.305 to 459A.355. A manufacturer or electronics
4 producer responsibility organization must submit any data or infor-
5 mation required by the department under this subsection in the for-
6 mat requested by the department.

7 “(2) Trade secrets, as defined in ORS 646.461, and information pro-
8 tected by trademark or patent that the department receives from an
9 electronics producer responsibility organization or manufacturer pur-
10 suant to ORS 459A.305 to 459A.355 are confidential and not subject to
11 public disclosure under ORS 192.311 to 192.478, except that the depart-
12 ment may disclose summarized information or aggregated data if the
13 information or data does not directly or indirectly identify the infor-
14 mation of a specific electronics producer responsibility organization
15 or manufacturer. For purposes of this subsection, compilations of
16 publicly available information, which may have economic value, are
17 not considered to be confidential information.

18 “SECTION 11. Section 12 of this 2023 Act is added to and made a
19 part of ORS 459A.305 to 459A.355.

20 “SECTION 12. The Legislative Assembly declares that electronics
21 producer responsibility organizations providing covered entities with
22 program services for covered electronic devices, including the use of
23 environmentally sound management practices to collect, transport and
24 recycle covered electronic devices, is in the best interests of the public.
25 Therefore, the Legislative Assembly declares its intent that partic-
26 ipation in electronics producer responsibility programs as required by
27 ORS 459A.305 to 459A.355 shall be exempt from state antitrust laws.
28 The Legislative Assembly further declares its intent to provide immu-
29 nity for participating in electronics producer responsibility programs
30 as required by ORS 459A.305 to 459A.355 from federal antitrust laws.

1 **This section does not authorize any person to engage in activities or**
2 **to conspire to engage in activities that constitute per se violations of**
3 **state or federal antitrust laws that are not authorized under ORS**
4 **459A.305 to 459A.355.**

5 **“SECTION 13.** ORS 459A.335 is amended to read:

6 “459A.335. (1) A retailer may not sell or offer for sale any covered elec-
7 tronic device, except for [*computer*] peripherals, in or for delivery into this
8 state unless:

9 “(a) The covered electronic device is labeled with a brand and the label
10 is permanently affixed and readily visible;

11 “(b) The brand is included on the list [*posted*] **made publicly available**
12 by the Department of Environmental Quality pursuant to ORS 459A.340 (1);
13 and

14 “(c) The list [*posted*] **made publicly available** by the department pursu-
15 ant to ORS 459A.340 (1) specifies that the manufacturer is in compliance
16 with the requirements of ORS 459A.305 to 459A.355.

17 “(2) A retailer shall provide to a consumer at the time of the sale of a
18 covered electronic device information from the department’s website that
19 provides details about where and how a consumer can recycle covered elec-
20 tronic devices in Oregon. The information shall be provided in printed form
21 for in-store sales and in printable form for Internet sales and other sales
22 where the Internet is involved.

23 **“SECTION 14.** ORS 459A.340 is amended to read:

24 “459A.340. The Department of Environmental Quality shall:

25 “(1) Maintain and make **publicly** available [*on its website the following*
26 *lists, which must be updated by the first day of each month*]:

27 “(a) A list of registered manufacturers and their brands;

28 “(b) A list of brands for which no manufacturer has registered; [*and*]

29 “(c) A list that identifies which manufacturers are in compliance with
30 ORS 459A.305 to 459A.355[.];

1 “(d) Electronics producer responsibility program plans submitted to
2 the department under ORS 459A.320;

3 “(e) Revised plans submitted to the department under section 6 of
4 this 2023 Act; and

5 “(f) Reports submitted to the department under ORS 459A.320.

6 “(2)(a) For each program year, determine each manufacturer’s
7 market share for each product category by dividing the total weight
8 in pounds of covered electronic devices in a product category sold in
9 this state under brands manufactured, sold or imported by the man-
10 ufacturer during the previous calendar year by the total weight in
11 pounds of covered electronic devices in the product category sold in
12 this state under all brands manufactured, sold or imported by all reg-
13 istered manufacturers during the previous calendar year.

14 “(b) The department may use national market data prorated for
15 Oregon, retail or manufacturer data, consumer research or any other
16 data from the previous calendar year, as determined by the depart-
17 ment, to make the determinations described in this subsection. The
18 department may require a manufacturer to submit sales or other data
19 regarding the number and weight of covered electronic devices sold in
20 this state by the manufacturer. A manufacturer must submit any data
21 required by the department under this paragraph in the format re-
22 quested by the department.

23 “(3) For each calendar year, provide each manufacturer’s market
24 share to the manufacturer’s electronics producer responsibility or-
25 ganization or to the coordinating body, if a coordinating body has been
26 designated under section 7 of this 2023 Act.

27 “[(2) Review and approve manufacturer plans that comply with ORS
28 459A.320 and are submitted annually by manufacturers choosing to implement
29 a manufacturer program for recycling covered electronic devices.]

30 “[(3)(a) For each calendar year, determine:]

1 “(A) The total weight in pounds of covered electronic devices, including
2 orphan devices and computer peripherals, to be collected; and]

3 “(B) Of the total weight determined under subparagraph (A) of this para-
4 graph, the proportion that is equal to the total weight of televisions and the
5 proportion that is equal to the total weight of nontelevision devices.]

6 “(b) For each calendar year, determine each manufacturer’s television
7 market share and nontelevision market share as follows:]

8 “(A) A manufacturer’s television market share shall be determined by di-
9 viding the total weight in pounds of televisions sold in this state under brands
10 manufactured, sold or imported by the manufacturer during the previous cal-
11 endar year by the total weight in pounds of televisions sold in this state under
12 all brands manufactured, sold or imported by all registered manufacturers
13 during the previous calendar year.]

14 “(B) A manufacturer’s nontelevision market share shall be determined by
15 dividing the total weight in pounds of nontelevision devices sold in this state
16 under brands manufactured, sold or imported by the manufacturer during the
17 previous calendar year by the total weight in pounds of nontelevision devices
18 sold in this state under all brands manufactured, sold or imported by all
19 registered manufacturers during the previous calendar year.]

20 “(C) The department may use national market data prorated for Oregon,
21 retail or manufacturer data, consumer research or any other data from the
22 previous calendar year, as determined by the department, to make the deter-
23 minations described in this paragraph. The department may require a man-
24 ufacturer to submit sales or other data regarding the number and weight of
25 covered electronic devices sold in this state by the manufacturer. A manufac-
26 turer must submit any data required by the department under this subpara-
27 graph in the format requested by the department.]

28 “(c) Determine the return share and return share by weight each calendar
29 year for each manufacturer as follows:]

30 “(A) A manufacturer’s return share by weight shall be equal to the sum

1 *of the manufacturer's return share by weight for televisions as calculated un-*
2 *der subparagraph (B) of this paragraph and the manufacturer's return share*
3 *by weight for nontelevision devices as calculated under subparagraph (C) of*
4 *this paragraph.]*

5 *"[(B) A manufacturer's return share by weight for televisions shall be equal*
6 *to the product of the manufacturer's television market share as determined*
7 *under paragraph (b)(A) of this subsection multiplied by the total weight of*
8 *television devices to be collected as determined under paragraph (a)(B) of this*
9 *subsection.]*

10 *"[(C) A manufacturer's return share by weight for nontelevision devices*
11 *shall be equal to the product of the manufacturer's nontelevision market share*
12 *as determined under paragraph (b)(B) of this subsection multiplied by the total*
13 *weight of nontelevision devices to be collected as determined under paragraph*
14 *(a)(B) of this subsection.]*

15 *"[(D) A manufacturer's return share shall be equal to the quotient of the*
16 *manufacturer's return share by weight divided by the sum total of the return*
17 *shares by weight for all manufacturers.]*

18 *"[(d) By May 1 of each year, provide to each manufacturer that had a re-*
19 *turn share determined under this section its return share and its return share*
20 *by weight for the following year.]*

21 *"[(4) Establish a state contractor program for the collection, transportation*
22 *and recycling of covered electronic devices from covered entities in this state.*
23 *The state contractor program shall:]*

24 *"[(a) To the extent practicable, use existing local collection, transportation*
25 *and recycling infrastructure.]*

26 *"[(b) Utilize environmentally sound management practices to collect, trans-*
27 *port and recycle covered electronic devices.]*

28 *"[(c) Provide for covered entities, free of charge, convenient and available*
29 *collection services and sites for covered electronic devices in both rural and*
30 *urban areas.]*

1 “(d) Advertise and promote collection opportunities statewide and on a
2 regular basis.]

3 “(e) Conduct a statistically significant sampling or actual count of the
4 covered electronic devices, except for computer peripherals, collected and recy-
5 cled by the state contractor program during each calendar year using a meth-
6 odology approved by the department. The state contractor shall report the
7 results of the sampling or count to the department at least annually or as re-
8 quired by the department. The methodology must take into account information
9 including but not limited to the device type, weight and brand of each unit
10 sampled.]

11 “(f) No later than March 1 of the following calendar year, report, for the
12 previous calendar year:]

13 “(A) The total weight of covered electronic devices, including orphan de-
14 vices and computer peripherals, collected from covered entities in this state by
15 the state contractor program; and]

16 “(B) The total weight of each type of covered electronic device, including
17 orphan devices and computer peripherals, collected from covered entities in this
18 state by the state contractor program during the previous calendar year.]

19 “(5) Determine a manufacturer’s annual registration fee for purposes of
20 ORS 459A.315 (2). In determining a manufacturer’s annual registration fee, the
21 department may use national market data prorated for Oregon, retail or man-
22 ufacturer data, consumer research or any other data from the previous calendar
23 year, as determined by the department. The department may require a man-
24 ufacturer to submit sales or other data regarding the number of covered elec-
25 tronic devices sold in this state by the manufacturer. A manufacturer must
26 submit any data required by the department under this subsection in the for-
27 mat requested by the department.]

28 “(6) Determine the recycling fee to be paid under ORS 459A.325 by each
29 manufacturer that participates in the state contractor program established
30 pursuant to subsection (4) of this section. The department shall determine the

1 *recycling fees based on the manufacturer’s annual return share and return*
2 *share by weight as determined under subsection (3) of this section.]*

3 “[~~(7)~~] **(4)** Maintain on its website information on collection opportunities
4 for covered electronic devices, including collection site locations and hours.
5 The information must be made available in a printable format for retailers.

6 “[~~(8)~~ *Report biennially to the Legislative Assembly on the operation of the*
7 *statewide system for collection, transportation and recycling of covered elec-*
8 *tronic devices.]*

9 **“SECTION 15. ORS 459A.322 and 459A.325 are repealed.**

10

11 **“(Conforming Amendments)**

12

13 **“SECTION 16.** ORS 459.247 is amended to read:

14 “459.247. (1) No person shall dispose of and no disposal site operator shall
15 knowingly accept for disposal the following types of solid waste at a solid
16 waste disposal site:

17 “(a) Discarded or abandoned vehicles;

18 “(b) Discarded large home or industrial appliances;

19 “(c) Used oil;

20 “(d) Tires;

21 “(e) Lead-acid batteries; or

22 “(f) Covered electronic devices.

23 “(2) As used in this section:

24 “(a) ‘Covered electronic device’ [*has the meaning given that term in ORS*
25 *459A.305, except that ‘covered electronic device’ does not include a computer*
26 *peripheral or a printer as those items are defined in ORS 459A.305; and]*

27 **means:**

28 **“(A) A computer monitor of any type having a viewable area**
29 **greater than four inches measured diagonally;**

30 **“(B) A desktop computer or a portable computer as defined in ORS**

1 **459A.305; or**

2 **“(C) A television as defined in ORS 459A.305.**

3 **“(b) ‘Used oil’ has the meaning given that term in ORS 459A.555.**

4 **“(3) Nothing in this section shall prohibit a disposal site operator from**
5 **accepting and storing, for purposes of recycling or recovering, any of the**
6 **types of solid waste listed in subsection (1) of this section.**

7 **“(4) The Environmental Quality Commission may postpone the prohibition**
8 **under subsection (1)(f) of this section in any area of this state where the**
9 **commission determines there is an inadequate system for the collection,**
10 **transportation and recycling of covered electronic devices.**

11 **“(5)(a) Each disposal site operator shall establish and implement, in ac-**
12 **cordance with any permit requirements established by the Department of**
13 **Environmental Quality, a program reasonably designed to prevent acceptance**
14 **of covered electronic devices for disposal. If an operator operates the dis-**
15 **posal site in conformity with the program, the operator is presumed to have**
16 **complied with the provisions of this section that prohibit knowingly accept-**
17 **ing covered electronic devices for disposal.**

18 **“(b) This section does not prevent the disposal site operator from accept-**
19 **ing and storing, for purposes of recycling, reusing or refurbishing, covered**
20 **electronic devices.**

21 **“SECTION 17. ORS 459A.330 is amended to read:**

22 **“459A.330. (1) Except as authorized in subsection (2) of this section, [*a***
23 ***manufacturer program, the state contractor program*] **an electronics pro-**
24 **ducer responsibility program** or a collector participating in [*a manufac-*
25 ***turer program or the state contractor program*] **an electronics producer**
26 **responsibility program** may not charge a fee to covered entities for the
27 collection, transportation or recycling of covered electronic devices.****

28 **“(2) A collector that provides a premium service to a covered entity may**
29 **charge for the additional cost of providing the premium service.**

30 **“SECTION 18. ORS 459A.355 is amended to read:**

1 “459A.355. The Covered Electronic Devices Account is established sepa-
2 rate and distinct from the General Fund. Interest earned by the account shall
3 be credited to the account. Moneys in the account are continuously appro-
4 priated to the Department of Environmental Quality and may be used only
5 to pay the costs of **administering**, implementing **and enforcing** ORS
6 459A.305 to 459A.355 and enforcing the prohibition in ORS 459.247 relating
7 to disposal of covered electronic devices.

8 **“SECTION 19.** ORS 459A.360 is amended to read:

9 “459A.360. (1) The Department of Environmental Quality shall evaluate
10 any federal law that establishes a national program for the collection and
11 recycling of electronic devices.

12 “(2) If the department determines that the federal law substantially meets
13 or exceeds the requirements and intent of ORS 459A.305 to 459A.355, the
14 department shall include information on the federal law in [*the next biennial*
15 *report to the Legislative Assembly pursuant to ORS 459A.340.*] **a report to**
16 **the Legislative Assembly in the manner provided by ORS 192.245.**

17
18 **“TRANSITIONAL PROVISIONS**

19
20 **“SECTION 20.** (1) **Sections 6 to 10 and 12 of this 2023 Act, the**
21 **amendments to ORS 459.247, 459A.305, 459A.310, 459A.315, 459A.320,**
22 **459A.330, 459A.335, 459A.340, 459A.355 and 459A.360 by sections 1 to 4,**
23 **13, 14 and 16 to 19 of this 2023 Act and the repeal of ORS 459A.322 and**
24 **459A.325 by section 15 of this 2023 Act become operative on January 1,**
25 **2026.**

26 **“(2) The Department of Environmental Quality and the Environ-**
27 **mental Quality Commission may take any action before the operative**
28 **date specified in subsection (1) of this section that is necessary to en-**
29 **able the department and the commission to exercise, on and after the**
30 **operative date specified in subsection (1) of this section, all the duties,**

1 functions and powers conferred on the department and the commission
2 by sections 6 to 10 and 12 of this 2023 Act, the amendments to ORS
3 459.247, 459A.305, 459A.310, 459A.315, 459A.320, 459A.330, 459A.335,
4 459A.340, 459A.355 and 459A.360 by sections 1 to 4, 13, 14 and 16 to 19
5 of this 2023 Act and the repeal of ORS 459A.322 and 459A.325 by section
6 15 of this 2023 Act.

7 **“SECTION 21. (1) Notwithstanding the operative date specified in**
8 **section 20 of this 2023 Act, sections 6 to 10 and 12 of this 2023 Act and**
9 **the amendments to ORS 459A.305 and 459A.320 by sections 1 and 4 of**
10 **this 2023 Act apply to electronics producer responsibility program**
11 **plans submitted to the Department of Environmental Quality pursuant**
12 **to subsection (2) of this section.**

13 **“(2) An electronics producer responsibility organization that plans**
14 **to implement an electronics producer responsibility program beginning**
15 **January 1, 2026, must submit an electronics producer responsibility**
16 **program plan to the department no later than July 1, 2025.**

17 **“SECTION 22. (1) Notwithstanding ORS 459A.340 (3), for the period**
18 **beginning January 1, 2025, and ending December 31, 2025, the total**
19 **weight of covered electronic devices to be collected shall be equal to**
20 **the total weight of covered electronic devices to be collected for the**
21 **2024 calendar year determined by the Department of Environmental**
22 **Quality under ORS 459A.340 (3).**

23 **“(2) Notwithstanding ORS 459A.320 and 459A.322, the amendments**
24 **to ORS 459A.320 by section 4 of this 2033 Act or the repeal of ORS**
25 **459A.322 by section 15 of this 2023 Act, a manufacturer program with**
26 **a plan approved by the Department of Environmental Quality for the**
27 **2025 calendar year shall enter into an agreement with the state con-**
28 **tractor program to settle, by December 31, 2026, all recycling credits.**

29 **“SECTION 23. (1) Notwithstanding the amendments to ORS 459A.320**
30 **by section 4 of this 2023 Act:**

1 “(a) No later than March 1, 2026, a manufacturer that implements
2 a manufacturer program for January 1, 2025, to December 31, 2025,
3 shall provide a report to the Department of Environmental Quality
4 that:

5 “(A) Includes the total weight of covered electronic devices, in-
6 cluding orphan devices and computer peripherals, collected from cov-
7 ered entities in this state by the manufacturer from January 1, 2025,
8 to December 31, 2025;

9 “(B) Includes the total weight of each type of covered electronic
10 device, including orphan devices and computer peripherals, collected
11 from covered entities in this state by the manufacturer from January
12 1, 2025, to December 31, 2025; and

13 “(C) Details how the manufacturer plan was implemented from
14 January 1, 2025, to December 1, 2025.

15 “(b) By July 1, 2026, a manufacturer that does not meet its return
16 share by weight for the period beginning January 1, 2025, and ending
17 December 31, 2025, shall pay the department for the amount not
18 achieved at a rate determined by the department to be equivalent to
19 the amount the manufacturer would have paid, plus 10 percent, to be
20 part of the state contractor program under ORS 459A.340.

21 “(2) Notwithstanding the amendments to ORS 459A.340 by section
22 14 of this 2023 Act, no later than March 1, 2026, the state contractor
23 program shall provide a report to the department that:

24 “(a) Includes the total weight of covered electronic devices, includ-
25 ing orphan devices and computer peripherals, collected from covered
26 entities in this state by the state contractor program from January 1,
27 2025, to December 31, 2025; and

28 “(b) Includes the total weight of each type of covered electronic
29 device, including orphan devices and computer peripherals, collected
30 from covered entities in this state by the state contractor program

1 from January 1, 2025, to December 31, 2025.

2

3

“CAPTIONS

4

5 **“SECTION 24. The unit captions used in this 2023 Act are provided**
6 **only for the convenience of the reader and do not become part of the**
7 **statutory law of this state or express any legislative intent in the**
8 **enactment of this 2023 Act.**

9

10

“EFFECTIVE DATE

11

12 **“SECTION 25. This 2023 Act takes effect on the 91st day after the**
13 **date on which the 2023 regular session of the Eighty-second Legislative**
14 **Assembly adjourns sine die.”**

15
