

Modernizing Oregon E-Cycles: Workshop 4



State of Oregon
Department of
Environmental
Quality



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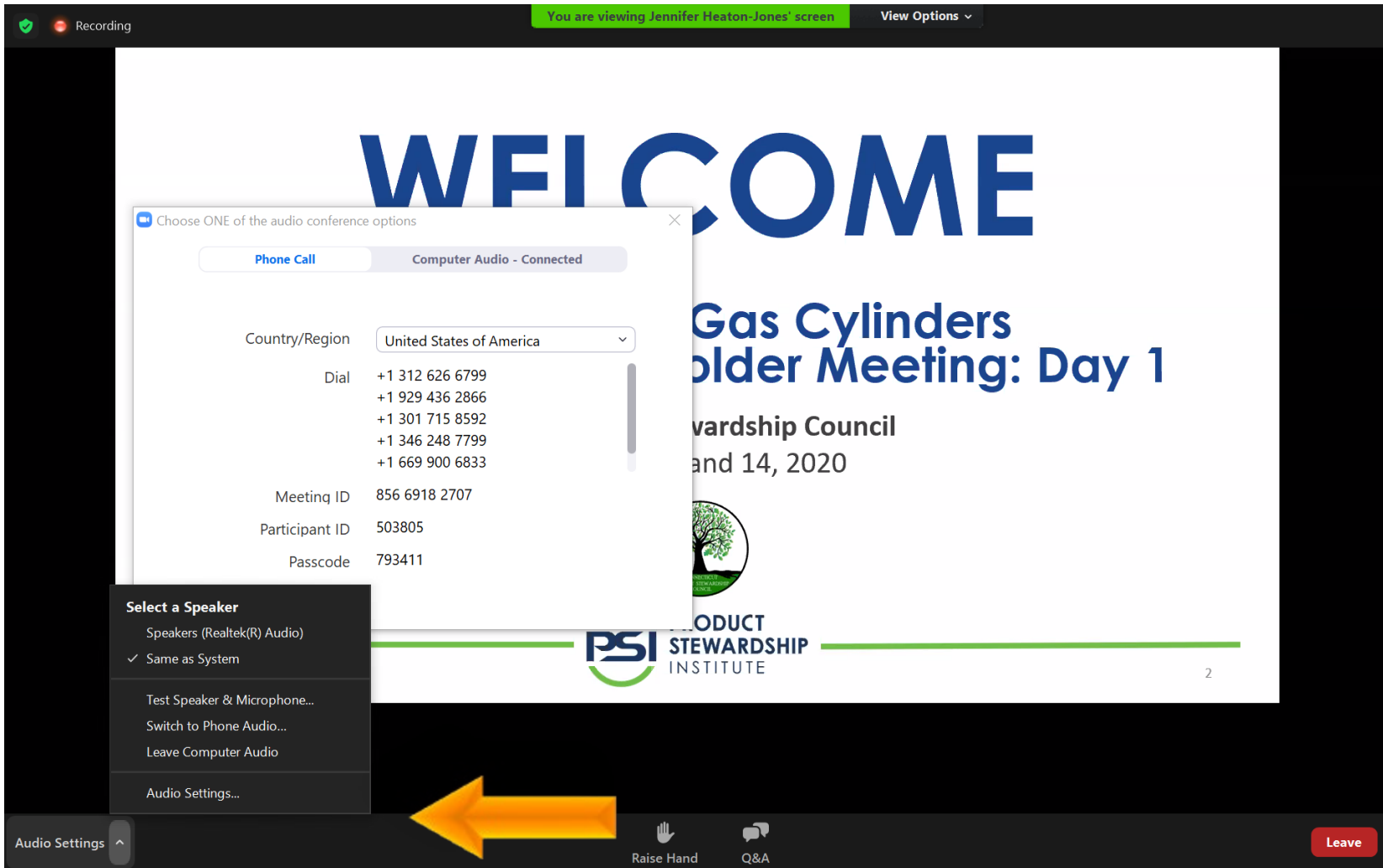
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Stewardship Council
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Introductions



Abby Boudouris
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Program Manager
OR DEQ



Michael Lee
Operations and Policy
Analyst
OR DEQ

Introductions



Scott Cassel
CEO / Founder



Lelande Rehard
Policy and Programs
Associate

Purpose of Today's Workshop

- Update on path forward for legislation
- Review LC 477 Section by Section

Goal

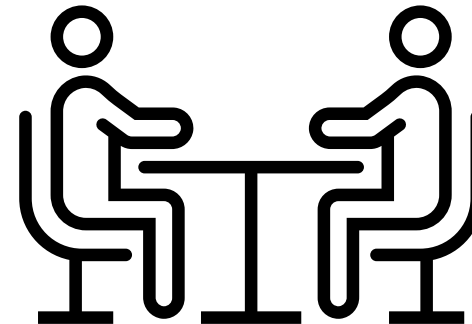
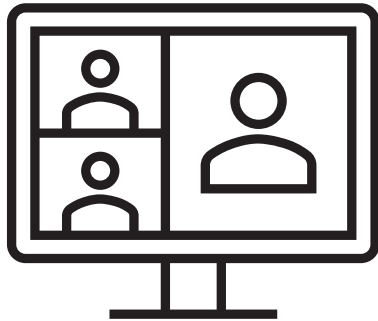
DEQ seeks to engage with national and state stakeholders to identify and analyze options for modernizing the Oregon E-Cycles Program through legislation anticipated in 2023.

E-Cycles: Opportunities for Modernization

- Create a more robust and stable collection infrastructure.
- Expand scope of covered materials.
- Address limitations of relying heavily on collections determination process.
- Reduce administrative burden for PROs and DEQ.

Summer Workshop Summary

- Held two workshops and multiple small group discussions
- Used feedback from engagement to hone legislative concepts



Workshop 1 Summary

Covered Materials

- Interest in expansion and exploring embedded batteries.

Program Administration

- Understanding the changes DEQ is interested in.

Convenience Standard

- Desire to maintain current infrastructure and pursue criteria for collection sites.

Reuse

- Interest in figuring out how E-Cycles can better support reuse.

Workshop 2 Summary

Covered Materials

- DEQ proposal to add CEDs and include peripherals.

Convenience Standard

- DEQ proposal for a standard that would maintain current network of sites.

Performance goals

- DEQ proposal for goals that enable continuous improvement for the program.

Program Administration

- DEQ proposal to phase out State Contractor Program.

Reuse

- Interest in figuring out how E-Cycles can better support reuse.

Workshop 3 Summary

Covered Materials

- DEQ proposal to add CEDs and include peripherals.

Convenience Standard

- DEQ proposal for a standard that would maintain current network of sites.

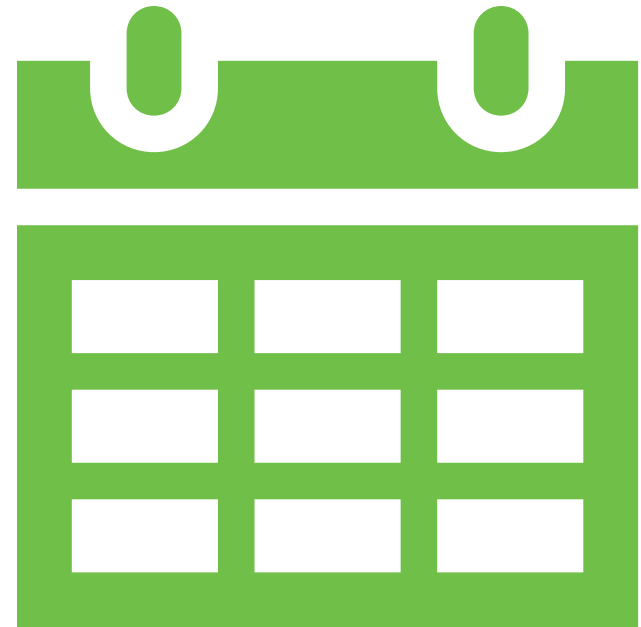
Collection and Covered Cost

- DEQ proposal for determining collection site criteria via rule making.

Winter

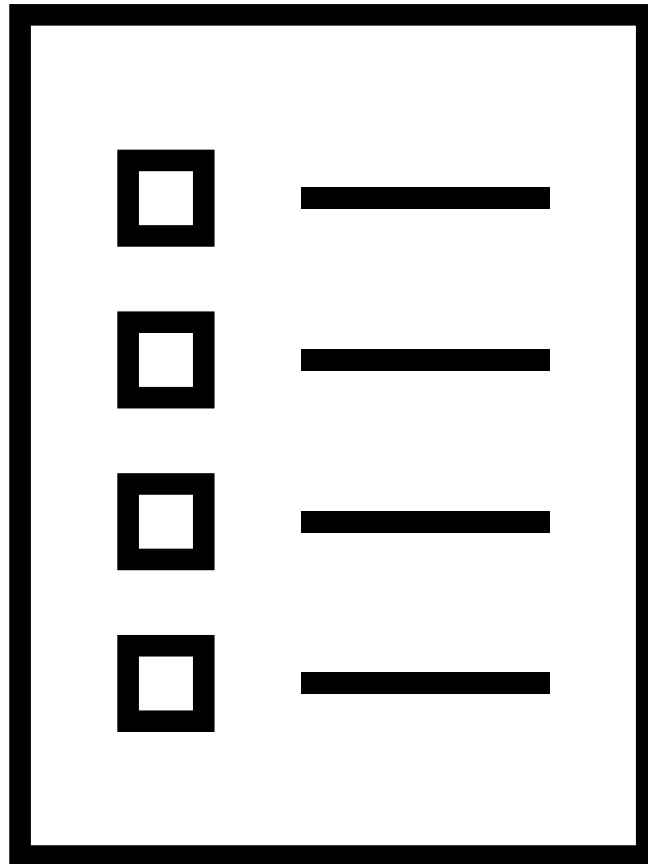
Anticipated:

- Workshop 5 in January – review bill text, draft needed amendments.
- Informal Conversations – ongoing to address niche issues.



Questions?

Section by Section



Process for Today

- Review sections in order, follow along:
<https://www.oregon.gov/deq/ecycles/Documents/LC0477.pdf>
- Review proposed changes and what remains unchanged.
- Cover items that may be included in an amendment.
- Start discussion about other needed amendments.
- Try to stay awake as Lelande reads the most boring sections verbatim.

LC Section 1

Summary: Definitions and Covered Materials

What changes: Expanded list of covered devices and new definition or peripherals, definition of a “Electronics Producer responsibility organization”, deletion of definitions pertaining to the collection determination process and the state contractor program.

What stays the same: Most definitions remain unchanged including definition of a covered entity.

Proposed Covered Electronic Devices (CEDs)

“Covered electronic device” means:

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

(B) A desktop computer or portable computer;

(C) A television;

(D) A peripheral;

(E) A printer;

(F) A facsimile machine;

(G) A videocassette recorder;

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

(I) A digital video disc player;

(J) A digital video disc recorder;

(K) A video game console;

(L) A digital converter box;

(M) A cable receiver;

(N) A satellite receiver;

(O) A router; or

(P) A modem.

Peripherals

(11)“Peripheral” means:

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

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

(c) Other devices or equipment sold for use with a covered electronic device, as further defined by the commission by rule.

LC Section 1 Amendments

- **Include scanners.**
- **Remove requirement that PRO must be a non-profit.**

LC Section 2

Summary: Responsible Party

What changes: Addition of peripheral manufacturers, exemption for manufacturers selling fewer than 50 devices in the state the previous year.

What stays the same: Manufacturers must pay into the program to sell covered devices in the state, responsibility does not apply to reused/refurbished covered devices.

LC Section 3

Summary: Convenience Standard, Stewardship Plan, Performance Goals, Annual Report

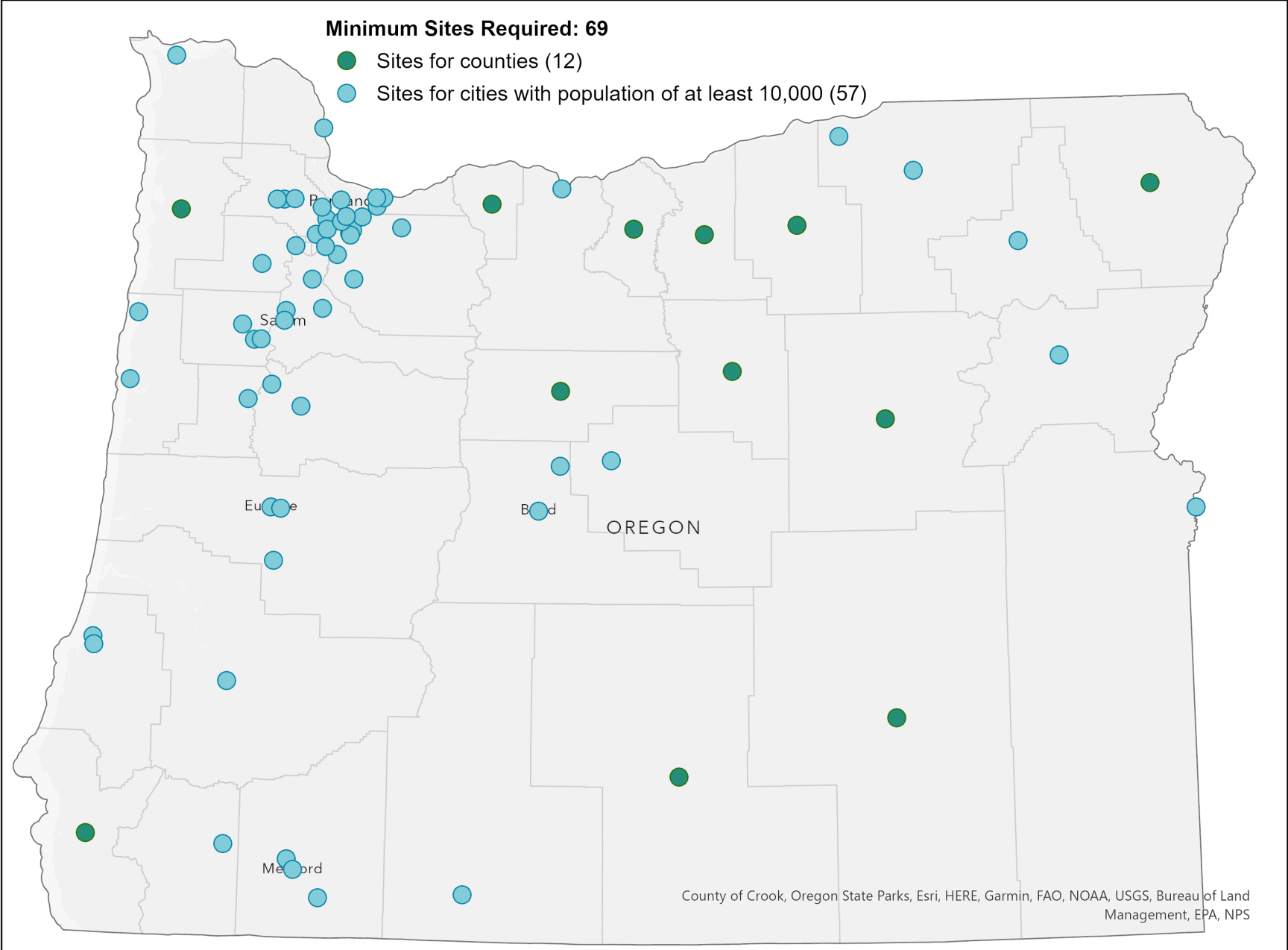
What changes: New minimum convenience standard, addition of any willing permitted solid waste facility as a collection site, annual stewardship plan with performance goals, annual report, deletion lines pertaining to the collection determination process and the state contractor program.

What stays the same: Covered cost (collection, transportation, recycling), ability for PRO to provide joint collection services, conduct statistically valid sampling of CEDs

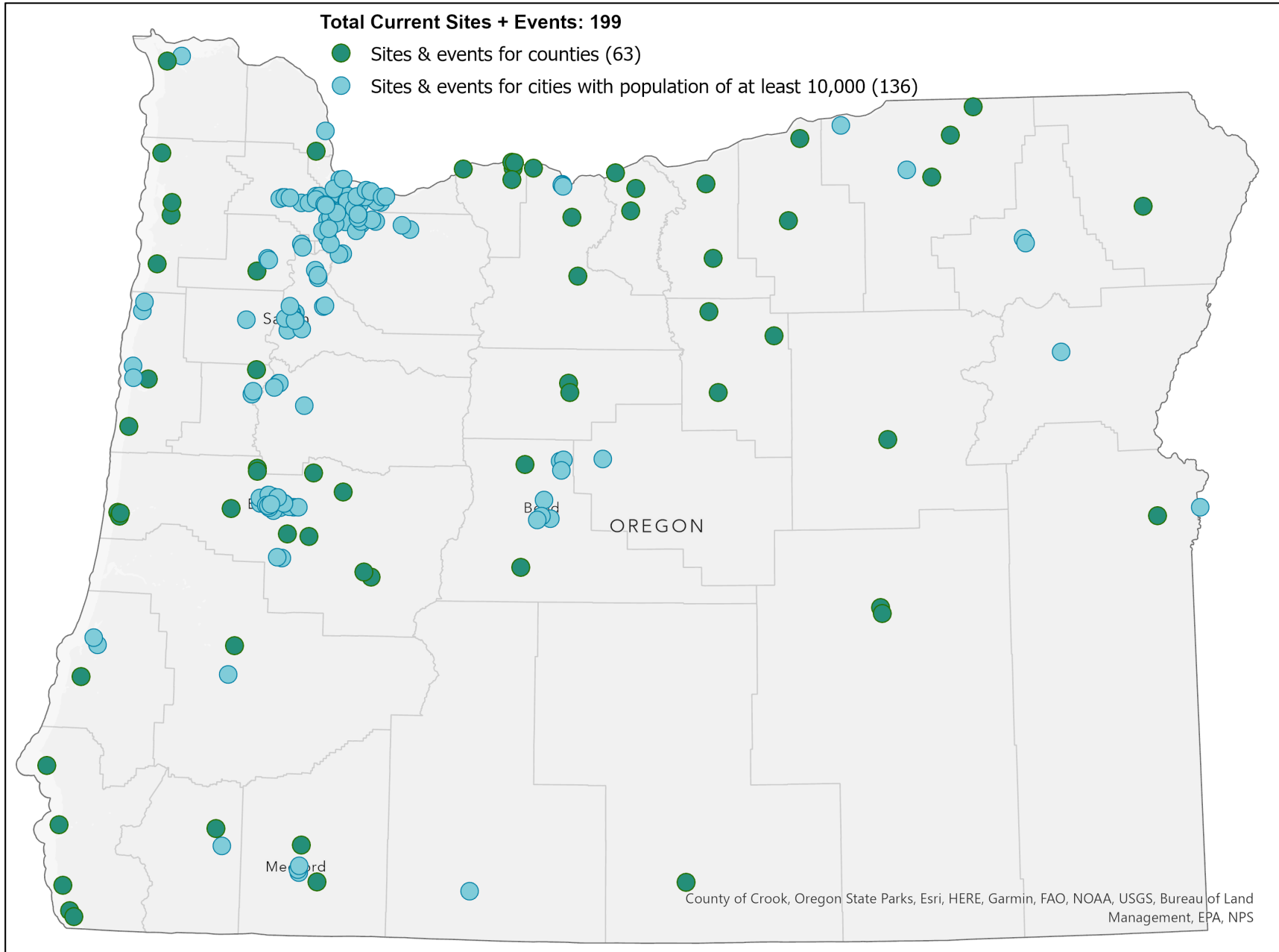
Proposed Convenience Standard

Intent of the proposed standard is to provide a level of service Oregonians have become used to without the need for the collections determination process and a State Contractor Program. The standard is intended to serve the program for years to come.

E-Cycles Collection Sites: Current Minimum Standard



E-Cycles Collection Sites: Current Sites & Events



LC Section 3 Amendments

- **Use of city limit vs. urban growth boundary**

Permitted Solid Waste Facilities

(d) Enter into agreements with all willing, permitted transfer stations, as defined in ORS 459.005, to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

Performance Goals

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

(A) Establishing measurable goals for:

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

(ii) Increasing public awareness of the program; and

(iii) Reuse, such as amount collected and diverted for reuse.

Annual Report

- List of collection sites.
- Weight and type of CEDs collected at each site.
- Report on progress towards program plan goals.
- Retain all program records for at least 5 years.

LC Section 4

Summary: add sections 5-8

LC Section 5

Summary: Stewardship Plan - process for evaluating and approving program plans

What changes: Creates a timeline and process for program plans to be reviewed and approved by DEQ.

What stays the same: New section.

LC Section 6

Summary: Coordination – allows PROs to coordinate.

What changes: Enables multiple PROs to coordinate to meet the convenience standard and allows PROs to authorize a coordinating body to coordinate their activities. Authorizes DEQ to require PROs to use a coordinating body.

What stays the same: New section.

LC Section 6 Amendments

- **Anti-trust language for PRO coordination.**

LC Section 7

Summary: Funding – administration and plan review fees

What changes: Commission establishes by rule an annual fee for program administration and one-time fee for plan review.

What stays the same: New section.

LC Section 8

Summary: Outreach

What changes: Requires PROs to develop and deliver education resources and public awareness activities through a uniformly branded and coordinated system.

What stays the same: New section.

LC Section 9

Summary: adds Section 10.

LC Section 10

Summary: Enforcement

What changes: Authorizes DEQ to request information and data from PROs and defines what information should remain confidential.

What stays the same: New section.

LC Section 11

Summary: Retailers

What changes: “Posted” replaced with “made publicly available.”

What stays the same: Sale prohibition for CEDs unless they are labeled and registered. Requirement for retailers to provide information about E-cycles at point of sale.

LC Section 12

Summary: Posting of program documents, removal of collections determination and state contractor program.

What changes: Requires DEQ to make program plans and reports publicly available. Deletes language pertaining to the collection determination process and State Contractor Program.

What stays the same: DEQ required to make list registered manufactures and their brands publicly available.

LC Section 13

Summary: Repeals collections determination and state contractor program.

LC Section 14

Summary: Landfill ban.

What changes: Inclusion of updated definitions.

What stays the same: Current proposal does not extend the ban to proposed new CEDs.

LC Section 14 Amendments

- **Include new CEDs in Landfill Ban.**

LC Section 15

Summary: Prohibition on fees for covered entities.

What changes: Definition updates.

What stays the same: Fees may not be charged to covered entities for collection of CEDs, except for premium service.

LC Section 16

Summary: Covered Electronics Devices Account

What changes: Addition of “administering” and “enforcing” as eligible cost for DEQ.

What stays the same: Separation of funds from the General Fund.

LC Section 17

Summary: Evaluation of federal program.

What changes: Deletion of the biennial report the assembly means that DEQ would report on any federal law to the assembly as needed.

What stays the same: Requirement for DEQ to consider and report on any federal law that establishes a national program.

LC Sections 18-21

Summary: Transition.

What changes: Outlines a timeline and process for ending the collections determination process and State Contractor Program.

What stays the same: New sections.

LC Section 18-21 Amendments

- **Keep program cycles on Calendar Year and DEQ Fiscal Year.**

Next Steps

- Review your input from today
- Next Workshop planned for January
- Send additional comments to:

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Thank You!