



## **Modernizing Oregon E-cycles Workshop 5 Summary** **Meeting Date: January 20, 2023**

### Legislative Update

The Oregon Department of Environmental Quality (DEQ) updated attendees on the anticipated progress of LC 477.

### Overview of Impact of LC 477 on E-Cycles

Attendees reviewed DEQ's summary of how LC 477 would impact the current E-Cycles program.

### Review of Amendment Concepts

DEQ and PSI staff reviewed amendment request that had been received and draft amendment concepts that were developed by DEQ. These amendment concepts do not reflect the final language nor all the possible amendments that could be brought forward. Following the workshop DEQ asked that participants submit additional amendment request by 1/27/23. DEQ will then work on drafting more precise amendment language before turning it over to the Legislative Counsel.

### Definitions

Amendment Concepts include adding scanners as a Covered Electronic Device (CED), changing the definition of a "cell phone", giving EQC rulemaking authority to define categories for CEDs, and including a definition of "manufacturer obligations".

### Registration

Amendment Concepts include DEQ registering manufacturers, producer responsibility organizations (producer responsibility organization) collecting fees from manufacturers, PROs paying an administrative fee to DEQ, and an administrative fee reasonably calculated to cover all of DEQ's program cost.

### Collection Network

Amendment Concepts include grandfathering current collection sites for a certain time period, a 90-day notice for site closures, and compensation for collection sites determined by a formula with details determined by a rulemaking process.

- Some attendees asked if inclusion of willing transfer sites as collection sites could be extended to all DEQ permitted solid waste facilities.
- ORRA requested the language pertaining to the notification of a site closing be sent throughout a watershed instead of just to neighboring cities.
- Consumer Technology Association (CTA) expressed concerns with using a formula set in law to manage fair compensation for collection sites and would be more comfortable with

the law setting forth principles for fair compensation and using a rulemaking process to determine fair compensation.

### Equity

Amendment Concepts include requiring a PRO to provide convenient and equitable service throughout the state including rural areas and to minority lower-income and other historically underserved populations and requiring public awareness campaigns to reach rural areas and to minority lower-income and other historically underserved populations.

### Reuse

Amendment Concepts include allowing a collection site to recover CEDs for resale if such resale occurs on-site or the site is a non-profit, the removal PRO goal requirements for reuse, and require a PRO to describe methods of encouraging reuse in their program plans.

- A participant asked if the language was written to exclude Transfer Stations from collecting materials for reuse to be collected by non-profits. DEQ responded that this was not the intent and would look to modify the language.
- A participant asked if there was any intersection between reuse in the E-cycles program and Right to Repair. DEQ responded there are intersections but not at the legislative level.
- A participant asked if for-profits would be restricted from collecting program materials for reuse and if so that might create a burden on non-profit reuse organizations because of an influx of material. DEQ explained that the intent of the proposed language was to prohibit a PRO from not allowing a site to give materials to a non-profit for reuse. DEQ agreed that the language concerning reuse needed more input and consideration.

### Performance Goals

Amendment Concepts include PRO must set performance goals for collection and public awareness, goals that are not achieved will be addressed in the PRO's next program plan for DEQ approval, continuing under performance may require DEQ to direct program changes.

### PRO Structure and Coordination

Amendment Concepts include adding anti-trust language and DEQ is still evaluating requirements for PROs to coordinate and the requirement for PROs to be non-profits.