

HB 3105 -1 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 4/10, 4/12

WHAT THE MEASURE DOES:

Establishes a product stewardship program for household hazardous waste. Defines terms, including what "covered product" means and does not mean. Prohibits a manufacturer or retailer from selling or offering for sale any covered product in Oregon unless the product is labeled with a brand and the brand is included in a product stewardship plan approved by the Department of Environmental Quality (DEQ). Requires manufacturer or retailer to provide consumers with information about available collection opportunities for covered products at time of sale. Requires annual registration by product stewardship organization with DEQ and payment of annual administrative fee. Requires stewardship organization to submit plan to DEQ at time of fee payment. Lists plan elements. Requires annual report on plan implementation. Directs DEQ to review and approve within 90 days of submittal plans that comply with requirements. If DEQ determines plan does not provide convenient service in a county where publicly owned or contracted household hazardous waste collection site is located, allows DEQ to require stewardship organization to pay site for collection of waste. Directs DEQ to establish statewide collection target based on weight of covered products managed in specified years and inform each organization of its return share for following calendar year. Creates Hazardous Waste Stewardship Fund. Operative on January 1, 2018.

REVENUE: May have revenue impact, but no statement yet issued

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Makes legislative findings related to collection and management of household hazardous waste. Defines terms. Prohibits manufacturer or retailer from selling or offering for sale "covered product" unless covered product is labeled with brand and brand is included in plan for stewardship program. Requires a stewardship organization for specified household products register annually with the Department of Environmental Quality (DEQ), and include in registration list of all manufacturers participating in stewardship organization and list of brands manufactured, sold or imported by participating manufacturers. Requires stewardship program to submit plan to DEQ describing how the stewardship organization will: finance, manage and conduct statewide stewardship program; provide for environmentally sound management of covered products; provide advertising; coordinate with architectural paint stewardship program; and provide convenient service. Establishes requirements for collection based on population and presence of permanent publicly owned or contracted hazardous waste collection site. Establishes requirements for stewardship organization that include but are not limited to: meet or exceed convenient service requirements, retailer notification, and provide annual report to DEQ. Requires DEQ to calculate weight of covered products each year and establish collection target for upcoming year, starting in 2022. Requires DEQ to establish annual minimum return share for each stewardship program to enable state to reach weight based collection targets; and requires stewardship organizations not meeting targets to pay DEQ at amount not achieved at rate determined by DEQ. Requires DEQ to establish system for granting credits to stewardship organizations that exceed program's return share. Requires DEQ to report to Legislative Assembly on statewide system biennially. Allows DEQ to bring action against manufacturers and stewardship organizations that violate the provisions of the

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Act. Creates the Household Hazardous Waste Stewardship Fund (Fund). Allows DEQ to charge an annual fee to stewardship organizations to cover administration costs to be credited to the Fund. Stipulates for the year 2018 fee shall be set at \$85,000 unless DEQ determines higher fee is necessary. Phases in additional covered products in 2020 and 2021. Declares an emergency, effective on passage.

REVENUE: Minimal revenue impact

FISCAL: Fiscal impact issued

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 addressing paint and electronic equipment.

In 2007, House Bill 2626 established a statewide program financed by manufacturers for recycling computers, monitors and TVs. The program allows anyone bringing seven or fewer items at one time to recycle their electronics at no charge at 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 and required the creation of a stewardship organization made up of paint manufacturers to implement the program by developing a plan and funding its implementation, including the development of educational materials for consumers. Under the legislation, consumers may take unwanted paint to locations throughout the state for disposal. The program was made permanent in 2013.

House Bill 3105 would establish a product stewardship program for household hazardous waste.