

**A-Engrossed**  
**House Bill 3105**

Ordered by the House April 17  
Including House Amendments dated April 17

Sponsored by Representatives MCLAIN, KENY-GUYER, Senators DEMBROW, PROZANSKI; Representatives FAHEY, HELM, HERNANDEZ, MALSTROM, MARSH, NOSSE, SOLLMAN, Senators GELSER, RILEY, STEINER HAYWARD, TAYLOR

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes product stewardship program for household hazardous waste.

**Becomes operative January 1, 2018.**

**Beginning January 1, 2020, provides for phasing-in of additional products to be covered by stewardship program.**

**By December 31, 2023, requires Department of Environmental Quality to review implementation of program and determine whether adjustments are necessary.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

Relating to household hazardous waste; creating new provisions; amending ORS 459.415; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**HOUSEHOLD HAZARDOUS WASTE STEWARDSHIP**

**SECTION 1. The Legislative Assembly finds and declares that it is in the best interest of the state for manufacturers of products for household use that contain hazardous substances to take responsibility for developing, financing and implementing a statewide system to conveniently serve the urban and rural areas of this state, for the collection and environmentally sound management of household hazardous waste.**

**SECTION 2. As used in sections 1 to 10 of this 2017 Act:**

**(1) "Brand" means a name, symbols, words or marks that identify a covered product and attribute the product to the owner of the brand as the manufacturer.**

**(2)(a) "Covered product" means:**

**(A) Any product offered for retail sale for household use if the product has any of the following characteristics:**

**(i) The physical properties of the product meet the criteria for designation as a class 3 hazardous material, as defined in 49 C.F.R. 173, by the United States Department of Transportation pursuant to the Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq., as amended.**

**(ii) The product contains methylene chloride.**

**(iii) The product requires registration under the Federal Insecticide, Fungicide, and**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **Rodenticide Act, P.L. 92-516, 7 U.S.C. 136, as amended.**

2 **(B) The receptacle in which a product described in subparagraph (A) of this paragraph**  
3 **is contained, unless the receptacle is an aerosol as defined in 49 C.F.R. 171.8.**

4 **(b) "Covered product" does not mean:**

5 **(A) A primary battery or rechargeable battery.**

6 **(B) A lamp that contains mercury.**

7 **(C) A thermostat that contains mercury.**

8 **(D) A pharmaceutical drug.**

9 **(E) Products sold for commercial agricultural use that require registration under the**  
10 **Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 92-516, 7 U.S.C. 136, as amended.**

11 **(F) Architectural paint, as defined in ORS 459A.822.**

12 **(G) An electronic device, including but not limited to a covered electronic device as that**  
13 **term is defined in ORS 459A.305.**

14 **(H) Products that are intended to be rubbed, poured, sprinkled or sprayed on, introduced**  
15 **into or otherwise applied to the human body or any part thereof for cleansing, moisturizing,**  
16 **beautifying, promoting attractiveness or altering the appearance.**

17 **(3) "Environmentally sound management" means management using practices that**  
18 **comply with all applicable laws, including but not limited to:**

19 **(a) Adequate record keeping;**

20 **(b) Tracking and documentation of the fate of covered products from collection through**  
21 **final disposition within this state and outside this state;**

22 **(c) Performance audits and inspections;**

23 **(d) Compliance with worker health and safety requirements; and**

24 **(e) Maintenance of adequate environmental liability insurance and financial assurances**  
25 **for a stewardship organization and contractors working for the stewardship organization.**

26 **(4) "Final disposition" means the point beyond which no further processing takes place**  
27 **and the covered product has been:**

28 **(a) Transformed for direct use as a feedstock in producing new products; or**

29 **(b) Disposed of or processed for energy recovery in permitted facilities.**

30 **(5) "Manufacturer" means any person, irrespective of the selling technique used, includ-**  
31 **ing that of remote sale:**

32 **(a) That manufactures covered products under a brand that it owns or is licensed to use;**

33 **(b) That sells covered products manufactured by others under a brand that the seller**  
34 **owns;**

35 **(c) That manufactures covered products without affixing a brand;**

36 **(d) That manufactures covered products to which it affixes a brand that it does not own;**  
37 **or**

38 **(e) On whose account covered products manufactured outside the United States are im-**  
39 **ported into the United States. This paragraph does not apply if, at the time the covered**  
40 **products are imported into the United States, another person is registered as the owner of**  
41 **the brand of the covered products.**

42 **(6) "Person" means the United States, the state or a public or private corporation, local**  
43 **government unit, public agency, individual, partnership, association, firm, trust, estate or**  
44 **other legal entity.**

45 **(7) "Pharmaceutical drug" means any product sold for human medical or veterinary use,**

1 including prescription, nonprescription, brand name and generic drugs.

2 (8) "Premium service" means a service such as at-home pickup service, including  
3 curbside pickup service.

4 (9) "Primary battery" means any nonrechargeable battery, including but not limited to  
5 an alkaline, a carbon-zinc and a lithium metal battery.

6 (10) "Rechargeable battery" means one or more voltaic or galvanic cells, electrically  
7 connected to produce electric energy and designed to be recharged.

8 (11) "Retailer" means a person that offers new covered products for sale at retail  
9 through any means, including but not limited to remote offerings such as sales outlets, cat-  
10 alogs or the Internet.

11 (12) "Return share" means the minimum total weight of covered products that a  
12 stewardship organization is responsible for providing environmentally sound management for  
13 under an approved stewardship plan.

14 (13) "Stewardship organization" means a corporation, nonprofit organization or other le-  
15 gal entity created by a manufacturer or group of manufacturers to implement a stewardship  
16 program as described in sections 1 to 10 of this 2017 Act.

17 (14) "Stewardship program" means a statewide program for the environmentally sound  
18 management of covered products that is operated by a stewardship organization pursuant to  
19 a plan approved by the Department of Environmental Quality under section 6 of this 2017  
20 Act.

21 **SECTION 3.** (1) A manufacturer or retailer may not sell or offer for sale any covered  
22 product to any person in this state unless:

23 (a) The covered product is labeled with a brand; and

24 (b) The brand is included in a plan for a stewardship program that is submitted to and  
25 approved by the Department of Environmental Quality pursuant to sections 5 and 6 of this  
26 2017 Act.

27 (2) The manufacturer or retailer shall provide to consumers, at the time of sale, infor-  
28 mation on available collection opportunities for the covered product through the approved  
29 stewardship program.

30 (3) A retailer is in compliance with subsection (1) of this section if, on the date the cov-  
31 ered product is ordered from the manufacturer or its agent, the website maintained by the  
32 manufacturer's stewardship organization lists the manufacturer, along with the  
33 manufacturer's brand associated with the covered product, as a participant in an approved  
34 stewardship program.

35 **SECTION 4.** Before January 1 of each year, a stewardship organization for covered pro-  
36 ducts sold or offered for sale in this state shall register with the Department of Environ-  
37 mental Quality, for a period to cover the upcoming calendar year, on a form provided by the  
38 department. The registration must include:

39 (1) A list of all manufacturers that are participating in the stewardship organization.

40 (2) A list of all the brands manufactured, sold or imported by the manufacturers partic-  
41 ipating in the stewardship organization, including those brands being offered for sale in this  
42 state by the manufacturers.

43 (3) Any other information required by the department to implement sections 1 to 10 of  
44 this 2017 Act.

45 **SECTION 5.** (1) A stewardship organization shall submit a plan to the Department of

1 **Environmental Quality describing how the stewardship organization will:**

2 (a) Finance, manage and conduct a statewide stewardship program to collect covered  
3 products in this state.

4 (b) Provide for the environmentally sound management of covered products.

5 (c) Provide for advertising and promotion of collection opportunities statewide and on a  
6 regular basis.

7 (d) Coordinate with an architectural paint stewardship program as described in ORS  
8 459A.820 to 459A.855.

9 (e) Provide for convenient service as described in subsection (2) of this section.

10 (2) Unless the department adopts by rule different standards, a plan provides for con-  
11 venient service if:

12 (a) For a county or metropolitan service district where a permanent publicly owned or  
13 publicly contracted household hazardous waste collection site is located, the plan indicates  
14 that the stewardship organization will provide for the environmentally sound management  
15 of covered products received at the permanent site and received through collection events  
16 conducted by the county or metropolitan service district;

17 (b) For a county that does not have a permanent publicly owned or publicly contracted  
18 household hazardous waste collection site and that contains all or part of a city having a  
19 population of 25,000 or more, the plan indicates that the stewardship organization will hold  
20 at least one collection event per year and provides for the environmentally sound manage-  
21 ment of covered products received at the collection event held by the stewardship organiza-  
22 tion and at any collection events held by the county; and

23 (c) For a county that does not have a permanent publicly owned or publicly contracted  
24 household hazardous waste collection site and that does not contain all or part of a city  
25 having a population of 25,000 or more, the plan indicates that the stewardship organization  
26 will hold at least one collection event every other year and provides for the environmentally  
27 sound management of covered products received at the collection event held by the  
28 stewardship organization and at any collection events held by the county.

29 (3) In operating a stewardship program, a stewardship organization shall:

30 (a) Implement the plan required under this section no later than 60 days after the De-  
31 partment of Environmental Quality approves the plan.

32 (b) Meet or exceed the requirements for providing convenient service as described in  
33 subsection (2) of this section.

34 (c) Offer publicly owned or publicly contracted household hazardous waste collection sites  
35 the first opportunity to participate as collection sites.

36 (d) Provide for the environmentally sound management of covered products free of  
37 charge, except that a stewardship organization that provides premium service for a house-  
38 hold may charge for the additional cost of that premium service.

39 (e) Notify retailers that sell covered products made or sold by manufacturers participat-  
40 ing in the stewardship organization about the stewardship program and provide the retailers  
41 with information about available collection opportunities that the retailers will need in order  
42 to comply with section 3 (2) of this 2017 Act.

43 (f) By April 1 of each year, provide a report to the department that details how the plan  
44 required under this section was implemented during the previous calendar year.

45 (g) Establish and maintain a website that provides information about collection sites

1 under the program and lists manufacturers participating in the stewardship organization  
2 under the plan and covered products that are sold or offered for sale in this state by par-  
3 ticipating manufacturers.

4 **SECTION 6.** (1) The Department of Environmental Quality shall review and, no later than  
5 60 days after the date that a stewardship organization plan is submitted under section 5 of  
6 this 2017 Act, approve stewardship organization plans that comply with section 5 of this 2017  
7 Act.

8 (2) Notwithstanding section 5 (2)(b) and (c) of this 2017 Act, if the department determines  
9 that a plan does not provide convenient service in a county where a publicly owned or pub-  
10 licly contracted household hazardous waste collection site is located, the department may  
11 require a stewardship organization to pay the collection site for the collection of covered  
12 products. Payments by a stewardship organization under this subsection shall include pay-  
13 ment only for the direct costs to the collection site of receiving and preparing covered pro-  
14 ducts for transport to processors or disposal facilities. Charges to the stewardship  
15 organization may not exceed the actual costs of providing those services.

16 (3)(a) For calendar year 2022 and each subsequent year, the department shall calculate  
17 the weight of covered products managed in this state during the previous calendar year using  
18 information supplied by household hazardous waste collection sites in this state and shall  
19 establish a statewide collection target for the upcoming calendar year.

20 (b) No later than June 1 of each year, the department shall inform each registered  
21 stewardship organization of its return share for the next calendar year.

22 (4) The department shall:

23 (a) Determine statewide and county weight-based collection targets for covered products;

24 (b) Set an annual minimum return share for each stewardship program that enables the  
25 state to reach the statewide and county weight-based collection targets;

26 (c) Require stewardship organizations that have not met their return shares for the  
27 previous calendar year to pay the department for the amount not achieved at a rate deter-  
28 mined by the department to be equivalent to the average cost per pound to the stewardship  
29 organization for the environmentally sound management of covered products during the  
30 previous calendar year; and

31 (d) Establish a system for granting credits to a stewardship program for the collection,  
32 transportation and recycling of covered products in an amount that exceeds the stewardship  
33 program's return share for a calendar year.

34 (5) The department may grant deferrals or exemptions to stewardship organizations from  
35 requirements established under subsection (4) of this section.

36 (6) The department shall report biennially to the Legislative Assembly on the operation  
37 of the statewide system for the environmentally sound management of covered products.

38 **SECTION 7.** The Environmental Quality Commission may adopt rules as necessary to  
39 implement sections 1 to 10 of this 2017 Act.

40 **SECTION 8.** (1) In accordance with the applicable provisions of ORS chapter 183 relating  
41 to contested case proceedings, the Department of Environmental Quality may issue an order  
42 requiring compliance with the provisions of sections 1 to 10 of this 2017 Act.

43 (2) The department may bring an action against any manufacturer or stewardship or-  
44 ganization that is in violation of the provisions of sections 1 to 10 of this 2017 Act.

45 **SECTION 9.** (1) The Department of Environmental Quality shall charge an annual fee to

1 **be paid by a stewardship organization that is sufficient to cover the costs of administering,**  
2 **implementing and enforcing the provisions of sections 1 to 10 of this 2017 Act.**

3 **(2) Fees collected by the department under this section shall be deposited in the State**  
4 **Treasury to the credit of the Household Hazardous Waste Stewardship Fund established un-**  
5 **der section 10 of this 2017 Act.**

6 **SECTION 10. The Household Hazardous Waste Stewardship Fund is established, separate**  
7 **and distinct from the General Fund. Interest earned by the Household Hazardous Waste**  
8 **Stewardship Fund shall be credited to the fund. Moneys in the fund are continuously appro-**  
9 **priated to the Department of Environmental Quality and may be used only to pay the costs**  
10 **of administering, implementing and enforcing sections 1 to 10 of this 2017 Act.**

11 **SECTION 11. ORS 459.415 is amended to read:**

12 459.415. (1) Before any local government **unit or stewardship organization operating a**  
13 **household hazardous waste stewardship program under sections 1 to 10 of this 2017 Act** op-  
14 erates a permanent collection depot or periodic collection events for household hazardous waste or  
15 hazardous waste generated by conditionally exempt small quantity generators, the local government  
16 **or stewardship organization** shall receive written approval from the Department of Environmental  
17 Quality.

18 (2) In requesting written approval from the department, a local government unit **or stewardship**  
19 **organization** proposing to operate a permanent collection depot or periodic collection events shall  
20 submit a detailed proposal. The proposal shall include at least the following information:

21 (a) Measures to be taken to [*insure*] **ensure** safety of the public and employees or volunteers  
22 working at the collection site;

23 (b) Measures to be taken to prevent spills or releases of hazardous waste and a plan to respond  
24 to a spill or release if one occurs;

25 (c) A copy of the request for proposals for a contractor to properly manage and recycle or dis-  
26 pose of the waste collected in a manner consistent with the rules of the Environmental Quality  
27 Commission for hazardous waste collection, storage, transportation and disposal; and

28 (d) Measures to be implemented to [*insure*] **ensure** no waste is accepted from generators of  
29 hazardous waste subject to regulation under ORS 466.005 to 466.385 unless the intent is to specif-  
30 ically collect such waste.

31 (3) The department may request additional information about the proposed program from the  
32 local government unit **or stewardship organization**. The department shall not approve a program  
33 unless the program provides adequate provisions to protect the public health, safety and the envi-  
34 ronment.

35 **SECTION 12. Sections 1 to 10 of this 2017 Act and the amendments to ORS 459.415 by**  
36 **section 11 of this 2017 Act apply to all manufacturers engaging in the activities set forth in**  
37 **section 2 (5) of this 2017 Act before, on or after January 1, 2018.**

38 **SECTION 13. The administrative fee required to be paid under section 9 of this 2017 Act**  
39 **for the year 2018 shall be set at \$85,000, unless the Department of Environmental Quality**  
40 **determines that a higher fee is necessary to cover the costs of administering, implementing**  
41 **and enforcing the provisions of sections 1 to 10 of this 2017 Act.**

42  
43 **PHASE IN OF ADDITIONAL COVERED PRODUCTS**  
44

45 **SECTION 14. Section 2 of this 2017 Act is amended to read:**

1       **Sec. 2.** As used in sections 1 to 10 of this 2017 Act:

2       (1) “Brand” means a name, symbols, words or marks that identify a covered product and attri-  
3       bute the product to the owner of the brand as the manufacturer.

4       (2)(a) “Covered product” means:

5       (A) Any product offered for retail sale for household use if the product has any of the following  
6       characteristics:

7       (i) The physical properties of the product meet the criteria for designation as a class **2, 3 or 8**  
8       hazardous material, as defined in 49 C.F.R. 173, by the United States Department of Transportation  
9       pursuant to the Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq., as amended.

10       (ii) The product contains methylene chloride.

11       (iii) The product requires registration under the Federal Insecticide, Fungicide, and Rodenticide  
12       Act, P.L. 92-516, 7 U.S.C. 136, as amended.

13       **(iv) The physical properties of the product exhibit the characteristic of corrosivity as set**  
14       **forth in 40 C.F.R. 261.22.**

15       (B) The receptacle in which a product described in subparagraph (A) of this paragraph is  
16       contained[, *unless the receptacle is an aerosol as defined in 49 C.F.R. 171.8*].

17       (b) “Covered product” does not mean:

18       (A) A primary battery or rechargeable battery.

19       (B) A lamp that contains mercury.

20       (C) A thermostat that contains mercury.

21       (D) A pharmaceutical drug.

22       (E) Products sold for commercial agricultural use that require registration under the Federal  
23       Insecticide, Fungicide, and Rodenticide Act, P.L. 92-516, 7 U.S.C. 136, as amended.

24       (F) Architectural paint, as defined in ORS 459A.822.

25       (G) An electronic device, including but not limited to a covered electronic device as that term  
26       is defined in ORS 459A.305.

27       (H) Products that are intended to be rubbed, poured, sprinkled or sprayed on, introduced into  
28       or otherwise applied to the human body or any part thereof for cleansing, moisturizing, beautifying,  
29       promoting attractiveness or altering the appearance.

30       (3) “Environmentally sound management” means management using practices that comply with  
31       all applicable laws, including but not limited to:

32       (a) Adequate record keeping;

33       (b) Tracking and documentation of the fate of covered products from collection through final  
34       disposition within this state and outside this state;

35       (c) Performance audits and inspections;

36       (d) Compliance with worker health and safety requirements; and

37       (e) Maintenance of adequate environmental liability insurance and financial assurances for a  
38       stewardship organization and contractors working for the stewardship organization.

39       (4) “Final disposition” means the point beyond which no further processing takes place and the  
40       covered product has been:

41       (a) Transformed for direct use as a feedstock in producing new products; or

42       (b) Disposed of or processed for energy recovery in permitted facilities.

43       (5) “Manufacturer” means any person, irrespective of the selling technique used, including that  
44       of remote sale:

45       (a) That manufactures covered products under a brand that it owns or is licensed to use;

1 (b) That sells covered products manufactured by others under a brand that the seller owns;

2 (c) That manufactures covered products without affixing a brand;

3 (d) That manufactures covered products to which it affixes a brand that it does not own; or

4 (e) On whose account covered products manufactured outside the United States are imported  
5 into the United States. This paragraph does not apply if, at the time the covered products are im-  
6 ported into the United States, another person is registered as the owner of the brand of the covered  
7 products.

8 (6) "Person" means the United States, the state or a public or private corporation, local gov-  
9 ernment unit, public agency, individual, partnership, association, firm, trust, estate or other legal  
10 entity.

11 (7) "Pharmaceutical drug" means any product sold for human medical or veterinary use, in-  
12 cluding prescription, nonprescription, brand name and generic drugs.

13 (8) "Premium service" means a service such as at-home pickup service, including curbside  
14 pickup service.

15 (9) "Primary battery" means any nonrechargeable battery, including but not limited to an  
16 alkaline, a carbon-zinc and a lithium metal battery.

17 (10) "Rechargeable battery" means one or more voltaic or galvanic cells, electrically connected  
18 to produce electric energy and designed to be recharged.

19 (11) "Retailer" means a person that offers new covered products for sale at retail through any  
20 means, including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

21 (12) "Return share" means the minimum total weight of covered products that a stewardship  
22 organization is responsible for providing environmentally sound management for under an approved  
23 stewardship plan.

24 (13) "Stewardship organization" means a corporation, nonprofit organization or other legal en-  
25 tity created by a manufacturer or group of manufacturers to implement a stewardship program as  
26 described in sections 1 to 10 of this 2017 Act.

27 (14) "Stewardship program" means a statewide program for the environmentally sound manage-  
28 ment of covered products that is operated by a stewardship organization pursuant to a plan ap-  
29 proved by the Department of Environmental Quality under section 6 of this 2017 Act.

30 **SECTION 15. The amendments to section 2 of this 2017 Act by section 14 of this 2017 Act**  
31 **become operative on January 1, 2020.**

32 **SECTION 16.** Section 2 of this 2017 Act, as amended by section 14 of this 2017 Act, is amended  
33 to read:

34 **Sec. 2.** As used in sections 1 to 10 of this 2017 Act:

35 (1) "Brand" means a name, symbols, words or marks that identify a covered product and attri-  
36 bute the product to the owner of the brand as the manufacturer.

37 (2)(a) "Covered product" means:

38 (A) Any product offered for retail sale for household use if the product has any of the following  
39 characteristics:

40 (i) **The physical properties of the product meet the criteria for characteristic wastes**  
41 **under the federal Resource Conservation and Recovery Act of 1976, P.L. 94-580, 42 U.S.C. 6901**  
42 **et seq., as amended, including ignitability, corrosivity, reactivity or toxicity as defined in 40**  
43 **C.F.R. 261.20 to 261.24.**

44 [(i)] (ii) The physical properties of the product meet the criteria for designation as a class 2, 3,  
45 **4, 5, 6** or 8 hazardous material, as defined in 49 C.F.R. 173, by the United States Department of



1 Transportation pursuant to the Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et  
2 seq., as amended.

3 *[(ii) The product contains methylene chloride.]*

4 **(iii) The product is a marine pollutant as defined in 49 C.F.R. 171.8.**

5 *[(iii)] (iv) The product requires registration under the Federal Insecticide, Fungicide, and*  
6 *Rodenticide Act, P.L. 92-516, 7 U.S.C. 136, as amended.*

7 *[(iv) The physical properties of the product exhibit the characteristic of corrosivity as set forth in*  
8 *40 C.F.R. 261.22.]*

9 (B) The receptacle in which a product described in subparagraph (A) of this paragraph is con-  
10 tained.

11 (b) "Covered product" does not mean:

12 (A) A primary battery or rechargeable battery.

13 (B) A lamp that contains mercury.

14 (C) A thermostat that contains mercury.

15 (D) A pharmaceutical drug.

16 (E) Products sold for commercial agricultural use that require registration under the Federal  
17 Insecticide, Fungicide, and Rodenticide Act, P.L. 92-516, 7 U.S.C. 136, as amended.

18 (F) Architectural paint, as defined in ORS 459A.822.

19 (G) An electronic device, including but not limited to a covered electronic device as that term  
20 is defined in ORS 459A.305.

21 *[(H) Products that are intended to be rubbed, poured, sprinkled or sprayed on, introduced into or*  
22 *otherwise applied to the human body or any part thereof for cleansing, moisturizing, beautifying, pro-*  
23 *moting attractiveness or altering the appearance.]*

24 (3) "Environmentally sound management" means management using practices that comply with  
25 all applicable laws, including but not limited to:

26 (a) Adequate record keeping;

27 (b) Tracking and documentation of the fate of covered products from collection through final  
28 disposition within this state and outside this state;

29 (c) Performance audits and inspections;

30 (d) Compliance with worker health and safety requirements; and

31 (e) Maintenance of adequate environmental liability insurance and financial assurances for a  
32 stewardship organization and contractors working for the stewardship organization.

33 (4) "Final disposition" means the point beyond which no further processing takes place and the  
34 covered product has been:

35 (a) Transformed for direct use as a feedstock in producing new products; or

36 (b) Disposed of or processed for energy recovery in permitted facilities.

37 (5) "Manufacturer" means any person, irrespective of the selling technique used, including that  
38 of remote sale:

39 (a) That manufactures covered products under a brand that it owns or is licensed to use;

40 (b) That sells covered products manufactured by others under a brand that the seller owns;

41 (c) That manufactures covered products without affixing a brand;

42 (d) That manufactures covered products to which it affixes a brand that it does not own; or

43 (e) On whose account covered products manufactured outside the United States are imported  
44 into the United States. This paragraph does not apply if, at the time the covered products are im-  
45 ported into the United States, another person is registered as the owner of the brand of the covered

1 products.

2 (6) "Person" means the United States, the state or a public or private corporation, local gov-  
3 ernment unit, public agency, individual, partnership, association, firm, trust, estate or other legal  
4 entity.

5 (7) "Pharmaceutical drug" means any product sold for human medical or veterinary use, in-  
6 cluding prescription, nonprescription, brand name and generic drugs.

7 (8) "Premium service" means a service such as at-home pickup service, including curbside  
8 pickup service.

9 (9) "Primary battery" means any nonrechargeable battery, including but not limited to an  
10 alkaline, a carbon-zinc and a lithium metal battery.

11 (10) "Rechargeable battery" means one or more voltaic or galvanic cells, electrically connected  
12 to produce electric energy and designed to be recharged.

13 (11) "Retailer" means a person that offers new covered products for sale at retail through any  
14 means, including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

15 (12) "Return share" means the minimum total weight of covered products that a stewardship  
16 organization is responsible for providing environmentally sound management for under an approved  
17 stewardship plan.

18 (13) "Stewardship organization" means a corporation, nonprofit organization or other legal en-  
19 tity created by a manufacturer or group of manufacturers to implement a stewardship program as  
20 described in sections 1 to 10 of this 2017 Act.

21 (14) "Stewardship program" means a statewide program for the environmentally sound manage-  
22 ment of covered products that is operated by a stewardship organization pursuant to a plan ap-  
23 proved by the Department of Environmental Quality under section 6 of this 2017 Act.

24 **SECTION 17. The amendments to section 2 of this 2017 Act by section 16 of this 2017 Act  
25 become operative on January 1, 2021.**

26  
27 **MISCELLANEOUS**  
28

29 **SECTION 18. (1) Initial plans for a statewide stewardship program under section 5 of this  
30 2017 Act must be submitted to the Director of the Department of Environmental Quality not  
31 later than September 1, 2018.**

32 **(2) A stewardship program pursuant to an approved plan under sections 5 and 6 of this  
33 2017 Act may first be implemented no earlier than January 1, 2019.**

34 **SECTION 19. No later than December 31, 2023, the Department of Environmental Quality  
35 shall, in consultation with manufacturers and local governments, review information and  
36 data related to implementation of sections 1 to 10 of this 2017 Act during the calendar years  
37 2021 and 2022 to determine whether rulemaking by the department is necessary to adjust the  
38 convenience standards set forth in section 5 (2) of this 2017 Act or to modify any other re-  
39 quirements adopted by rule by the department pursuant to section 7 of this 2017 Act to en-  
40 sure that the a stewardship program is providing convenient service and providing for the  
41 environmentally sound management of covered products.**

42 **SECTION 20. (1) Sections 1 to 10 of this 2017 Act and the amendments to ORS 459.415  
43 by section 11 of this 2017 Act become operative on January 1, 2018.**

44 **(2) The Environmental Quality Commission and the Department of Environmental Qual-  
45 ity may take any action before the operative date specified in subsection (1) of this section**

1 that is necessary for the commission and the department to exercise, on and after the op-  
2 erative date specified in subsection (1) of this section, all of the duties, functions and powers  
3 conferred on the commission and the department by sections 1 to 10 of this 2017 Act and the  
4 amendments to ORS 459.415 by section 11 of this 2017 Act.

5  
6 **EMERGENCY CLAUSE**

7  
8 **SECTION 21.** This 2017 Act being necessary for the immediate preservation of the public  
9 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
10 on its passage.

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