

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3105**

1 On page 1 of the printed bill, line 2, delete “and” and after “459.415” in-
2 sert “; and declaring an emergency”.

3 Delete lines 4 through 31 and delete pages 2 through 6 and insert:
4

5 **“HOUSEHOLD HAZARDOUS WASTE STEWARDSHIP**

6
7 **“SECTION 1. The Legislative Assembly finds and declares that it is**
8 **in the best interest of the state for manufacturers of products for**
9 **household use that contain hazardous substances to take responsibility**
10 **for developing, financing and implementing a statewide system to**
11 **conveniently serve the urban and rural areas of this state, for the**
12 **collection and environmentally sound management of household haz-**
13 **ardous waste.**

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

15 **“(1) ‘Brand’ means a name, symbols, words or marks that identify**
16 **a covered product and attribute the product to the owner of the brand**
17 **as the manufacturer.**

18 **“(2)(a) ‘Covered product’ means:**

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

21 **“(i) The physical properties of the product meet the criteria for**

1 designation as a class 3 hazardous material, as defined in 49 C.F.R. 173,
2 by the United States Department of Transportation pursuant to the
3 Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq.,
4 as amended.

5 “(ii) The product contains methylene chloride.

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

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

12 “(b) ‘Covered product’ does not mean:

13 “(A) A primary battery or rechargeable battery.

14 “(B) A lamp that contains mercury.

15 “(C) A thermostat that contains mercury.

16 “(D) A pharmaceutical drug.

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

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

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

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

27 “(3) ‘Environmentally sound management’ means management us-
28 ing practices that comply with all applicable laws, including but not
29 limited to:

30 “(a) Adequate record keeping;

1 **“(b) Tracking and documentation of the fate of covered products**
2 **from collection through final disposition within this state and outside**
3 **this state;**

4 **“(c) Performance audits and inspections;**

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

6 **“(e) Maintenance of adequate environmental liability insurance and**
7 **financial assurances for a stewardship organization and contractors**
8 **working for the stewardship organization.**

9 **“(4) ‘Final disposition’ means the point beyond which no further**
10 **processing takes place and the covered product has been:**

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

13 **“(b) Disposed of or processed for energy recovery in permitted fa-**
14 **cilities.**

15 **“(5) ‘Manufacturer’ means any person, irrespective of the selling**
16 **technique used, including that of remote sale:**

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

19 **“(b) That sells covered products manufactured by others under a**
20 **brand that the seller owns;**

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

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

24 **“(e) On whose account covered products manufactured outside the**
25 **United States are imported into the United States. This paragraph**
26 **does not apply if, at the time the covered products are imported into**
27 **the United States, another person is registered as the owner of the**
28 **brand of the covered products.**

29 **“(6) ‘Person’ means the United States, the state or a public or pri-**
30 **ivate corporation, local government unit, public agency, individual,**

1 partnership, association, firm, trust, estate or other legal entity.

2 “(7) ‘Pharmaceutical drug’ means any product sold for human
3 medical or veterinary use, including prescription, nonprescription,
4 brand name and generic drugs.

5 “(8) ‘Premium service’ means a service such as at-home pickup
6 service, including curbside pickup service.

7 “(9) ‘Primary battery’ means any nonrechargeable battery, includ-
8 ing but not limited to an alkaline, a carbon-zinc and a lithium metal
9 battery.

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

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

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

20 “(13) ‘Stewardship organization’ means a corporation, nonprofit or-
21 ganization or other legal entity created by a manufacturer or group
22 of manufacturers to implement a stewardship program as described in
23 sections 1 to 10 of this 2017 Act.

24 “(14) ‘Stewardship program’ means a statewide program for the
25 environmentally sound management of covered products that is oper-
26 ated by a stewardship organization pursuant to a plan approved by the
27 Department of Environmental Quality under section 6 of this 2017 Act.

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

30 **“(a) The covered product is labeled with a brand; and**

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

4 “(2) The manufacturer or retailer shall provide to consumers, at the
5 time of sale, information on available collection opportunities for the
6 covered product through the approved stewardship program.

7 “(3) A retailer is in compliance with subsection (1) of this section
8 if, on the date the covered product is ordered from the manufacturer
9 or its agent, the website maintained by the manufacturer’s
10 stewardship organization lists the manufacturer, along with the
11 manufacturer’s brand associated with the covered product, as a par-
12 ticipant in an approved stewardship program.

13 “SECTION 4. Before January 1 of each year, a stewardship organ-
14 ization for covered products sold or offered for sale in this state shall
15 register with the Department of Environmental Quality, for a period
16 to cover the upcoming calendar year, on a form provided by the de-
17 partment. The registration must include:

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

20 “(2) A list of all the brands manufactured, sold or imported by the
21 manufacturers participating in the stewardship organization, including
22 those brands being offered for sale in this state by the manufacturers.

23 “(3) Any other information required by the department to imple-
24 ment sections 1 to 10 of this 2017 Act.

25 “SECTION 5. (1) A stewardship organization shall submit a plan to
26 the Department of Environmental Quality describing how the
27 stewardship organization will:

28 “(a) Finance, manage and conduct a statewide stewardship program
29 to collect covered products in this state.

30 “(b) Provide for the environmentally sound management of covered

1 **products.**

2 **“(c) Provide for advertising and promotion of collection opportu-**
3 **nities statewide and on a regular basis.**

4 **“(d) Coordinate with an architectural paint stewardship program**
5 **as described in ORS 459A.820 to 459A.855.**

6 **“(e) Provide for convenient service as described in subsection (2)**
7 **of this section.**

8 **“(2) Unless the department adopts by rule different standards, a**
9 **plan provides for convenient service if:**

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

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

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

1 the collection event held by the stewardship organization and at any
2 collection events held by the county.

3 **“(3) In operating a stewardship program, a stewardship organization
4 shall:**

5 **“(a) Implement the plan required under this section no later than
6 60 days after the Department of Environmental Quality approves the
7 plan.**

8 **“(b) Meet or exceed the requirements for providing convenient ser-
9 vice as described in subsection (2) of this section.**

10 **“(c) Offer publicly owned or publicly contracted household hazard-
11 ous waste collection sites the first opportunity to participate as col-
12 lection sites.**

13 **“(d) Provide for the environmentally sound management of covered
14 products free of charge, except that a stewardship organization that
15 provides premium service for a household may charge for the addi-
16 tional cost of that premium service.**

17 **“(e) Notify retailers that sell covered products made or sold by
18 manufacturers participating in the stewardship organization about the
19 stewardship program and provide the retailers with information about
20 available collection opportunities that the retailers will need in order
21 to comply with section 3 (2) of this 2017 Act.**

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

25 **“(g) Establish and maintain a website that provides information
26 about collection sites under the program and lists manufacturers par-
27 ticipating in the stewardship organization under the plan and covered
28 products that are sold or offered for sale in this state by participating
29 manufacturers.**

30 **“SECTION 6. (1) The Department of Environmental Quality shall**

1 review and, no later than 60 days after the date that a stewardship
2 organization plan is submitted under section 5 of this 2017 Act, approve
3 stewardship organization plans that comply with section 5 of this 2017
4 Act.

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

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

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

25 “(4) The department shall:

26 “(a) Determine statewide and county weight-based collection tar-
27 gets for covered products;

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

1 “(c) Require stewardship organizations that have not met their re-
2 turn shares for the previous calendar year to pay the department for
3 the amount not achieved at a rate determined by the department to
4 be equivalent to the average cost per pound to the stewardship or-
5 ganization for the environmentally sound management of covered
6 products during the previous calendar year; and

7 “(d) Establish a system for granting credits to a stewardship pro-
8 gram for the collection, transportation and recycling of covered pro-
9 ducts in an amount that exceeds the stewardship program’s return
10 share for a calendar year.

11 “(5) The department may grant deferrals or exemptions to
12 stewardship organizations from requirements established under sub-
13 section (4) of this section.

14 “(6) The department shall report biennially to the Legislative As-
15 sembly on the operation of the statewide system for the environ-
16 mentally sound management of covered products.

17 “SECTION 7. The Environmental Quality Commission may adopt
18 rules as necessary to implement sections 1 to 10 of this 2017 Act.

19 “SECTION 8. (1) In accordance with the applicable provisions of
20 ORS chapter 183 relating to contested case proceedings, the Depart-
21 ment of Environmental Quality may issue an order requiring compli-
22 ance with the provisions of sections 1 to 10 of this 2017 Act.

23 “(2) The department may bring an action against any manufacturer
24 or stewardship organization that is in violation of the provisions of
25 sections 1 to 10 of this 2017 Act.

26 “SECTION 9. (1) The Department of Environmental Quality shall
27 charge an annual fee to be paid by a stewardship organization that is
28 sufficient to cover the costs of administering, implementing and en-
29 forcing the provisions of sections 1 to 10 of this 2017 Act.

30 “(2) Fees collected by the department under this section shall be

1 deposited in the State Treasury to the credit of the Household Haz-
2 ardous Waste Stewardship Fund established under section 10 of this
3 2017 Act.

4 **“SECTION 10. The Household Hazardous Waste Stewardship Fund**
5 **is established, separate and distinct from the General Fund. Interest**
6 **earned by the Household Hazardous Waste Stewardship Fund shall be**
7 **credited to the fund. Moneys in the fund are continuously appropriated**
8 **to the Department of Environmental Quality and may be used only to**
9 **pay the costs of administering, implementing and enforcing sections**
10 **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 organ-**
13 **ization operating a household hazardous waste stewardship program**
14 **under sections 1 to 10 of this 2017 Act** operates a permanent collection
15 depot or periodic collection events for household hazardous waste or haz-
16 ardous waste generated by conditionally exempt small quantity generators,
17 the local government **or stewardship organization** shall receive written
18 approval from the Department of Environmental Quality.

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

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

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

27 **“(c) A copy of the request for proposals for a contractor to properly**
28 **manage and recycle or dispose of the waste collected in a manner consistent**
29 **with the rules of the Environmental Quality Commission for hazardous waste**
30 **collection, storage, transportation and disposal; and**

1 “(d) Measures to be implemented to [*insure*] **ensure** no waste is accepted
2 from generators of hazardous waste subject to regulation under ORS 466.005
3 to 466.385 unless the intent is to specifically collect such waste.

4 “(3) The department may request additional information about the pro-
5 posed program from the local government unit **or stewardship**
6 **organization**. The department shall not approve a program unless the pro-
7 gram provides adequate provisions to protect the public health, safety and
8 the environment.

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

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

18

19 **“PHASE IN OF ADDITIONAL COVERED PRODUCTS**

20

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

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

23 **“(1) ‘Brand’ means a name, symbols, words or marks that identify a cov-**
24 **ered product and attribute the product to the owner of the brand as the**
25 **manufacturer.**

26 **“(2)(a) ‘Covered product’ means:**

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

29 **“(i) The physical properties of the product meet the criteria for desig-**
30 **nation as a class 2, 3 or 8 hazardous material, as defined in 49 C.F.R. 173,**

1 by the United States Department of Transportation pursuant to the Hazard-
2 ous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq., as amended.

3 “(ii) The product contains methylene chloride.

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

6 **“(iv) The physical properties of the product exhibit the character-
7 istic of corrosivity as set forth in 40 C.F.R. 261.22.**

8 “(B) The receptacle in which a product described in subparagraph (A) of
9 this paragraph is contained[, *unless the receptacle is an aerosol as defined in*
10 *49 C.F.R. 171.8*].

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 registra-
17 tion under the Federal Insecticide, Fungicide, and Rodenticide Act, P.L.
18 92-516, 7 U.S.C. 136, as amended.

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

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

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

26 “(3) ‘Environmentally sound management’ means management using
27 practices that comply with all applicable laws, including but not limited to:

28 “(a) Adequate record keeping;

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

1 “(c) Performance audits and inspections;

2 “(d) Compliance with worker health and safety requirements; and

3 “(e) Maintenance of adequate environmental liability insurance and fi-
4 nancial assurances for a stewardship organization and contractors working
5 for the stewardship organization.

6 “(4) ‘Final disposition’ means the point beyond which no further process-
7 ing takes place and the covered product has been:

8 “(a) Transformed for direct use as a feedstock in producing new products;

9 or

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

11 “(5) ‘Manufacturer’ means any person, irrespective of the selling tech-
12 nique used, including that of remote sale:

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

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

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

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

20 “(e) On whose account covered products manufactured outside the United
21 States are imported into the United States. This paragraph does not apply
22 if, at the time the covered products are imported into the United States,
23 another person is registered as the owner of the brand of the covered pro-
24 ducts.

25 “(6) ‘Person’ means the United States, the state or a public or private
26 corporation, local government unit, public agency, individual, partnership,
27 association, firm, trust, estate or other legal entity.

28 “(7) ‘Pharmaceutical drug’ means any product sold for human medical or
29 veterinary use, including prescription, nonprescription, brand name and ge-
30 neric drugs.

1 “(8) ‘Premium service’ means a service such as at-home pickup service,
2 including curbside pickup service.

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

5 “(10) ‘Rechargeable battery’ means one or more voltaic or galvanic cells,
6 electrically connected to produce electric energy and designed to be re-
7 charged.

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

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

14 “(13) ‘Stewardship organization’ means a corporation, nonprofit organiza-
15 tion or other legal entity created by a manufacturer or group of manufac-
16 turers to implement a stewardship program as described in sections 1 to 10
17 of this 2017 Act.

18 “(14) ‘Stewardship program’ means a statewide program for the environ-
19 mentally sound management of covered products that is operated by a
20 stewardship organization pursuant to a plan approved by the Department of
21 Environmental Quality under section 6 of this 2017 Act.

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

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

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

27 “(1) ‘Brand’ means a name, symbols, words or marks that identify a cov-
28 ered product and attribute the product to the owner of the brand as the
29 manufacturer.

30 “(2)(a) ‘Covered product’ means:

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

3 “(i) **The physical properties of the product meet the criteria for**
4 **characteristic wastes under the federal Resource Conservation and**
5 **Recovery Act of 1976, P.L. 94-580, 42 U.S.C. 6901 et seq., as amended,**
6 **including ignitability, corrosivity, reactivity or toxicity as defined in**
7 **40 C.F.R. 261.20 to 261.24.**

8 “[*i*] (ii) The physical properties of the product meet the criteria for
9 designation as a class 2, 3, 4, 5, 6 or 8 hazardous material, as defined in 49
10 C.F.R. 173, by the United States Department of Transportation pursuant to
11 the Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq.,
12 as amended.

13 “[*ii*] *The product contains methylene chloride.*]

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

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

18 “[*iv*] *The physical properties of the product exhibit the characteristic of*
19 *corrosivity as set forth in 40 C.F.R. 261.22.*]

20 “(B) The receptacle in which a product described in subparagraph (A) of
21 this paragraph is contained.

22 “(b) ‘Covered product’ does not mean:

23 “(A) A primary battery or rechargeable battery.

24 “(B) A lamp that contains mercury.

25 “(C) A thermostat that contains mercury.

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27 “(E) Products sold for commercial agricultural use that require registra-
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3 “[*H*] *Products that are intended to be rubbed, poured, sprinkled or sprayed*
4 *on, introduced into or otherwise applied to the human body or any part thereof*
5 *for cleansing, moisturizing, beautifying, promoting attractiveness or altering*
6 *the appearance.*]

7 “(3) ‘Environmentally sound management’ means management using
8 practices that comply with all applicable laws, including but not limited to:

9 “(a) Adequate record keeping;

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

12 “(c) Performance audits and inspections;

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15 nancial assurances for a stewardship organization and contractors working
16 for the stewardship organization.

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18 ing takes place and the covered product has been:

19 “(a) Transformed for direct use as a feedstock in producing new products;

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

22 “(5) ‘Manufacturer’ means any person, irrespective of the selling tech-
23 nique used, including that of remote sale:

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25 is licensed to use;

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

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

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30 it does not own; or

1 “(e) On whose account covered products manufactured outside the United
2 States are imported into the United States. This paragraph does not apply
3 if, at the time the covered products are imported into the United States,
4 another person is registered as the owner of the brand of the covered pro-
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15 not limited to an alkaline, a carbon-zinc and a lithium metal battery.

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17 electrically connected to produce electric energy and designed to be re-
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30 mentally sound management of covered products that is operated by a

1 stewardship organization pursuant to a plan approved by the Department of
2 Environmental Quality under section 6 of this 2017 Act.

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

5

6

“MISCELLANEOUS

7

8 **“SECTION 18. (1) Initial plans for a statewide stewardship program
9 under section 5 of this 2017 Act must be submitted to the Director of
10 the Department of Environmental Quality not later than September
11 1, 2018.**

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

15 **“SECTION 19. No later than December 31, 2023, the Department of
16 Environmental Quality shall, in consultation with manufacturers and
17 local governments, review information and data related to implemen-
18 tation of sections 1 to 10 of this 2017 Act during the calendar years 2021
19 and 2022 to determine whether rulemaking by the department is nec-
20 essary to adjust the convenience standards set forth in section 5 (2)
21 of this 2017 Act or to modify any other requirements adopted by rule
22 by the department pursuant to section 7 of this 2017 Act to ensure that
23 the a stewardship program is providing convenient service and pro-
24 viding for the environmentally sound management of covered pro-
25 ducts.**

26 **“SECTION 20. (1) Sections 1 to 10 of this 2017 Act and the amend-
27 ments to ORS 459.415 by section 11 of this 2017 Act become operative
28 on January 1, 2018.**

29 **“(2) The Environmental Quality Commission and the Department
30 of Environmental Quality may take any action before the operative**

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

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“EMERGENCY CLAUSE

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

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