

HB 4126 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 02/14/18
Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (Printed A-Eng.)
Vote: 6-3-0-0
Yeas: 6 - Barnhart, Bonham, Helm, Holvey, Marsh, Power
Nays: 3 - Findley, Reschke, Smith DB
Fiscal: Fiscal impact issued
Revenue: Revenue impact issued
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WHAT THE MEASURE DOES:

Makes legislative findings related to collection and management of household hazardous waste. Defines terms. Prohibits a manufacturer or retailer from selling or offer for sale any "covered product" unless the covered product is labeled with a brand and the brand is included in a plan for an approved household hazardous waste stewardship program. Requires manufacturer or retailer to provide consumers information on available collection opportunities at the time of sale. Requires a stewardship organization for specified household products to register annually with the Department of Environmental Quality (DEQ), and include in registration a 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; provide convenient service; and coordinate with architectural paint stewardship program. Establishes requirements for collection based on population and presence of permanent publicly owned or contracted hazardous waste collection site. Establishes the following requirements for stewardship organization: implement plan within 60 days of approval; meet or exceed convenient service requirements; offer publicly owned or contracted collection sites the first opportunity to participate as collection sites; provide for environmentally sound management for all covered products; retailer notification; report to DEQ by April 1 of each year; and establish website with certain information. Requires DEQ to approve a submitted plan if it meets certain requirements and stewardship organization pays required fee. Requires DEQ to calculate weight of covered products each year and establish collection weight-based target for upcoming year, starting in 2023. 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 the 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. Authorizes DEQ to adopt methods for measuring program performance that may include, but are not limited to, convenience standards or public awareness measures. Stipulates person who violates Act incurs civil penalty. Creates the Household Hazardous Waste Stewardship Fund (Fund). Requires DEQ to charge an annual fee to stewardship organizations to reasonably cover administration costs to be credited to the Fund. Declares intent that development, implementation, and operation of household hazardous waste stewardship program be exempt from state antitrust laws. Becomes operative January 1, 2019. Requires initial plans for household hazardous waste stewardship programs to be submitted to DEQ no later than April 1, 2020. Requires household hazardous waste stewardship program pursuant to approved plan to be implemented no earlier than January 1, 2021. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Availability of collection services
- Funding mechanism for hazardous waste collection

This Summary has not been adopted or officially endorsed by action of the committee.

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- Existing product stewardship programs in Oregon
- Identification of products to be included in hazardous waste stewardship program

EFFECT OF AMENDMENT:

Excludes vitamin or dietary supplement from definition of "covered product." Clarifies definition of "environmentally sound management" and "household hazardous waste stewardship program." Requires plan submitted to Department of Environmental Quality to describe how the stewardship organization will: fund all the costs incurred for the environmentally sound management of covered products during each stage of management; and to coordinate with architectural paint stewardship program. Clarifies county or metropolitan service district collection events could be conducted by entity approved by DEQ. Requires plan submitted to describe how stewardship organization has made good faith effort to coordinate with certain entities, and allows stewardship organization to refuse to accept products that are not covered if DEQ finds they made good faith effort. Requires report submitted annually to DEQ by stewardship organization to include information about services provided and material collected during previous calendar year. Directs DEQ to approve or reject plan rather than issuing order. Stipulates that if DEQ determines plan does not provide convenient service in county where permanent publicly owned or contracted household hazardous waster collection site is located they may require stewardship organization to pay an approved entity to conduct collection events. Authorizes DEQ to adopt methods for measuring program performance that may include, but are not limited to, convenience standards or public awareness measures. Stipulates person who violates Act incurs civil penalty.

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 4126 A establishes a product stewardship program for household hazardous waste.