

HB 4126-3  
(LC 78)  
2/13/18 (MAM/ps)

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4126**

1 On page 1 of the printed bill, line 2, after “459.415” insert “and 459.995”.

2 On page 2, delete lines 13 and 14 and insert:

3 “(H) A vitamin or dietary supplement.

4 “(3) ‘Environmentally sound management’ includes, but is not limited to,  
5 the following management practices, implemented in a manner that is de-  
6 signed to protect public health, safety and the environment.”.

7 Delete lines 16 and 17 and insert:

8 “(b) Keeping detailed documentation of the methods used to:

9 “(A) Manage covered products; and

10 “(B) Track and document the fate of covered products from collection  
11 through final disposition within this state and outside this state;”.

12 In line 27, after “is” insert “funded and”.

13 On page 4, delete lines 3 through 5 and insert:

14 “(b) Fund the household hazardous waste stewardship program, including  
15 how the stewardship organization will fund all the costs incurred for the  
16 environmentally sound management of covered products during each stage  
17 of management, from collection of the covered products from the public  
18 through final disposition of the covered products.

19 “(c) Apportion the costs of the household hazardous waste stewardship  
20 program among each manufacturer participating in the stewardship organ-  
21 ization.”.

1 In line 6, delete “(c)” and insert “(d)”.

2 In line 7, delete “(d)” and insert “(e)”.

3 Delete lines 9 and 10 and insert:

4 “(f) Work to develop and implement the household hazardous waste  
5 stewardship program in coordination with:

6 “(A) An approved statewide architectural paint stewardship program as  
7 described in ORS 459A.820 to 459A.855; and

8 “(B) Any other stewardship organizations in this state.”.

9 In line 11, delete “(f)” and insert “(g)”.

10 Delete line 12.

11 Delete lines 15 through 31 and insert:

12 “(a) For a county or metropolitan service district where a permanent  
13 publicly owned or publicly contracted household hazardous waste collection  
14 site is located, the plan describes how the stewardship organization will  
15 provide for the environmentally sound management of covered products re-  
16 ceived at the permanent site and received through collection events con-  
17 ducted by an entity approved by the department to conduct collection events,  
18 the county or the metropolitan service district;

19 “(b) For a county that does not have a permanent publicly owned or  
20 publicly contracted household hazardous waste collection site and that con-  
21 tains all or part of a city having a population of 25,000 or more, the plan  
22 describes how the stewardship organization will provide for:

23 “(A) At least one collection event per year; and

24 “(B) The environmentally sound management of covered products received  
25 at the collection event provided for by the stewardship organization and at  
26 any additional collection events conducted by the department, an entity ap-  
27 proved by the department to conduct collection events or the county; and

28 “(c) For a county that does not have a permanent publicly owned or  
29 publicly contracted household hazardous waste collection site and that does  
30 not contain all or part of a city having a population of 25,000 or more, the

1 plan describes how the stewardship organization will provide for:

2 “(A) At least one collection event every other year; and

3 “(B) The environmentally sound management of covered products received  
4 at the collection event provided for by the stewardship organization and at  
5 any additional collection events conducted by the department, an entity ap-  
6 proved by the department to conduct collection events or the county.

7 “(3)(a) A plan submitted under subsection (1) of this section must describe  
8 how the stewardship organization has made a good faith effort to coordinate  
9 with an appropriate local government as defined in ORS 174.116, collection  
10 service franchise holder under ORS 459A.085 or person who provides col-  
11 lection service for the payment of costs associated with the receipt at col-  
12 lection events of products that are not covered products.

13 “(b) If the department determines that the stewardship organization has  
14 made a good faith effort under paragraph (a) of this subsection and was un-  
15 able to coordinate with the appropriate local government, collection service  
16 franchise holder or person who provides collection service, the department  
17 may allow the stewardship organization to refuse to accept at collection  
18 events products that are not covered products.”.

19 In line 32, delete “(3)” and insert “(4)”.

20 In line 44, after “sell” insert “or offer for sale”.

21 On page 5, line 3, after “year,” insert “or by a later date as determined  
22 by the department,” and delete “to” and insert “for review by”.

23 In line 4, after “year” insert “, including but not limited to information  
24 about the services that were provided and the material collected during the  
25 previous calendar year”.

26 In line 15, delete “issue an order either approving or rejecting” and insert  
27 “approve or reject”.

28 In line 16, delete “include in the order” and insert “inform the  
29 stewardship organization of”.

30 In line 18, delete “issues an order rejecting” and insert “rejects”.

1 In line 21, after “shall” delete the rest of the line and insert “approve or  
2 reject the revised plan.”.

3 Delete lines 22 and 23 and insert:

4 “(c) If the department rejects a revised plan under paragraph (b) of this  
5 subsection, the department shall either:”.

6 In line 40, after “department” insert “rejects a revised plan submitted  
7 by”.

8 Delete line 41.

9 On page 6, line 1, after “to” delete the rest of the line and lines 2 and 3  
10 and insert “pay an entity approved by the department to conduct collection  
11 events for the costs the approved entity incurs for the collection, transport,  
12 processing and disposal or other management of covered products.”.

13 In line 4, delete “transport to processors or disposal facilities.”.

14 Delete lines 6 through 17 and insert:

15 “(5) For calendar year 2023 and each subsequent year, the department  
16 shall calculate the weight of covered products managed in this state during  
17 the previous calendar year using information supplied by the stewardship  
18 organizations and household hazardous waste collection sites in this state  
19 and gathered from collection events, and shall establish a statewide weight-  
20 based collection target for covered products, including orphan covered pro-  
21 ducts, for the upcoming calendar year. The department shall:

22 “(a) Set an annual minimum return share for each stewardship organiza-  
23 tion that enables the state to reach the statewide weight-based collection  
24 targets;

25 “(b) No later than June 1 of each year, inform each stewardship organ-  
26 ization of its return share for the next calendar year;”.

27 After line 25, insert:

28 “(6) The department may adopt by rule methods for measuring program  
29 performance that the department may implement in addition to, or in lieu  
30 of, the provisions of subsection (5) of this section. Program performance

1 methods adopted under this subsection may include, but need not be limited  
2 to, convenience standards or public awareness measures.”.

3 In line 27, delete “(6)” and insert “(5)”.

4 In line 33, after “any” delete the rest of the line and insert “person”.

5 In line 34, delete “ganization”.

6 On page 7, after line 40, insert:

7 **“SECTION 13.** ORS 459.995 is amended to read:

8 “459.995. (1) Except as provided in subsection (2) of this section, in addi-  
9 tion to any other penalty provided by law:

10 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to  
11 459.405, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335,  
12 459A.675 to 459A.685 or 646A.080 **or sections 1 to 11 of this 2018 Act**, or  
13 any rule or order of the Environmental Quality Commission pertaining to the  
14 disposal, collection, storage or reuse or recycling of solid wastes, as defined  
15 by ORS 459.005, or any rule or order pertaining to the disposal, storage or  
16 transportation of waste tires, as defined by ORS 459.705, or any rule or order  
17 pertaining to the sale of novelty items that contain encapsulated liquid  
18 mercury, incurs a civil penalty not to exceed \$25,000 per day for each day  
19 of the violation.

20 “(b) Any person who violates the provisions of ORS 459.420 to 459.426  
21 incurs a civil penalty not to exceed \$500 for each violation. Each battery that  
22 is disposed of improperly is a separate violation. Each day an establishment  
23 fails to post the notice required under ORS 459.426 is a separate violation.

24 “(c) For each day a city, county or metropolitan service district fails to  
25 provide the opportunity to recycle as required under ORS 459A.005, the city,  
26 county or metropolitan service district incurs a civil penalty not to exceed  
27 \$500 for each violation.

28 “(d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs  
29 a civil penalty not to exceed \$500 for each violation. Each covered electronic  
30 device that is disposed of improperly is a separate violation.

1 “(e) Any retailer that violates the provisions of ORS 459A.825 (1) or (2)(b)  
2 incurs a civil penalty not to exceed \$100 per day for each day of the vio-  
3 lation.

4 “(f) Any producer that violates the provisions of ORS 459A.825 (1) incurs  
5 a civil penalty not to exceed \$1,000 per day for each day of the violation.

6 “(g) Any stewardship organization that violates the provisions of ORS  
7 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 incurs a civil  
8 penalty not to exceed \$1,000 per day for each day of the violation.

9 “(2) Any product manufacturer or package manufacturer who violates  
10 ORS 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to  
11 459A.665 incurs a civil penalty not to exceed \$1,000 per day for each day of  
12 the violation. A violation of ORS 459A.650 to 459A.665 is not subject to ad-  
13 ditional penalties under subsection (1) of this section.

14 “(3) Any civil penalty authorized by subsection (1) or (2) of this section  
15 shall be imposed in the manner provided by ORS 468.135.”.

16 In line 41, delete “13” and insert “14” and after “459.415” insert “and  
17 459.995”.

18 In line 42, delete “section 12” and insert “sections 12 and 13”.

19 On page 8, line 1, delete “14” and insert “15” and after “459.415” insert  
20 “and 459.995”.

21 In line 2, delete “section 12” and insert “sections 12 and 13”.

22 In line 8, delete “by section 12” and insert “and 459.995 by sections 12 and  
23 13”.

24 In line 9, delete “15” and insert “16”.

25 In line 12, delete “(3)(a)” and insert “(4)(a)”.

26 In line 18, delete “16” and insert “17”.

27 In line 24, delete “17” and insert “18”.

28