

Here's a brief summary of the issues raised in the hearing that we're trying to address with this amendment:

LEGAL COSTS

The producers were concerned that the introduced bill prohibited them from using consumer fee dollars to pursue or respond to litigation with the state. The amendment allows them to use those dollars for litigation costs, unless it's an action under ORS 183, the state Administrative Procedures Act, which does provide for prevailing-party legal fees to be awarded by the judge.

LIABILITY TO PRODUCERS

The producers were concerned that the introduced bill made individual producers liable for civil penalties issued by DEQ to the PRO. The amendment removes that language.

ILLEGAL DUMPING

The producers were concerned that the language in the bill around incentives for recovery of illegally dumped mattresses might lead to individuals going onto private property to recover mattresses, creating liability issues. The amendment clarifies that incentive programs cannot require the PRO or collectors to enter private property without authorization from the property owner.

The producers were concerned that the bill required them to report on illegally dumped mattresses, which is information that the PRO would not have. The amendment changes the bill so that this information will be required of DEQ, not of the PRO.

CONVENIENCE STANDARD

The producers were concerned that the introduced bill was too prescriptive in terms of the siting requirements for collection sites. The amendment provides additional flexibility for the PRO to adopt alternate methods if they can show that the resulting service will be equivalent in terms of consumer access.

REPORTING

The producers were concerned that the annual reporting requirements were too specific and would be difficult and costly to provide. The amendment reduces the specificity of the reporting and clarifies that the intent is for the reports to be sufficient for DEQ to determine how the program is working in different parts of the state.

AUDIT FREQUENCY and PLAN DURATION

The producers were concerned that having to get a new plan approved every four years would be onerous. They were also concerned that the ability of DEQ to request a performance audit every four years was too often. The amendment changes both of these from four years to five years.

Happy to answer any questions. Thank you!

LG

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