

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 582

By JOINT COMMITTEE ON WAYS AND MEANS

June 21

1 On page 2 of the printed A-engrossed bill, delete lines 13 through 45 and delete pages 3 through
2 5.

3 On page 6, delete lines 1 through 19 and insert:

4 **“SECTION 2. Definitions. As used in sections 1 to 43 of this 2021 Act:**

5 **“(1) ‘Brand’ means any mark, word, name, symbol, design, device or graphical element,**
6 **or a combination thereof, including a registered or unregistered trademark, that identifies**
7 **a product and distinguishes the product from other products.**

8 **“(2) ‘Commingled recycling’ means the recycling or recovery of two or more materials**
9 **that are mixed together and that generally would be separated into individual materials at**
10 **a commingled recycling processing facility in order to be marketed.**

11 **“(3)(a) ‘Commingled recycling processing facility’ means a facility that:**

12 **“(A) Receives source separated commingled recyclable materials that are collected**
13 **commingled from a collection program providing the opportunity to recycle; and**

14 **“(B) Separates the recyclable materials described in subparagraph (A) of this paragraph**
15 **into marketable commodities or streams of materials that are intended for use or further**
16 **processing by others.**

17 **“(b) ‘Commingled recycling processing facility’ does not include:**

18 **“(A) Scrap metal recycling facilities;**

19 **“(B) Scrap automotive or appliance recycling facilities;**

20 **“(C) Full-service redemption centers or dealer redemption centers, as those terms are**
21 **defined in ORS 459A.700, and recycling facilities owned and operated by a distributor coop-**
22 **erative established under ORS 459A.718;**

23 **“(D) Recycling facilities handling covered electronic devices, as defined in ORS 459A.305;**

24 **“(E) Recycling processing facilities that process only noncommingled, source separated**
25 **recyclable material from commercial entities;**

26 **“(F) Recycling processing facilities that recover commingled recyclable material prima-**
27 **rily from the construction and demolition debris waste stream;**

28 **“(G) Recycling depots;**

29 **“(H) Recycling reload facilities; or**

30 **“(I) Limited sort facilities, as defined by rule by the Environmental Quality Commission.**

31 **“(4) ‘Contaminant’ means:**

32 **“(a) A material set out for recycling collection that is not properly prepared and on the**
33 **list of materials accepted for recycling collection by a recycling collection program; or**

34 **“(b) A material shipped to a recycling end market that is not accepted or desired by that**
35 **end market.**

1 “(5) ‘Contamination’ means the presence of one or more contaminants in a recycling
2 collection or commodity stream in an amount or concentration that negatively impacts the
3 value of the material or negatively impacts a processor’s ability to sort that material.

4 “(6)(a) ‘Covered product’ means:

5 “(A) Packaging;

6 “(B) Printing and writing paper; and

7 “(C) Food serviceware.

8 “(b) ‘Covered product’ does not include:

9 “(A) A beverage container, as defined in ORS 459A.700.

10 “(B) Bound books.

11 “(C) Napkins, paper towels or other paper intended to be used for cleaning or the ab-
12 sorption of liquids.

13 “(D) Rigid pallets used as the structural foundation for transporting goods lifted by a
14 forklift, pallet jack or similar device.

15 “(E) Specialty packaging items that are used exclusively in industrial or manufacturing
16 processes, including but not limited to:

17 “(i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food
18 processor; and

19 “(ii) Trays, whether designed for a single use or multiple uses, used for the transport of
20 component parts from a parts supplier to a manufacturer that assembles those parts.

21 “(F) Liquified petroleum gas containers that are designed to be refilled.

22 “(G) A material that the producer demonstrates is exempt under section 4 of this 2021
23 Act.

24 “(H) Pallet wrap or similar packaging used to secure a palletized load if added by a person
25 that is not the producer of the palletized covered products.

26 “(I) Packaging related to containers for architectural paint, as defined in ORS 459A.822,
27 that has been collected by a producer responsibility organization under the program estab-
28 lished under ORS 459A.820 to 459A.855.

29 “(J) Any item that is not ultimately discarded inside this state, whether for purposes of
30 recovery or disposal.

31 “(K) Items sold on a farm or used on a farm, including items used for farm use, as de-
32 fined in ORS 215.203, or for processing on a farm, provided that an item used on a farm is
33 not subsequently sold at a retail establishment that is not located on a farm.

34 “(L) Items used by a nursery licensed under ORS 571.055 that generates the majority of
35 the nursery’s revenue through the sale of nursery stock, as defined in ORS 571.005, provided
36 that the items are not sold through retail sales.

37 “(M) Packaging and paper products sold or supplied in connection with:

38 “(i) Prescription drugs as defined in ORS 689.005;

39 “(ii) Nonprescription drugs as defined in ORS 689.005;

40 “(iii) Drugs marketed under a brand name as defined in ORS 689.515; or

41 “(iv) Drugs marketed under a generic name as defined in ORS 689.515.

42 “(N) Packaging and paper products sold or supplied in connection with drugs that are
43 used for animal medicines, including but not limited to parasiticide drugs for animals.

44 “(O) Packaging and paper products sold or supplied in connection with:

45 “(i) Infant formula as defined in 21 U.S.C. 321(z);

1 “(ii) Medical food as defined in 21 U.S.C. 360ee(b)(3); or
2 “(iii) Fortified oral nutritional supplements used for individuals who require supplemental
3 or sole source nutrition to meet nutritional needs due to special dietary needs directly re-
4 lated to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those
5 terms are defined as by the International Classification of Diseases, Tenth Revision, or other
6 medical conditions as determined by the commission.
7 “(P) Wine and spirit containers for which a refund value is established under Oregon law.
8 “(Q) Packaging for products:
9 “(i) That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to
10 toxic or hazardous materials, to state on the label or container that the packaging should
11 not be recycled or should be disposed of in a manner other than recycling; or
12 “(ii) Identified by the commission by rule as product that is required by law to state on
13 the label or container that the packaging should not be recycled or should be disposed of in
14 a manner other than recycling.
15 “(R) Any other material, as determined by the commission by rule, after consultation
16 with the Oregon Recycling System Advisory Council.
17 “(7) ‘Food serviceware’ means paper or plastic plates, wraps, cups, bowls, pizza boxes,
18 cutlery, straws, lids, bags, aluminum foil or clamshells or similar containers:
19 “(a) That are generally intended for single use; and
20 “(b) That are sold to a retailer or a dine-in food establishment or a take-out food estab-
21 lishment, regardless of whether the item is used to prepackage food for resale, is filled on
22 site for food ordered by a customer or is resold as is.
23 “(8) ‘Large producer’ means a producer that is among the 25 largest producers of covered
24 products based on market share.
25 “(9) ‘Licensee’ means a person that is licensed by a brand and manufactures a covered
26 product or a packaged item under that brand.
27 “(10) ‘Litter’ means waste that is improperly placed so as to be a nuisance or aesthetic,
28 health or environmental concern.
29 “(11) ‘Local government’ means:
30 “(a) A city;
31 “(b) A county; or
32 “(c) A metropolitan service district.
33 “(12) ‘Local government’s service provider’ means:
34 “(a) A collection service franchise holder under ORS 459A.085;
35 “(b) Any person authorized by a city or county to provide recycling collection services
36 described in subsection (25)(a) to (d) of this section; or
37 “(c) Any person authorized by a metropolitan service district to provide recycling col-
38 lection services described in subsection (25)(d) of this section.
39 “(13) ‘Market share’ means a producer’s percentage of all covered products sold in or into
40 this state during a specified time period, as calculated in accordance with methods estab-
41 lished by the commission by rule.
42 “(14) ‘Mechanical recycling’ means a form of recycling that does not change the basic
43 molecular structure of the material being recycled.
44 “(15) ‘Metropolitan service district’ means a metropolitan service district established
45 under ORS chapter 268.

1 “(16) ‘Nonprofit organization’ means an organization or group of organizations described
2 in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under
3 section 501(a) of the Internal Revenue Code.

4 “(17) ‘Opportunity to recycle’ has the meaning given that term in ORS 459A.005.

5 “(18)(a) ‘Packaging’ means:

6 “(A) Materials used for the containment or protection of products, including but not
7 limited to paper, plastic, glass or metal or a mixture thereof;

8 “(B) Single-use bags, including but not limited to shopping bags; and

9 “(C) Nondurable materials used in storage, shipping or moving, including but not limited
10 to packing materials, moving boxes, file boxes and folders.

11 “(b) ‘Packaging’ does not include:

12 “(A) Food serviceware; or

13 “(B) Sharps, as defined in ORS 459.386.

14 “(19) ‘Person’ has the meaning given that term in ORS 459.005.

15 “(20) ‘Printing and writing paper’ includes, but is not limited to, newspaper, magazines,
16 flyers, brochures, booklets, catalogs, telephone directories and paper used for copying, writ-
17 ing or other general use.

18 “(21) ‘Processor’ means a person that owns or operates a commingled recycling pro-
19 cessing facility.

20 “(22) ‘Producer’ means a person that is determined to be the producer of a covered
21 product under section 3 of this 2021 Act.

22 “(23) ‘Producer responsibility organization’ means a nonprofit organization established
23 by a producer or group of producers to administer a producer responsibility program.

24 “(24) ‘Producer responsibility program’ means a statewide program for the responsible
25 management of covered products that is administered by a producer responsibility organiza-
26 tion pursuant to a plan approved by the Department of Environmental Quality under section
27 7 of this 2021 Act.

28 “(25) ‘Recycling collection’ means the act or process of gathering recyclable materials
29 by:

30 “(a) On-route residential collection from the generator at the place of generation;

31 “(b) On-site nonresidential collection from the generator at the place of generation;

32 “(c) Multifamily on-route residential collection from each multifamily dwelling that has
33 five or more units;

34 “(d) Recycling depots at a disposal site or another designated location that is more con-
35 venient to the population being served and expanded depots as described in ORS 459A.007;
36 or

37 “(e) Other collection methods included in an approved producer responsibility program
38 plan.

39 “(26) ‘Recycling depot’ means a location where recyclable materials are accepted from
40 the public or commercial businesses and transported to a location for processing or to an
41 end market.

42 “(27) ‘Recycling reload facility’ means a facility other than a recycling depot where
43 recyclable materials are received, consolidated and made ready for transport to another lo-
44 cation for processing or to a responsible end market.

45 “(28) ‘Recycling system’ means all aspects of the programs and participants that have a

1 role in Oregon’s statewide recycling structure, including producers of products sold in or into
2 Oregon, generators of recyclable materials, governments that regulate materials manage-
3 ment programs, businesses that collect and process recyclable materials and persons that
4 receive recyclable materials to convert to new feedstock or products.

5 “(29) ‘Responsible end market’ means a materials market in which the recycling or re-
6covery of materials or the disposal of contaminants is conducted in a way that benefits the
7 environment and minimizes risks to public health and worker health and safety.

8 “(30) ‘Responsible management’ means the handling, tracking and disposition of covered
9 products from the point of collection through the final destination of the collected material
10 in a way that benefits the environment and minimizes risks to public health and worker
11 health and safety.

12 “(31) ‘Responsible recycling’ means the handling of covered products for recycling and
13 removal of contaminants by a certified or permitted processor and disposition to a respon-
14 sible end market.

15 “(32) ‘Small producer’ means a producer that:

16 “(a) Is a nonprofit organization;

17 “(b) Is a public body, as defined in ORS 174.109;

18 “(c) Has a gross revenue of less than \$5 million for the organization’s most recent fiscal
19 year;

20 “(d) Sold in or into Oregon less than one metric ton of covered products for use in this
21 state in the most recent calendar year;

22 “(e) Is a manufacturer of a beverage sold in a beverage container, as those terms are
23 defined in ORS 459A.700, that sold in or into Oregon less than five metric tons of covered
24 products, including but not limited to secondary and tertiary packaging for beverage con-
25 tainers, for use in this state in the most recent calendar year;

26 “(f)(A) Is a restaurant, food cart or similar business establishment that primarily sells
27 to members of the public food that is generally intended to be consumed immediately and
28 without the need for further preparation, either on or off the premises; and

29 “(B) Is not a producer of food serviceware as described in section 3 of this 2021 Act; or

30 “(g) Operates a single retail sales establishment, has no online sales and is not supplied
31 or operated as part of a franchise or a chain.

32 “(33) ‘Specifically identified material’ means a material or covered product identified by
33 the department under section 23 of this 2021 Act.

34 “(34) ‘Uniform statewide collection list’ means the list of materials established in ac-
35 cordance with the requirements of section 22 (4) of this 2021 Act.”.

36 Delete line 37 and insert:

37 “(b) For items sold or distributed in packaging in or into this state via remote sale or distrib-
38 ution:”.

39 After line 41, insert:

40 “(c) For all other packaging that is a covered product, the producer of the packaging is the
41 person that first distributes the packaged item in or into this state.”.

42 On page 10, delete lines 28 through 33.

43 On page 11, line 18, after “program” insert a period and delete the rest of the line and delete
44 lines 19 through 29.

45 On page 14, delete lines 39 through 45.

1 On page 15, delete lines 1 through 16 and insert:

2 **“SECTION 10. Producer responsibility program plan amendments. (1) A producer re-**
3 **sponsibility organization shall submit an amendment to a producer responsibility program**
4 **plan:**

5 **“(a) When proposing to change an approved producer responsibility program plan as it**
6 **relates to the producer responsibility organization’s obligations:**

7 **“(A) Under section 6 (2)(a), (g) to (i), (L) to (n), (p) or (q) of this 2021 Act; or**

8 **“(B) Under section 22 of this 2021 Act.**

9 **“(b) When changing methods used to establish membership fees under section 11 of this**
10 **2021 Act.**

11 **“(c) When changing methods of compensating local governments or local governments’**
12 **service providers as required under section 13 of this 2021 Act.**

13 **“(d) When the Department of Environmental Quality identifies or removes one or more**
14 **specifically identified materials under section 23 of this 2021 Act.**

15 **“(e) When required to do so under section 27 of this 2021 Act.**

16 **“(f) When required to do so by rules adopted by the Environmental Quality Commission.**

17 **“(2) Not less than once per calendar quarter, a producer responsibility organization shall**
18 **provide written notice to the department and the Oregon Recycling System Advisory Council**
19 **of any changes made during the previous month to a producer responsibility program plan**
20 **that are changes for which an amendment is not required under subsection (1) of this sec-**
21 **tion.”.**

22 Delete lines 31 through 36 and insert:

23 **“(3) Covered products sold or distributed in or into this state that are not accepted by recycling**
24 **collection programs in this state shall be assessed base fee rates as follows:**

25 **“(a) First, the average base fee rates for covered products described in this subsection must be**
26 **higher than the average for covered products that are accepted by recycling collection programs in**
27 **this state.**

28 **“(b) Second, provided that the requirements of paragraph (a) of this subsection are satisfied, the**
29 **base fee rate shall be approximately proportional to the covered products’ relative contribution to**
30 **the financial obligations of the producer responsibility organization.”.**

31 On page 16, delete lines 4 through 6 and insert:

32 **“(c) The producer’s choice of material;**

33 **“(d) Life cycle environmental impacts, as demonstrated by an evaluation performed in accord-**
34 **ance with section 33 of this 2021 Act; and**

35 **“(e) The recycling rate of the material relative to the recycling rate of other covered**
36 **products.”.**

37 In line 16, delete “\$5 million” and insert “\$10 million”.

38 Delete lines 37 through 39 and insert:

39 **“(d) A description of the producer responsibility organization’s efforts, including work with**
40 **processors, to ensure that the collected covered products were responsibly managed and delivered**
41 **to responsible end markets;”.**

42 On page 17, delete lines 18 through 45.

43 On page 18, delete lines 1 through 16 and insert:

44 **“(L) A description of activities undertaken by the producer responsibility organization that re-**
45 **late to the uniform statewide collection list and the specifically identified materials list;**

1 “(m) An assessment of whether the producer responsibility organization has met collection tar-
2 gets, convenience standards and performance standards established by the Environmental Quality
3 Commission under section 22 of this 2021 Act and efforts planned to meet or continue meeting such
4 targets and standards;

5 “(n) A summary of efforts taken by the producer responsibility organization to meet the state-
6 wide plastic recycling goal established under section 27 of this 2021 Act and efforts planned to
7 maintain performance in meeting the goal or, if the goal has not been met, efforts planned to meet
8 the goal;

9 “(o) The results of any in-person site inspections, material tracking or other audits conducted
10 during the reporting year, including whether any major safety or environmental management prac-
11 tices were not properly followed and, if so, the corrective actions taken;

12 “(p) Recommendations for any changes to the producer responsibility organization’s plan to im-
13 prove recovery and recycling;

14 “(q) A summary of the quarterly reports described in subsection (6) of this section and an eval-
15 uation of the adequacy of responsible end markets;

16 “(r) A summary of actions actually taken or planned by the producer responsibility organization
17 to improve responsible end markets, pay for improvements in processing infrastructure or improve
18 the resiliency of the producer responsibility program;

19 “(s) The number of producers that received each type of membership fee adjustment offered un-
20 der section 11 of this 2021 Act and the amount of covered products, by material and format, for
21 which producers received each type of adjustment;

22 “(t) An evaluation of the effectiveness of membership fee adjustments at encouraging producers
23 to reduce the environmental and human health impacts of covered products, with relation to the
24 factors and criteria used by the producer responsibility organization’s membership fee structure;

25 “(u) An evaluation of the producer responsibility organization’s compliance with sections 1 to
26 43 of this 2021 Act and, if necessary, actions that will be taken to achieve compliance;

27 “(v) A report by an independent certified public accountant, retained by the producer responsi-
28 bility organization at the organization’s expense, on the accountant’s audit of the organization’s fi-
29 nancial statements;

30 “(w) The results of any nonfinancial audits or assessments measuring performance or outcomes;

31 “(x) A description of activities undertaken by the producer responsibility organization that re-
32 late to the educational resources and promotional campaigns described in section 14 of this 2021
33 Act; and

34 “(y) Any other information required by the department.”.

35 In line 24, after “by” insert “or market share of”.

36 On page 19, line 26, delete “for a” and insert “for less than 50 miles or for a greater”.

37 On page 20, delete lines 2 through 45 and delete page 21.

38 On page 22, delete lines 1 through 6 and insert:

39 “(5)(a) Costs associated with the expansion and provision of recycling collection services for
40 covered products as provided in this subsection are eligible costs for funding or reimbursement by
41 a producer responsibility organization.

42 “(b) A local government that commits to expanding recycling opportunities during the needs
43 assessment conducted under subsection (8) of this section is eligible for funding or reimbursements
44 under this subsection. A producer responsibility organization shall work with local governments to
45 determine the services the local government is requesting and the schedule by which the new pro-

1 gram will be implemented, and shall provide funding for the new programs in advance of or con-
2 current with implementation.

3 “(c) A producer responsibility organization shall provide funding for activities requested by local
4 governments through the periodic needs assessment conducted under subsection (8) of this section.

5 “(d) Eligible costs under this subsection include:

6 “(A) For on-route programs, start-up costs, including but not limited to trucks, containers, pro-
7 motional literature and, if necessary and none other is available, a recycling reload facility for re-
8 loading recyclables, including any compaction equipment necessary for the recycling reload facility;
9 and

10 “(B) For recycling depots, containers, on-site monitoring equipment, site preparation or other
11 start-up costs and operational costs, including staffing.

12 “(6) The costs of complying with section 21 of this 2021 Act, to the extent that the use of post-
13 consumer recycled material is more expensive than the lowest priced alternative, are eligible costs
14 for funding or reimbursement by a producer responsibility organization.

15 “(7) The costs associated with other recycling system improvements for covered products as
16 determined by the commission by rule are eligible costs for funding or reimbursement by a producer
17 responsibility organization.

18 “(8)(a) The Department of Environmental Quality shall conduct a statewide needs assessment in
19 partnership with local governments and local governments’ service providers to determine local in-
20 terest in expanding collection options and recycling depots in areas not served with those collection
21 opportunities, provided that funds are made available to the local programs for expansion.

22 “(b) The needs assessment shall include a process for local governments to request services and
23 commit to providing additional services.

24 “(c) The department shall periodically repeat the assessment and may conform the timing of the
25 assessment to coincide with the schedule for producer responsibility organizations to submit new
26 producer responsibility program plans.

27 “(9) A local government or the local government’s service provider requesting reimbursement
28 under this section shall submit an accounting of its costs to a producer responsibility organization,
29 if the reimbursement is not otherwise determined according to a formula.

30 “(10) A producer responsibility organization shall remit payment for expenses under this section
31 to a local government or the local government’s service provider or other person authorized by the
32 local government to receive payment within 60 days of receiving a request for payment. A producer
33 responsibility organization shall provide written notification to the local government of any pay-
34 ments remitted to a person authorized by the local government to receive payment.

35 “(11)(a) The department may review or audit the cost accounting and reimbursement request
36 records of a producer responsibility organization, a local government or the local government’s
37 service provider that receives payment under this section.

38 “(b) The department shall require a local government or a local government’s service provider
39 that receives advance funding under this subsection and does not use the moneys for the purposes
40 for which the funding was provided to return the funding to the producer responsibility organization,
41 according to standards established by the commission by rule.

42 “(c) Information furnished to the department under paragraph (a) of this subsection may be
43 designated confidential. Information designated confidential is not subject to public disclosure under
44 ORS 192.311 to 192.478, except that the department may disclose the information in a summarized
45 or aggregate form.

1 “(12) A local government shall identify to the department the local government’s service pro-
2 viders that are authorized to receive funding or reimbursement directly, as described in this section,
3 from producer responsibility organizations in the periodic report submitted according to the re-
4 quirements of ORS 459A.050.

5 “(13) A local government or local government’s service provider that has received funds for
6 expansion or improvements to recycling collection under this section shall report to the producer
7 responsibility organization when the expansion or improvements have been fully implemented. A lo-
8 cal government or local government’s service provider must also report the status of implementation
9 to the producer responsibility organization on an annual basis for any funded collection program
10 that has not been fully implemented, so that the producer responsibility organization may include
11 that information in the annual report required under section 12 of this 2021 Act.

12 “(14) The disposal of covered products by means of landfilling or incineration may not be an
13 eligible cost for funding or reimbursement by a producer responsibility organization under this sec-
14 tion.”.

15 Delete lines 40 through 43 and insert:

16 “(7)(a) A producer responsibility organization shall coordinate and fund the distribution of
17 statewide promotional campaigns developed under this section through media channels that may
18 include, but need not be limited to, print publications, radio, television, the Internet and online
19 streaming services.

20 “(b) A producer responsibility organization must coordinate and fund the distribution of state-
21 wide promotional campaigns following the first establishment of the uniform statewide collection list
22 and after each revision of the uniform statewide collection list, but not more frequently than once
23 per calendar year.”.

24 On page 23, delete lines 28 through 45 and delete page 24.

25 On page 25, delete lines 1 through 27 and insert:

26 “**NOTE:** Section 16 was deleted by amendment. Subsequent sections were not renumbered.
27

28 **“(Oregon Recycling System Advisory Council)**
29

30 **“SECTION 17. Oregon Recycling System Advisory Council established. (1) The Oregon**
31 **Recycling System Advisory Council is established.**

32 **“(2) The council consists of 19 members appointed as follows:**

33 **“(a) The President of the Senate shall appoint one member from among the members of**
34 **the Senate, and the Speaker of the House of Representatives shall appoint one member from**
35 **among members of the House of Representatives, but the members appointed under this**
36 **paragraph may not be from the same political party.**

37 **“(b) The Governor shall appoint 17 members as follows:**

38 **“(A) Four representatives of local governments;**

39 **“(B) Two representatives of community-based organizations representing the interests**
40 **of historically underserved groups;**

41 **“(C) One owner or operator of a small business that is not eligible for representation**
42 **under subparagraph (E) or (F) of this paragraph;**

43 **“(D) Two representatives of environmental nonprofit organizations;**

44 **“(E) Four representatives of the recycling industry, including local governments’ service**
45 **providers, processors or material end users; and**

1 **“(F) Four representatives of producers of covered products or producer trade associ-**
2 **ations or suppliers. Any members appointed to the council under this subparagraph that are**
3 **producers of covered products shall belong to a producer responsibility organization and**
4 **represent different industries.**

5 **“(c) The Governor shall appoint members that reflect the geographic diversity of this**
6 **state and the interests of both large and small communities.**

7 **“(3)(a) The term of office of each member of the council is three years, but members who**
8 **are not legislators serve at the pleasure of the Governor.**

9 **“(b) Before the expiration of the term of a member, the appointing authority shall ap-**
10 **point a successor whose term begins on July 1 following the appointment. A member is eli-**
11 **gible for reappointment.**

12 **“(c) If there is a vacancy for any cause, the appointing authority shall make an ap-**
13 **pointment to become immediately effective for the unexpired term.**

14 **“(4) A majority of the voting members of the council constitutes a quorum.**

15 **“(5) The council shall elect one of its members to serve as chairperson and another to**
16 **serve as vice chairperson, for the terms and with the duties and powers necessary for the**
17 **performance of the functions of such offices as the council determines. The chairperson and**
18 **vice chairperson may not both be members appointed under the same subparagraph of sub-**
19 **section (2)(b)(A) to (F) of this section.**

20 **“(6) The council shall meet at least once every three months at times and places specified**
21 **by the chairperson. The council also may meet at other times and places specified by the call**
22 **of the chairperson or of a majority of the voting members of the council, as necessary, to**
23 **carry out the duties of the council.**

24 **“(7) The Department of Environmental Quality shall provide administrative and staff**
25 **support and facilities as necessary for the council to carry out the duties of the council.**

26 **“(8) A member of the council who is not a legislator is entitled to compensation and ex-**
27 **penditures in the manner and amounts provided for in ORS 292.495. Claims for compensation and**
28 **expenses incurred in performing functions of the council shall be paid out of funds appro-**
29 **riated to the department for that purpose.**

30 **“(9) Members of the Legislative Assembly that are appointed to the council are nonvoting**
31 **members of the council and may act in an advisory capacity only.**

32 **“(10) The council may adopt rules necessary for the operation of the council.”.**

33 On page 26, line 21, delete “or” and insert “to”.

34 In line 25, delete “or” and insert “to”.

35 On page 28, line 8, after “list” insert “and producer-collected materials”.

36 In line 15, after “through” insert “recycling”.

37 On page 30, line 10, before “this” insert “sections 1 to 43 of”.

38 Delete lines 36 through 39 and insert:

39 **“(d) For purposes of calculating the processor commodity risk fee, allow the average fee charged**
40 **by commingled recycling processing facilities for acceptance of commingled recyclables collected**
41 **from Oregon to target a price of \$0 per ton, expressed on the basis of compensation per ton of de-**
42 **livered material.”.**

43 On page 31, delete lines 33 through 45.

44 On page 32, delete lines 1 and 2 and insert:

45 **“SECTION 26. Evaluation of federal laws. (1) The Department of Environmental Quality**

1 shall evaluate any federal law that establishes a national program for the collection and re-
2 cycling of paper products or packaging.

3 “(2) If the department determines that the federal law substantially meets or exceeds the
4 requirements and intent of sections 1 to 43 of this 2021 Act, the department shall include
5 information on the federal law in a report to the Legislative Assembly.

6 **“SECTION 26a. Litter and marine debris cleanup and prevention needs assessment. (1)**
7 **The Department of Environmental Quality shall conduct a statewide needs assessment to**
8 **identify the contribution of different types of covered products to litter and marine debris**
9 **in Oregon, the general locations where litter and marine debris prevention and cleanup of**
10 **covered products is needed, and the extent to which litter and marine debris prevention and**
11 **cleanup is needed.**

12 “(2) The needs assessment may include recommendations for adding litter and marine
13 debris cleanup and prevention to the responsibilities of producer responsibility organizations
14 and recommendations for funding such responsibilities. If the needs assessment does not
15 include recommendations for adding new responsibilities for producer responsibility organ-
16 izations, the report required under subsection (4) of this section must include an explanation
17 of why such responsibilities are not needed to address the issue of litter and marine debris.

18 “(3) In conducting the needs assessment, the Department of Environmental Quality shall
19 consult with local governments, the Department of Transportation, the State Parks and Re-
20 creation Department, producer responsibility organizations and the Oregon Recycling System
21 Advisory Council.

22 “(4) The Department of Environmental Quality shall provide a written report on its
23 findings and recommendations for legislation, in the manner provided by ORS 192.245, to the
24 interim committees of the Legislative Assembly related to the environment no later than
25 September 15, 2026.”.

26 Delete lines 8 through 13 and insert:

27 “(2)(a) It is the goal of the State of Oregon that the statewide recycling rate for plastic pack-
28 aging and plastic food serviceware be:

29 “(A) At least 25 percent by calendar year 2028 and in each subsequent year;

30 “(B) At least 50 percent by calendar year 2040 and in each subsequent year; and

31 “(C) At least 70 percent by calendar year 2050 and in each subsequent year.”.

32 Delete lines 25 through 32 and insert:

33 “(4)(a) If the department determines that the statewide plastic recycling goal has not been met,
34 each producer responsibility organization shall, in the manner provided in section 10 of this 2021
35 Act, amend an existing producer responsibility program plan or submit a new producer responsibility
36 program plan that includes actions the organization will take to meet the statewide plastic recycling
37 goal.

38 “(b) Notwithstanding the requirements of paragraph (a) of this subsection, the department may
39 not issue an order or impose a civil penalty against a producer responsibility organization for failing
40 to update a producer responsibility program plan or failing to take actions specified in a producer
41 responsibility program plan to meet the statewide plastic recycling goal if, at that time, the recycl-
42 ing rate of plastic packaging and plastic food serviceware exceeds 50 percent.

43 “(5) The recycling rate of plastic packaging and plastic food serviceware is calculated by di-
44 viding the total plastic packaging and plastic food serviceware waste generated and recycled in this
45 state by the total plastic packaging and plastic food serviceware waste generated in this state using

1 the following data, unless otherwise specified by rule by the commission:”.

2 Delete lines 41 through 45.

3 On page 33, delete line 1 and insert:

4 “(6) For purposes of determining the recycling rate of plastic packaging and plastic food
5 serviceware, ‘plastic’ includes post-consumer packaging and food serviceware products that are made
6 entirely of plastic or that contain small amounts of easily removed nonplastic items, such as metal
7 lids or metal handles on plastic buckets.”.

8 On page 34, delete lines 16 through 18 and insert:

9 “(e) The availability of opportunities in the recycling system for Oregon and other Pacific
10 Northwest businesses; and

11 “(f) Recommendations for improving equity and equitable outcomes for underserved populations
12 in Oregon’s recycling system, including recommendations for new responsibilities of producer re-
13 sponsibility organizations and recommendations for funding such responsibilities.”.

14 Delete lines 29 through 42 and insert:

15 “(3) The department shall complete the study required under this section at least once every
16 four years. The department shall report the results of the study and recommendations required un-
17 der this section, in the manner provided by ORS 192.245, to the interim committees of the Legisla-
18 tive Assembly related to the environment.”.

19 Delete lines 43 through 45.

20 On page 35, delete lines 1 through 14 and insert:

21 **“SECTION 30. Multifamily housing needs assessment. (1) The Department of Environ-
22 mental Quality, in consultation with the Oregon Recycling System Advisory Council, shall
23 conduct a statewide needs assessment to determine the challenges facing residents of
24 multifamily housing and make recommendations for improvements to allow for effective and
25 equitable recycling opportunities for residents of multifamily housing. The needs assessment
26 conducted under this section must include an evaluation of the placement of and quality of
27 spaces provided for recycling containers and recommendations for improving spaces that are
28 determined to be inadequate. The needs assessment may include recommendations for new
29 responsibilities of producer responsibility organizations and recommendations for funding
30 such responsibilities. If the needs assessment does not include recommendations for adding
31 new responsibilities for producer responsibility organizations, the report required under
32 subsection (2) of this section must include an explanation of why such responsibilities are
33 not needed to address the challenges facing residents of multifamily housing.**

34 **“(2) The department shall complete the needs assessment required under this section at
35 least once every four years. The department shall report the results of the needs assessment
36 and recommendations required under this section in the manner provided by ORS 192.245,
37 to the interim committees of the Legislative Assembly related to the environment.”.**

38 On page 36, line 9, delete “waste prevention and reuse”.

39 On page 37, line 10, delete “collectors” and insert “local governments’ service providers”.

40 On page 38, line 15, before the semicolon insert “, consistent with rules adopted under this
41 section”.

42 On page 40, delete line 38 and insert:

43
44 “(Other Studies)”.

1 On page 41, after line 14, insert:

2 **“SECTION 44a. Compostability study. (1) The Department of Environmental Quality shall**
3 **study the compostability of covered products and the effects of covered products on**
4 **composting systems. In conducting the study, the department shall:**

5 **“(a) Examine the effects of covered products on compost facilities and finished compost;**

6 **“(b) Consider trends, challenges, opportunities and relevant policies relating to**
7 **composting and covered products;**

8 **“(c) Consider the experience of compost facilities located in other states; and**

9 **“(d) Develop recommendations for reducing environmental impacts while maintaining and**
10 **enhancing the environmental and economic sustainability of Oregon’s compost industry.**

11 **“(2) In conducting the study, the department shall consult with compost facilities serving**
12 **Oregon, local governments, producer responsibility organizations serving Oregon and the**
13 **Oregon Recycling System Advisory Council.**

14 **“(3) The department shall submit a final report and recommendations for legislation, in**
15 **the manner provided by ORS 192.245, to the interim committees of the Legislative Assembly**
16 **related to the environment no later than December 15, 2026.”.**

17 On page 47, line 9, delete “(27)(a)” and insert “(25)(a)”.

18 In line 30, delete “(27)(a)” and insert “(25)(a)”.

19 On page 54, delete lines 14 and 15 and insert:

20 **“(2) Section 36 of this 2021 Act is repealed on December 31, 2022.**

21 **“(3) Section 26 of this 2021 Act is repealed on January 2, 2027.**

22 **“(4) Section 26a of this 2021 Act is repealed on January 2, 2027.”.**

23 Delete lines 27 through 35 and insert:

24 **“SECTION 61. (1) The Department of Environmental Quality shall complete the first**
25 **statewide needs assessment required under section 13 of this 2021 Act no later than July 1,**
26 **2023.**

27 **“(2) The department shall first submit the report required under section 29 of this 2021**
28 **Act no later than September 15, 2024.**

29 **“(3) The department shall first submit the report required under section 30 of this 2021**
30 **Act no later than September 15, 2024.**

31 **“(4) The Oregon Department of Administrative Services shall complete the first assess-**
32 **ment required by section 44 of this 2021 Act no later than May 15, 2024.”.**

33 On page 55, delete lines 6 through 10 and insert:

34 **“SECTION 64. Notwithstanding the term of office specified in section 17 of this 2021 Act,**
35 **of the members first appointed to the Oregon Recycling System Advisory Council by the**
36 **Governor:**

37 **“(1) Five shall serve for terms ending June 30, 2023.**

38 **“(2) Six shall serve for terms ending June 30, 2024.**

39 **“(3) Six shall serve for terms ending June 30, 2025.**

40 **“SECTION 65. Notwithstanding any other law limiting expenditures, the limitation on**
41 **expenditures established by section 2 (3), chapter _____, Oregon Laws 2021 (Enrolled Sen-**
42 **ate Bill 5516), for the biennium beginning July 1, 2021, as the maximum limit for payment**
43 **of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, the**
44 **proceeds of bonds for the Orphan Site Account and federal funds from congestion mitigation**
45 **and air quality grants, drinking water protection, laboratory accreditation and woodstove**

1 **grants and for smoke monitoring laboratory services, but excluding lottery funds and federal**
2 **funds not described in this section, collected or received by the Department of Environ-**
3 **mental Quality, for land quality, is increased by \$2,066,088 for the implementation of this 2021**
4 **Act.”.**

5 In line 14, delete “65” and insert “66”.

6 _____