

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 582**

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

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

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

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

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

19 **“(B) Separates the recyclable materials described in subparagraph
20 (A) of this paragraph into marketable commodities or streams of ma-
21 terials that are intended for use or further processing by others.**

1 **“(b) ‘Commingled recycling processing facility’ does not include:**
2 **“(A) Scrap metal recycling facilities;**
3 **“(B) Scrap automotive or appliance recycling facilities;**
4 **“(C) Full-service redemption centers or dealer redemption centers,**
5 **as those terms are defined in ORS 459A.700, and recycling facilities**
6 **owned and operated by a distributor cooperative established under**
7 **ORS 459A.718;**
8 **“(D) Recycling facilities handling covered electronic devices, as de-**
9 **defined in ORS 459A.305;**
10 **“(E) Recycling processing facilities that process only**
11 **noncommingled, source separated recyclable material from commer-**
12 **cial entities;**
13 **“(F) Recycling processing facilities that recover commingled**
14 **recyclable material primarily from the construction and demolition**
15 **debris waste stream;**
16 **“(G) Recycling depots;**
17 **“(H) Recycling reload facilities; or**
18 **“(I) Limited sort facilities, as defined by rule by the Environmental**
19 **Quality Commission.**
20 **“(4) ‘Contaminant’ means:**
21 **“(a) A material set out for recycling collection that is not properly**
22 **prepared and on the list of materials accepted for recycling collection**
23 **by a recycling collection program; or**
24 **“(b) A material shipped to a recycling end market that is not ac-**
25 **cepted or desired by that end market.**
26 **“(5) ‘Contamination’ means the presence of one or more contam-**
27 **inants in a recycling collection or commodity stream in an amount**
28 **or concentration that negatively impacts the value of the material or**
29 **negatively impacts a processor’s ability to sort that material.**
30 **“(6)(a) ‘Covered product’ means:**

1 **“(A) Packaging;**
2 **“(B) Printing and writing paper; and**
3 **“(C) Food serviceware.**
4 **“(b) ‘Covered product’ does not include:**
5 **“(A) A beverage container, as defined in ORS 459A.700.**
6 **“(B) Bound books.**
7 **“(C) Napkins, paper towels or other paper intended to be used for**
8 **cleaning or the absorption of liquids.**
9 **“(D) Rigid pallets used as the structural foundation for transporting**
10 **goods lifted by a forklift, pallet jack or similar device.**
11 **“(E) Specialty packaging items that are used exclusively in indus-**
12 **trial or manufacturing processes, including but not limited to:**
13 **“(i) Cores and wraps for rolls of packaging sold by a mill to a**
14 **packaging converter or food processor; and**
15 **“(ii) Trays, whether designed for a single use or multiple uses, used**
16 **for the transport of component parts from a parts supplier to a man-**
17 **ufacturer that assembles those parts.**
18 **“(F) Liquified petroleum gas containers that are designed to be re-**
19 **filled.**
20 **“(G) A material that the producer demonstrates is exempt under**
21 **section 4 of this 2021 Act.**
22 **“(H) Pallet wrap or similar packaging used to secure a palletized**
23 **load if added by a person that is not the producer of the palletized**
24 **covered products.**
25 **“(I) Packaging related to containers for architectural paint, as de-**
26 **finied in ORS 459A.822, that has been collected by a producer responsi-**
27 **bility organization under the program established under ORS 459A.820**
28 **to 459A.855.**
29 **“(J) Any item that is not ultimately discarded inside this state,**
30 **whether for purposes of recovery or disposal.**

1 **“(K) Items sold on a farm or used on a farm, including items used**
2 **for farm use, as defined in ORS 215.203, or for processing on a farm,**
3 **provided that an item used on a farm is not subsequently sold at a**
4 **retail establishment that is not located on a farm.**

5 **“(L) Items used by a nursery licensed under ORS 571.055 that gen-**
6 **erates the majority of the nursery’s revenue through the sale of**
7 **nursery stock, as defined in ORS 571.005, provided that the items are**
8 **not sold through retail sales.**

9 **“(M) Packaging and paper products sold or supplied in connection**
10 **with:**

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

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

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

14 **or**

15 **“(iv) Drugs marketed under a generic name as defined in ORS**
16 **689.515.**

17 **“(N) Packaging and paper products sold or supplied in connection**
18 **with drugs that are used for animal medicines, including but not lim-**
19 **ited to parasiticide drugs for animals.**

20 **“(O) Packaging and paper products sold or supplied in connection**
21 **with:**

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

23 **“(ii) Medical food as defined in 21 U.S.C. 360ee(b)(3); or**

24 **“(iii) Fortified oral nutritional supplements used for individuals who**
25 **require supplemental or sole source nutrition to meet nutritional**
26 **needs due to special dietary needs directly related to cancer, chronic**
27 **kidney disease, diabetes, malnutrition, or failure to thrive, as those**
28 **terms are defined as by the International Classification of Diseases,**
29 **Tenth Revision, or other medical conditions as determined by the**
30 **commission.**

1 **“(P) Wine and spirit containers for which a refund value is estab-**
2 **lished under Oregon law.**

3 **“(Q) Packaging for products:**

4 **“(i) That are regulated by ORS chapter 633, 40 C.F.R. 156.140 or**
5 **other federal law pertaining to toxic or hazardous materials; or**

6 **“(ii) That are subject to labeling requirements that prohibit recycl-**
7 **ing, or products with similiar laebling requirements identified by the**
8 **commission by rule.**

9 **“(R) Materials or products that could become unsafe or unsanitary**
10 **to recycle because of the material or product’s anticipated use.**

11 **“(S) Any other material, as determined by the commission by rule,**
12 **after consultation with the Oregon Recycling System Advisory Coun-**
13 **cil.**

14 **“(7) ‘Food serviceware’ means paper or plastic plates, wraps, cups,**
15 **bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or**
16 **clamshells or similar containers:**

17 **“(a) That are generally intended for single use; and**

18 **“(b) That are sold to a retailer or a dine-in food establishment or**
19 **a take-out food establishment, regardless of whether the item is used**
20 **to prepackage food for resale, is filled on site for food ordered by a**
21 **customer or is resold as is.**

22 **“(8) ‘Large producer’ means a producer that is among the 25 largest**
23 **producers of covered products based on market share.**

24 **“(9) ‘Licensee’ means a person that is licensed by a brand and**
25 **manufactures a covered product or a packaged item under that brand.**

26 **“(10) ‘Litter’ means waste that is improperly placed so as to be a**
27 **nuisance or aesthetic, health or environmental concern.**

28 **“(11) ‘Local government’ means:**

29 **“(a) A city;**

30 **“(b) A county; or**

1 **“(c) A metropolitan service district.**

2 **“(12) ‘Local government’s service provider’ means:**

3 **“(a) A collection service franchise holder under ORS 459A.085;**

4 **“(b) Any person authorized by a city or county to provide recycling**
5 **collection services described in subsection (25)(a) to (d) of this section;**
6 **or**

7 **“(c) Any person authorized by a metropolitan service district to**
8 **provide recycling collection services described in subsection (25)(d) of**
9 **this section.**

10 **“(13) ‘Market share’ means a producer’s percentage of all covered**
11 **products sold in or into this state during a specified time period, as**
12 **calculated in accordance with methods established by the commission**
13 **by rule.**

14 **“(14) ‘Mechanical recycling’ means a form of recycling that does**
15 **not change the basic molecular structure of the material being recy-**
16 **clad.**

17 **“(15) ‘Metropolitan service district’ means a metropolitan service**
18 **district established under ORS chapter 268.**

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

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

25 **“(18)(a) ‘Packaging’ means:**

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

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

1 “(C) Nondurable materials used in storage, shipping or moving, in-
2 cluding but not limited to packing materials, moving boxes, file boxes
3 and folders.

4 “(b) ‘Packaging’ does not include:

5 “(A) Food serviceware; or

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

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

8 “(20) ‘Printing and writing paper’ includes, but is not limited to,
9 newspaper, magazines, flyers, brochures, booklets, catalogs, telephone
10 directories and paper used for copying, writing or other general use.

11 “(21) ‘Processor’ means a person that owns or operates a
12 commingled recycling processing facility.

13 “(22) ‘Producer’ means a person that is determined to be the pro-
14 ducer of a covered product under section 3 of this 2021 Act.

15 “(23) ‘Producer responsibility organization’ means a nonprofit or-
16 ganization established by a producer or group of producers to admin-
17 ister a producer responsibility program.

18 “(24) ‘Producer responsibility program’ means a statewide program
19 for the responsible management of covered products that is adminis-
20 tered by a producer responsibility organization pursuant to a plan ap-
21 proved by the Department of Environmental Quality under section 7
22 of this 2021 Act.

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

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

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

29 “(c) Multifamily on-route residential collection from each multi-
30 family dwelling that has five or more units;

1 “(d) Recycling depots at a disposal site or another designated lo-
2 cation that is more convenient to the population being served and ex-
3 panded depots as described in ORS 459A.007; or

4 “(e) Other collection methods included in an approved producer re-
5 sponsibility program plan.

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

9 “(27) ‘Recycling reload facility’ means a facility other than a recy-
10 cling depot where recyclable materials are received, consolidated and
11 made ready for transport to another location for processing or to a
12 responsible end market.

13 “(28) ‘Recycling system’ means all aspects of the programs and
14 participants that have a role in Oregon’s statewide recycling structure,
15 including producers of products sold in or into Oregon, generators of
16 recyclable materials, governments that regulate materials manage-
17 ment programs, businesses that collect and process recyclable mate-
18 rials and persons that receive recyclable materials to convert to new
19 feedstock or products.

20 “(29) ‘Responsible end market’ means a materials market in which
21 the recycling or recovery of materials or the disposal of contaminants
22 is conducted in a way that benefits the environment and minimizes
23 risks to public health and worker health and safety.

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

29 “(31) ‘Responsible recycling’ means the handling of covered pro-
30 ducts for recycling and removal of contaminants by a certified or

1 permitted processor and disposition to a responsible end market.

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

3 “(a) Is a nonprofit organization;

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

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

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

9 “(e) Is a manufacturer of a beverage sold in a beverage container,
10 as those terms are defined in ORS 459A.700, that sold in or into Oregon
11 less than five metric tons of covered products, including but not lim-
12 ited to secondary and tertiary packaging for beverage containers, for
13 use in this state in the most recent calendar year;

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

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

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

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

24 “(34) ‘Uniform statewide collection list’ means the list of materials
25 established in accordance with the requirements of section 22 (4) of
26 this 2021 Act.”.

27 Delete line 37 and insert:

28 “(b) For items sold or distributed in packaging in or into this state via
29 remote sale or distribution:”.

30 After line 41, insert:

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

4 On page 10, delete lines 28 through 33.

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

7 On page 14, delete lines 39 through 45.

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

9 **“SECTION 10. Producer responsibility program plan amendments.**

10 **(1) A producer responsibility organization shall submit an amendment**
11 **to a producer responsibility program plan:**

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

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

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

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

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

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

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

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

29 **“(2) Not less than once per calendar quarter, a producer responsi-**
30 **bility organization shall provide written notice to the department and**

1 **the Oregon Recycling System Advisory Council of any changes made**
2 **during the previous month to a producer responsibility program plan**
3 **that are changes for which an amendment is not required under sub-**
4 **section (1) of this section.”.**

5 Delete lines 31 through 36 and insert:

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

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

12 “(b) Second, provided that the requirements of paragraph (a) of this sub-
13 section are satisfied, the base fee rate shall be approximately proportional
14 to the covered products’ relative contribution to the financial obligations of
15 the producer responsibility organization.”.

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

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

18 “(d) Life cycle environmental impacts, as demonstrated by an evaluation
19 performed in accordance with section 33 of this 2021 Act; and

20 “(e) The recycling rate of the material relative to the recycling rate of
21 other covered products.”.

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

23 Delete lines 37 through 39 and insert:

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

27 On page 17, delete lines 18 through 45.

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

29 “(L) A description of activities undertaken by the producer responsibility
30 organization that relate to the uniform statewide collection list and the

1 specifically identified materials list;

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

7 “(n) A summary of efforts taken by the producer responsibility organiza-
8 tion to meet the statewide plastic recycling goal established under section
9 27 of this 2021 Act and efforts planned to maintain performance in meeting
10 the goal or, if the goal has not been met, efforts planned to meet the goal;

11 “(o) The results of any in-person site inspections, material tracking or
12 other audits conducted during the reporting year, including whether any
13 major safety or environmental management practices were not properly fol-
14 lowed and, if so, the corrective actions taken;

15 “(p) Recommendations for any changes to the producer responsibility
16 organization’s plan to improve recovery and recycling;

17 “(q) A summary of the quarterly reports described in subsection (6) of this
18 section and an evaluation of the adequacy of responsible end markets;

19 “(r) A summary of actions actually taken or planned by the producer re-
20 sponsibility organization to improve responsible end markets, pay for im-
21 provements in processing infrastructure or improve the resiliency of the
22 producer responsibility program;

23 “(s) The number of producers that received each type of membership fee
24 adjustment offered under section 11 of this 2021 Act and the amount of cov-
25 ered products, by material and format, for which producers received each
26 type of adjustment;

27 “(t) An evaluation of the effectiveness of membership fee adjustments at
28 encouraging producers to reduce the environmental and human health im-
29 pacts of covered products, with relation to the factors and criteria used by
30 the producer responsibility organization’s membership fee structure;

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

4 “(v) A report by an independent certified public accountant, retained by
5 the producer responsibility organization at the organization’s expense, on the
6 accountant’s audit of the organization’s financial statements;

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

9 “(x) A description of activities undertaken by the producer responsibility
10 organization that relate to the educational resources and promotional cam-
11 paigns described in section 14 of this 2021 Act; and

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

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

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

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

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

18 “(5)(a) Costs associated with the expansion and provision of recycling
19 collection services for covered products as provided in this subsection are
20 eligible costs for funding or reimbursement by a producer responsibility or-
21 ganization.

22 “(b) A local government that commits to expanding recycling opportu-
23 nities during the needs assessment conducted under subsection (8) of this
24 section is eligible for funding or reimbursements under this subsection. A
25 producer responsibility organization shall work with local governments to
26 determine the services the local government is requesting and the schedule
27 by which the new program will be implemented, and shall provide funding
28 for the new programs in advance of or concurrent with implementation.

29 “(c) A producer responsibility organization shall provide funding for ac-
30 tivities requested by local governments through the periodic needs assess-

1 ment conducted under subsection (8) of this section.

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

3 “(A) For on-route programs, start-up costs, including but not limited to
4 trucks, containers, promotional literature and, if necessary and none other
5 is available, a recycling reload facility for reloading recyclables, including
6 any compaction equipment necessary for the recycling reload facility; and

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

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

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

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

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

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

28 “(9) A local government or the local government’s service provider re-
29 questing reimbursement under this section shall submit an accounting of its
30 costs to a producer responsibility organization, if the reimbursement is not

1 otherwise determined according to a formula.

2 “(10) A producer responsibility organization shall remit payment for ex-
3 penses under this section to a local government or the local government’s
4 service provider or other person authorized by the local government to re-
5 ceive payment within 60 days of receiving a request for payment. A producer
6 responsibility organization shall provide written notification to the local
7 government of any payments remitted to a person authorized by the local
8 government to receive payment.

9 “(11)(a) The department may review or audit the cost accounting and re-
10 imbursement request records of a producer responsibility organization, a lo-
11 cal government or the local government’s service provider that receives
12 payment under this section.

13 “(b) The department shall require a local government or a local
14 government’s service provider that receives advance funding under this sub-
15 section and does not use the moneys for the purposes for which the funding
16 was provided to return the funding to the producer responsibility organiza-
17 tion, according to standards established by the commission by rule.

18 “(c) Information furnished to the department under paragraph (a) of this
19 subsection may be designated confidential. Information designated confiden-
20 tial is not subject to public disclosure under ORS 192.311 to 192.478, except
21 that the department may disclose the information in a summarized or ag-
22 gregate form.

23 “(12) A local government shall identify to the department the local
24 government’s service providers that are authorized to receive funding or re-
25 imbursement directly, as described in this section, from producer responsi-
26 bility organizations in the periodic report submitted according to the
27 requirements of ORS 459A.050.

28 “(13) A local government or local government’s service provider that has
29 received funds for expansion or improvements to recycling collection under
30 this section shall report to the producer responsibility organization when the

1 expansion or improvements have been fully implemented. A local government
2 or local government’s service provider must also report the status of imple-
3 mentation to the producer responsibility organization on an annual basis for
4 any funded collection program that has not been fully implemented, so that
5 the producer responsibility organization may include that information in the
6 annual report required under section 12 of this 2021 Act.

7 “(14) The disposal of covered products by means of landfilling or
8 incineration may not be an eligible cost for funding or reimbursement by a
9 producer responsibility organization under this section.”.

10 Delete lines 40 through 43 and insert:

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

16 “(b) A producer responsibility organization must coordinate and fund the
17 distribution of statewide promotional campaigns following the first estab-
18 lishment of the uniform statewide collection list and after each revision of
19 the uniform statewide collection list, but not more frequently than once per
20 calendar year.”.

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

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

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

25

26 “(Oregon Recycling System Advisory Council)

27

28 “**SECTION 17. Oregon Recycling System Advisory Council estab-**
29 **lished.** (1) **The Oregon Recycling System Advisory Council is estab-**
30 **lished.**

1 **“(2) The council consists of 19 members appointed as follows:**
2 **“(a) The President of the Senate shall appoint one member from**
3 **among the members of the Senate, and the Speaker of the House of**
4 **Representatives shall appoint one member from among members of**
5 **the House of Representatives, but the members appointed under this**
6 **paragraph may not be from the same political party.**
7 **“(b) The Governor shall appoint 17 members as follows:**
8 **“(A) Four representatives of local governments;**
9 **“(B) Two representatives of community-based organizations repre-**
10 **senting the interests of historically underserved groups;**
11 **“(C) One owner or operator of a small business that is not eligible**
12 **for representation under subparagraph (E) or (F) of this paragraph;**
13 **“(D) Two representatives of environmental nonprofit organizations;**
14 **“(E) Four representatives of the recycling industry, including local**
15 **governments’ service providers, processors or material end users; and**
16 **“(F) Four representatives of producers of covered products or pro-**
17 **ducer trade associations or suppliers. Any members appointed to the**
18 **council under this subparagraph that are producers of covered pro-**
19 **ducts shall belong to a producer responsibility organization and rep-**
20 **resent different industries.**
21 **“(c) The Governor shall appoint members that reflect the ge-**
22 **ographic diversity of this state and the interests of both large and**
23 **small communities.**
24 **“(3)(a) The term of office of each member of the council is three**
25 **years, but members who are not legislators serve at the pleasure of**
26 **the Governor.**
27 **“(b) Before the expiration of the term of a member, the appointing**
28 **authority shall appoint a successor whose term begins on July 1 fol-**
29 **lowing the appointment. A member is eligible for reappointment.**
30 **“(c) If there is a vacancy for any cause, the appointing authority**

1 shall make an appointment to become immediately effective for the
2 unexpired term.

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

5 “(5) The council shall elect one of its members to serve as chair-
6 person and another to serve as vice chairperson, for the terms and
7 with the duties and powers necessary for the performance of the
8 functions of such offices as the council determines. The chairperson
9 and vice chairperson may not both be members appointed under the
10 same subparagraph of subsection (2)(b)(A) to (F) of this section.

11 “(6) The council shall meet at least once every three months at
12 times and places specified by the chairperson. The council also may
13 meet at other times and places specified by the call of the chairperson
14 or of a majority of the voting members of the council, as necessary,
15 to carry out the duties of the council.

16 “(7) The Department of Environmental Quality shall provide ad-
17 ministrative and staff support and facilities as necessary for the
18 council to carry out the duties of the council.

19 “(8) A member of the council who is not a legislator is entitled to
20 compensation and expenses in the manner and amounts provided for
21 in ORS 292.495. Claims for compensation and expenses incurred in
22 performing functions of the council shall be paid out of funds appro-
23 priated to the department for that purpose.

24 “(9) Members of the Legislative Assembly that are appointed to the
25 council are nonvoting members of the council and may act in an ad-
26 visory capacity only.

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

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

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

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

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

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

4 Delete lines 36 through 39 and insert:

5 “(d) For purposes of calculating the processor commodity risk fee, allow
6 the average fee charged by commingled recycling processing facilities for
7 acceptance of commingled recyclables collected from Oregon to target a price
8 of \$0 per ton, expressed on the basis of compensation per ton of delivered
9 material.”.

10 On page 31, delete lines 33 through 45.

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

12 **“SECTION 26. Evaluation of federal laws. (1) The Department of
13 Environmental Quality shall evaluate any federal law that establishes
14 a national program for the collection and recycling of paper products
15 or packaging.**

16 **“(2) If the department determines that the federal law substantially
17 meets or exceeds the requirements and intent of sections 1 to 43 of this
18 2021 Act, the department shall include information on the federal law
19 in a report to the Legislative Assembly.**

20 **“SECTION 26a. Litter and marine debris cleanup and prevention
21 needs assessment. (1) The Department of Environmental Quality shall
22 conduct a statewide needs assessment to identify the contribution of
23 different types of covered products to litter and marine debris in
24 Oregon, the general locations where litter and marine debris pre-
25 vention and cleanup of covered products is needed, and the extent to
26 which litter and marine debris prevention and cleanup is needed.**

27 **“(2) The needs assessment may include recommendations for adding
28 litter and marine debris cleanup and prevention to the responsibilities
29 of producer responsibility organizations and recommendations for
30 funding such responsibilities. If the needs assessment does not include**

1 **recommendations for adding new responsibilities for producer respon-**
2 **sibility organizations, the report required under subsection (4) of this**
3 **section must include an explanation of why such responsibilities are**
4 **not needed to address the issue of litter and marine debris.**

5 **“(3) In conducting the needs assessment, the Department of Envi-**
6 **ronmental Quality shall consult with local governments, the Depart-**
7 **ment of Transportation, the State Parks and Recreation Department,**
8 **producer responsibility organizations and the Oregon Recycling Sys-**
9 **tem Advisory Council.**

10 **“(4) The Department of Environmental Quality shall provide a**
11 **written report on its findings and recommendations for legislation, in**
12 **the manner provided by ORS 192.245, to the interim committees of the**
13 **Legislative Assembly related to the environment no later than Sep-**
14 **tember 15, 2026.”.**

15 Delete lines 8 through 13 and insert:

16 **“(2)(a) It is the goal of the State of Oregon that the statewide recycling**
17 **rate for plastic packaging and plastic food serviceware be:**

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

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

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

24 Delete lines 25 through 32 and insert:

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

1 “(b) Notwithstanding the requirements of paragraph (a) of this subsection,
2 the department may not issue an order or impose a civil penalty against a
3 producer responsibility organization for failing to update a producer respon-
4 sibility program plan or failing to take actions specified in a producer re-
5 sponsibility program plan to meet the statewide plastic recycling goal if, at
6 that time, the recycling rate of plastic packaging and plastic food
7 serviceware exceeds 50 percent.

8 “(5) The recycling rate of plastic packaging and plastic food serviceware
9 is calculated by dividing the total plastic packaging and plastic food
10 serviceware waste generated and recycled in this state by the total plastic
11 packaging and plastic food serviceware waste generated in this state using
12 the following data, unless otherwise specified by rule by the commission.”.

13 Delete lines 41 through 45.

14 On page 33, delete line 1 and insert:

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

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

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

23 “(f) Recommendations for improving equity and equitable outcomes for
24 underserved populations in Oregon’s recycling system, including recommen-
25 dations for new responsibilities of producer responsibility organizations and
26 recommendations for funding such responsibilities.”.

27 Delete lines 29 through 42 and insert:

28 “(3) The department shall complete the study required under this section
29 at least once every four years. The department shall report the results of the
30 study and recommendations required under this section, in the manner pro-

1 vided by ORS 192.245, to the interim committees of the Legislative Assembly
2 related to the environment.”.

3 Delete lines 43 through 45.

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

5 **“SECTION 30. Multifamily housing needs assessment. (1) The De-**
6 **partment of Environmental Quality, in consultation with the Oregon**
7 **Recycling System Advisory Council, shall conduct a statewide needs**
8 **assessment to determine the challenges facing residents of multifamily**
9 **housing and make recommendations for improvements to allow for**
10 **effective and equitable recycling opportunities for residents of multi-**
11 **family housing. The needs assessment conducted under this section**
12 **must include an evaluation of the placement of and quality of spaces**
13 **provided for recycling containers and recommendations for improving**
14 **spaces that are determined to be inadequate. The needs assessment**
15 **may include recommendations for new responsibilities of producer re-**
16 **sponsibility organizations and recommendations for funding such re-**
17 **sponsibilities. If the needs assessment does not include**
18 **recommendations for adding new responsibilities for producer respon-**
19 **sibility organizations, the report required under subsection (2) of this**
20 **section must include an explanation of why such responsibilities are**
21 **not needed to address the challenges facing residents of multifamily**
22 **housing.**

23 **“(2) The department shall complete the needs assessment required**
24 **under this section at least once every four years. The department shall**
25 **report the results of the needs assessment and recommendations re-**
26 **quired under this section in the manner provided by ORS 192.245, to**
27 **the interim committees of the Legislative Assembly related to the en-**
28 **vironment.”.**

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

30 On page 37, line 10, delete “collectors” and insert “local governments’

1 service providers”.

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

4 On page 40, delete line 38 and insert:

5

6 “(Other Studies)”.

7

8 On page 41, after line 14, insert:

9 **“SECTION 44a. Compostability study. (1) The Department of Envi-
10 ronmental Quality shall study the compostability of covered products
11 and the effects of covered products on composting systems. In con-
12 ducting the study, the department shall:**

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

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

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

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

22 **“(2) In conducting the study, the department shall consult with
23 compost facilities serving Oregon, local governments, producer re-
24 sponsibility organizations serving Oregon and the Oregon Recycling
25 System Advisory Council.**

26 **“(3) The department shall submit a final report and recommen-
27 dations for legislation, in the manner provided by ORS 192.245, to the
28 interim committees of the Legislative Assembly related to the envi-
29 ronment no later than December 15, 2026.”.**

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

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

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

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

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

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

6 Delete lines 27 through 35 and insert:

7 **“SECTION 61. (1) The Department of Environmental Quality shall**
8 **complete the first statewide needs assessment required under section**
9 **13 of this 2021 Act no later than July 1, 2023.**

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

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

14 **“(4) The Oregon Department of Administrative Services shall com-**
15 **plete the first assessment required by section 44 of this 2021 Act no**
16 **later than May 15, 2024.”.**

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

18 **“SECTION 64. Notwithstanding the term of office specified in sec-**
19 **tion 17 of this 2021 Act, of the members first appointed to the Oregon**
20 **Recycling System Advisory Council by the Governor:**

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

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

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

24