

# DRAFT

## SUMMARY

Digest: This Act says that makers of batteries must carry out a plan to collect and recycle batteries. (Flesch Readability Score: 60.1).

Requires producers of batteries or battery-containing products to join a battery producer responsibility organization and implement a battery producer responsibility program for the collection and recycling of batteries.

Directs the Department of Environmental Quality to administer and enforce requirements of the Act.

Establishes the Battery Producer Responsibility Fund.

## A BILL FOR AN ACT

Relating to batteries; creating new provisions; and amending ORS 459.995.

**Be It Enacted by the People of the State of Oregon:**

### **BATTERY PRODUCER RESPONSIBILITY ORGANIZATIONS**

**SECTION 1. Sections added to chapter. Sections 2 to 17 of this 2025 Act are added to and made a part of ORS chapter 459A.**

**SECTION 2. Definitions. As used in sections 2 to 17 of this 2025 Act:**

**(1)(a) “Battery-containing product” means a product that contains or is packaged with a covered battery.**

**(b) “Battery-containing product” does not include a covered electronic device as defined in ORS 459A.305.**

**(2) “Battery producer responsibility organization” means a nonprofit organization designated by a covered producer or group of covered producers to act as an agent of the covered producer or group of covered producers to develop and implement a battery producer re-**

1 **sponsibility program on behalf of the covered producer or group of**  
2 **covered producers.**

3 **(3) “Battery producer responsibility program” means a statewide**  
4 **program for the responsible management of covered batteries that is**  
5 **implemented by a battery producer responsibility organization pursu-**  
6 **ant to a plan approved by the department under section 5 of this 2025**  
7 **Act.**

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

12 **(5)(a) “Covered battery” means a portable battery, a primary bat-**  
13 **tery or a medium format battery.**

14 **(b) “Covered battery” does not include:**

15 **(A) A battery contained within a medical device that is not designed**  
16 **and marketed for sale or resale principally to consumers for personal**  
17 **use and that:**

18 **(i) Is a device, as defined in 21 U.S.C. 321(h) as in effect on the ef-**  
19 **fective date of this 2025 Act; or**

20 **(ii) Satisfies other criteria established by the Environmental Qual-**  
21 **ity Commission by rule to maintain consistency with federal laws**  
22 **concerning medical devices.**

23 **(B) A battery that contains an electrolyte as a free liquid.**

24 **(C) A lead acid battery weighing greater than 11 pounds.**

25 **(D) A battery contained within a product, if the battery is not in-**  
26 **tended or designed to be easily removable from the product.**

27 **(6) “Covered entity” means:**

28 **(a) A resident of this state;**

29 **(b) A business entity located in this state;**

30 **(c) A public or private institution of learning;**

31 **(d) A local government, as defined in ORS 174.116; or**

1 (e) A nonprofit organization located in this state.

2 (7)(a) “Covered producer” means any person:

3 (A) That manufactures covered products under a brand that the  
4 manufacturer owns or is licensed to use;

5 (B) That sells, irrespective of the selling technique used, covered  
6 products manufactured by others under a brand that the seller owns;

7 (C) That manufactures covered products without affixing a brand;

8 (D) That manufactures covered products to which it affixes a brand  
9 that it does not own; or

10 (E) On whose account covered products manufactured outside the  
11 United States are imported into the United States.

12 (b) “Covered producer” does not include a person:

13 (A) With a license to manufacture covered products for delivery  
14 exclusively to or at the order of the licensor.

15 (B) Described as the covered producer of a covered product under  
16 paragraph (a) of this subsection, if another person has accepted re-  
17 sponsibility as the covered producer of the covered product and has  
18 joined a battery producer responsibility organization as the covered  
19 producer for that covered product.

20 (C) Described as the covered producer of a battery-containing  
21 product under paragraph (a) of this subsection, if the only batteries  
22 used by the battery-containing product are easily removable and sup-  
23 plied by a covered producer that has joined a battery producer re-  
24 sponsibility organization as the producer for that covered battery  
25 under sections 2 to 17 of this 2025 Act.

26 (8) “Covered product” means a covered battery or a battery-  
27 containing product.

28 (9) “Damaged or defective battery” means a battery that has been  
29 damaged or identified by the manufacturer as being defective for  
30 safety reasons and must be transported and packaged as required by  
31 rules adopted by the federal Pipeline and Hazardous Materials Safety

1 **Administration.**

2 (10) “Easily removable” means designed by a manufacturer to be  
3 removable without the use of tools or removable with the use of only  
4 common household tools.

5 (11) “Environmentally sound management practices” means prac-  
6 tices, in compliance with section 8 of this 2025 Act and all other ap-  
7 plicable laws, to ensure continuous improvement in environmental  
8 outcomes, reduction of environmental impacts and protection of  
9 health, safety and data privacy in the management of covered bat-  
10 teries for final disposition.

11 (12) “Medium format battery” means:

12 (a) A rechargeable battery that:

13 (A)(i) Weighs more than 11 pounds; or

14 (ii) Has a rating of more than 300 watt-hours; and

15 (B)(i) Weighs 25 pounds or less; and

16 (ii) Has a rating of 3,000 watt-hours or less.

17 (b) A primary battery that weighs more than 4.4 pounds but less  
18 than or equal to 25 pounds.

19 (13) “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 (14) “Portable battery” means:

24 (a) A rechargeable battery that weighs 11 pounds or less and has a  
25 rating of 300 watt-hours or less; or

26 (b) A primary battery that weighs 4.4 pounds or less.

27 (15) “Primary battery” means a battery that is not capable of being  
28 recharged.

29 (16) “Processor” means a facility that processes covered batteries  
30 after collection and prepares covered batteries for recycling or man-  
31 agement through the final destination of the collected covered battery

1 material.

2 (17) “Rechargeable battery” means a battery that contains one or  
3 more voltaic or galvanic cells, electrically connected to produce elec-  
4 tric energy, and that is designed to be recharged.

5 (18) “Responsible end market” means a materials market in which  
6 the recycling or recovery of materials or the disposal of contaminants  
7 is conducted in a way that benefits the environment and minimizes  
8 risks to public health and worker health and safety.

9 **SECTION 3. Requirement to participate in a battery producer re-**  
10 **sponsibility organization.** (1) A covered producer may not sell, offer for  
11 sale or distribute in or into this state a covered product unless the  
12 covered producer satisfies the requirements of sections 2 to 17 of this  
13 2025 Act by participating in a battery producer responsibility organ-  
14 ization that successfully implements a battery producer responsibility  
15 program.

16 (2) The failure of a battery producer responsibility organization to  
17 satisfy any of the responsibilities delegated to it by a covered producer  
18 for developing and implementing a battery producer responsibility  
19 program does not relieve the covered producer of the covered  
20 producer’s responsibility to satisfy the requirements of sections 2 to  
21 17 of this 2025 Act.

22 **SECTION 4. Plans for battery producer responsibility programs.** (1)  
23 In the form and manner prescribed by the Department of Environ-  
24 mental Quality, a battery producer responsibility organization must  
25 submit to the department a plan for implementing a battery producer  
26 responsibility program as provided in this section.

27 (2) A battery producer responsibility program plan must describe  
28 how the battery producer responsibility organization will implement a  
29 battery producer responsibility program that satisfies the require-  
30 ments of sections 2 to 17 of this 2025 Act. The plan must include:

31 (a) A list of all covered producers participating in the battery pro-

1 **ducer responsibility organization and a list of each brand sold, offered**  
2 **for sale or distributed in or into this state by each participating cov-**  
3 **ered producer.**

4 **(b) A description of how the battery producer responsibility organ-**  
5 **ization will:**

6 **(A) Provide for the responsible management of covered batteries**  
7 **consistent with environmentally sound management practices and the**  
8 **polices set forth in ORS 459.015 (2).**

9 **(B) Provide for convenient and equitable service as required by**  
10 **section 7 of this 2025 Act, including a list of all service providers and**  
11 **processors the battery producer responsibility organization will con-**  
12 **tract with or use to provide services required by sections 2 to 17 of this**  
13 **2025 Act.**

14 **(C) Provide for education and public awareness as required by sec-**  
15 **tion 9 of this 2025 Act, including a description of the biennial survey**  
16 **to measure public awareness required by section 9 of this 2025 Act.**

17 **(D) Establish a schedule of membership fees sufficient to meet the**  
18 **financial obligations of the battery producer responsibility organiza-**  
19 **tion as described in section 11 of this 2025 Act.**

20 **(E) Ensure continuous improvement of the battery producer re-**  
21 **sponsibility program by establishing and working to achieve measur-**  
22 **able performance goals for the program. Performance goals must**  
23 **include the date by which the goal will be met. Performance goals**  
24 **must include annual goals for:**

25 **(i) Collection rates;**

26 **(ii) Recycling efficiency; and**

27 **(ii) Achieving and maintaining high public awareness of the pro-**  
28 **gram, including awareness in low-income, rural and other historically**  
29 **underserved communities.**

30 **(F) Coordinate with other battery producer responsibility organiza-**  
31 **tions, if applicable.**

1 (c) A program budget that describes how the battery producer re-  
2 sponsibility organization will finance the battery producer responsi-  
3 bility program, including the costs to carry out a program that  
4 satisfies the requirements of sections 2 to 17 of this 2025 Act appor-  
5 tioned among each covered producer participating in the battery pro-  
6 ducer responsibility organization, as required by section 11 of this 2025  
7 Act.

8 SECTION 5. Approval of battery producer responsibility program  
9 plans. (1) The Department of Environmental Quality shall approve a  
10 battery producer responsibility program plan submitted to the depart-  
11 ment under section 4 of this 2025 Act if the department determines  
12 that the plan meets the requirements of section 4 of this 2025 Act and  
13 that the battery producer responsibility organization will successfully  
14 implement the program in accordance with the plan.

15 (2) Not later than 90 days after receiving a plan under section 4 of  
16 this 2025 Act, the department shall either approve, approve with con-  
17 ditions or reject the plan. If the department rejects the plan the de-  
18 partment shall provide the reason or reasons for the rejection to the  
19 battery producer responsibility organization in writing. A battery pro-  
20 ducer responsibility organization must submit a revised plan to the  
21 department no later than 60 days after the date of the rejection.

22 (3) No later than 60 days after receiving a revised plan under sub-  
23 section (2) of this section, the department shall either approve, ap-  
24 prove with conditions or reject the revised plan. If the department  
25 rejects the revised plan, the department shall provide the reason or  
26 reasons for the rejection to the battery producer responsibility organ-  
27 ization in writing. A battery producer responsibility organization must  
28 submit a second revised plan to the department no later than 45 days  
29 after the date of the rejection.

30 (4)(a) No later than 45 days after receiving a second revised plan  
31 under subsection (3) of this section, the department shall either ap-

1 **prove the second revised plan or make such modifications to the plan**  
2 **as necessary for approval.**

3 **(b) If, after receiving a second revised plan, the department deter-**  
4 **mines that the battery producer responsibility organization will be**  
5 **unable to successfully implement a battery producer responsibility**  
6 **program in accordance with a proposed or modified plan, the depart-**  
7 **ment shall specify the date on which the battery producer responsi-**  
8 **bility organization must cease to operate a battery producer**  
9 **responsibility program in this state. The department may consider the**  
10 **past performance of a battery producer responsibility organization**  
11 **when making a determination under this paragraph.**

12 **(5)(a) A plan approved by the department under this section is valid**  
13 **for three years. No less than 180 days before a plan approved under**  
14 **this section expires, a battery producer responsibility organization**  
15 **shall submit an updated plan to be approved under this section for an**  
16 **additional three years. An updated plan must satisfy the requirements**  
17 **of section 4 of this 2025 Act and describe any substantive changes from**  
18 **the previously approved plan.**

19 **(b) The department's rejection of a plan does not relieve a battery**  
20 **producer responsibility organization from continuing to implement a**  
21 **battery producer responsibility program in compliance with a previ-**  
22 **ously approved plan pending a final action by the department on the**  
23 **updated plan.**

24 **(6) Subject to section 16 of this 2025 Act, the department may make**  
25 **available to the public battery producer responsibility program plans,**  
26 **and any revisions thereto.**

27 **(7) Beginning no later than 90 days after a plan is approved under**  
28 **this section, a battery producer responsibility organization must im-**  
29 **plement a battery producer responsibility program as described in the**  
30 **approved plan.**

31 **SECTION 6. Changes to battery producer responsibility programs.**



1 (1) In a form and manner prescribed by the Department of Environ-  
2 mental Quality, a battery producer responsibility organization must  
3 request preapproval from the department for any change to a battery  
4 producer responsibility program plan that substantively alters the  
5 program. Except as provided in subsection (3) of this section, a battery  
6 producer responsibility organization must make a request under this  
7 subsection not later than 60 days before the change is to occur. For  
8 purposes of this subsection, changes that substantively alter a battery  
9 producer responsibility program include, but are not limited to:

10 (a) Changes involving the methods used to collect covered batteries;

11 (b) Changes involving methods used to dispose of covered batteries;

12 (c) Changes to the policies and procedures for handling and dispos-  
13 ing of covered batteries;

14 (d) Changes involving methods used to foster public awareness of  
15 the battery producer responsibility program; and

16 (e) Changes to the location of a collection site.

17 (2) The department shall approve or reject a request submitted  
18 pursuant to subsection (1) of this section within 60 days of receiving  
19 the request. If the department does not approve or reject the request,  
20 and provide written notice to the battery producer responsibility or-  
21 ganization of the department's decision within 60 days of the date on  
22 which the department received the request, the proposed change shall  
23 be considered approved.

24 (3) If a battery producer responsibility organization intends to make  
25 a proposed change to a battery producer responsibility program but,  
26 for good cause as determined by the department, is unable to make a  
27 request 60 days before the proposed change is to occur as required  
28 under subsection (1) of this section, the battery producer responsibility  
29 organization shall notify the department of the proposed change as far  
30 in advance of the proposed change as practicable. Upon receipt of no-  
31 tice described in this subsection, the department shall consult with the

1 battery producer responsibility organization regarding the proposed  
2 change. Not later than seven business days after receiving the notice,  
3 the department may temporarily approve the proposed change.

4 (4) The department may require a battery producer responsibility  
5 organization to modify a battery producer responsibility program plan  
6 and submit to the department changes for approval as described in  
7 subsections (1) to (3) of this section if the department determines that  
8 the battery producer responsibility organization is not meeting pro-  
9 gram goals described in an approved battery producer responsibility  
10 program plan.

11 (5) In a form and manner prescribed by the department, a battery  
12 producer responsibility organization must notify the department:

13 (a) Not later than 30 days after the change occurs, of any change  
14 to the contact information for the battery producer responsibility or-  
15 ganization.

16 (b) Not later than 60 days after the change occurs, of any change  
17 involving:

18 (A) Which covered producers are participating in the battery pro-  
19 ducer responsibility organization;

20 (B) The contact information for a covered producer participating in  
21 the battery producer responsibility organization; or

22 (C) The ownership of a covered producer participating in the battery  
23 producer responsibility organization.

24 SECTION 7. Convenient and equitable service. (1) A battery pro-  
25 ducer responsibility organization must provide convenient and equita-  
26 ble service throughout this state as provided in this section, including  
27 to rural areas and lower-income and other historically underserved  
28 populations.

29 (2) Convenient and equitable service must include a network of  
30 collection sites distributed to ensure that 95 percent of the residents  
31 of this state are within 15 miles of a collection site, and must also in-

1 **clude:**

2 **(a) At least one collection site in each county;**

3 **(b) At least one collection site in each city with a population of at**  
4 **least 4,000 but less than 10,000;**

5 **(c) In each city with a population of at least 10,000 but less than**  
6 **200,000, at least one collection site, plus one additional collection site**  
7 **for every additional 20,000 residents of the city over 10,000; and**

8 **(d) In each city with a population of 200,000 or greater, at least 10**  
9 **collection sites, plus one additional collection site for every additional**  
10 **50,000 residents of the city over 200,000.**

11 **(3)(a) A collection site for a county may be the same as a collection**  
12 **site for a city in the county.**

13 **(b) For purposes of calculating the population of a city within a**  
14 **metropolitan service district established under ORS chapter 268, the**  
15 **population of any adjacent unincorporated area of a county that is**  
16 **within the metropolitan service district shall be included in the popu-**  
17 **lation of the city.**

18 **(c) Collection sites shall be staffed and open to the public at a fre-**  
19 **quency adequate to meet the needs of the area being served.**

20 **(d) A battery producer responsibility organization may provide col-**  
21 **lection service jointly with another battery producer responsibility**  
22 **organization.**

23 **(4) The department may waive the requirements of subsections (2)**  
24 **and (3) of this section with respect to a county or city if a proposed**  
25 **battery producer responsibility program plan demonstrates to the**  
26 **department's satisfaction that alternative collection methods would**  
27 **provide substantially equivalent collection convenience.**

28 **(5) A collection site described in subsections (2) and (3) of this sec-**  
29 **tion must:**

30 **(a) Accept each brand and type of covered battery, other than me-**  
31 **dium format batteries, at no cost to covered entities;**

1       **(b) Provide appropriate containers for the collection of covered**  
2 **batteries;**

3       **(c) Be staffed by adequately trained employees;**

4       **(d) Display signs or other visual aids to inform covered entities and**  
5 **staff on how to properly and safely collect and handle discarded cov-**  
6 **ered batteries; and**

7       **(e) Make educational materials about the battery producer respon-**  
8 **sibility program available to covered entities.**

9       **(6) A battery producer responsibility organization shall:**

10      **(a) Provide fair financial compensation to collection sites calculated**  
11 **to cover the costs of collecting, storing, managing and transporting**  
12 **covered batteries; and**

13      **(b) Enter into agreements with all willing transfer stations, landfills**  
14 **and material recovery facilities that are covered under a solid waste**  
15 **disposal permit issued by the Department of Environmental Quality**  
16 **to collect covered batteries in accordance with all applicable laws and**  
17 **the approved battery producer responsibility program plan.**

18      **(7)(a) In addition to the collection sites required by subsections (2)**  
19 **and (3) of this section, a battery producer responsibility organization**  
20 **must provide for collection of medium format and damaged or defec-**  
21 **tive batteries by providing at no charge to covered entities, in each**  
22 **county of this state:**

23      **(A) Collection by trained individuals at one or more household**  
24 **hazardous waste collection sites; or**

25      **(B) Collection by trained individuals at one or more collection**  
26 **events held in the county each year.**

27      **(b) A battery producer responsibility organization is responsible for**  
28 **all costs associated with the collection of medium format and damaged**  
29 **or defective batteries, including the costs of providing containers at**  
30 **collection sites.**

31      **(8) A battery producer responsibility organization may contract**

1 with willing collection service providers to provide on-route collection  
2 of covered batteries and transfer collected batteries to the battery  
3 producer responsibility program for further management.

4 **SECTION 8. Environmentally sound management practices.** (1) A  
5 battery producer responsibility organization must employ environ-  
6 mentally sound management practices while collecting, transporting,  
7 processing and recycling or otherwise managing covered batteries as  
8 provided in this section. A battery producer responsibility organization  
9 must, in compliance with all applicable laws, ensure responsible man-  
10 agement and continuous improvement in environmental outcomes,  
11 reduction of environmental impacts and protection of health, safety  
12 and data privacy in the management of covered batteries by employing  
13 practices that include, but are not limited to:

14 (a) Adequate record keeping;

15 (b) Tracking the fate of materials from covered batteries;

16 (c) Conducting performance audits and inspections;

17 (d) Developing opportunities for reuse and refurbishment;

18 (e) Complying with worker health and safety requirements;

19 (f) Ensuring that covered batteries are delivered to responsible end  
20 markets;

21 (g) Maintaining liability insurance and other financial assurances;  
22 and

23 (h) Carrying out other practices as may be adopted by rule by the  
24 Environmental Quality Commission.

25 (2) A battery producer responsibility organization must ensure that  
26 all collection sites and processors not directly controlled by the battery  
27 producer responsibility organization use environmentally sound man-  
28 agement practices with respect to covered batteries.

29 **SECTION 9. Public education and awareness.** (1) A battery producer  
30 responsibility organization must develop educational resources and  
31 conduct public awareness activities across multiple types of media to

1 **advertise and promote, on a regular basis, recycling of covered bat-**  
2 **teries and collection opportunities statewide. In addition, a battery**  
3 **producer responsibility organization must:**

4 **(a) Establish a toll-free telephone number and a website address**  
5 **that a covered entity may use to contact the battery producer re-**  
6 **sponsibility organization to provide feedback about the battery pro-**  
7 **ducer responsibility program and to obtain information about the**  
8 **program, including:**

9 **(A) The location of collection sites;**

10 **(B) The time and location of collection events; and**

11 **(C) Other collection services.**

12 **(b)(A) Develop educational materials, including educational web-**  
13 **based content, press releases, advertisements and promotional mate-**  
14 **rials.**

15 **(B) Educational materials must:**

16 **(i) Be provided at sites that sell covered products, collection sites**  
17 **and sites that accept damaged or defective batteries; and**

18 **(ii) Include materials that are targeted to overburdened or vulner-**  
19 **able communities.**

20 **(c) Conduct a biennial survey to measure public awareness, using**  
21 **questions and methodology that have been approved by the Depart-**  
22 **ment of Environmental Quality.**

23 **(2) A battery producer responsibility organization shall coordinate**  
24 **with other battery producer responsibility organizations under this**  
25 **section to ensure that program users can easily identify, understand**  
26 **and access the services provided by all battery producer responsibility**  
27 **programs that are operational in this state. At a minimum, all of the**  
28 **battery producer responsibility programs that are operational in this**  
29 **state must provide a single toll-free telephone number and a single**  
30 **website address that a covered entity may use to contact battery pro-**  
31 **ducer responsibility organizations and to acquire information about**

1 **battery producer responsibility programs.**

2 **SECTION 10. Annual report.** (1) A battery producer responsibility  
3 **organization must submit to the Department of Environmental Qual-**  
4 **ity, in a form and manner prescribed by the department, an annual**  
5 **report on the development, implementation and operation of the bat-**  
6 **tery producer responsibility program. The annual report must include:**

7 (a) A list of covered producers participating in the battery producer  
8 responsibility program, the brands associated with each covered pro-  
9 ducer and the date the covered producer began participating in the  
10 organization.

11 (b) The amount, by weight, chemistry and method of collection, of  
12 covered batteries collected under the program.

13 (c) The amount, by weight and chemistry, of covered batteries col-  
14 lected at each collection site.

15 (d) An assessment of whether the battery producer responsibility  
16 organization implemented the program in accordance with the plan  
17 approved under section 5 of this 2025 Act.

18 (e) A summary of the environmentally sound management practices  
19 employed in the program and an attestation that all covered batteries  
20 were managed according to environmentally sound management  
21 practices.

22 (f) A list of collection sites, processors, transporters and responsible  
23 end markets used by the program during the preceding program year.

24 (g) A summary of public awareness and education activities per-  
25 formed by the battery producer responsibility organization, alone or  
26 in coordination with one or more battery producer responsibility or-  
27 ganizations, sufficient to demonstrate to the department that the or-  
28 ganization has satisfied the requirements of section 9 of this 2025 Act.

29 (h) The results of the most recent biennial survey conducted under  
30 section 9 of this 2025 Act.

31 (i)(A) An analysis of whether the battery producer responsibility

1 organization met performance goals proposed by the battery producer  
2 responsibility program plan or adopted by the Environmental Quality  
3 Commission; and

4 (B) If the battery producer responsibility organization did not meet  
5 performance goals, a description of actions the battery producer re-  
6 sponsibility organization will take to meet those goals.

7 (j) A summary financial statement documenting the financing of  
8 the battery producer responsibility organization's program and an  
9 analysis of program costs and expenditures incurred in this state, in-  
10 cluding an analysis of the program's expenses, such as collection,  
11 transportation, recycling, education and administrative overhead.

12 (2) The department shall review and approve a report submitted  
13 under this section if the department determines that the report satis-  
14 fies the requirements of this section. If the department does not ap-  
15 prove a report, the department shall provide the battery producer  
16 responsibility organization with written notice of the reasons for the  
17 rejection.

18 (3) Subject to section 16 of this 2025 Act, the department may make  
19 reports submitted under this section available to the public.

20 (4) Upon the request of the department, a battery producer respon-  
21 sibility organization must provide to the department:

22 (a) A description of each type of material sent to each processor;

23 (b) The method of processing used by each processor; and

24 (c) The responsible end market for each material managed under  
25 the program.

26 **SECTION 11. Membership fees.** (1)(a) A battery producer responsi-  
27 bility organization shall establish a schedule of membership fees to be  
28 paid by covered producers participating in the organization. Member-  
29 ship fees established pursuant to this section must be sufficient to  
30 meet the financial obligations of the organization under sections 2 to  
31 17 of this 2025 Act.



1 (b) A battery producer responsibility organization and any service  
2 provider that contracts with a battery producer responsibility organ-  
3 ization may not charge a fee to a covered entity for any services nec-  
4 essary to satisfy the battery producer responsibility organization's  
5 obligations under sections 2 to 17 of this 2025 Act. A covered producer  
6 may not charge a fee to a consumer at the point of sale to cover the  
7 cost of meeting the covered producer's obligations under sections 2 to  
8 17 of this 2025 Act.

9 (2) The schedule of membership fees must incentivize covered pro-  
10 ducers to continually reduce the environmental and human health  
11 impacts of covered products. A fee schedule that satisfies the re-  
12 quirements of this section may include a fee structure that:

13 (a) Encourages designs intended to facilitate reuse and recycling  
14 of covered batteries;

15 (b) Encourages the use of recycled content in covered batteries;

16 (c) Discourages the use of materials that increase system costs of  
17 managing covered batteries; or

18 (d) Encourages other design attributes that reduce the environ-  
19 mental impacts of covered batteries.

20 SECTION 12. Enforcement. (1) The Department of Environmental  
21 Quality shall have the power to enter upon and inspect, at any rea-  
22 sonable time, any public or private property, premises or place for the  
23 purpose of investigating either an actual or suspected violation of  
24 sections 2 to 17 of this 2025 Act or rules adopted under sections 2 to  
25 17 of this 2025 Act.

26 (2) A battery producer responsibility organization shall retain all  
27 records related to the implementation and administration of a battery  
28 producer responsibility program for not less than three years from the  
29 time the record was created and make the records available for in-  
30 spection by the department upon request.

31 (3) In accordance with the applicable provisions of ORS chapter 183

1 relating to contested case proceedings, the department may issue an  
2 order requiring compliance with the provisions of sections 2 to 17 of  
3 this 2025 Act.

4 (4) In accordance with the applicable provisions of ORS chapter 183  
5 relating to contested case proceedings, and in accordance with ORS  
6 468.130 and rules adopted pursuant to ORS 468.130, the department may  
7 issue civil penalties for violations of the provisions of sections 2 to 17  
8 of this 2025 Act and rules adopted under sections 2 to 17 of this 2025  
9 Act. All penalties recovered for violations of sections 2 to 17 of this  
10 2025 Act and rules adopted under sections 2 to 17 of this 2025 Act shall  
11 be paid into the State Treasury and credited to the Battery Producer  
12 Responsibility Fund established under section 14 of this 2025 Act.

13 (5) The department may issue an order under subsection (3) of this  
14 section to suspend or revoke a battery producer responsibility program  
15 plan if the department determines that:

16 (a) A violation or repeated violations of sections 2 to 17 of this 2025  
17 Act present a risk to the environment or public health; or

18 (b) A violation has had a material impact on the implementation  
19 and administration of the battery producer responsibility program  
20 plan.

21 **SECTION 13. Fees.** (1) The Environmental Quality Commission shall  
22 establish the following fees for the purpose of paying the costs of ad-  
23 ministering sections 2 to 17 of this 2025 Act:

24 (a) A plan review fee for reviewing a battery producer responsibility  
25 program plan submitted under section 4 of this 2025 Act.

26 (b) An annual fee for expenses associated with the ongoing costs  
27 of administering sections 2 to 17 this 2025 Act.

28 (2) Each battery producer responsibility organization that operates  
29 a battery producer responsibility program in this state is responsible  
30 for paying the fees established by this section. If more than one tex-  
31 tile producer responsibility organization operates a battery producer

1 responsibility program in this state, the fee established under sub-  
2 section (1)(b) of this section shall be paid in equal parts by each bat-  
3 tery producer responsibility organization operating in this state.

4 (3) Fees established under subsection (1) of this section must be  
5 reasonably calculated to cover the costs of administering sections 2 to  
6 17 of this 2025 Act.

7 (4) The department shall deposit fee moneys collected pursuant to  
8 this section into the Battery Producer Responsibility Fund established  
9 under section 14 of this 2025 Act.

10 SECTION 14. Battery Producer Responsibility Fund. (1) The Battery  
11 Producer Responsibility Fund is established in the State Treasury,  
12 separate and distinct from the General Fund. Interest earned by the  
13 Battery Producer Responsibility Fund shall be credited to the fund.

14 (2) The Battery Producer Responsibility Fund shall consist of:

15 (a) Amounts deposited in the fund by the Department of Environ-  
16 mental Quality under section 13 of this 2025 Act;

17 (b) Amounts credited to the fund under section 12 of this 2025 Act;

18 (c) Amounts appropriated or otherwise transferred to the fund by  
19 the Legislative Assembly; and

20 (d) Other amounts deposited in the fund from any other source.

21 (3) Moneys in the Battery Producer Responsibility Fund are con-  
22 tinuously appropriated to the Department of Environmental Quality  
23 for the purpose of carrying out sections 2 to 17 of this 2025 Act.

24 SECTION 15. Antitrust immunity. The Legislative Assembly de-  
25 clares that the collaboration of covered producers through battery  
26 producer responsibility organizations to develop and implement bat-  
27 tery producer responsibility program plans is in the best interests of  
28 the public. Therefore, the Legislative Assembly declares its intent that  
29 participating in a battery producer responsibility organization to im-  
30 plement a battery producer responsibility program plan as required by  
31 sections 2 to 17 of this 2025 Act shall be exempt from state antitrust

1 laws. The Legislative Assembly further declares its intent to provide  
2 immunity for participating in a battery producer responsibility organ-  
3 ization to implement a battery producer responsibility program plan  
4 as required by sections 2 to 17 of this 2025 Act from federal antitrust  
5 laws. This section does not authorize any person to engage in activities  
6 or to conspire to engage in activities that constitute per se violations  
7 of state or federal antitrust laws that are not authorized under  
8 sections 2 to 17 of this 2025 Act.

9 **SECTION 16. Confidentiality.** A covered producer or battery pro-  
10 ducer responsibility organization that submits information or records  
11 to the Department of Environmental Quality under sections 2 to 17 of  
12 this 2025 Act may request that the information or records be made  
13 available only for the confidential use of the department. The depart-  
14 ment shall consider the request and weigh the harm suffered by the  
15 person making the request against the public interest in disclosure.  
16 Information or records for which the department grants a request  
17 under this section are confidential and not subject to public disclosure  
18 under ORS 192.311 to 192.478, except that the department may disclose  
19 summarized information or aggregated data if the information or data  
20 does not directly or indirectly identify the confidential information of  
21 a specific covered producer or battery producer responsibility organ-  
22 ization.

23 **SECTION 17. Rules.** The Environmental Quality Commission may  
24 adopt any rules necessary for the effective administration of sections  
25 2 to 17 of this 2025 Act.

26 **SECTION 18.** ORS 459.995, as amended by section 6, chapter 73, Oregon  
27 Laws 2023, is amended to read:

28 459.995. **Civil penalties.** (1) Except as provided in subsection (2) of this  
29 section, in addition to any other penalty provided by law:

30 (a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to  
31 459.405, 459.485, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to

1 459A.335, 459A.860 to 459A.975 or 646A.080, or any rule or order of the En-  
2 vironmental Quality Commission pertaining to the disposal, collection, stor-  
3 age or reuse or recycling of solid wastes, as defined by ORS 459.005, or any  
4 rule or order pertaining to the disposal, storage or transportation of waste  
5 tires, as defined by ORS 459.705, or any rule or order pertaining to the sale  
6 of novelty items that contain encapsulated liquid mercury or any rule or  
7 order pertaining to compact fluorescent lamps or linear fluorescent lamps,  
8 as defined by ORS 459.485, incurs a civil penalty not to exceed \$25,000 per  
9 day for each day of the violation.

10 (b) Any person who violates the provisions of ORS 459.420 to 459.426 in-  
11 curs a civil penalty not to exceed \$500 for each violation. Each battery that  
12 is disposed of improperly is a separate violation. Each day an establishment  
13 fails to post the notice required under ORS 459.426 is a separate violation.

14 (c) For each day a city, county or metropolitan service district fails to  
15 provide the opportunity to recycle as required under ORS 459A.005, the city,  
16 county or metropolitan service district incurs a civil penalty not to exceed  
17 \$500 for each violation.

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

21 (e) Any retailer that violates the provisions of ORS 459A.156 or 459A.825  
22 (1) or (2)(b) incurs a civil penalty not to exceed \$100 per day for each day  
23 of the violation.

24 (f) Any producer or renovator that violates the provisions of ORS  
25 459A.156 or 459A.825 (1) incurs a civil penalty not to exceed \$1,000 per day  
26 for each day of the violation.

27 (g) Any stewardship organization that violates the provisions of ORS  
28 459A.150 to 459A.189, 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or  
29 459A.842 incurs a civil penalty not to exceed \$1,000 per day for each day of  
30 the violation.

31 (h) Any food vendor that violates ORS 459.468 incurs a civil penalty not

1 to exceed \$100 for each day of the violation.

2 (i) Any person that violates ORS 459.471 or 459.474 incurs a civil penalty  
3 not to exceed \$500 per day for each day of the violation.

4 **(j)(A) Except as provided in subparagraph (B) of this paragraph, a**  
5 **covered producer or battery producer responsibility organization that**  
6 **violates sections 2 to 17 of this 2025 Act incurs a civil penalty not to**  
7 **exceed \$1,000 per day for each day of the violation.**

8 **(B) A covered producer that fails to satisfy the requirement to join**  
9 **a battery producer responsibility organization under section 2 of this**  
10 **2025 Act incurs a civil penalty not to exceed \$10,000 for each day that**  
11 **covered products that the covered producer is responsible for are sold**  
12 **in this state.**

13 **(k) Any person that violates section 20 of this 2025 Act incurs a civil**  
14 **penalty not to exceed \$500 for each violation. Each removable**  
15 **lithium-ion battery that is disposed of improperly is a separate vio-**  
16 **lation.**

17 (2) Any product manufacturer or package manufacturer who violates ORS  
18 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to 459A.665  
19 incurs a civil penalty not to exceed \$1,000 per day for each day of the vio-  
20 lation. A violation of ORS 459A.650 to 459A.665 is not subject to additional  
21 penalties under subsection (1) of this section.

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

24 **SECTION 19. Section 20 of this 2025 Act is added to and made a part**  
25 **of ORS 459.205 to 459.385.**

26 **SECTION 20. (1) A person may not knowingly dispose of a remova-**  
27 **ble lithium-ion battery in mixed municipal solid waste.**

28 **(2) A person may not dispose of a removable lithium-ion battery**  
29 **except by delivery to a battery producer responsibility program, as**  
30 **defined in section 2 of this 2025 Act, or a person accepting batteries**  
31 **on behalf of a battery producer responsibility program.**



**UNIT AND SECTION CAPTIONS**

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**SECTION 23. Unit and section captions. The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.**

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