

February 10, 2023

Sen. Janeen Sollman  
Chair, Senate Energy and Environment Committee  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**Re: Oppose SB 542**

Dear Chair Sollman:

On behalf of the Consumer Technology Association (CTA), thank you for the opportunity to provide comments on SB 542. CTA is the trade association representing the U.S. consumer technology industry – including manufacturers of devices subject to the provisions of this legislation. We also represent retailers of these and other consumer technology products.

Given the enactment of New York’s right to repair law, CTA is very concerned about a patchwork of varying requirements emerging across the United States. On behalf of consumer electronics manufacturers, CTA stands ready to work with leading repair advocates on establishing a joint and national Memorandum of Understanding (MOU) to establish a transparent and viable process for facilitating safe and secure repair in Oregon and beyond.

**Patchwork Concerns**

CTA has identified numerous areas where reasonable accommodations were made in the New York Chapter Amendments bill (which is now law) to ensure both that repairs can be made by consumers and independent repair shops without substantially compromising safety and security concerns. Specific areas of variation identified by CTA to date are:

- Less clearly defined product scope (the legislation under consideration in Washington is a potential model), including application only to newly introduced product models
- Compliance via provision of sub-assemblies is not clear
- Exclusion of Business-to-Business (B2B) products needs clarification
- The lack of a safety exemption
- A lack of clarity on what set of items manufacturers would be legally obligated to provide relating to what is currently provided to manufacturer-authorized parties
- Enforcement is different (it should be by the Attorney General with no private right of action or class action suit, etc.)

- Liability protections are unclear
- “Fair and Reasonable Terms” are different and should align with New York

Our concern is that variations in these nuanced provisions will be a field day for attorneys and move the center of energy away from expanding repair and into prolonged court battles. CTA prefers a national approach through either federal legislation or a mutual MOU with leading repair advocates.

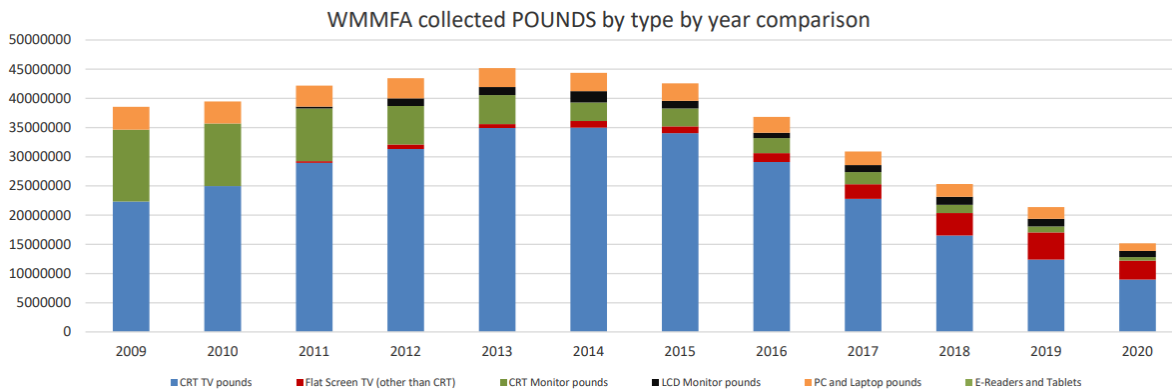
**Important Context: E-Waste is the Fastest Declining Product in the Municipal Solid Waste Stream**

According to the latest U.S. EPA data (see table 14 of [this report](#)) consumer electronics are the fastest declining product in the municipal waste stream. And it’s not just nationally. Below is a chart of annual per capita collection totals for the Oregon e-Cycles program.

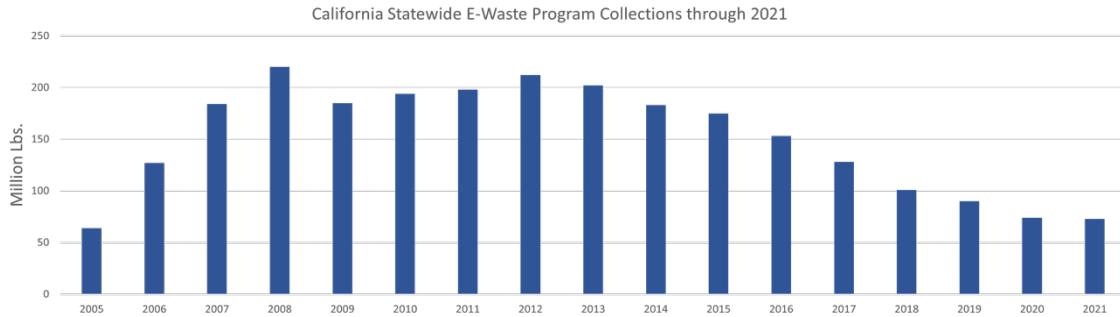
Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
Lbs./capita	6.84	7.06	6.91	7.41	6.51	5.81	4.82	4.27	3.4

Source: Electronics Recycling Coordination Clearinghouse [Latest Per Capita Data on Electronics Recycling Programs](#)

This trend is also clear in other state programs. Below is a chart showing the e-waste generation trend in Washington from the Washington Materials Management and Financing Authority, and below that another chart showing data from CalRecycle:



Source: see slide 334 from the [2020 WMMFA annual report](#). A similar trend continues in 2021 and 2022 but they no longer create this chart.



Source: see the “Quarterly Update” link on [CalRecycle’s Covered Electronic Waste Recycling Program page](#).

Note that this trend is due primarily to improvements in video display technology and greater efficiencies in material usage for new products over the past couple decades. Although these declines have meant less material for electronics recyclers to manage, it also means less e-waste generated – which is a very good thing for the environment.

A separate environmental issue arose at the February 9 hearing – where is the biggest climate impact from our industry’s products? CTA’s review of available data show that for the electronics industry overall most emissions occur in the use phase, not in the production/supply chain phase. For example, in developing our upcoming report on industry greenhouse gas emissions for 2021, CTA found that 75% of all Scope 3 emissions from electronics manufacturers reported to CDP occurred during the use phase. Anecdotally that may not hold for small electronic products that use very little electricity during the use phase, but this supposition has not yet been confirmed. These observations are not presented as an argument against repair but just an FYI about the electronics industry overall.

**Conclusion**

Thank you again for the opportunity to testify and provide our comments and suggestions. If you have any questions, please do not hesitate to contact me at [walcorn@cta.tech](mailto:walcorn@cta.tech).

Sincerely,

Walter Alcorn  
 Vice President, Environmental Affairs and Industry Sustainability  
 Consumer Technology Association