

HB 4013 -1, -2 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 2/7, 2/12, 2/14

WHAT THE MEASURE DOES:

The measure prohibits the Oregon Department of Environmental Quality from enforcing the provisions of the producer responsibility program applicable to wine packaging until July 1, 2026.

Detailed summary:

Makes legislative findings. Prohibits the Oregon Department of Environmental Quality from enforcing certain provisions related to wine packaging, including requirements for producers and producer responsibility organizations and producer responsibility program plans. Repeals prohibition on July 1, 2026. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Options for using refillable glass wine bottles
- Possible focus for future workgroup on recycling wine bottles
- Extended producer responsibility programs in other states
- Forthcoming changes to curbside recycling, recycling depots, and collection sites
- Overview of Oregon Recycling Modernization Act
- Carbon footprint of glass containers
- Fee-based nature of Oregon's forthcoming producer responsibility program

EFFECT OF AMENDMENT:

-1 The amendment replaces the measure with the exception of the emergency clause. Temporarily excludes glass wine containers as a covered product under the producer responsibility program (ORS 459A.860 to 459A.975) until July 1, 2026.

Detailed summary:

The amendment replaces the measure with the exception of the emergency clause. Makes legislative findings.

Sections 1 and 2:

Temporarily excludes glass wine containers as a covered product under the producer responsibility program (ORS 459A.860 to 459A.975) until July 1, 2026.

Section 3:

Authorizes the Oregon Department of Environmental Quality (DEQ) and Environmental Quality Commission (Commission) to take any action before July 1, 2026, that is necessary for DEQ or the Commission to exercise, on and after July 1, 2026, all of the duties, functions, and powers conferred on DEQ or the Commission by the inclusion of glass wine containers as a covered product under the producer responsibility program.

Section 4:

Requires the Commission, by rule prior to passage of this Act, to reduce or otherwise modify any material-specific collection target for glass established by the Commission, to account for the temporary removal of glass wine containers as covered products under the producer responsibility program.

Section 5:

Repeals on July 1, 2026, modification of any material-specific collection target for glass established by the Commission to account for the temporary removal of glass wine containers as covered products under the producer responsibility program.

-2 The measure temporarily excludes glass wine containers as a covered product under the producer responsibility program until July 1, 2026, and requires a producer responsibility organization to charge to a producer of glass wine containers member a one-time fee for the period from July 1, 2025, to June 30, 2026, unless those producers are not considered covered products under the state's producer responsibility program.

- *FISCAL: Minimal fiscal impact*
- *REVENUE: No revenue impact*

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Sections 6 and 7:

Requires a producer responsibility organization (PRO) to charge to a member that is a producer of glass wine containers a one-time fee, in addition to the membership fee required by ORS 459A.884, that is reasonably calculated to cover the costs of glass wine containers to the producer responsibility organization for the period from July 1, 2025, to June 30, 2026. Requires the fee be paid by a producer of glass wine containers that is required on July 1, 2026, to be a member of a PRO. Excludes PRO fee collection from producers of glass wine containers if they are not considered covered products under the state's producer responsibility program (ORS 459A.863).

BACKGROUND:

Until 2018, the United States, similar to other nations, sold its plastic and other recyclable waste to China. Large quantities of potentially recyclable trash that the county was receiving was too contaminated to recycle or was

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not being recycled at all. To address the issue, imports of plastic and other recyclable trash into China were curtailed through its National Sword policy in 2018.

In 2021, Senate Bill 582 established a producer responsibility program for “covered products,” which include packaging, printing and writing paper, and food serviceware (ORS 459A.863). The Act also required producers of covered products to join a producer responsibility organization (PRO), on or after July 1, 2025. PROs will work with their members to ensure that covered products collected by a recycling collection service are recycled by responsible end markets, and each PRO must submit a coordination plan to the Oregon Department of Environmental Quality (DEQ) for approval.

DEQ will require PROs to provide for the recycling of the following covered products:

- Steel and aluminum aerosol packaging;
- Single-use liquid fuel canisters and other pressurized cylinders;
- Aluminum foil and pressed foil products;
- Glass packaging (e.g., bottles and jars);
- Shredded paper;
- Polyethylene film;
- Plastic buckets and other bulky HDPE (#2) or polypropylene (#5) packaging;
- HDPE package handles (such as 6-pack handles);
- Polyethylene and polypropylene lids; and
- Block white expanded polystyrene.

In 2022, the Legislative Assembly required the payment of a refund value for wine in cans as part of the Bottle Bill program beginning July 1, 2025 (ORS 459A.702). Other types of wine packaging, such as bottles or cardboard boxes, will need to be included in a producer responsibility program plan.