

A-Engrossed House Bill 4013

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by Representative SCHARF, Senator MEEK, Representatives GOMBERG, ELMER, Senator SMITH DB; Representative OSBORNE (at the request of Oregon Winegrowers Association, Oregon Wine Council) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act excludes glass wine containers from a law that tells producers to take steps to dispose of their packaging. The exclusion lasts for one year. (Flesch Readability Score: 76.5).

[Digest: This Act tells the DEQ not to enforce certain laws related to wine packaging. The Act sunsets on July 1, 2026. (Flesch Readability Score: 63.2).]

[Prohibits the Department of Environmental Quality from enforcing the provisions of the producer responsibility program applicable to wine packaging.]

[Sunsets on July 1, 2026.]

Excludes glass wine containers from definition of "covered product" under producer responsibility law until July 1, 2026.

Directs Environmental Quality Commission to amend material-specific collection targets for glass.

Directs producer responsibility organization to charge one-time fee to members that are producers of glass wine containers.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wine packaging; creating new provisions; amending ORS 459A.863; and declaring an
3 emergency.

4 Whereas wine packaged in beverage containers that are included in Oregon's Bottle Bill, ORS
5 459A.700 to 459A.744, are exempt from Oregon's Producer Responsibility Program, ORS 459A.860 to
6 459A.975; and

7 Whereas under existing law, wine in cans will be included in the Bottle Bill on July 1, 2025; and

8 Whereas under existing law, wine containers that are not included in the Bottle Bill will be
9 included in the Producer Responsibility Program as covered products on July 1, 2025; and

10 Whereas under existing law, nonexempt wineries that package wine in containers other than
11 cans will be required to join producer responsibility organizations by July 1, 2025, for their wine
12 containers and packaging; and

13 Whereas producers of glass wine containers have a vested interest in making participation in
14 a recycling program for glass wine containers as streamlined as possible to maximize the likelihood
15 of achieving compliance and the efficient use of limited resources; and

16 Whereas the unique nature of wine bottles, which are the primary wine containers, in overall
17 size, material and weight means further analysis and formalized discussion are necessary to deter-
18 mine whether inclusion of glass wine containers in the Bottle Bill or Producer Responsibility Pro-
19 gram is the best course for overall environmental benefits and industry operation; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Whereas the overall system costs for inclusion of glass wine containers in either the Bottle Bill
2 or the Producer Responsibility Program are unknown and require further research and analysis of
3 data not yet available; and

4 Whereas excluding glass wine containers from the Producer Responsibility Program for wine
5 containers until July 1, 2026, will allow the wine industry and other stakeholders to analyze data
6 about both the Bottle Bill and the Producer Responsibility Program and determine which program
7 is more appropriate for recycling of glass wine containers; now, therefore,

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

9 **SECTION 1.** ORS 459A.863 is amended to read:

10 459A.863. As used in ORS 459A.860 to 459A.975:

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

14 (2) “Commingled recycling” means the recycling or recovery of two or more materials that are
15 mixed together and that generally would be separated into individual materials at a commingled
16 recycling processing facility in order to be marketed.

17 (3)(a) “Commingled recycling processing facility” means a facility that:

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

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

23 (b) “Commingled recycling processing facility” does not include:

24 (A) Scrap metal recycling facilities;

25 (B) Scrap automotive or appliance recycling facilities;

26 (C) Full-service redemption centers or dealer redemption centers, as those terms are defined in
27 ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established
28 under ORS 459A.718;

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

30 (E) Recycling processing facilities that process only noncommingled, source separated recyclable
31 material from commercial entities;

32 (F) Recycling processing facilities that recover commingled recyclable material primarily from
33 the construction and demolition debris waste stream;

34 (G) Recycling depots;

35 (H) Recycling reload facilities; or

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

37 (4) “Contaminant” means:

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

40 (b) A material shipped to a recycling end market that is not accepted or desired by that end
41 market.

42 (5) “Contamination” means the presence of one or more contaminants in a recycling collection
43 or commodity stream in an amount or concentration that negatively impacts the value of the mate-
44 rial or negatively impacts a processor’s ability to sort that material.

45 (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 cleaning or the absorption of
- 8 liquids.
- 9 (D) Rigid pallets used as the structural foundation for transporting goods lifted by a forklift,
- 10 pallet jack or similar device.
- 11 (E) Specialty packaging items that are used exclusively in industrial or manufacturing processes,
- 12 including but not limited to:
- 13 (i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food
- 14 processor; and
- 15 (ii) Trays, whether designed for a single use or multiple uses, used for the transport of compo-
- 16 nent parts from a parts supplier to a manufacturer that assembles those parts.
- 17 (F) Liquefied petroleum gas containers that are designed to be refilled.
- 18 (G) A material that the producer demonstrates is exempt under ORS 459A.869.
- 19 (H) Pallet wrap or similar packaging used to secure a palletized load if added by a person that
- 20 is not the producer of the palletized covered products.
- 21 (I) Packaging related to containers for architectural paint, as defined in ORS 459A.822, that has
- 22 been collected by a producer responsibility organization under the program established under ORS
- 23 459A.820 to 459A.855.
- 24 (J) Any item that is not ultimately discarded inside this state, whether for purposes of recovery
- 25 or disposal.
- 26 (K) Items sold on a farm or used on a farm, including items used for farm use, as defined in ORS
- 27 215.203, or for processing on a farm, provided that an item used on a farm is not subsequently sold
- 28 at a retail establishment that is not located on a farm.
- 29 (L) Items used by a nursery licensed under ORS 571.055 that generates the majority of the
- 30 nursery's revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the
- 31 items are not sold through retail sales.
- 32 (M) Packaging and paper products sold or supplied in connection with:
- 33 (i) Prescription drugs as defined in ORS 689.005;
- 34 (ii) Nonprescription drugs as defined in ORS 689.005;
- 35 (iii) Drugs marketed under a brand name as defined in ORS 689.515; or
- 36 (iv) Drugs marketed under a generic name as defined in ORS 689.515.
- 37 (N) Packaging and paper products sold or supplied in connection with drugs that are used for
- 38 animal medicines, including but not limited to parasiticide drugs for animals.
- 39 (O) Packaging and paper products sold or supplied in connection with:
- 40 (i) Infant formula as defined in 21 U.S.C. 321(z);
- 41 (ii) Medical food as defined in 21 U.S.C. 360ee(b)(3); or
- 42 (iii) Fortified oral nutritional supplements used for individuals who require supplemental or sole
- 43 source nutrition to meet nutritional needs due to special dietary needs directly related to cancer,
- 44 chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by
- 45 the International Classification of Diseases, Tenth Revision, or other medical conditions as deter-

1 mined by the commission.

2 (P) Wine and spirit containers for which a refund value is established under Oregon law.

3 (Q) Packaging for products:

4 (i) That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to toxic or
5 hazardous materials, to state on the label or container that the packaging should not be recycled
6 or should be disposed of in a manner other than recycling; or

7 (ii) Identified by the commission by rule as product that is required by law to state on the label
8 or container that the packaging should not be recycled or should be disposed of in a manner other
9 than recycling.

10 **(R) Glass wine containers.**

11 [(R)] (S) Any other material, as determined by the commission by rule, after consultation with
12 the Oregon Recycling System Advisory Council.

13 (7) "Food serviceware" means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery,
14 straws, lids, bags, aluminum foil or clamshells or similar containers:

15 (a) That are generally intended for single use; and

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

19 (8) "Large producer" means a producer that is among the 25 largest producers of covered pro-
20 ducts based on market share.

21 (9) "Licensee" means a person that is licensed by a brand and manufactures a covered product
22 or a packaged item under that brand.

23 (10) "Litter" means waste that is improperly placed so as to be a nuisance or aesthetic, health
24 or environmental concern.

25 (11) "Local government" means:

26 (a) A city;

27 (b) A county; or

28 (c) A metropolitan service district.

29 (12) "Local government's service provider" means:

30 (a) A collection service franchise holder under ORS 459A.085;

31 (b) Any person authorized by a city or county to provide recycling collection services described
32 in subsection (25)(a) to (d) of this section; or

33 (c) Any person authorized by a metropolitan service district to provide recycling collection
34 services described in subsection (25)(d) of this section.

35 (13) "Market share" means a producer's percentage of all covered products sold in or into this
36 state during a specified time period, as calculated in accordance with methods established by the
37 commission by rule.

38 (14) "Mechanical recycling" means a form of recycling that does not change the basic molecular
39 structure of the material being recycled.

40 (15) "Metropolitan service district" means a metropolitan service district established under ORS
41 chapter 268.

42 (16) "Nonprofit organization" means an organization or group of organizations described in
43 section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a)
44 of the Internal Revenue Code.

45 (17) "Opportunity to recycle" has the meaning given that term in ORS 459A.005.

- 1 (18)(a) "Packaging" means:
- 2 (A) Materials used for the containment or protection of products, including but not limited to
- 3 paper, plastic, glass or metal or a mixture thereof;
- 4 (B) Single-use bags, including but not limited to shopping bags; and
- 5 (C) Nondurable materials used in storage, shipping or moving, including but not limited to
- 6 packing materials, moving boxes, file boxes and folders.
- 7 (b) "Packaging" does not include:
- 8 (A) Food serviceware; or
- 9 (B) Sharps, as defined in ORS 459.386.
- 10 (19) "Person" has the meaning given that term in ORS 459.005.
- 11 (20) "Printing and writing paper" includes, but is not limited to, newspaper, magazines, flyers,
- 12 brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other
- 13 general use.
- 14 (21) "Processor" means a person that owns or operates a commingled recycling processing fa-
- 15 cility.
- 16 (22) "Producer" means a person that is determined to be the producer of a covered product un-
- 17 der ORS 459A.866.
- 18 (23) "Producer responsibility organization" means a nonprofit organization established by a
- 19 producer or group of producers to administer a producer responsibility program.
- 20 (24) "Producer responsibility program" means a statewide program for the responsible manage-
- 21 ment of covered products that is administered by a producer responsibility organization pursuant to
- 22 a plan approved by the Department of Environmental Quality under ORS 459A.878.
- 23 (25) "Recycling collection" means the act or process of gathering recyclable materials by:
- 24 (a) On-route residential collection from the generator at the place of generation;
- 25 (b) On-site nonresidential collection from the generator at the place of generation;
- 26 (c) Multifamily on-route residential collection from each multifamily dwelling that has five or
- 27 more units;
- 28 (d) Recycling depots at a disposal site or another designated location that is more convenient
- 29 to the population being served and expanded depots as described in ORS 459A.007; or
- 30 (e) Other collection methods included in an approved producer responsibility program plan.
- 31 (26) "Recycling depot" means a location where recyclable materials are accepted from the public
- 32 or commercial businesses and transported to a location for processing or to an end market.
- 33 (27) "Recycling reload facility" means a facility other than a recycling depot where recyclable
- 34 materials are received, consolidated and made ready for transport to another location for processing
- 35 or to a responsible end market.
- 36 (28) "Recycling system" means all aspects of the programs and participants that have a role in
- 37 Oregon's statewide recycling structure, including producers of products sold in or into Oregon,
- 38 generators of recyclable materials, governments that regulate materials management programs,
- 39 businesses that collect and process recyclable materials and persons that receive recyclable mate-
- 40 rials to convert to new feedstock or products.
- 41 (29) "Responsible end market" means a materials market in which the recycling or recovery of
- 42 materials or the disposal of contaminants is conducted in a way that benefits the environment and
- 43 minimizes risks to public health and worker health and safety.
- 44 (30) "Responsible management" means the handling, tracking and disposition of covered pro-
- 45 ducts from the point of collection through the final destination of the collected material in a way

1 that benefits the environment and minimizes risks to public health and worker health and safety.

2 (31) “Responsible recycling” means the handling of covered products for recycling and removal
3 of contaminants by a certified or permitted processor and disposition to a responsible end market.

4 (32) “Small producer” means a producer that:

5 (a) Is a nonprofit organization;

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

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

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

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

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

17 (B) Is not a producer of food serviceware as described in ORS 459A.866; or

18 (g) Operates a single retail sales establishment, has no online sales and is not supplied or op-
19 erated as part of a franchise or a chain.

20 (33) “Specifically identified material” means a material or covered product identified by the de-
21 partment under ORS 459A.917.

22 (34) “Uniform statewide collection list” means the list of materials established in accordance
23 with the requirements of ORS 459A.914 (4).

24 **SECTION 2.** ORS 459A.863, as amended by section 1 of this 2024 Act, is amended to read:
25 459A.863. As used in ORS 459A.860 to 459A.975:

26 (1) “Brand” means any mark, word, name, symbol, design, device or graphical element, or a
27 combination thereof, including a registered or unregistered trademark, that identifies a product and
28 distinguishes the product from other products.

29 (2) “Commingled recycling” means the recycling or recovery of two or more materials that are
30 mixed together and that generally would be separated into individual materials at a commingled
31 recycling processing facility in order to be marketed.

32 (3)(a) “Commingled recycling processing facility” means a facility that:

33 (A) Receives source separated commingled recyclable materials that are collected commingled
34 from a collection program providing the opportunity to recycle; and

35 (B) Separates the recyclable materials described in subparagraph (A) of this paragraph into
36 marketable commodities or streams of materials that are intended for use or further processing by
37 others.

38 (b) “Commingled recycling processing facility” does not include:

39 (A) Scrap metal recycling facilities;

40 (B) Scrap automotive or appliance recycling facilities;

41 (C) Full-service redemption centers or dealer redemption centers, as those terms are defined in
42 ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established
43 under ORS 459A.718;

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

45 (E) Recycling processing facilities that process only noncommingled, source separated recyclable

- 1 material from commercial entities;
- 2 (F) Recycling processing facilities that recover commingled recyclable material primarily from
3 the construction and demolition debris waste stream;
- 4 (G) Recycling depots;
- 5 (H) Recycling reload facilities; or
- 6 (I) Limited sort facilities, as defined by rule by the Environmental Quality Commission.
- 7 (4) "Contaminant" means:
- 8 (a) A material set out for recycling collection that is not properly prepared and on the list of
9 materials accepted for recycling collection by a recycling collection program; or
- 10 (b) A material shipped to a recycling end market that is not accepted or desired by that end
11 market.
- 12 (5) "Contamination" means the presence of one or more contaminants in a recycling collection
13 or commodity stream in an amount or concentration that negatively impacts the value of the mate-
14 rial or negatively impacts a processor's ability to sort that material.
- 15 (6)(a) "Covered product" means:
- 16 (A) Packaging;
- 17 (B) Printing and writing paper; and
- 18 (C) Food serviceware.
- 19 (b) "Covered product" does not include:
- 20 (A) A beverage container, as defined in ORS 459A.700.
- 21 (B) Bound books.
- 22 (C) Napkins, paper towels or other paper intended to be used for cleaning or the absorption of
23 liquids.
- 24 (D) Rigid pallets used as the structural foundation for transporting goods lifted by a forklift,
25 pallet jack or similar device.
- 26 (E) Specialty packaging items that are used exclusively in industrial or manufacturing processes,
27 including but not limited to:
- 28 (i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food
29 processor; and
- 30 (ii) Trays, whether designed for a single use or multiple uses, used for the transport of compo-
31 nent parts from a parts supplier to a manufacturer that assembles those parts.
- 32 (F) Liquified petroleum gas containers that are designed to be refilled.
- 33 (G) A material that the producer demonstrates is exempt under ORS 459A.869.
- 34 (H) Pallet wrap or similar packaging used to secure a palletized load if added by a person that
35 is not the producer of the palletized covered products.
- 36 (I) Packaging related to containers for architectural paint, as defined in ORS 459A.822, that has
37 been collected by a producer responsibility organization under the program established under ORS
38 459A.820 to 459A.855.
- 39 (J) Any item that is not ultimately discarded inside this state, whether for purposes of recovery
40 or disposal.
- 41 (K) Items sold on a farm or used on a farm, including items used for farm use, as defined in ORS
42 215.203, or for processing on a farm, provided that an item used on a farm is not subsequently sold
43 at a retail establishment that is not located on a farm.
- 44 (L) Items used by a nursery licensed under ORS 571.055 that generates the majority of the
45 nursery's revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the

1 items are not sold through retail sales.

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

3 (i) Prescription drugs as defined in ORS 689.005;

4 (ii) Nonprescription drugs as defined in ORS 689.005;

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

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

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

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

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

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

12 (iii) Fortified oral nutritional supplements used for individuals who require supplemental or sole
13 source nutrition to meet nutritional needs due to special dietary needs directly related to cancer,
14 chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by
15 the International Classification of Diseases, Tenth Revision, or other medical conditions as deter-
16 mined by the commission.

17 (P) Wine and spirit containers for which a refund value is established under Oregon law.

18 (Q) Packaging for products:

19 (i) That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to toxic or
20 hazardous materials, to state on the label or container that the packaging should not be recycled
21 or should be disposed of in a manner other than recycling; or

22 (ii) Identified by the commission by rule as product that is required by law to state on the label
23 or container that the packaging should not be recycled or should be disposed of in a manner other
24 than recycling.

25 *[(R) Glass wine containers.]*

26 *[(S)]* (R) Any other material, as determined by the commission by rule, after consultation with
27 the Oregon Recycling System Advisory Council.

28 (7) "Food serviceware" means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery,
29 straws, lids, bags, aluminum foil or clamshells or similar containers:

30 (a) That are generally intended for single use; and

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

34 (8) "Large producer" means a producer that is among the 25 largest producers of covered prod-
35 ucts based on market share.

36 (9) "Licensee" means a person that is licensed by a brand and manufactures a covered product
37 or a packaged item under that brand.

38 (10) "Litter" means waste that is improperly placed so as to be a nuisance or aesthetic, health
39 or environmental concern.

40 (11) "Local government" means:

41 (a) A city;

42 (b) A county; or

43 (c) A metropolitan service district.

44 (12) "Local government's service provider" means:

45 (a) A collection service franchise holder under ORS 459A.085;

1 (b) Any person authorized by a city or county to provide recycling collection services described
2 in subsection (25)(a) to (d) of this section; or

3 (c) Any person authorized by a metropolitan service district to provide recycling collection
4 services described in subsection (25)(d) of this section.

5 (13) "Market share" means a producer's percentage of all covered products sold in or into this
6 state during a specified time period, as calculated in accordance with methods established by the
7 commission by rule.

8 (14) "Mechanical recycling" means a form of recycling that does not change the basic molecular
9 structure of the material being recycled.

10 (15) "Metropolitan service district" means a metropolitan service district established under ORS
11 chapter 268.

12 (16) "Nonprofit organization" means an organization or group of organizations described in
13 section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a)
14 of the Internal Revenue Code.

15 (17) "Opportunity to recycle" has the meaning given that term in ORS 459A.005.

16 (18)(a) "Packaging" means:

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

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

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

22 (b) "Packaging" does not include:

23 (A) Food serviceware; or

24 (B) Sharps, as defined in ORS 459.386.

25 (19) "Person" has the meaning given that term in ORS 459.005.

26 (20) "Printing and writing paper" includes, but is not limited to, newspaper, magazines, flyers,
27 brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other
28 general use.

29 (21) "Processor" means a person that owns or operates a commingled recycling processing fa-
30 cility.

31 (22) "Producer" means a person that is determined to be the producer of a covered product un-
32 der ORS 459A.866.

33 (23) "Producer responsibility organization" means a nonprofit organization established by a
34 producer or group of producers to administer a producer responsibility program.

35 (24) "Producer responsibility program" means a statewide program for the responsible manage-
36 ment of covered products that is administered by a producer responsibility organization pursuant to
37 a plan approved by the Department of Environmental Quality under ORS 459A.878.

38 (25) "Recycling collection" means the act or process of gathering recyclable materials by:

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

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

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

43 (d) Recycling depots at a disposal site or another designated location that is more convenient
44 to the population being served and expanded depots as described in ORS 459A.007; or

45 (e) Other collection methods included in an approved producer responsibility program plan.

1 (26) “Recycling depot” means a location where recyclable materials are accepted from the public
2 or commercial businesses and transported to a location for processing or to an end market.

3 (27) “Recycling reload facility” means a facility other than a recycling depot where recyclable
4 materials are received, consolidated and made ready for transport to another location for processing
5 or to a responsible end market.

6 (28) “Recycling system” means all aspects of the programs and participants that have a role in
7 Oregon’s statewide recycling structure, including producers of products sold in or into Oregon,
8 generators of recyclable materials, governments that regulate materials management programs,
9 businesses that collect and process recyclable materials and persons that receive recyclable mate-
10 rials to convert to new feedstock or products.

11 (29) “Responsible end market” means a materials market in which the recycling or recovery of
12 materials or the disposal of contaminants is conducted in a way that benefits the environment and
13 minimizes risks to public health and worker health and safety.

14 (30) “Responsible management” means the handling, tracking and disposition of covered pro-
15 ducts from the point of collection through the final destination of the collected material in a way
16 that benefits the environment and minimizes risks to public health and worker health and safety.

17 (31) “Responsible recycling” means the handling of covered products for recycling and removal
18 of contaminants by a certified or permitted processor and disposition to a responsible end market.

19 (32) “Small producer” means a producer that:

20 (a) Is a nonprofit organization;

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

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

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

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

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

32 (B) Is not a producer of food serviceware as described in ORS 459A.866; or

33 (g) Operates a single retail sales establishment, has no online sales and is not supplied or op-
34 erated as part of a franchise or a chain.

35 (33) “Specifically identified material” means a material or covered product identified by the de-
36 partment under ORS 459A.917.

37 (34) “Uniform statewide collection list” means the list of materials established in accordance
38 with the requirements of ORS 459A.914 (4).

39 **SECTION 3. (1) The amendments to ORS 459A.863 by section 2 of this 2024 Act become**
40 **operative July 1, 2026.**

41 **(2) The Department of Environmental Quality and Environmental Quality Commission**
42 **may take any action before the operative date specified in subsection (1) of this section that**
43 **is necessary for the department or the commission to exercise, on and after the operative**
44 **date specified in subsection (1) of this section, all of the duties, functions and powers con-**
45 **ferred on the department and the commission by the amendments to ORS 459A.863 by section**

1 **2 of this 2024 Act.**

2 **SECTION 4. To account for the temporary removal of glass wine containers as covered**
3 **products under ORS 459A.860 to 459A.975, as set forth in the amendments to ORS 459A.863**
4 **by section 1 of this 2024 Act, the Environmental Quality Commission by rule shall reduce or**
5 **otherwise modify any material-specific collection target for glass established, prior to the**
6 **effective date of this 2024 Act, by the commission under ORS 459A.914.**

7 **SECTION 5. Section 4 of this 2024 Act is repealed on July 1, 2026.**

8 **SECTION 6. Section 7 of this 2024 Act is added to and made a part of ORS 459A.860 to**
9 **459A.975.**

10 **SECTION 7. (1) In addition to the membership fee required by ORS 459A.884, a producer**
11 **responsibility organization shall charge to a member that is a producer of glass wine con-**
12 **tainers a one-time fee that is reasonably calculated to cover the costs of glass wine con-**
13 **tainers to the producer responsibility organization for the period from July 1, 2025, to June**
14 **30, 2026.**

15 **(2) The fee required under this section shall be paid by a producer of glass wine con-**
16 **tainers that is required on July 1, 2026, to be a member of a producer responsibility organ-**
17 **ization.**

18 **(3) Notwithstanding subsections (1) and (2) of this section, a producer responsibility or-**
19 **ganization may not collect a fee under this section unless glass wine containers are covered**
20 **products as defined in ORS 459A.863.**

21 **SECTION 8. This 2024 Act being necessary for the immediate preservation of the public**
22 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
23 **on its passage.**