

HOUSE AMENDMENTS TO HOUSE BILL 4013

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

February 15

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;
2 amending ORS 459A.863;”.

3 In line 5, delete “ORS”.

4 Delete lines 12 through 26 and insert:

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

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

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

15 “Whereas excluding glass wine containers from the Producer Responsibility Program for wine
16 containers until July 1, 2026, will allow the wine industry and other stakeholders to analyze data
17 about both the Bottle Bill and the Producer Responsibility Program and determine which program
18 is more appropriate for recycling of glass wine containers; now, therefore;”.

19 Delete line 28.

20 On page 2, delete lines 1 through 5 and insert:

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

22 “459A.863. As used in ORS 459A.860 to 459A.975:

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

26 “(2) ‘Commingled recycling’ means the recycling or recovery of two or more materials that are
27 mixed together and that generally would be separated into individual materials at a commingled
28 recycling processing facility in order to be marketed.

29 “(3)(a) ‘Commingled recycling processing facility’ means a facility that:

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

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

35 “(b) ‘Commingled recycling processing facility’ does not include:

1 “(A) Scrap metal recycling facilities;

2 “(B) Scrap automotive or appliance recycling facilities;

3 “(C) Full-service redemption centers or dealer redemption centers, as those terms are defined in

4 ORS 459A.700, and recycling facilities owned and operated by a distributor cooperative established

5 under ORS 459A.718;

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

7 “(E) Recycling processing facilities that process only noncommingled, source separated

8 recyclable material from commercial entities;

9 “(F) Recycling processing facilities that recover commingled recyclable material primarily from

10 the construction and demolition debris waste stream;

11 “(G) Recycling depots;

12 “(H) Recycling reload facilities; or

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

14 “(4) ‘Contaminant’ means:

15 “(a) A material set out for recycling collection that is not properly prepared and on the list of

16 materials accepted for recycling collection by a recycling collection program; or

17 “(b) A material shipped to a recycling end market that is not accepted or desired by that end

18 market.

19 “(5) ‘Contamination’ means the presence of one or more contaminants in a recycling collection

20 or commodity stream in an amount or concentration that negatively impacts the value of the mate-

21 rial or negatively impacts a processor’s ability to sort that material.

22 “(6)(a) ‘Covered product’ means:

23 “(A) Packaging;

24 “(B) Printing and writing paper; and

25 “(C) Food serviceware.

26 “(b) ‘Covered product’ does not include:

27 “(A) A beverage container, as defined in ORS 459A.700.

28 “(B) Bound books.

29 “(C) Napkins, paper towels or other paper intended to be used for cleaning or the absorption

30 of liquids.

31 “(D) Rigid pallets used as the structural foundation for transporting goods lifted by a forklift,

32 pallet jack or similar device.

33 “(E) Specialty packaging items that are used exclusively in industrial or manufacturing pro-

34 cesses, including but not limited to:

35 “(i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food

36 processor; and

37 “(ii) Trays, whether designed for a single use or multiple uses, used for the transport of com-

38 ponent parts from a parts supplier to a manufacturer that assembles those parts.

39 “(F) Liquified petroleum gas containers that are designed to be refilled.

40 “(G) A material that the producer demonstrates is exempt under ORS 459A.869.

41 “(H) Pallet wrap or similar packaging used to secure a palletized load if added by a person that

42 is not the producer of the palletized covered products.

43 “(I) Packaging related to containers for architectural paint, as defined in ORS 459A.822, that

44 has been collected by a producer responsibility organization under the program established under

45 ORS 459A.820 to 459A.855.

1 “(J) Any item that is not ultimately discarded inside this state, whether for purposes of recovery
2 or disposal.

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

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

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

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

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

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

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

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

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

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

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

19 “(iii) Fortified oral nutritional supplements used for individuals who require supplemental or
20 sole source nutrition to meet nutritional needs due to special dietary needs directly related to can-
21 cer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined
22 as by the International Classification of Diseases, Tenth Revision, or other medical conditions as
23 determined by the commission.

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

25 “(Q) Packaging for products:

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

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

32 “**(R) Glass wine containers.**

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

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

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

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

41 “(8) ‘Large producer’ means a producer that is among the 25 largest producers of covered pro-
42 ducts based on market share.

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

45 “(10) ‘Litter’ means waste that is improperly placed so as to be a nuisance or aesthetic, health

1 or environmental concern.

2 “(11) ‘Local government’ means:

3 “(a) A city;

4 “(b) A county; or

5 “(c) A metropolitan service district.

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

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

8 “(b) Any person authorized by a city or county to provide recycling collection services described

9 in subsection (25)(a) to (d) of this section; or

10 “(c) Any person authorized by a metropolitan service district to provide recycling collection

11 services described in subsection (25)(d) of this section.

12 “(13) ‘Market share’ means a producer’s percentage of all covered products sold in or into this

13 state during a specified time period, as calculated in accordance with methods established by the

14 commission by rule.

15 “(14) ‘Mechanical recycling’ means a form of recycling that does not change the basic molecular

16 structure of the material being recycled.

17 “(15) ‘Metropolitan service district’ means a metropolitan service district established under ORS

18 chapter 268.

19 “(16) ‘Nonprofit organization’ means an organization or group of organizations described in

20 section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a)

21 of the Internal Revenue Code.

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

23 “(18)(a) ‘Packaging’ means:

24 “(A) Materials used for the containment or protection of products, including but not limited to

25 paper, plastic, glass or metal or a mixture thereof;

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

27 “(C) Nondurable materials used in storage, shipping or moving, including but not limited to

28 packing materials, moving boxes, file boxes and folders.

29 “(b) ‘Packaging’ does not include:

30 “(A) Food serviceware; or

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

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

33 “(20) ‘Printing and writing paper’ includes, but is not limited to, newspaper, magazines, flyers,

34 brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other

35 general use.

36 “(21) ‘Processor’ means a person that owns or operates a commingled recycling processing fa-

37 cility.

38 “(22) ‘Producer’ means a person that is determined to be the producer of a covered product un-

39 der ORS 459A.866.

40 “(23) ‘Producer responsibility organization’ means a nonprofit organization established by a

41 producer or group of producers to administer a producer responsibility program.

42 “(24) ‘Producer responsibility program’ means a statewide program for the responsible manage-

43 ment of covered products that is administered by a producer responsibility organization pursuant to

44 a plan approved by the Department of Environmental Quality under ORS 459A.878.

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

1 “(a) On-route residential collection from the generator at the place of generation;
2 “(b) On-site nonresidential collection from the generator at the place of generation;
3 “(c) Multifamily on-route residential collection from each multifamily dwelling that has five or
4 more units;
5 “(d) Recycling depots at a disposal site or another designated location that is more convenient
6 to the population being served and expanded depots as described in ORS 459A.007; or
7 “(e) Other collection methods included in an approved producer responsibility program plan.
8 “(26) ‘Recycling depot’ means a location where recyclable materials are accepted from the public
9 or commercial businesses and transported to a location for processing or to an end market.
10 “(27) ‘Recycling reload facility’ means a facility other than a recycling depot where recyclable
11 materials are received, consolidated and made ready for transport to another location for processing
12 or to a responsible end market.
13 “(28) ‘Recycling system’ means all aspects of the programs and participants that have a role in
14 Oregon’s statewide recycling structure, including producers of products sold in or into Oregon,
15 generators of recyclable materials, governments that regulate materials management programs,
16 businesses that collect and process recyclable materials and persons that receive recyclable mate-
17 rials to convert to new feedstock or products.
18 “(29) ‘Responsible end market’ means a materials market in which the recycling or recovery of
19 materials or the disposal of contaminants is conducted in a way that benefits the environment and
20 minimizes risks to public health and worker health and safety.
21 “(30) ‘Responsible management’ means the handling, tracking and disposition of covered pro-
22 ducts from the point of collection through the final destination of the collected material in a way
23 that benefits the environment and minimizes risks to public health and worker health and safety.
24 “(31) ‘Responsible recycling’ means the handling of covered products for recycling and removal
25 of contaminants by a certified or permitted processor and disposition to a responsible end market.
26 “(32) ‘Small producer’ means a producer that:
27 “(a) Is a nonprofit organization;
28 “(b) Is a public body, as defined in ORS 174.109;
29 “(c) Has a gross revenue of less than \$5 million for the organization’s most recent fiscal year;
30 “(d) Sold in or into Oregon less than one metric ton of covered products for use in this state in
31 the most recent calendar year;
32 “(e) Is a manufacturer of a beverage sold in a beverage container, as those terms are defined
33 in ORS 459A.700, that sold in or into Oregon less than five metric tons of covered products, in-
34 cluding but not limited to secondary and tertiary packaging for beverage containers, for use in this
35 state in the most recent calendar year;
36 “(f)(A) Is a restaurant, food cart or similar business establishment that primarily sells to mem-
37 bers of the public food that is generally intended to be consumed immediately and without the need
38 for further preparation, either on or off the premises; and
39 “(B) Is not a producer of food serviceware as described in ORS 459A.866; or
40 “(g) Operates a single retail sales establishment, has no online sales and is not supplied or op-
41 erated as part of a franchise or a chain.
42 “(33) ‘Specifically identified material’ means a material or covered product identified by the de-
43 partment under ORS 459A.917.
44 “(34) ‘Uniform statewide collection list’ means the list of materials established in accordance
45 with the requirements of ORS 459A.914 (4).

1 “**SECTION 2.** ORS 459A.863, as amended by section 1 of this 2024 Act, is amended to read:

2 “459A.863. As used in ORS 459A.860 to 459A.975:

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

6 “(2) ‘Commingled recycling’ means the recycling or recovery of two or more materials that are
7 mixed together and that generally would be separated into individual materials at a commingled
8 recycling processing facility in order to be marketed.

9 “(3)(a) ‘Commingled recycling processing facility’ means a facility that:

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

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

15 “(b) ‘Commingled recycling processing facility’ does not include:

16 “(A) Scrap metal recycling facilities;

17 “(B) Scrap automotive or appliance recycling facilities;

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

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

22 “(E) Recycling processing facilities that process only noncommingled, source separated
23 recyclable material from commercial entities;

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

26 “(G) Recycling depots;

27 “(H) Recycling reload facilities; or

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

29 “(4) ‘Contaminant’ means:

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

32 “(b) A material shipped to a recycling end market that is not accepted or desired by that end
33 market.

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

37 “(6)(a) ‘Covered product’ means:

38 “(A) Packaging;

39 “(B) Printing and writing paper; and

40 “(C) Food serviceware.

41 “(b) ‘Covered product’ does not include:

42 “(A) A beverage container, as defined in ORS 459A.700.

43 “(B) Bound books.

44 “(C) Napkins, paper towels or other paper intended to be used for cleaning or the absorption
45 of liquids.

1 “(D) Rigid pallets used as the structural foundation for transporting goods lifted by a forklift,
2 pallet jack or similar device.

3 “(E) Specialty packaging items that are used exclusively in industrial or manufacturing pro-
4 cesses, including but not limited to:

5 “(i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food
6 processor; and

7 “(ii) Trays, whether designed for a single use or multiple uses, used for the transport of com-
8 ponent parts from a parts supplier to a manufacturer that assembles those parts.

9 “(F) Liquified petroleum gas containers that are designed to be refilled.

10 “(G) A material that the producer demonstrates is exempt under ORS 459A.869.

11 “(H) Pallet wrap or similar packaging used to secure a palletized load if added by a person that
12 is not the producer of the palletized covered products.

13 “(I) Packaging related to containers for architectural paint, as defined in ORS 459A.822, that
14 has been collected by a producer responsibility organization under the program established under
15 ORS 459A.820 to 459A.855.

16 “(J) Any item that is not ultimately discarded inside this state, whether for purposes of recovery
17 or disposal.

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

21 “(L) Items used by a nursery licensed under ORS 571.055 that generates the majority of the
22 nursery’s revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the
23 items are not sold through retail sales.

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

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

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

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

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

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

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

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

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

34 “(iii) Fortified oral nutritional supplements used for individuals who require supplemental or
35 sole source nutrition to meet nutritional needs due to special dietary needs directly related to can-
36 cer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined
37 as by the International Classification of Diseases, Tenth Revision, or other medical conditions as
38 determined by the commission.

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

40 “(Q) Packaging for products:

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

44 “(ii) Identified by the commission by rule as product that is required by law to state on the label
45 or container that the packaging should not be recycled or should be disposed of in a manner other

1 than recycling.

2 “[(R) *Glass wine containers.*]

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

5 “(7) ‘Food serveware’ means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery,
6 straws, lids, bags, aluminum foil or clamshells or similar containers:

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

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

11 “(8) ‘Large producer’ means a producer that is among the 25 largest producers of covered pro-
12 ducts based on market share.

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

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

17 “(11) ‘Local government’ means:

18 “(a) A city;

19 “(b) A county; or

20 “(c) A metropolitan service district.

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

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

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

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

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

30 “(14) ‘Mechanical recycling’ means a form of recycling that does not change the basic molecular
31 structure of the material being recycled.

32 “(15) ‘Metropolitan service district’ means a metropolitan service district established under ORS
33 chapter 268.

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

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

38 “(18)(a) ‘Packaging’ means:

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

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

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

44 “(b) ‘Packaging’ does not include:

45 “(A) Food serveware; or

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

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

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

6 “(21) ‘Processor’ means a person that owns or operates a commingled recycling processing fa-
7 cility.

8 “(22) ‘Producer’ means a person that is determined to be the producer of a covered product un-
9 der ORS 459A.866.

10 “(23) ‘Producer responsibility organization’ means a nonprofit organization established by a
11 producer or group of producers to administer a producer responsibility program.

12 “(24) ‘Producer responsibility program’ means a statewide program for the responsible manage-
13 ment of covered products that is administered by a producer responsibility organization pursuant to
14 a plan approved by the Department of Environmental Quality under ORS 459A.878.

15 “(25) ‘Recycling collection’ means the act or process of gathering recyclable materials by:
16 “(a) On-route residential collection from the generator at the place of generation;
17 “(b) On-site nonresidential collection from the generator at the place of generation;
18 “(c) Multifamily on-route residential collection from each multifamily dwelling that has five or
19 more units;
20 “(d) Recycling depots at a disposal site or another designated location that is more convenient
21 to the population being served and expanded depots as described in ORS 459A.007; or
22 “(e) Other collection methods included in an approved producer responsibility program plan.

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

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

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

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

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

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

41 “(32) ‘Small producer’ means a producer that:
42 “(a) Is a nonprofit organization;
43 “(b) Is a public body, as defined in ORS 174.109;
44 “(c) Has a gross revenue of less than \$5 million for the organization’s most recent fiscal year;
45 “(d) Sold in or into Oregon less than one metric ton of covered products for use in this state in

1 the most recent calendar year;

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

6 “(f)(A) Is a restaurant, food cart or similar business establishment that primarily sells to mem-
7 bers of the public food that is generally intended to be consumed immediately and without the need
8 for further preparation, either on or off the premises; and

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

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

12 “(33) ‘Specifically identified material’ means a material or covered product identified by the de-
13 partment under ORS 459A.917.

14 “(34) ‘Uniform statewide collection list’ means the list of materials established in accordance
15 with the requirements of ORS 459A.914 (4).

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

18 “**(2) The Department of Environmental Quality and Environmental Quality Commission**
19 **may take any action before the operative date specified in subsection (1) of this section that**
20 **is necessary for the department or the commission to exercise, on and after the operative**
21 **date specified in subsection (1) of this section, all of the duties, functions and powers con-**
22 **ferred on the department and the commission by the amendments to ORS 459A.863 by section**
23 **2 of this 2024 Act.**

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

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

30 “**SECTION 6. Section 7 of this 2024 Act is added to and made a part of ORS 459A.860 to**
31 **459A.975.**

32 “**SECTION 7. (1) In addition to the membership fee required by ORS 459A.884, a producer**
33 **responsibility organization shall charge to a member that is a producer of glass wine con-**
34 **tainers a one-time fee that is reasonably calculated to cover the costs of glass wine con-**
35 **tainers to the producer responsibility organization for the period from July 1, 2025, to June**
36 **30, 2026.**

37 “**(2) The fee required under this section shall be paid by a producer of glass wine con-**
38 **tainers that is required on July 1, 2026, to be a member of a producer responsibility orga-**
39 **nization.**

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

43 In line 6, delete “3” and insert “8”.