

HB 4013-1
(LC 48)
2/6/24 (STN/ps)

Requested by Representative SCHARF

**PROPOSED AMENDMENTS TO
HOUSE BILL 4013**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; 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
6 making participation in a recycling program for glass wine containers as
7 streamlined as possible to maximize the likelihood of achieving compliance
8 and the efficient use of limited resources; and

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

14 “Whereas the overall system costs for inclusion of glass wine containers
15 in either the Bottle Bill or the Producer Responsibility Program are un-
16 known and require further research and analysis of data not yet available;
17 and

18 “Whereas excluding glass wine containers from the Producer Responsi-
19 bility Program for wine containers until July 1, 2026, will allow the wine
20 industry and other stakeholders to analyze data about both the Bottle Bill
21 and the Producer Responsibility Program and determine which program is

1 more appropriate for recycling of glass wine containers; now, therefore,”.

2 Delete line 28.

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

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

5 “459A.863. As used in ORS 459A.860 to 459A.975:

6 “(1) ‘Brand’ means any mark, word, name, symbol, design, device or
7 graphical element, or a combination thereof, including a registered or un-
8 registered trademark, that identifies a product and distinguishes the product
9 from other products.

10 “(2) ‘Commingled recycling’ means the recycling or recovery of two or
11 more materials that are mixed together and that generally would be sepa-
12 rated into individual materials at a commingled recycling processing facility
13 in order to be marketed.

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

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

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

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

22 “(A) Scrap metal recycling facilities;

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

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

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

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

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

3 “(G) Recycling depots;

4 “(H) Recycling reload facilities; or

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

7 “(4) ‘Contaminant’ means:

8 “(a) A material set out for recycling collection that is not properly pre-
9 pared and on the list of materials accepted for recycling collection by a re-
10 cycling collection program; or

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

13 “(5) ‘Contamination’ means the presence of one or more contaminants in
14 a recycling collection or commodity stream in an amount or concentration
15 that negatively impacts the value of the material or negatively impacts a
16 processor’s ability to sort that material.

17 “(6)(a) ‘Covered product’ means:

18 “(A) Packaging;

19 “(B) Printing and writing paper; and

20 “(C) Food serviceware.

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

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

23 “(B) Bound books.

24 “(C) Napkins, paper towels or other paper intended to be used for clean-
25 ing or the absorption of liquids.

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

28 “(E) Specialty packaging items that are used exclusively in industrial or
29 manufacturing processes, including but not limited to:

30 “(i) Cores and wraps for rolls of packaging sold by a mill to a packaging

1 converter or food processor; and

2 “(ii) Trays, whether designed for a single use or multiple uses, used for
3 the transport of component parts from a parts supplier to a manufacturer
4 that assembles those parts.

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

6 “(G) A material that the producer demonstrates is exempt under ORS
7 459A.869.

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

10 “(I) Packaging related to containers for architectural paint, as defined in
11 ORS 459A.822, that has been collected by a producer responsibility organ-
12 ization under the program established under ORS 459A.820 to 459A.855.

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

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

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

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

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

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

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

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

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

1 “(O) Packaging and paper products sold or supplied in connection with:
2 “(i) Infant formula as defined in 21 U.S.C. 321(z);
3 “(ii) Medical food as defined in 21 U.S.C. 360ee(b)(3); or
4 “(iii) Fortified oral nutritional supplements used for individuals who re-
5 quire supplemental or sole source nutrition to meet nutritional needs due to
6 special dietary needs directly related to cancer, chronic kidney disease,
7 diabetes, malnutrition, or failure to thrive, as those terms are defined as by
8 the International Classification of Diseases, Tenth Revision, or other medical
9 conditions as determined by the commission.

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

12 “(Q) Packaging for products:

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

17 “(ii) Identified by the commission by rule as product that is required by
18 law to state on the label or container that the packaging should not be re-
19 cycled or should be disposed of in a manner other than recycling.

20 “**(R) Glass wine containers.**

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

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

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

27 “(b) That are sold to a retailer or a dine-in food establishment or a
28 take-out food establishment, regardless of whether the item is used to pre-
29 package food for resale, is filled on site for food ordered by a customer or
30 is resold as is.

1 “(8) ‘Large producer’ means a producer that is among the 25 largest pro-
2 ducers of covered products based on market share.

3 “(9) ‘Licensee’ means a person that is licensed by a brand and manufac-
4 tures a covered product or a packaged item under that brand.

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

7 “(11) ‘Local government’ means:

8 “(a) A city;

9 “(b) A county; or

10 “(c) A metropolitan service district.

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

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

13 “(b) Any person authorized by a city or county to provide recycling col-
14 lection services described in subsection (25)(a) to (d) of this section; or

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

17 “(13) ‘Market share’ means a producer’s percentage of all covered pro-
18 ducts sold in or into this state during a specified time period, as calculated
19 in accordance with methods established by the commission by rule.

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

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

24 “(16) ‘Nonprofit organization’ means an organization or group of organ-
25 izations described in section 501(c)(3) of the Internal Revenue Code that is
26 exempt from income tax under section 501(a) of the Internal Revenue Code.

27 “(17) ‘Opportunity to recycle’ has the meaning given that term in ORS
28 459A.005.

29 “(18)(a) ‘Packaging’ means:

30 “(A) Materials used for the containment or protection of products, in-

1 cluding but not limited to paper, plastic, glass or metal or a mixture thereof;

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

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

5 “(b) ‘Packaging’ does not include:

6 “(A) Food serviceware; or

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

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

9 “(20) ‘Printing and writing paper’ includes, but is not limited to, newspa-
10 per, magazines, flyers, brochures, booklets, catalogs, telephone directories
11 and paper used for copying, writing or other general use.

12 “(21) ‘Processor’ means a person that owns or operates a commingled re-
13 cycling processing facility.

14 “(22) ‘Producer’ means a person that is determined to be the producer of
15 a covered product under ORS 459A.866.

16 “(23) ‘Producer responsibility organization’ means a nonprofit organiza-
17 tion established by a producer or group of producers to administer a pro-
18 ducer responsibility program.

19 “(24) ‘Producer responsibility program’ means a statewide program for the
20 responsible management of covered products that is administered by a pro-
21 ducer responsibility organization pursuant to a plan approved by the De-
22 partment of Environmental Quality under ORS 459A.878.

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

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

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

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

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

4 “(e) Other collection methods included in an approved producer responsi-
5 bility program plan.

6 “(26) ‘Recycling depot’ means a location where recyclable materials are
7 accepted from the public or commercial businesses and transported to a lo-
8 cation for processing or to an end market.

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

13 “(28) ‘Recycling system’ means all aspects of the programs and partic-
14 ipants that have a role in Oregon’s statewide recycling structure, including
15 producers of products sold in or into Oregon, generators of recyclable mate-
16 rials, governments that regulate materials management programs, businesses
17 that collect and process recyclable materials and persons that receive
18 recyclable materials to convert to new feedstock or products.

19 “(29) ‘Responsible end market’ means a materials market in which the
20 recycling or recovery of materials or the disposal of contaminants is con-
21 ducted in a way that benefits the environment and minimizes risks to public
22 health and worker health and safety.

23 “(30) ‘Responsible management’ means the handling, tracking and dispo-
24 sition of covered products from the point of collection through the final
25 destination of the collected material in a way that benefits the environment
26 and minimizes risks to public health and worker health and safety.

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

30 “(32) ‘Small producer’ means a producer that:

1 “(a) Is a nonprofit organization;

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

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

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

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

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

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

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

20 “(33) ‘Specifically identified material’ means a material or covered prod-
21 uct identified by the department under ORS 459A.917.

22 “(34) ‘Uniform statewide collection list’ means the list of materials es-
23 tablished in accordance with the requirements of ORS 459A.914 (4).

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

26 “459A.863. As used in ORS 459A.860 to 459A.975:

27 “(1) ‘Brand’ means any mark, word, name, symbol, design, device or
28 graphical element, or a combination thereof, including a registered or un-
29 registered trademark, that identifies a product and distinguishes the product
30 from other products.

1 “(2) ‘Commingled recycling’ means the recycling or recovery of two or
2 more materials that are mixed together and that generally would be sepa-
3 rated into individual materials at a commingled recycling processing facility
4 in order to be marketed.

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

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

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

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

13 “(A) Scrap metal recycling facilities;

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

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

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

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

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

24 “(G) Recycling depots;

25 “(H) Recycling reload facilities; or

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

28 “(4) ‘Contaminant’ means:

29 “(a) A material set out for recycling collection that is not properly pre-
30 pared and on the list of materials accepted for recycling collection by a re-

1 cycling collection program; or

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

4 “(5) ‘Contamination’ means the presence of one or more contaminants in
5 a recycling collection or commodity stream in an amount or concentration
6 that negatively impacts the value of the material or negatively impacts a
7 processor’s ability to sort that material.

8 “(6)(a) ‘Covered product’ means:

9 “(A) Packaging;

10 “(B) Printing and writing paper; and

11 “(C) Food serviceware.

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

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

14 “(B) Bound books.

15 “(C) Napkins, paper towels or other paper intended to be used for clean-
16 ing or the absorption of liquids.

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

19 “(E) Specialty packaging items that are used exclusively in industrial or
20 manufacturing processes, including but not limited to:

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

23 “(ii) Trays, whether designed for a single use or multiple uses, used for
24 the transport of component parts from a parts supplier to a manufacturer
25 that assembles those parts.

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

27 “(G) A material that the producer demonstrates is exempt under ORS
28 459A.869.

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

1 “(I) Packaging related to containers for architectural paint, as defined in
2 ORS 459A.822, that has been collected by a producer responsibility organ-
3 ization under the program established under ORS 459A.820 to 459A.855.

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

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

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

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

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

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

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

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

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

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

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

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

25 “(iii) Fortified oral nutritional supplements used for individuals who re-
26 quire supplemental or sole source nutrition to meet nutritional needs due to
27 special dietary needs directly related to cancer, chronic kidney disease,
28 diabetes, malnutrition, or failure to thrive, as those terms are defined as by
29 the International Classification of Diseases, Tenth Revision, or other medical
30 conditions as determined by the commission.

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

3 “(Q) Packaging for products:

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

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

11 “[*R*] *Glass wine containers.*]

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

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

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

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

22 “(8) ‘Large producer’ means a producer that is among the 25 largest pro-
23 ducers of covered products based on market share.

24 “(9) ‘Licensee’ means a person that is licensed by a brand and manufac-
25 tures a covered product or a packaged item under that brand.

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

28 “(11) ‘Local government’ means:

29 “(a) A city;

30 “(b) A county; or

1 “(c) A metropolitan service district.

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

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

4 “(b) Any person authorized by a city or county to provide recycling col-
5 lection services described in subsection (25)(a) to (d) of this section; or

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

8 “(13) ‘Market share’ means a producer’s percentage of all covered pro-
9 ducts sold in or into this state during a specified time period, as calculated
10 in accordance with methods established by the commission by rule.

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

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

15 “(16) ‘Nonprofit organization’ means an organization or group of organ-
16 izations described in section 501(c)(3) of the Internal Revenue Code that is
17 exempt from income tax under section 501(a) of the Internal Revenue Code.

18 “(17) ‘Opportunity to recycle’ has the meaning given that term in ORS
19 459A.005.

20 “(18)(a) ‘Packaging’ means:

21 “(A) Materials used for the containment or protection of products, in-
22 cluding but not limited to paper, plastic, glass or metal or a mixture thereof;

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

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

26 “(b) ‘Packaging’ does not include:

27 “(A) Food serviceware; or

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

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

30 “(20) ‘Printing and writing paper’ includes, but is not limited to, newspa-

1 per, magazines, flyers, brochures, booklets, catalogs, telephone directories
2 and paper used for copying, writing or other general use.

3 “(21) ‘Processor’ means a person that owns or operates a commingled re-
4 cycling processing facility.

5 “(22) ‘Producer’ means a person that is determined to be the producer of
6 a covered product under ORS 459A.866.

7 “(23) ‘Producer responsibility organization’ means a nonprofit organiza-
8 tion established by a producer or group of producers to administer a pro-
9 ducer responsibility program.

10 “(24) ‘Producer responsibility program’ means a statewide program for the
11 responsible management of covered products that is administered by a pro-
12 ducer responsibility organization pursuant to a plan approved by the De-
13 partment of Environmental Quality under ORS 459A.878.

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

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

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

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

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

25 “(e) Other collection methods included in an approved producer responsi-
26 bility program plan.

27 “(26) ‘Recycling depot’ means a location where recyclable materials are
28 accepted from the public or commercial businesses and transported to a lo-
29 cation for processing or to an end market.

30 “(27) ‘Recycling reload facility’ means a facility other than a recycling

1 depot where recyclable materials are received, consolidated and made ready
2 for transport to another location for processing or to a responsible end
3 market.

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

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

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

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

21 “(32) ‘Small producer’ means a producer that:

22 “(a) Is a nonprofit organization;

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

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

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

28 “(e) Is a manufacturer of a beverage sold in a beverage container, as those
29 terms are defined in ORS 459A.700, that sold in or into Oregon less than five
30 metric tons of covered products, including but not limited to secondary and

1 tertiary packaging for beverage containers, for use in this state in the most
2 recent calendar year;

3 “(f)(A) Is a restaurant, food cart or similar business establishment that
4 primarily sells to members of the public food that is generally intended to
5 be consumed immediately and without the need for further preparation, ei-
6 ther on or off the premises; and

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

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

11 “(33) ‘Specifically identified material’ means a material or covered prod-
12 uct identified by the department under ORS 459A.917.

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

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

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

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

