

House Bill 2062

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Climate, Energy, and Environment for Representative John Lively)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act says that makers of batteries must carry out a plan to collect and recycle batteries. (Flesch Readability Score: 60.1).

Requires producers of batteries or battery-containing products to join a battery producer responsibility organization and implement a battery producer responsibility program for the collection and recycling of batteries.

Directs the Department of Environmental Quality to administer and enforce requirements of the Act.

Establishes the Battery Producer Responsibility Fund.

A BILL FOR AN ACT

Relating to batteries; creating new provisions; and amending ORS 459.995.

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

BATTERY PRODUCER RESPONSIBILITY ORGANIZATIONS

SECTION 1. Sections added to chapter. Sections 2 to 17 of this 2025 Act are added to and made a part of ORS chapter 459A.

SECTION 2. Definitions. As used in sections 2 to 17 of this 2025 Act:

(1)(a) **“Battery-containing product”** means a product that contains or is packaged with a covered battery.

(b) **“Battery-containing product”** does not include a covered electronic device as defined in ORS 459A.305.

(2) **“Battery producer responsibility organization”** means a nonprofit organization designated by a covered producer or group of covered producers to act as an agent of the covered producer or group of covered producers to develop and implement a battery producer responsibility program on behalf of the covered producer or group of covered producers.

(3) **“Battery producer responsibility program”** means a statewide program for the responsible management of covered batteries that is implemented by a battery producer responsibility organization pursuant to a plan approved by the department under section 5 of this 2025 Act.

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

(5)(a) **“Covered battery”** means a portable battery, a primary battery or a medium format battery.

(b) **“Covered battery”** does not include:

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 (A) A battery contained within a medical device that is not designed and marketed for
2 sale or resale principally to consumers for personal use and that:

3 (i) Is a device, as defined in 21 U.S.C. 321(h) as in effect on the effective date of this 2025
4 Act; or

5 (ii) Satisfies other criteria established by the Environmental Quality Commission by rule
6 to maintain consistency with federal laws concerning medical devices.

7 (B) A battery that contains an electrolyte as a free liquid.

8 (C) A lead acid battery weighing greater than 11 pounds.

9 (D) A battery contained within a product, if the battery is not intended or designed to
10 be easily removable from the product.

11 (6) "Covered entity" means:

12 (a) A resident of this state;

13 (b) A business entity located in this state;

14 (c) A public or private institution of learning;

15 (d) A local government, as defined in ORS 174.116; or

16 (e) A nonprofit organization located in this state.

17 (7)(a) "Covered producer" means any person:

18 (A) That manufactures covered products under a brand that the manufacturer owns or
19 is licensed to use;

20 (B) That sells, irrespective of the selling technique used, covered products manufactured
21 by others under a brand that the seller owns;

22 (C) That manufactures covered products without affixing a brand;

23 (D) That manufactures covered products to which it affixes a brand that it does not own;
24 or

25 (E) On whose account covered products manufactured outside the United States are im-
26 ported into the United States.

27 (b) "Covered producer" does not include a person:

28 (A) With a license to manufacture covered products for delivery exclusively to or at the
29 order of the licensor.

30 (B) Described as the covered producer of a covered product under paragraph (a) of this
31 subsection, if another person has accepted responsibility as the covered producer of the
32 covered product and has joined a battery producer responsibility organization as the covered
33 producer for that covered product.

34 (C) Described as the covered producer of a battery-containing product under paragraph
35 (a) of this subsection, if the only batteries used by the battery-containing product are easily
36 removable and supplied by a covered producer that has joined a battery producer responsi-
37 bility organization as the producer for that covered battery under sections 2 to 17 of this 2025
38 Act.

39 (8) "Covered product" means a covered battery or a battery-containing product.

40 (9) "Damaged or defective battery" means a battery that has been damaged or identified
41 by the manufacturer as being defective for safety reasons and must be transported and
42 packaged as required by rules adopted by the federal Pipeline and Hazardous Materials Safety
43 Administration.

44 (10) "Easily removable" means designed by a manufacturer to be removable without the
45 use of tools or removable with the use of only common household tools.

1 (11) “Environmentally sound management practices” means practices, in compliance with
2 section 8 of this 2025 Act and all other applicable laws, to ensure continuous improvement
3 in environmental outcomes, reduction of environmental impacts and protection of health,
4 safety and data privacy in the management of covered batteries for final disposition.

5 (12) “Medium format battery” means:

6 (a) A rechargeable battery that:

7 (A)(i) Weighs more than 11 pounds; or

8 (ii) Has a rating of more than 300 watt-hours; and

9 (B)(i) Weighs 25 pounds or less; and

10 (ii) Has a rating of 3,000 watt-hours or less.

11 (b) A primary battery that weighs more than 4.4 pounds but less than or equal to 25
12 pounds.

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

16 (14) “Portable battery” means:

17 (a) A rechargeable battery that weighs 11 pounds or less and has a rating of 300 watt-
18 hours or less; or

19 (b) A primary battery that weighs 4.4 pounds or less.

20 (15) “Primary battery” means a battery that is not capable of being recharged.

21 (16) “Processor” means a facility that processes covered batteries after collection and
22 prepares covered batteries for recycling or management through the final destination of the
23 collected covered battery material.

24 (17) “Rechargeable battery” means a battery that contains one or more voltaic or
25 galvanic cells, electrically connected to produce electric energy, and that is designed to be
26 recharged.

27 (18) “Responsible end market” means a materials market in which the recycling or re-
28 covery of materials or the disposal of contaminants is conducted in a way that benefits the
29 environment and minimizes risks to public health and worker health and safety.

30 **SECTION 3. Requirement to participate in a battery producer responsibility organization.**

31 (1) A covered producer may not sell, offer for sale or distribute in or into this state a covered
32 product unless the covered producer satisfies the requirements of sections 2 to 17 of this 2025
33 Act by participating in a battery producer responsibility organization that successfully im-
34 plements a battery producer responsibility program.

35 (2) The failure of a battery producer responsibility organization to satisfy any of the re-
36 sponsibilities delegated to it by a covered producer for developing and implementing a battery
37 producer responsibility program does not relieve the covered producer of the covered
38 producer’s responsibility to satisfy the requirements of sections 2 to 17 of this 2025 Act.

39 **SECTION 4. Plans for battery producer responsibility programs.** (1) In the form and

40 manner prescribed by the Department of Environmental Quality, a battery producer re-
41 sponsibility organization must submit to the department a plan for implementing a battery
42 producer responsibility program as provided in this section.

43 (2) A battery producer responsibility program plan must describe how the battery pro-
44 ducer responsibility organization will implement a battery producer responsibility program
45 that satisfies the requirements of sections 2 to 17 of this 2025 Act. The plan must include:

1 (a) A list of all covered producers participating in the battery producer responsibility
2 organization and a list of each brand sold, offered for sale or distributed in or into this state
3 by each participating covered producer.

4 (b) A description of how the battery producer responsibility organization will:

5 (A) Provide for the responsible management of covered batteries consistent with envi-
6 ronmentally sound management practices and the polices set forth in ORS 459.015 (2).

7 (B) Provide for convenient and equitable service as required by section 7 of this 2025 Act,
8 including a list of all service providers and processors the battery producer responsibility
9 organization will contract with or use to provide services required by sections 2 to 17 of this
10 2025 Act.

11 (C) Provide for education and public awareness as required by section 9 of this 2025 Act,
12 including a description of the biennial survey to measure public awareness required by sec-
13 tion 9 of this 2025 Act.

14 (D) Establish a schedule of membership fees sufficient to meet the financial obligations
15 of the battery producer responsibility organization as described in section 11 of this 2025 Act.

16 (E) Ensure continuous improvement of the battery producer responsibility program by
17 establishing and working to achieve measurable performance goals for the program. Per-
18 formance goals must include the date by which the goal will be met. Performance goals must
19 include annual goals for:

20 (i) Collection rates;

21 (ii) Recycling efficiency; and

22 (ii) Achieving and maintaining high public awareness of the program, including awareness
23 in low-income, rural and other historically underserved communities.

24 (F) Coordinate with other battery producer responsibility organizations, if applicable.

25 (c) A program budget that describes how the battery producer responsibility organization
26 will finance the battery producer responsibility program, including the costs to carry out a
27 program that satisfies the requirements of sections 2 to 17 of this 2025 Act apportioned
28 among each covered producer participating in the battery producer responsibility organiza-
29 tion, as required by section 11 of this 2025 Act.

30 SECTION 5. Approval of battery producer responsibility program plans. (1) The Depart-
31 ment of Environmental Quality shall approve a battery producer responsibility program plan
32 submitted to the department under section 4 of this 2025 Act if the department determines
33 that the plan meets the requirements of section 4 of this 2025 Act and that the battery pro-
34 ducer responsibility organization will successfully implement the program in accordance with
35 the plan.

36 (2) Not later than 90 days after receiving a plan under section 4 of this 2025 Act, the
37 department shall either approve, approve with conditions or reject the plan. If the depart-
38 ment rejects the plan the department shall provide the reason or reasons for the rejection
39 to the battery producer responsibility organization in writing. A battery producer responsi-
40 bility organization must submit a revised plan to the department no later than 60 days after
41 the date of the rejection.

42 (3) No later than 60 days after receiving a revised plan under subsection (2) of this sec-
43 tion, the department shall either approve, approve with conditions or reject the revised plan.
44 If the department rejects the revised plan, the department shall provide the reason or rea-
45 sons for the rejection to the battery producer responsibility organization in writing. A bat-

1 tery producer responsibility organization must submit a second revised plan to the
 2 department no later than 45 days after the date of the rejection.

3 (4)(a) No later than 45 days after receiving a second revised plan under subsection (3) of
 4 this section, the department shall either approve the second revised plan or make such
 5 modifications to the plan as necessary for approval.

6 (b) If, after receiving a second revised plan, the department determines that the battery
 7 producer responsibility organization will be unable to successfully implement a battery pro-
 8 ducer responsibility program in accordance with a proposed or modified plan, the department
 9 shall specify the date on which the battery producer responsibility organization must cease
 10 to operate a battery producer responsibility program in this state. The department may
 11 consider the past performance of a battery producer responsibility organization when making
 12 a determination under this paragraph.

13 (5)(a) A plan approved by the department under this section is valid for three years. No
 14 less than 180 days before a plan approved under this section expires, a battery producer re-
 15 sponsibility organization shall submit an updated plan to be approved under this section for
 16 an additional three years. An updated plan must satisfy the requirements of section 4 of this
 17 2025 Act and describe any substantive changes from the previously approved plan.

18 (b) The department's rejection of a plan does not relieve a battery producer responsibility
 19 organization from continuing to implement a battery producer responsibility program in
 20 compliance with a previously approved plan pending a final action by the department on the
 21 updated plan.

22 (6) Subject to section 16 of this 2025 Act, the department may make available to the
 23 public battery producer responsibility program plans, and any revisions thereto.

24 (7) Beginning no later than 90 days after a plan is approved under this section, a battery
 25 producer responsibility organization must implement a battery producer responsibility pro-
 26 gram as described in the approved plan.

27 **SECTION 6. Changes to battery producer responsibility programs.** (1) In a form and
 28 manner prescribed by the Department of Environmental Quality, a battery producer re-
 29 sponsibility organization must request preapproval from the department for any change to
 30 a battery producer responsibility program plan that substantively alters the program. Except
 31 as provided in subsection (3) of this section, a battery producer responsibility organization
 32 must make a request under this subsection not later than 60 days before the change is to
 33 occur. For purposes of this subsection, changes that substantively alter a battery producer
 34 responsibility program include, but are not limited to:

- 35 (a) Changes involving the methods used to collect covered batteries;
- 36 (b) Changes involving methods used to dispose of covered batteries;
- 37 (c) Changes to the policies and procedures for handling and disposing of covered bat-
 38 teries;
- 39 (d) Changes involving methods used to foster public awareness of the battery producer
 40 responsibility program; and
- 41 (e) Changes to the location of a collection site.

42 (2) The department shall approve or reject a request submitted pursuant to subsection
 43 (1) of this section within 60 days of receiving the request. If the department does not approve
 44 or reject the request, and provide written notice to the battery producer responsibility or-
 45 ganization of the department's decision within 60 days of the date on which the department

1 received the request, the proposed change shall be considered approved.

2 (3) If a battery producer responsibility organization intends to make a proposed change
 3 to a battery producer responsibility program but, for good cause as determined by the de-
 4 partment, is unable to make a request 60 days before the proposed change is to occur as
 5 required under subsection (1) of this section, the battery producer responsibility organization
 6 shall notify the department of the proposed change as far in advance of the proposed change
 7 as practicable. Upon receipt of notice described in this subsection, the department shall
 8 consult with the battery producer responsibility organization regarding the proposed change.
 9 Not later than seven business days after receiving the notice, the department may tempo-
 10 rarily approve the proposed change.

11 (4) The department may require a battery producer responsibility organization to modify
 12 a battery producer responsibility program plan and submit to the department changes for
 13 approval as described in subsections (1) to (3) of this section if the department determines
 14 that the battery producer responsibility organization is not meeting program goals described
 15 in an approved battery producer responsibility program plan.

16 (5) In a form and manner prescribed by the department, a battery producer responsibility
 17 organization must notify the department:

18 (a) Not later than 30 days after the change occurs, of any change to the contact infor-
 19 mation for the battery producer responsibility organization.

20 (b) Not later than 60 days after the change occurs, of any change involving:

21 (A) Which covered producers are participating in the battery producer responsibility or-
 22 ganization;

23 (B) The contact information for a covered producer participating in the battery producer
 24 responsibility organization; or

25 (C) The ownership of a covered producer participating in the battery producer responsi-
 26 bility organization.

27 **SECTION 7. Convenient and equitable service.** (1) A battery producer responsibility or-
 28 ganization must provide convenient and equitable service throughout this state as provided
 29 in this section, including to rural areas and lower-income and other historically underserved
 30 populations.

31 (2) Convenient and equitable service must include a network of collection sites distrib-
 32 uted to ensure that 95 percent of the residents of this state are within 15 miles of a collection
 33 site, and must also include:

34 (a) At least one collection site in each county;

35 (b) At least one collection site in each city with a population of at least 4,000 but less
 36 than 10,000;

37 (c) In each city with a population of at least 10,000 but less than 200,000, at least one
 38 collection site, plus one additional collection site for every additional 20,000 residents of the
 39 city over 10,000; and

40 (d) In each city with a population of 200,000 or greater, at least 10 collection sites, plus
 41 one additional collection site for every additional 50,000 residents of the city over 200,000.

42 (3)(a) A collection site for a county may be the same as a collection site for a city in the
 43 county.

44 (b) For purposes of calculating the population of a city within a metropolitan service
 45 district established under ORS chapter 268, the population of any adjacent unincorporated

1 area of a county that is within the metropolitan service district shall be included in the
2 population of the city.

3 (c) Collection sites shall be staffed and open to the public at a frequency adequate to
4 meet the needs of the area being served.

5 (d) A battery producer responsibility organization may provide collection service jointly
6 with another battery producer responsibility organization.

7 (4) The department may waive the requirements of subsections (2) and (3) of this section
8 with respect to a county or city if a proposed battery producer responsibility program plan
9 demonstrates to the department's satisfaction that alternative collection methods would
10 provide substantially equivalent collection convenience.

11 (5) A collection site described in subsections (2) and (3) of this section must:

12 (a) Accept each brand and type of covered battery, other than medium format batteries,
13 at no cost to covered entities;

14 (b) Provide appropriate containers for the collection of covered batteries;

15 (c) Be staffed by adequately trained employees;

16 (d) Display signs or other visual aids to inform covered entities and staff on how to
17 properly and safely collect and handle discarded covered batteries; and

18 (e) Make educational materials about the battery producer responsibility program avail-
19 able to covered entities.

20 (6) A battery producer responsibility organization shall:

21 (a) Provide fair financial compensation to collection sites calculated to cover the costs
22 of collecting, storing, managing and transporting covered batteries; and

23 (b) Enter into agreements with all willing transfer stations, landfills and material recov-
24 ery facilities that are covered under a solid waste disposal permit issued by the Department
25 of Environmental Quality to collect covered batteries in accordance with all applicable laws
26 and the approved battery producer responsibility program plan.

27 (7)(a) In addition to the collection sites required by subsections (2) and (3) of this section,
28 a battery producer responsibility organization must provide for collection of medium format
29 and damaged or defective batteries by providing at no charge to covered entities, in each
30 county of this state:

31 (A) Collection by trained individuals at one or more household hazardous waste collection
32 sites; or

33 (B) Collection by trained individuals at one or more collection events held in the county
34 each year.

35 (b) A battery producer responsibility organization is responsible for all costs associated
36 with the collection of medium format and damaged or defective batteries, including the costs
37 of providing containers at collection sites.

38 (8) A battery producer responsibility organization may contract with willing collection
39 service providers to provide on-route collection of covered batteries and transfer collected
40 batteries to the battery producer responsibility program for further management.

41 SECTION 8. Environmentally sound management practices. (1) A battery producer re-
42 sponsibility organization must employ environmentally sound management practices while
43 collecting, transporting, processing and recycling or otherwise managing covered batteries
44 as provided in this section. A battery producer responsibility organization must, in compli-
45 ance with all applicable laws, ensure responsible management and continuous improvement

1 in environmental outcomes, reduction of environmental impacts and protection of health,
 2 safety and data privacy in the management of covered batteries by employing practices that
 3 include, but are not limited to:

- 4 (a) Adequate record keeping;
- 5 (b) Tracking the fate of materials from covered batteries;
- 6 (c) Conducting performance audits and inspections;
- 7 (d) Developing opportunities for reuse and refurbishment;
- 8 (e) Complying with worker health and safety requirements;
- 9 (f) Ensuring that covered batteries are delivered to responsible end markets;
- 10 (g) Maintaining liability insurance and other financial assurances; and
- 11 (h) Carrying out other practices as may be adopted by rule by the Environmental Quality
 12 Commission.

13 (2) A battery producer responsibility organization must ensure that all collection sites
 14 and processors not directly controlled by the battery producer responsibility organization use
 15 environmentally sound management practices with respect to covered batteries.

16 **SECTION 9. Public education and awareness.** (1) A battery producer responsibility or-
 17 ganization must develop educational resources and conduct public awareness activities
 18 across multiple types of media to advertise and promote, on a regular basis, recycling of
 19 covered batteries and collection opportunities statewide. In addition, a battery producer re-
 20 sponsibility organization must:

21 (a) Establish a toll-free telephone number and a website address that a covered entity
 22 may use to contact the battery producer responsibility organization to provide feedback
 23 about the battery producer responsibility program and to obtain information about the pro-
 24 gram, including:

- 25 (A) The location of collection sites;
- 26 (B) The time and location of collection events; and
- 27 (C) Other collection services.

28 (b)(A) Develop educational materials, including educational web-based content, press re-
 29 leases, advertisements and promotional materials.

30 (B) Educational materials must:

31 (i) Be provided at sites that sell covered products, collection sites and sites that accept
 32 damaged or defective batteries; and

33 (ii) Include materials that are targeted to overburdened or vulnerable communities.

34 (c) Conduct a biennial survey to measure public awareness, using questions and meth-
 35 odology that have been approved by the Department of Environmental Quality.

36 (2) A battery producer responsibility organization shall coordinate with other battery
 37 producer responsibility organizations under this section to ensure that program users can
 38 easily identify, understand and access the services provided by all battery producer respon-
 39 sibility programs that are operational in this state. At a minimum, all of the battery pro-
 40 ducer responsibility programs that are operational in this state must provide a single
 41 toll-free telephone number and a single website address that a covered entity may use to
 42 contact battery producer responsibility organizations and to acquire information about bat-
 43 tery producer responsibility programs.

44 **SECTION 10. Annual report.** (1) A battery producer responsibility organization must
 45 submit to the Department of Environmental Quality, in a form and manner prescribed by the

1 department, an annual report on the development, implementation and operation of the
 2 battery producer responsibility program. The annual report must include:

3 (a) A list of covered producers participating in the battery producer responsibility pro-
 4 gram, the brands associated with each covered producer and the date the covered producer
 5 began participating in the organization.

6 (b) The amount, by weight, chemistry and method of collection, of covered batteries col-
 7 lected under the program.

8 (c) The amount, by weight and chemistry, of covered batteries collected at each col-
 9 lection site.

10 (d) An assessment of whether the battery producer responsibility organization imple-
 11 mented the program in accordance with the plan approved under section 5 of this 2025 Act.

12 (e) A summary of the environmentally sound management practices employed in the
 13 program and an attestation that all covered batteries were managed according to environ-
 14 mentally sound management practices.

15 (f) A list of collection sites, processors, transporters and responsible end markets used
 16 by the program during the preceding program year.

17 (g) A summary of public awareness and education activities performed by the battery
 18 producer responsibility organization, alone or in coordination with one or more battery pro-
 19 ducer responsibility organizations, sufficient to demonstrate to the department that the or-
 20 ganization has satisfied the requirements of section 9 of this 2025 Act.

21 (h) The results of the most recent biennial survey conducted under section 9 of this 2025
 22 Act.

23 (i)(A) An analysis of whether the battery producer responsibility organization met per-
 24 formance goals proposed by the battery producer responsibility program plan or adopted by
 25 the Environmental Quality Commission; and

26 (B) If the battery producer responsibility organization did not meet performance goals,
 27 a description of actions the battery producer responsibility organization will take to meet
 28 those goals.

29 (j) A summary financial statement documenting the financing of the battery producer
 30 responsibility organization's program and an analysis of program costs and expenditures in-
 31 curred in this state, including an analysis of the program's expenses, such as collection,
 32 transportation, recycling, education and administrative overhead.

33 (2) The department shall review and approve a report submitted under this section if the
 34 department determines that the report satisfies the requirements of this section. If the de-
 35 partment does not approve a report, the department shall provide the battery producer re-
 36 sponsibility organization with written notice of the reasons for the rejection.

37 (3) Subject to section 16 of this 2025 Act, the department may make reports submitted
 38 under this section available to the public.

39 (4) Upon the request of the department, a battery producer responsibility organization
 40 must provide to the department:

41 (a) A description of each type of material sent to each processor;

42 (b) The method of processing used by each processor; and

43 (c) The responsible end market for each material managed under the program.

44 **SECTION 11. Membership fees.** (1)(a) A battery producer responsibility organization shall
 45 establish a schedule of membership fees to be paid by covered producers participating in the

1 organization. Membership fees established pursuant to this section must be sufficient to
 2 meet the financial obligations of the organization under sections 2 to 17 of this 2025 Act.

3 (b) A battery producer responsibility organization and any service provider that contracts
 4 with a battery producer responsibility organization may not charge a fee to a covered entity
 5 for any services necessary to satisfy the battery producer responsibility organization's obli-
 6 gations under sections 2 to 17 of this 2025 Act. A covered producer may not charge a fee to
 7 a consumer at the point of sale to cover the cost of meeting the covered producer's obli-
 8 gations under sections 2 to 17 of this 2025 Act.

9 (2) The schedule of membership fees must incentivize covered producers to continually
 10 reduce the environmental and human health impacts of covered products. A fee schedule
 11 that satisfies the requirements of this section may include a fee structure that:

12 (a) Encourages designs intended to facilitate reuse and recycling of covered batteries;

13 (b) Encourages the use of recycled content in covered batteries;

14 (c) Discourages the use of materials that increase system costs of managing covered
 15 batteries; or

16 (d) Encourages other design attributes that reduce the environmental impacts of covered
 17 batteries.

18 **SECTION 12. Enforcement.** (1) The Department of Environmental Quality shall have the
 19 power to enter upon and inspect, at any reasonable time, any public or private property,
 20 premises or place for the purpose of investigating either an actual or suspected violation of
 21 sections 2 to 17 of this 2025 Act or rules adopted under sections 2 to 17 of this 2025 Act.

22 (2) A battery producer responsibility organization shall retain all records related to the
 23 implementation and administration of a battery producer responsibility program for not less
 24 than three years from the time the record was created and make the records available for
 25 inspection by the department upon request.

26 (3) In accordance with the applicable provisions of ORS chapter 183 relating to contested
 27 case proceedings, the department may issue an order requiring compliance with the pro-
 28 visions of sections 2 to 17 of this 2025 Act.

29 (4) In accordance with the applicable provisions of ORS chapter 183 relating to contested
 30 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS
 31 468.130, the department may issue civil penalties for violations of the provisions of sections
 32 2 to 17 of this 2025 Act and rules adopted under sections 2 to 17 of this 2025 Act. All penalties
 33 recovered for violations of sections 2 to 17 of this 2025 Act and rules adopted under sections
 34 2 to 17 of this 2025 Act shall be paid into the State Treasury and credited to the Battery
 35 Producer Responsibility Fund established under section 14 of this 2025 Act.

36 (5) The department may issue an order under subsection (3) of this section to suspend
 37 or revoke a battery producer responsibility program plan if the department determines that:

38 (a) A violation or repeated violations of sections 2 to 17 of this 2025 Act present a risk
 39 to the environment or public health; or

40 (b) A violation has had a material impact on the implementation and administration of
 41 the battery producer responsibility program plan.

42 **SECTION 13. Fees.** (1) The Environmental Quality Commission shall establish the fol-
 43 lowing fees for the purpose of paying the costs of administering sections 2 to 17 of this 2025
 44 Act:

45 (a) A plan review fee for reviewing a battery producer responsibility program plan sub-

mitted under section 4 of this 2025 Act.

(b) An annual fee for expenses associated with the ongoing costs of administering sections 2 to 17 this 2025 Act.

(2) Each battery producer responsibility organization that operates a battery producer responsibility program in this state is responsible for paying the fees established by this section. If more than one textile producer responsibility organization operates a battery producer responsibility program in this state, the fee established under subsection (1)(b) of this section shall be paid in equal parts by each battery producer responsibility organization operating in this state.

(3) Fees established under subsection (1) of this section must be reasonably calculated to cover the costs of administering sections 2 to 17 of this 2025 Act.

(4) The department shall deposit fee moneys collected pursuant to this section into the Battery Producer Responsibility Fund established under section 14 of this 2025 Act.

SECTION 14. Battery Producer Responsibility Fund. (1) The Battery Producer Responsibility Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Battery Producer Responsibility Fund shall be credited to the fund.

(2) The Battery Producer Responsibility Fund shall consist of:

(a) Amounts deposited in the fund by the Department of Environmental Quality under section 13 of this 2025 Act;

(b) Amounts credited to the fund under section 12 of this 2025 Act;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly; and

(d) Other amounts deposited in the fund from any other source.

(3) Moneys in the Battery Producer Responsibility Fund are continuously appropriated to the Department of Environmental Quality for the purpose of carrying out sections 2 to 17 of this 2025 Act.

SECTION 15. Antitrust immunity. The Legislative Assembly declares that the collaboration of covered producers through battery producer responsibility organizations to develop and implement battery producer responsibility program plans is in the best interests of the public. Therefore, the Legislative Assembly declares its intent that participating in a battery producer responsibility organization to implement a battery producer responsibility program plan as required by sections 2 to 17 of this 2025 Act shall be exempt from state antitrust laws. The Legislative Assembly further declares its intent to provide immunity for participating in a battery producer responsibility organization to implement a battery producer responsibility program plan as required by sections 2 to 17 of this 2025 Act from federal antitrust laws. This section does not authorize any person to engage in activities or to conspire to engage in activities that constitute per se violations of state or federal antitrust laws that are not authorized under sections 2 to 17 of this 2025 Act.

SECTION 16. Confidentiality. A covered producer or battery producer responsibility organization that submits information or records to the Department of Environmental Quality under sections 2 to 17 of this 2025 Act may request that the information or records be made available only for the confidential use of the department. The department shall consider the request and weigh the harm suffered by the person making the request against the public interest in disclosure. Information or records for which the department grants a request under this section are confidential and not subject to public disclosure under ORS 192.311 to

1 **192.478, except that the department may disclose summarized information or aggregated data**
 2 **if the information or data does not directly or indirectly identify the confidential information**
 3 **of a specific covered producer or battery producer responsibility organization.**

4 **SECTION 17. Rules. The Environmental Quality Commission may adopt any rules neces-**
 5 **sary for the effective administration of sections 2 to 17 of this 2025 Act.**

6 **SECTION 18.** ORS 459.995, as amended by section 6, chapter 73, Oregon Laws 2023, is amended
 7 to read:

8 459.995. **Civil penalties.** (1) Except as provided in subsection (2) of this section, in addition to
 9 any other penalty provided by law:

10 (a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.485, 459.705
 11 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335, 459A.860 to 459A.975 or 646A.080, or any
 12 rule or order of the Environmental Quality Commission pertaining to the disposal, collection, stor-
 13 age or reuse or recycling of solid wastes, as defined by ORS 459.005, or any rule or order pertaining
 14 to the disposal, storage or transportation of waste tires, as defined by ORS 459.705, or any rule or
 15 order pertaining to the sale of novelty items that contain encapsulated liquid mercury or any rule
 16 or order pertaining to compact fluorescent lamps or linear fluorescent lamps, as defined by ORS
 17 459.485, incurs a civil penalty not to exceed \$25,000 per day for each day of the violation.

18 (b) Any person who violates the provisions of ORS 459.420 to 459.426 incurs a civil penalty not
 19 to exceed \$500 for each violation. Each battery that is disposed of improperly is a separate violation.
 20 Each day an establishment fails to post the notice required under ORS 459.426 is a separate vio-
 21 lation.

22 (c) For each day a city, county or metropolitan service district fails to provide the opportunity
 23 to recycle as required under ORS 459A.005, the city, county or metropolitan service district incurs
 24 a civil penalty not to exceed \$500 for each violation.

25 (d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs a civil penalty not to
 26 exceed \$500 for each violation. Each covered electronic device that is disposed of improperly is a
 27 separate violation.

28 (e) Any retailer that violates the provisions of ORS 459A.156 or 459A.825 (1) or (2)(b) incurs a
 29 civil penalty not to exceed \$100 per day for each day of the violation.

30 (f) Any producer or renovator that violates the provisions of ORS 459A.156 or 459A.825 (1) in-
 31 curs a civil penalty not to exceed \$1,000 per day for each day of the violation.

32 (g) Any stewardship organization that violates the provisions of ORS 459A.150 to 459A.189,
 33 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 incurs a civil penalty not to exceed
 34 \$1,000 per day for each day of the violation.

35 (h) Any food vendor that violates ORS 459.468 incurs a civil penalty not to exceed \$100 for each
 36 day of the violation.

37 (i) Any person that violates ORS 459.471 or 459.474 incurs a civil penalty not to exceed \$500
 38 per day for each day of the violation.

39 **(j)(A) Except as provided in subparagraph (B) of this paragraph, a covered producer or**
 40 **battery producer responsibility organization that violates sections 2 to 17 of this 2025 Act**
 41 **incurs a civil penalty not to exceed \$1,000 per day for each day of the violation.**

42 **(B) A covered producer that fails to satisfy the requirement to join a battery producer**
 43 **responsibility organization under section 2 of this 2025 Act incurs a civil penalty not to ex-**
 44 **ceed \$10,000 for each day that covered products that the covered producer is responsible for**
 45 **are sold in this state.**

1 (k) Any person that violates section 20 of this 2025 Act incurs a civil penalty not to ex-
 2 ceed \$500 for each violation. Each removable lithium-ion battery that is disposed of improv-
 3 properly is a separate violation.

4 (2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665
 5 or any rule adopted under ORS 459A.650 to 459A.665 incurs a civil penalty not to exceed \$1,000 per
 6 day for each day of the violation. A violation of ORS 459A.650 to 459A.665 is not subject to addi-
 7 tional penalties under subsection (1) of this section.

8 (3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the
 9 manner provided by ORS 468.135.

10 **SECTION 19.** Section 20 of this 2025 Act is added to and made a part of ORS 459.205 to
 11 **459.385.**

12 **SECTION 20.** (1) A person may not knowingly dispose of a removable lithium-ion battery
 13 in mixed municipal solid waste.

14 (2) A person may not dispose of a removable lithium-ion battery except by delivery to a
 15 battery producer responsibility program, as defined in section 2 of this 2025 Act, or a person
 16 accepting batteries on behalf of a battery producer responsibility program.

17 (3) The owner or operator of a disposal site is not in violation of this section if the dis-
 18 posal site has posted in a conspicuous location a sign stating that removable lithium-ion
 19 batteries must be managed through collection sites established by a battery producer re-
 20 sponsibility organization and are not accepted for disposal at the facility.

21
 22 **TEMPORARY PROVISIONS**
 23

24 **SECTION 21. Required date for initial plan.** (1) A battery producer responsibility organ-
 25 ization shall first submit a battery producer responsibility program plan to the Department
 26 of Environmental Quality for approval under section 4 of this 2025 Act no later than Sep-
 27 tember 1, 2027.

28 (2) A battery producer responsibility program plan described in this section must be op-
 29 erational by July 1, 2028.

30 **SECTION 22. Report.** (1) The Department of Environmental Quality shall review and
 31 evaluate studies or assessments regarding whether products or batteries that are not cur-
 32 rently covered by a state’s battery extended producer responsibility law should be covered
 33 at a later date.

34 (2) The department shall review and evaluate studies or assessments described in sub-
 35 section (1) of this section carried out by Illinois, Vermont and Washington. The department
 36 may review similar studies or assessments carried out by any other state or person.

37 (3) No later than May 30, 2028, the department shall submit a report to the interim
 38 committees of the Legislative Assembly related to the environment, in the manner provided
 39 by ORS 192.245. The report must include the findings and recommendations of any study or
 40 assessment reviewed by the department under this section. The report may include recom-
 41 mendations for legislation based on the department’s evaluation of the studies or assess-
 42 ments reviewed by the department.

43
 44 **UNIT AND SECTION CAPTIONS**
 45

1 **SECTION 23. Unit and section captions.** The unit and section captions used in this 2025
2 Act are provided only for the convenience of the reader and do not become part of the stat-
3 utory law of this state or express any legislative intent in the enactment of this 2025 Act.
4
