

HB 4144 -1 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 2/23

WHAT THE MEASURE DOES:

The measure prohibits covered producers from selling, offering for sale, or distributing batteries or battery-containing products in or into Oregon unless they participate in a battery producer responsibility organization (PRO) that successfully implements a battery producer responsibility program.

Detailed Summary:

Battery PRO Requirements and Responsibilities

- Requires battery PROs to submit a battery producer responsibility program implementation plan with specific information to the Oregon Department of Environmental Quality (DEQ) no later than September 1, 2028, and requires the battery producer responsibility program plan to be operational by July 1, 2029
- Requires DEQ to approve a battery producer responsibility program plan no later than 90 days after receiving it if DEQ determines that the plan meets certain requirements and that the battery PRO will successfully implement the program in accordance with the plan
- Requires battery PROs to provide convenient and equitable service throughout Oregon, including through a network of collection sites distributed to ensure that 95 percent of state residents are within 15 miles of a collection site
- Requires battery PROs to use responsible management in collecting, transporting, processing, recycling, or otherwise managing covered batteries and materials from covered batteries
- Requires battery PROs to develop educational resources and conduct public awareness activities across multiple types of media to advertise and promote recycling of covered batteries and collection opportunities statewide
- Establishes criteria for battery PROs to make changes to its battery producer responsibility program

Annual Reporting Requirements

- Requires battery PROs to submit an annual report, with certain content, to DEQ on the development, implementation, and operation of the battery producer responsibility program
- Requires DEQ to review and approve the report if it meets certain requirements, and allows DEQ to make the report available to the public

Fees and Enforcement

- Establishes a schedule of membership fees to be paid by covered producers participating in the PRO
- Establishes DEQ's enforcement mechanisms for activities related to this measure
- Establishes records retention and compliance policies
- Establishes penalties
- Establishes reasons DEQ may suspend or revoke a plan
- Establishes fees for activities related to this measure

Battery Producer Responsibility Fund

- Establishes the Battery Producer Responsibility Fund

Rules and Prohibitions

- Allows the Oregon Environmental Quality Commission to adopt any rules necessary for the effective administration of this measure

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- Prohibits a person from knowingly disposing of a removable lithium-ion battery in mixed municipal solid waste and from disposing of a removable lithium-ion battery except by delivery to a battery producer responsibility program or a person accepting batteries on behalf of a battery producer responsibility program

Reporting Requirements

- Requires DEQ to review and evaluate studies or assessments—including but not limited to those carried out by Illinois, Vermont, and Washington—regarding whether products or batteries that are not currently covered by a state’s battery extended producer responsibility law should be covered at a later date
- Requires DEQ to submit report to the legislature’s interim committees related to the environment no later than May 30, 2028

ISSUES DISCUSSED:

- Fiscal impact of the measure

EFFECT OF AMENDMENT:

-1 The proposed -1 amendment increases Other Funds expenditure limitation for the Department of Environmental Quality, Land Quality division, by \$142,317 to carry out the provisions of the measure.

BACKGROUND:

Extended producer responsibility (EPR) is an approach in which producers of goods take back products or packaging that is difficult to recycle or hazardous, such as empty paint cans or used syringes. EPR programs can help reduce waste, reduce public expenditure on waste management, and lead to innovative product and packaging design.

PROs, composed of producers or manufacturers, collect and manage their products at the end of the products’ lifecycles. Typically, PROs set up collection sites or other methods to collect the materials, often at retail stores or in curbside recycling systems.

In 2009, Oregon became the first U.S. state to enact a law requiring architectural paint manufacturers to implement a program to reduce waste, increase reuse and recycling, and safely dispose of remaining unusable paint and other coatings. Oregon has other PROs, including one for mattresses (via Senate Bill 1576, 2022).

At least six states and Washington, DC, have established battery EPR programs to collect certain types of batteries, ranging in size, type (rechargeable or not), and chemical makeup (for example, alkaline, carbon-zinc, lithium metal, or lithium-ion). Once producers collect the batteries, they are sent to recycling facilities.