

Enrolled House Bill 4144

Sponsored by Representative LEVY E, Senator NERON MISSLIN, Representatives PHAM H, RIEKE SMITH, Senator SOLLMAN; Representatives ANDERSEN, CHOTZEN, FRAGALA, GAMBA, GOMBERG, HELM, ISADORE, LEVY B, LIVELY, MARSH, MCDONALD, NATHANSON, NELSON, WALTERS, Senators BROADMAN, FREDERICK, PATTERSON, PHAM K, PROZANSKI, REYNOLDS (Pre-session filed.)

CHAPTER

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 2026 Act are added to and made a part of ORS chapter 459A.

SECTION 2. Definitions. As used in sections 2 to 17 of this 2026 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 group of five or more covered producers to act as an agent of the covered producers to develop and implement a battery producer responsibility program on behalf of the 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 of Environmental Quality under section 5 of this 2026 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 or a medium format battery.

(b) “Covered battery” does not include:

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

(ii) A battery contained within a device, as defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as in effect on the effective date of this 2026 Act; or

(iii) A battery that is contained within a medical device and that satisfies criteria established by the Environmental Quality Commission by rule to maintain consistency with federal laws concerning medical devices.

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

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

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

(E) A battery designed to power a motor vehicle or a part of a motor vehicle, including a part of a motor vehicle assembled by, or for, a motor vehicle manufacturer or motor vehicle dealer or a replacement part for use in a motor vehicle.

(F) Battery energy storage systems as defined in ORS 469.300.

(G) A battery that is being recalled for safety reasons.

(6) "Covered entity" means:

(a) A resident of this state;

(b) A business entity located in this state;

(c) A public or private institution of learning in this state;

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

(e) A nonprofit organization located in this state.

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

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

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

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

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

or

(E) On whose account covered products manufactured outside the United States are imported into the United States.

(b) "Covered producer" does not include a person described as the covered producer of a battery-containing product under paragraph (a) of this subsection if:

(A) The covered batteries packaged with or contained within the battery-containing product are easily removable and supplied by a covered producer that has joined a battery producer responsibility organization as the producer for that covered battery under sections 2 to 17 of this 2026 Act; and

(B) The person provides a written statement to the department that:

(i) Identifies the person that produces the battery-containing product and the covered producer of the covered batteries packaged with or contained within the battery-containing product;

(ii) States that the covered producer is participating in the battery producer responsibility organization on behalf of the person that produces the battery-containing product;

(iii) States that the person that produces the battery-containing product and the covered producer will notify the department if the covered producer ceases to participate in the battery producer responsibility organization on behalf of the producer of the battery-containing product; and

(iv) Is signed by an authorized representative of the covered producer and the person that produces the battery-containing product.

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

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

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

(11) “Medium format battery” means:

(a) A rechargeable battery that:

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

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

(B)(i) Weighs no more than 25 pounds; and

(ii) Has a rating of no more than 2,000 watt-hours.

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

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

(13) “Portable battery” means:

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

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

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

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

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

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

(18) “Responsible management” means the handling, tracking, processing, disposition and other management of covered batteries and materials from covered batteries, from the point of collection through the final destination of the collected material, in a way that complies with section 8 of this 2026 Act and all other applicable laws, and ensures continuous improvement in environmental outcomes, reduction of environmental impacts and protection of health, safety and data privacy in the management of covered batteries for final disposition.

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

(1) A covered producer may not sell, offer for sale or distribute in or into this state a covered product unless the covered producer satisfies the requirements of sections 2 to 17 of this 2026 Act by participating in a battery producer responsibility organization that successfully implements a battery producer responsibility program.

(2) The failure of a battery producer responsibility organization to satisfy any of the responsibilities delegated to it by a covered producer for developing and implementing a battery producer responsibility program does not relieve the covered producer of the covered producer’s responsibility to satisfy the requirements of sections 2 to 17 of this 2026 Act.

SECTION 4. Plans for battery producer responsibility programs. (1) In the form and manner prescribed by the Department of Environmental Quality, a battery producer responsibility organization shall submit to the department a plan for implementing a battery producer responsibility program as provided in this section.

(2) A battery producer responsibility program plan must describe how the battery producer responsibility organization will implement a battery producer responsibility program that satisfies the requirements of sections 2 to 17 of this 2026 Act. The plan must include:

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

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

(A) Provide for the responsible management of covered batteries consistent with section 8 of this 2026 Act and the policies set forth in ORS 459.015 (2).

(B) Provide for convenient and equitable service as required by section 7 of this 2026 Act, including a list of all service providers involved in the management of collected batteries, including all collection sites, transporters and processors the battery producer responsibility organization will contract with or use to provide services required by sections 2 to 17 of this 2026 Act.

(C) Provide for education and public awareness as required by section 9 of this 2026 Act, including a description of the biennial survey to measure public awareness required by section 9 of this 2026 Act.

(D) Establish a schedule of membership fees sufficient to meet the financial obligations of the battery producer responsibility organization as described in section 11 of this 2026 Act.

(E) Ensure continuous improvement of the battery producer responsibility program by establishing and working to achieve measurable performance goals for the program. Performance goals must include the date by which the goal will be met. Beginning with the fourth program year and thereafter, performance goals must include annual goals for:

(i) Collection rates;

(ii) Recycling efficiency; and

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

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

(c) A program budget that describes how the battery producer responsibility organization will finance the battery producer responsibility program, with all costs to carry out a program that satisfies the requirements of sections 2 to 17 of this 2026 Act apportioned among each covered producer participating in the battery producer responsibility organization, as required by section 11 of this 2026 Act.

SECTION 5. Approval of battery producer responsibility program plans. (1) The Department of Environmental Quality shall approve a battery producer responsibility program plan submitted to the department under section 4 of this 2026 Act if the department determines that the plan meets the requirements of section 4 of this 2026 Act and that the battery producer responsibility organization will successfully implement the program in accordance with the plan.

(2) Not later than 90 days after receiving a plan under section 4 of this 2026 Act, the department shall either approve, approve with conditions or reject the plan. If the department rejects the plan, the department shall provide the reason or reasons for the rejection to the battery producer responsibility organization in writing. A battery producer responsibility organization shall submit a revised plan to the department no later than 60 days after the date of the rejection.

(3) No later than 60 days after receiving a revised plan under subsection (2) of this section, the department shall either approve, approve with conditions or reject the revised plan. If the department rejects the revised plan, the department shall provide the reason or reasons for the rejection to the battery producer responsibility organization in writing. A battery producer responsibility organization shall submit a second revised plan to the department no later than 45 days after the date of the rejection.

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

(b) Notwithstanding paragraph (a) of this subsection, if, after receiving a second revised plan, the department determines that the battery producer responsibility organization will be unable to successfully implement a battery producer responsibility program in accordance with a proposed or modified plan, the department shall specify the date on which the battery producer responsibility organization must cease to operate a battery producer responsibility program in this state and the date on which all covered producers participating in the battery producer responsibility program must participate in another battery producer responsibility program. The department may consider the past performance of a battery producer responsibility organization when making a determination under this paragraph.

(5)(a) A plan approved by the department under this section is valid for three program years. No less than 180 days before a plan approved under this section expires, a battery producer responsibility organization shall submit an updated plan to be approved as provided in this section for an additional three program years. An updated plan must satisfy the requirements of section 4 of this 2026 Act and describe any substantive changes from the previously approved plan.

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

(6) Subject to section 16 of this 2026 Act, the department may make available to the public battery producer responsibility program plans, and any revisions thereto.

(7) Beginning no later than 90 days after a plan is approved under this section, a battery producer responsibility organization shall implement a battery producer responsibility program as described in the approved plan.

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

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

(2) The department shall approve or reject a request submitted pursuant to subsection (1) of this section within 60 days of receiving the request. If the department does not approve or reject the request, and provide written notice to the battery producer responsibility organization of the department's decision within 60 days of the date on which the department received the request, the proposed change shall be considered approved.

(3) If a battery producer responsibility organization intends to make a proposed change to a battery producer responsibility program but, for good cause as determined by the department, is unable to make a request 60 days before the proposed change is to occur as required under subsection (1) of this section, the battery producer responsibility organization shall notify the department of the proposed change as far in advance of the proposed change as practicable. Upon receipt of notice described in this subsection, the department shall consult with the battery producer responsibility organization regarding the proposed change.

Not later than seven business days after receiving the notice, the department may temporarily approve the proposed change.

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

(5) In a form and manner prescribed by the department, a battery producer responsibility organization shall notify the department within 90 days after any change to:

- (a) The contact information for the battery producer responsibility organization;
- (b) Which covered producers are participating in the battery producer responsibility organization; or
- (c) The contact information for a covered producer participating in the battery producer responsibility organization.

SECTION 7. Convenient and equitable service. (1) A battery producer responsibility organization shall provide convenient and equitable service throughout this state as provided in this section, including to rural areas and low-income and other historically underserved communities.

(2) For portable batteries, convenient and equitable service must include a network of collection sites distributed to ensure that 95 percent of the residents of this state are within 15 miles of a collection site, and must also include:

- (a) At least one collection site in each county;
- (b) At least one collection site in each city with a population of at least 4,000 but less than 10,000;
- (c) In each city with a population of at least 10,000 but less than 200,000, at least one collection site, plus one additional collection site for every additional 20,000 residents of the city over 10,000; and
- (d) In each city with a population of 200,000 or greater, at least 10 collection sites, plus one additional collection site for every additional 50,000 residents of the city over 200,000.

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

(b) For purposes of calculating the population of a city within a metropolitan service district established under ORS chapter 268, the population of any adjacent unincorporated area of a county that is within the metropolitan service district shall be included in the population of the city.

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

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

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

(5) A collection site described in this section shall:

- (a) Accept each brand and type of covered battery, other than medium format batteries, at no cost to covered entities;
- (b) Use appropriate containers provided by the battery producer responsibility organization for the collection of covered batteries;
- (c) Be staffed by adequately trained employees;
- (d) Display signs or other visual aids provided by the battery producer responsibility organization to inform covered entities and staff on how to properly and safely collect and handle discarded covered batteries; and

(e) Provide covered entities with educational materials provided by a battery producer responsibility organization for the purpose of promoting safe and secure handling of covered batteries.

(6) A battery producer responsibility organization shall:

(a) Except as provided in subsection (7) of this section, provide to collection sites fair financial compensation calculated to cover the costs of collecting, storing, managing and transporting covered batteries; and

(b) Enter into agreements with all willing transfer stations, landfills, household hazardous waste facilities and material recovery facilities, provided that each transfer station, landfill or facility is covered under a solid waste disposal permit issued by the Department of Environmental Quality, to operate as collection sites. Covered batteries collected pursuant to an agreement described in this paragraph must be collected in accordance with all applicable laws, the approved battery producer responsibility program plan and battery safety training provided to collection workers.

(7) A battery producer responsibility organization is not required to provide financial compensation to collection sites operated by a retail establishment or for collection by third-party subscription services.

(8)(a) A battery producer responsibility organization shall provide for collection of medium format and damaged or defective batteries by providing at no charge to covered entities, in each county of this state:

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

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

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

(9) A battery producer responsibility organization shall accept for processing and further management, at no cost to the collection service providers, covered batteries collected through on-route battery collection service administered by a local government.

SECTION 8. Responsible management. (1) A battery producer responsibility organization shall, in compliance with all applicable laws, ensure that the organization's battery producer responsibility program uses responsible management in collecting, transporting, processing, recycling or otherwise managing covered batteries and materials from covered batteries. Responsible management includes:

(a) Adequate record keeping;

(b) Tracking the fate of covered batteries;

(c) Conducting performance audits and inspections;

(d) Complying with worker health and safety requirements;

(e) Ensuring that materials from covered batteries are delivered to responsible end markets;

(f) Maintaining liability insurance and other financial assurances; and

(g) Carrying out other practices related to the duties of a battery producer responsibility organization, as may be adopted by rule by the Environmental Quality Commission.

(2) A battery producer responsibility organization shall ensure that all collection sites and processors that manage covered batteries or materials from covered batteries collected through the battery producer responsibility program use responsible management with respect to covered batteries and materials from covered batteries.

SECTION 9. Public education and awareness. (1) A battery producer responsibility organization shall develop educational resources and conduct public awareness activities across multiple types of media to advertise and promote, on a regular basis, recycling of covered

batteries and collection opportunities statewide. In addition, a battery producer responsibility organization shall:

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

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

(b) Develop educational materials, including educational web-based content, press releases, advertisements and promotional materials. Educational materials must:

(A) Be made available to sites that sell covered products, collection sites and sites that accept damaged or defective batteries; and

(B) Include materials that address the needs of rural, low-income and other historically underserved communities.

(c) Conduct a biennial survey to measure public awareness, using questions and methods that have been outlined in the battery producer responsibility program plan.

(2) A battery producer responsibility organization shall coordinate with other battery producer responsibility organizations under this section to ensure that program users can easily identify, understand and access the services provided by all battery producer responsibility programs that are operational in this state. At a minimum, all of the battery producer responsibility programs that are operational in this state must provide a single website address that a covered entity may use to contact battery producer responsibility organizations and to acquire information about battery producer responsibility programs.

SECTION 10. Annual report. (1) A battery producer responsibility organization shall submit to the Department of Environmental Quality, in a form and manner prescribed by the department, an annual report on the development, implementation and operation of the battery producer responsibility program that contains information required by the department to evaluate whether the program complied with the requirements of sections 2 to 17 of this 2026 Act. The annual report must include:

(a) A list of covered producers participating in the battery producer responsibility program, the brands associated with each covered producer and the date the covered producer began participating in the organization.

(b) The amount, by weight, chemistry and method of collection, of covered batteries collected under the program.

(c) The amount, by weight and chemistry, of covered batteries collected at each collection site.

(d) An assessment of whether the battery producer responsibility organization implemented the program in accordance with the plan approved under section 5 of this 2026 Act.

(e) A description of whether the program provided responsible management of covered batteries from collection to final disposition and an affirmation that all covered batteries were responsibly managed and delivered to responsible end markets.

(f) A list of collection sites, processors, transporters or other service providers involved in battery management and used by the program during the preceding program year, and the responsible end markets used by the program during the preceding program year.

(g) A summary of public awareness and education activities performed by the battery producer responsibility organization, alone or in coordination with one or more battery producer responsibility organizations, sufficient to demonstrate to the department that the organization has satisfied the requirements of section 9 of this 2026 Act.

(h) The results of the most recent biennial survey conducted under section 9 of this 2026 Act.

(i)(A) An analysis of whether the battery producer responsibility organization met performance goals proposed by the battery producer responsibility program plan or adopted by the Environmental Quality Commission; and

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

(j) A summary of annual expenditures, including amounts aggregated by categories specified by the department, and a report by an independent certified public accountant, retained by the battery producer responsibility organization at the battery producer responsibility organization's expense, on the accountant's audit of the battery producer responsibility organization's financial statements.

(k) An analysis of program costs and expenditures incurred in this state, including an analysis of the program's expenses, such as collection, transportation, recycling, education and administrative overhead.

(2) The department shall review and approve a report submitted under this section within 90 days of receiving the report, provided that the department determines that the report satisfies the requirements of this section. If the department does not approve the report, the department shall provide the battery producer responsibility organization with written notice of the reasons for the rejection. A battery producer responsibility organization shall submit a revised report as required by the department.

(3) Subject to section 16 of this 2026 Act, the department may make reports submitted under this section available to the public.

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

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

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

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

SECTION 11. Membership fees. (1)(a) A battery producer responsibility organization shall establish a schedule of membership fees to be paid by covered producers participating in the organization. Membership fees established pursuant to this section must be sufficient to meet the financial obligations of the organization under sections 2 to 17 of this 2026 Act.

(b) A battery producer responsibility organization and any service provider that contracts with a battery producer responsibility organization may not charge a fee to a covered entity for any services necessary to satisfy the battery producer responsibility organization's obligations under sections 2 to 17 of this 2026 Act. A covered producer may not charge a fee to a consumer at the point of sale to cover the cost of meeting the covered producer's obligations under sections 2 to 17 of this 2026 Act.

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

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

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

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

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

SECTION 12. Enforcement. (1) The Department of Environmental Quality shall have the power to enter upon and inspect, at any reasonable time, any public or private property, premises or place for the purpose of investigating either an actual or suspected violation of sections 2 to 17 of this 2026 Act or rules adopted under sections 2 to 17 of this 2026 Act.

(2) A battery producer responsibility organization shall retain all records related to the implementation and administration of a battery producer responsibility program for not less

than three years from the time the record was created and make the records available for inspection by the department upon request.

(3) In accordance with the applicable provisions of ORS chapter 183 relating to contested case proceedings, the department may issue an order requiring compliance with the provisions of sections 2 to 17 of this 2026 Act.

(4) In accordance with the applicable provisions of ORS chapter 183 relating to contested case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS 468.130, the department may issue civil penalties for violations of the provisions of sections 2 to 17 of this 2026 Act and rules adopted under sections 2 to 17 of this 2026 Act. All penalties recovered for violations of sections 2 to 17 of this 2026 Act and rules adopted under sections 2 to 17 of this 2026 Act shall be paid into the State Treasury and credited to the Battery Producer Responsibility Fund established under section 14 of this 2026 Act.

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

(a) A violation or repeated violations of sections 2 to 17 of this 2026 Act present a risk to the environment or public health; or

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

SECTION 13. Fees. (1) The Environmental Quality Commission shall establish by rule the following fees for the purpose of paying the costs of administering, implementing and enforcing sections 2 to 17 of this 2026 Act:

(a) A plan review fee for reviewing a battery producer responsibility program plan submitted under section 4 of this 2026 Act.

(b) An annual fee for expenses associated with the ongoing costs of administering sections 2 to 17 this 2026 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 battery 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 and adequate to cover the costs of administering, implementing and enforcing sections 2 to 17 of this 2026 Act.

(4) The Department of Environmental Quality shall deposit fee moneys collected pursuant to this section into the Battery Producer Responsibility Fund established under section 14 of this 2026 Act.

(5) The department may not charge a plan review or annual fee that exceeds the fees established by the Environmental Quality Commission under this section.

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 2026 Act;

(b) Amounts credited to the fund under section 12 of this 2026 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 2026 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 2026 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 2026 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 2026 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 2026 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 192.478, except that the department may disclose summarized information or aggregated data if the information or data does not directly or indirectly identify the confidential information of a specific covered producer or battery producer responsibility organization.

SECTION 17. Rules. The Environmental Quality Commission may adopt any rules necessary for the effective administration of sections 2 to 17 of this 2026 Act.

SECTION 18. ORS 459.995 is amended to read:

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

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

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

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

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

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

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

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

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

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

(j)(A) Except as provided in subparagraph (B) of this paragraph, a covered producer or battery producer responsibility organization that violates sections 2 to 17 of this 2026 Act incurs a civil penalty not to exceed \$1,000 per day for each day of the violation.

(B) A covered producer that fails to satisfy the requirement to join a battery producer responsibility organization under section 3 of this 2026 Act incurs a civil penalty not to exceed \$10,000 for each day that covered products that the covered producer is responsible for are sold in this state.

(k) Any person that violates section 20 of this 2026 Act incurs a civil penalty not to exceed \$500 for each violation. Each removable lithium-ion battery that is disposed of improperly is a separate violation.

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

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

SECTION 19. Section 20 of this 2026 Act is added to and made a part of ORS 459.205 to 459.385.

SECTION 20. (1) A person may not knowingly dispose of a covered battery in mixed municipal solid waste.

(2) The owner or operator of a disposal site is not in violation of this section if the disposal site has posted in a conspicuous location a sign directing the public to a battery producer responsibility program.

TEMPORARY PROVISIONS

SECTION 21. Required date for initial plan. (1) A battery producer responsibility organization shall first submit a battery producer responsibility program plan to the Department of Environmental Quality for approval under section 4 of this 2026 Act no later than September 1, 2028.

(2) A battery producer responsibility program plan described in this section must be operational by July 1, 2029.

SECTION 22. Report. (1) The Department of Environmental Quality shall review and evaluate studies or assessments 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.

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

(3) No later than May 30, 2028, the department shall submit a report to the interim committees of the Legislative Assembly related to the environment, in the manner provided by ORS 192.245. The report must include the findings and recommendations of any study or assessment reviewed by the department under this section. The report may include recommendations for legislation based on the department's evaluation of the studies or assessments reviewed by the department.

SECTION 23. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter 426, Oregon Laws 2025, for the biennium ending June 30, 2027, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, the proceeds of bonds for the Orphan Site Account and federal funds from congestion mitigation and air quality grants, drinking water protection, laboratory accreditation and woodstove grants and for smoke monitoring laboratory services, but excluding lottery funds and federal funds not described in section 2, chapter 426, Oregon Laws 2025, collected or received by the Department of Environmental Quality, for land quality, is increased by \$142,317, to carry out the provisions of this 2026 Act.

UNIT AND SECTION CAPTIONS

SECTION 24. Unit and section captions. The unit and section captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

Passed by House February 27, 2026

.....
Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate March 5, 2026

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

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Tobias Read, Secretary of State