

# House Bill 4144

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

## 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.

Imposes civil penalties for violations of the Act.

## 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 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.

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

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

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

6 (iii) A battery that is contained within a medical device and that satisfies criteria estab-  
7 lished by the Environmental Quality Commission by rule to maintain consistency with fed-  
8 eral laws concerning medical devices.

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

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

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

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

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

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

18 (6) “Covered entity” means:

19 (a) A resident of this state;

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

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

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

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

24 (7)(a) “Covered producer” means any person:

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

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

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

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

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

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

36 (A) The covered batteries packaged with or contained within the battery-containing  
37 product are easily removable and supplied by a covered producer that has joined a battery  
38 producer responsibility organization as the producer for that covered battery under sections  
39 2 to 17 of this 2026 Act; and

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

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

44 (ii) States that the covered producer is participating in the battery producer responsi-  
45 bility 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

1 required by section 11 of this 2026 Act.

2 **SECTION 5. Approval of battery producer responsibility program plans.** (1) The Depart-  
3 ment of Environmental Quality shall approve a battery producer responsibility program plan  
4 submitted to the department under section 4 of this 2026 Act if the department determines  
5 that the plan meets the requirements of section 4 of this 2026 Act and that the battery pro-  
6 ducer responsibility organization will successfully implement the program in accordance with  
7 the plan.

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

14 (3) No later than 60 days after receiving a revised plan under subsection (2) of this sec-  
15 tion, the department shall either approve, approve with conditions or reject the revised plan.  
16 If the department rejects the revised plan, the department shall provide the reason or rea-  
17 sons for the rejection to the battery producer responsibility organization in writing. A bat-  
18 tery producer responsibility organization shall submit a second revised plan to the  
19 department no later than 45 days after the date of the rejection.

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

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

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

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

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

44 (7) Beginning no later than 90 days after a plan is approved under this section, a battery  
45 producer responsibility organization shall implement a battery producer responsibility pro-

gram 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

1 communities.

2 (2) For portable batteries, convenient and equitable service must include a network of  
3 collection sites distributed to ensure that 95 percent of the residents of this state are within  
4 15 miles of a collection site, and must also include:

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

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

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

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

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

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

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

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

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

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

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

30 (b) Use appropriate containers provided by the battery producer responsibility organiza-  
31 tion for the collection of covered batteries;

32 (c) Be staffed by adequately trained employees;

33 (d) Display signs or other visual aids provided by the battery producer responsibility or-  
34 ganization to inform covered entities and staff on how to properly and safely collect and  
35 handle discarded covered batteries; and

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

39 (6) A battery producer responsibility organization shall:

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

43 (b) Enter into agreements with all willing transfer stations, landfills, household hazard-  
44 ous waste facilities and material recovery facilities, provided that each transfer station,  
45 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



1 about the battery producer responsibility program and to obtain information about the pro-  
2 gram, including:

3 (A) The location of collection sites;

4 (B) The time and location of collection events; and

5 (C) Other collection services.

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

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

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

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

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

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

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

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

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

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

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

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

42 (g) A summary of public awareness and education activities performed by the battery  
43 producer responsibility organization, alone or in coordination with one or more battery pro-  
44 ducer responsibility organizations, sufficient to demonstrate to the department that the or-  
45 ganization 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

1 batteries; or

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

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

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

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

15 (4) In accordance with the applicable provisions of ORS chapter 183 relating to contested  
16 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS  
17 468.130, the department may issue civil penalties for violations of the provisions of sections  
18 2 to 17 of this 2026 Act and rules adopted under sections 2 to 17 of this 2026 Act. All penalties  
19 recovered for violations of sections 2 to 17 of this 2026 Act and rules adopted under sections  
20 2 to 17 of this 2026 Act shall be paid into the State Treasury and credited to the Battery  
21 Producer Responsibility Fund established under section 14 of this 2026 Act.

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

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

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

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

31 (a) A plan review fee for reviewing a battery producer responsibility program plan sub-  
32 mitted under section 4 of this 2026 Act.

33 (b) An annual fee for expenses associated with the ongoing costs of administering  
34 sections 2 to 17 this 2026 Act.

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

41 (3) Fees established under subsection (1) of this section must be reasonably calculated  
42 and adequate to cover the costs of administering, implementing and enforcing sections 2 to  
43 17 of this 2026 Act.

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

1 of this 2026 Act.

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

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

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

8 (a) Amounts deposited in the fund by the Department of Environmental Quality under  
9 section 13 of this 2026 Act;

10 (b) Amounts credited to the fund under section 12 of this 2026 Act;

11 (c) Amounts appropriated or otherwise transferred to the fund by the Legislative As-  
12 sembly; and

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

14 (3) Moneys in the Battery Producer Responsibility Fund are continuously appropriated  
15 to the Department of Environmental Quality for the purpose of carrying out sections 2 to  
16 17 of this 2026 Act.

17 **SECTION 15. Antitrust immunity.** The Legislative Assembly declares that the collab-  
18 oration of covered producers through battery producer responsibility organizations to de-  
19 velop and implement battery producer responsibility program plans is in the best interests  
20 of the public. Therefore, the Legislative Assembly declares its intent that participating in a  
21 battery producer responsibility organization to implement a battery producer responsibility  
22 program plan as required by sections 2 to 17 of this 2026 Act shall be exempt from state  
23 antitrust laws. The Legislative Assembly further declares its intent to provide immunity for  
24 participating in a battery producer responsibility organization to implement a battery pro-  
25 ducer responsibility program plan as required by sections 2 to 17 of this 2026 Act from federal  
26 antitrust laws. This section does not authorize any person to engage in activities or to  
27 conspire to engage in activities that constitute per se violations of state or federal antitrust  
28 laws that are not authorized under sections 2 to 17 of this 2026 Act.

29 **SECTION 16. Confidentiality.** A covered producer or battery producer responsibility or-  
30 ganization that submits information or records to the Department of Environmental Quality  
31 under sections 2 to 17 of this 2026 Act may request that the information or records be made  
32 available only for the confidential use of the department. The department shall consider the  
33 request and weigh the harm suffered by the person making the request against the public  
34 interest in disclosure. Information or records for which the department grants a request  
35 under this section are confidential and not subject to public disclosure under ORS 192.311 to  
36 192.478, except that the department may disclose summarized information or aggregated data  
37 if the information or data does not directly or indirectly identify the confidential information  
38 of a specific covered producer or battery producer responsibility organization.

39 **SECTION 17. Rules.** The Environmental Quality Commission may adopt any rules neces-  
40 sary for the effective administration of sections 2 to 17 of this 2026 Act.

41 **SECTION 18.** ORS 459.995 is amended to read:

42 459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty  
43 provided by law:

44 (a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.485, 459.705  
45 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.**

