

# House Bill 3606

Sponsored by Representative SCHAUFLER (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**.

Modifies provisions related to determination of return share and return share by weight of certain covered electronic devices.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to recycling of electronic devices; creating new provisions; amending ORS 459A.340; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 459A.340 is amended to read:

6 459A.340. The Department of Environmental Quality shall:

7 (1) Maintain and make available on its website the following lists, which must be updated by the  
8 first day of each month:

9 (a) A list of registered manufacturers and their brands;

10 (b) A list of brands for which no manufacturer has registered; and

11 (c) A list that identifies which manufacturers are in compliance with ORS 459A.305 to 459A.355.

12 (2) Review and approve manufacturer plans that comply with ORS 459A.320 and are submitted  
13 annually by manufacturers choosing to implement a manufacturer program for recycling covered  
14 electronic devices.

15 (3)(a) Determine the return share and return share by weight for each calendar year for each  
16 manufacturer. The return share shall be determined by dividing the total weight of covered elec-  
17 tronic devices of that manufacturer's brands by the total weight of covered electronic devices for  
18 all manufacturers' brands. The return share by weight shall be determined by multiplying the return  
19 share for each such manufacturer by the total weight in pounds of covered electronic devices, in-  
20 cluding orphan devices, collected from covered entities the previous calendar year.

21 (b) **For each manufacturer except those specified in paragraph (c) of this subsection,** *[for*  
22 *2008 and 2009,]* determine the return share and return share by weight for *[each manufacturer]* **cal-**  
23 **endar years 2008 and 2009** based on the best available public return share data and public weight  
24 data from within the United States for covered electronic devices from covered entities. For subse-  
25 quent **calendar** years, the return share of covered electronic devices for each manufacturer shall  
26 be based on the most recent annual sampling or count of covered electronic devices. For subsequent  
27 **calendar** years, the total weight in pounds of covered electronic devices shall be based on the total  
28 weight of covered electronic devices, including orphan devices, determined by the department.

29 (c) **For each manufacturer whose manufacture of covered electronic devices as defined**  
30 **in ORS 459A.305 (3)(a)(C) exceeds its manufacture of covered electronic devices as defined in**  
31 **ORS 459A.305 (3)(a)(A) and (B), determine the return share and return share by weight based**

**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 **on the total return share and return share by weight determined under paragraph (a) of this**  
 2 **subsection for all manufacturers described in this paragraph, allocated according to each**  
 3 **manufacturer's percentage of the total number of covered electronic devices described in**  
 4 **ORS 459A.305 (3)(a)(C) sold in this state the previous calendar year. The department may use**  
 5 **national sales data to determine the percentages. The department may assess the manufac-**  
 6 **turers described in this paragraph a surcharge on the annual registration fee determined**  
 7 **under subsection (5) of this section and may use moneys collected from the surcharge to pay**  
 8 **for costs incurred by the department in making the determinations required under this**  
 9 **paragraph.**

10 [(c)] (d) By May 1 of each year, provide to each manufacturer that had a return share deter-  
 11 mined under this section its return share and its return share by weight for the following year.

12 (4) Establish a state contractor program for the collection, transportation and recycling of cov-  
 13 ered electronic devices from covered entities in this state. The state contractor program shall:

14 (a) To the extent practicable, use existing local collection, transportation and recycling  
 15 infrastructure;

16 (b) Utilize environmentally sound management practices to collect, transport and recycle cov-  
 17 ered electronic devices;

18 (c) Provide for covered entities, free of charge, convenient and available collection services and  
 19 sites for covered electronic devices in both rural and urban areas;

20 (d) Advertise and promote collection opportunities statewide and on a regular basis; and

21 (e) Conduct a statistically significant sampling or actual count of the covered electronic devices  
 22 collected and recycled by the state contractor program during each calendar year using a method-  
 23 ology approved by the department and prepare a report no later than March 1 of the following  
 24 calendar year that includes:

25 (A) A list of all brands identified during the sampling or count;

26 (B) The weight of covered electronic devices identified for each brand during the sampling or  
 27 count; and

28 (C) The total weight of covered electronic devices, including orphan devices, collected from  
 29 covered entities in the state by the state contractor program during the previous calendar year.

30 (5) Determine a manufacturer's annual registration fee for purposes of ORS 459A.315 (2) using  
 31 national market data prorated for Oregon based on statewide population.

32 (6) Determine the recycling fee to be paid under ORS 459A.325 by each manufacturer that par-  
 33 ticipates in the state contractor program established pursuant to subsection (4) of this section. The  
 34 department shall determine the recycling fees [as follows:]

35 [(a) For each manufacturer except those described in paragraph (b) of this subsection, the depart-  
 36 ment shall determine the recycling fee] based on the manufacturer's annual return share and return  
 37 share by weight as determined under subsection (3) of this section.

38 [(b) For each manufacturer whose manufacture of covered electronic devices as defined in ORS  
 39 459A.305 (3)(a)(C) exceeds its manufacture of covered electronic devices as defined in ORS 459A.305  
 40 (3)(a)(A) and (B), the department shall determine the recycling fee based on the total return share and  
 41 return share by weight determined under subsection (3) of this section of all manufacturers described  
 42 in this paragraph, allocated according to each manufacturer's percentage of the total number of covered  
 43 electronic devices described in ORS 459A.305 (3)(a)(C) sold in this state the previous calendar year.  
 44 The department may use national sales data to determine the percentages. The department may assess  
 45 a surcharge on the annual registration fee for manufacturers described in this paragraph to pay any

1 *added costs to the department in making the determinations.]*

2 (7) Maintain on its website information on collection opportunities for covered electronic de-  
3 vices, including collection site locations and hours. The information must be made available in a  
4 printable format for retailers.

5 (8) Report biennially to the Legislative Assembly on the operation of the statewide system for  
6 collection, transportation and recycling of covered electronic devices.

7 **SECTION 2. The amendments to ORS 459A.340 by section 1 of this 2010 Act apply to de-**  
8 **terminations of return share and return share by weight, and determinations of recycling**  
9 **fees, made by the Department of Environmental Quality for calendar years 2010 and beyond.**

10 **SECTION 3. This 2010 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
12 **on its passage.**

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