



# Oregon E-Cycles Law 2026

The following was prepared by the Oregon Department of Environmental Quality for the convenience of readers. It is intended to reflect the text of Oregon Revised Statutes 459A.300 to 459A.355 that will be operative on and after January 1, 2026, pursuant to House Bill 3220 (2023). The text draws from the following source: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors459A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors459A.html).

For official versions of the amendments to ORS 459A.300 to 459A.355, please consult [HB 3220](#) and [Chapter 259 of Oregon Laws 2023](#).

**459A.300 Legislative findings.** The Legislative Assembly finds that:

- (1) It is necessary to encourage the design of electronic devices that are more resource-efficient, more recyclable and less environmentally toxic;
- (2) The development and availability of a statewide system that conveniently serves both urban and rural areas of Oregon for the collection, transportation and recycling of electronic devices is in the best interest of the state; and
- (3) A statewide collection, transportation and recycling system should be financed by the manufacturers of those electronic devices. [2007 c.302 §1]

**Note:** 459A.300 to 459A.365 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 459A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**459A.305.** As used in ORS 459A.305 to 459A.355:

- (1) "Brand" means a name, symbols, words or marks that identify a covered electronic device, rather than any of its components, and attribute the device to the owner of the brand as the manufacturer.
- (2) "Collector" means an entity that collects covered electronic devices as part of an electronics producer responsibility program.
- (3) "Coordinating body" means an entity designated by multiple electronics producer responsibility organizations, or the Department of Environmental Quality, to coordinate activities between the electronics producer responsibility organizations to meet the requirements of ORS 459A.305 to 459A.355.
- (4)(a) "Covered electronic device" means:
  - (A) A computer monitor of any type having a viewable area greater than four inches measured diagonally;

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- (B) A desktop computer or portable computer;
- (C) A television;
- (D) A peripheral;
- (E) A printer;
- (F) A facsimile machine;
- (G) A videocassette recorder;
- (H) A portable digital music player that has memory capability and is battery powered;
- (I) A digital video disc player;
- (J) A digital video disc recorder;
- (K) A video game console;
- (L) A digital converter box;
- (M) A cable receiver;
- (N) A satellite receiver;
- (O) A scanner;
- (P) A small-scale server;
- (Q) A router; or
- (R) A modem.

(b) "Covered electronic device" does not include:

- (A) Any part of a motor vehicle;
- (B) Any part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, such as diagnostic, monitoring or control equipment;
- (C) Telephones of any type; or
- (D) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

(5) "Covered entity" means any Oregon household, a business that employs 10 or fewer individuals, a nonprofit organization that employs 10 or fewer individuals, or any person giving seven or fewer covered electronic devices to a collector at any one time.

(6) "Electronics producer responsibility organization" means an organization that represents at least five percent of all manufacturer obligations, designated by a manufacturer or group of manufacturers to act as an agent of the manufacturer or group of manufacturers for the purpose of developing and implementing an electronics producer responsibility program on behalf of the manufacturer or group of manufacturers, as required by ORS 459A.305 to 459A.355.

(7) "Electronics producer responsibility program" means a statewide program for collecting, transporting and recycling covered electronic devices that is implemented by an electronics producer responsibility organization pursuant to a plan approved by the department under ORS 459A.321.

(8) "Environmentally sound management practices" means practices that comply with all applicable laws, including but not limited to adequate record keeping, tracking the fate of recycled materials, performance audits and inspections, provisions for reuse and refurbishment, compliance with worker health and safety requirements, maintaining liability insurance and financial assurances and practices that may be adopted by rule by the Environmental Quality Commission.

(9)(a) "Manufacturer" means any person, irrespective of the selling technique used, including by means of remote sale:

- (A) That manufactures covered electronic devices under a brand that it owns or is licensed to use;

- (B) That sells covered electronic devices manufactured by others under a brand that the seller owns;
  - (C) That manufactures covered electronic devices without affixing a brand;
  - (D) That manufactures covered electronic devices to which it affixes a brand that it does not own;
- or

(E) On whose account covered electronic devices manufactured outside the United States are imported into the United States. This subparagraph does not apply if, at the time the covered electronic devices are imported into the United States, another person is registered as the manufacturer of the brand of the covered electronic devices.

(b) "Manufacturer" does not include a person:

(A) With a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor.

(B) That manufactures only peripherals and no other covered electronic devices.

(10) "Manufacturer obligation" means a manufacturer's percentage of the total obligation of all manufacturers of covered electronic devices, as calculated under ORS 459A.323.

(11) "Market share" means a manufacturer's percentage of all registered covered electronic devices by weight sold within a product category during a specified time period.

(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) "Peripheral" means:

(a) A keyboard, mouse or other device sold exclusively for external use with a covered electronic device as a wireless or corded device that provides input into, or output from, a covered electronic device;

(b) Cords used with a keyboard, mouse or other device described in paragraph (a) of this subsection; or

(c) Other devices or equipment sold for use with a covered electronic device, as further defined by the commission by rule.

(14) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or other legal entity.

(15) "Portable computer" means any of the following that has a viewable area greater than four inches measured diagonally and that can be carried as one unit by an individual:

(a) A laptop computer;

(b) A notebook computer; or

(c) A notepad computer.

(16) "Premium service" means services such as at-location system upgrade services and at-home pickup services, including curbside pickup service.

(17)(a) "Printer" means a device that:

(A) Is used to make reproductions, or is multifunctional and performs one or more operations such as scanning or faxing in addition to making reproductions;

(B) Is designed to be placed on a desk or other work surface and may include an optional floor stand; and

(C) Uses print technology such as laser, electrographic, ink jet, dot matrix, thermal or digital sublimation.

(b) "Printer" does not include a device used to make reproductions that:

(A) Is floor-standing;

(B) Is a point of sale receipt printer;

(C) Is also a calculator;

(D) Can also make labels; or

(E) Is embedded in something other than a covered electronic device.

(18) "Product category" means a grouping of covered electronic devices, as further described by the commission by rule, for purposes of sorting covered electronic devices at collection and calculating market share.

(19)(a) "Recycling" means:

(A) Processing through disassembling, dismantling, shredding, transforming or remanufacturing covered electronic devices, components and by-products into usable or marketable raw materials or products in a manner such that the original products may lose their identity; or

(B) Smelting materials from components removed from covered electronic devices to recover metals for reuse in conformance with applicable laws and rules.

(b) "Recycling" does not include:

(A) Landfill disposal or incineration of covered electronic devices; or

(B) Energy recovery or energy generation by means of combusting covered electronic devices, components and by-products with or without other waste.

(20) "Retailer" means a person that offers new covered electronic devices for sale at retail through any means, including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

(21)(a) "Sell" or "sale" means any transfer of title for consideration, including but not limited to remote sales conducted through sales outlets, catalogs or the Internet, or any other similar electronic means.

(b) "Sell" or "sale" does not include leases.

(22) "Television" means a television of any type having a viewable area greater than four inches measured diagonally.

**Note:** See note under 459A.300.

**459A.310.** (1) ORS 459A.305 to 459A.355 apply to all manufacturers engaging in the activities set forth in ORS 459A.305 (9) before, on or after June 7, 2007.

(2) ORS 459A.305 to 459A.355 do not apply to reused or refurbished covered electronic devices.

(3) A manufacturer may not sell or offer for sale any covered electronic device, except for peripherals, in or for delivery in this state unless:

(a) Except as provided in subsection (4) of this section, the manufacturer participates in an electronics producer responsibility program that complies with the requirements of ORS 459A.305 to 459A.355;

(b) The covered electronic device is labeled with a brand and the label is permanently affixed and readily visible; and

(c) The brand is included in a plan that is approved by the Department of Environmental Quality pursuant to ORS 459A.321.

(4) A manufacturer is not required to participate in an electronics producer responsibility program for a given year if the manufacturer provides proof to the department's satisfaction that the manufacturer sold fewer than 50 covered electronic devices in this state during the previous year.

(5) The failure of an electronics producer responsibility organization to satisfy any of the responsibilities delegated to it by a manufacturer for developing and implementing an electronics producer responsibility program does not relieve the manufacturer of the manufacturer's responsibility to satisfy the requirements of ORS 459A.305 to 459A.355.

**Note:** See note under 459A.300.

**459A.315.** Before January 1 of each year, a manufacturer of covered electronic devices sold or offered for sale in this state shall register with the Department of Environmental Quality, for a period to cover the upcoming calendar year, on a form provided by the department. The registration shall include:

(1) A list of all the brands of covered electronic devices, not including peripherals, manufactured, sold or imported by the manufacturer, including:

(a) Those brands being offered for sale in this state by the manufacturer; and

(b) Those brands that were offered for sale in this state by the manufacturer during the previous calendar year.

(2) The name of the manufacturer's designated electronics producer responsibility organization.

(3) Any other information required by the department to implement ORS 459A.305 to 459A.355.

**Note:** See note under 459A.300.

**459A.320.** (1) In the form and manner prescribed by the Department of Environmental Quality, an electronics producer responsibility organization must annually submit to the department a plan for implementing an electronics producer responsibility program.

(2) The electronics producer responsibility organization's plan must describe how the electronics producer responsibility organization will implement an electronics producer responsibility program that complies with ORS 459A.305 to 459A.355, including how the electronics producer responsibility organization will:

(a) Finance, manage and conduct a statewide program to collect covered electronic devices from covered entities in this state.

(b) Provide for environmentally sound management practices to collect, transport and recycle covered electronic devices.

(c) Provide for advertising and promotion of collection opportunities statewide and on a regular basis, as described in ORS 459A.327.

(d)(A) Provide convenient and equitable service throughout the state, including to rural areas and minority, lower-income and other historically underserved populations.

(B) At a minimum, convenient 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:

(i) At least one collection site in each county;

(ii) 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

(iii) 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.

(C) A collection site for a county may be the same as a collection site for a city in the county. Collection sites shall be staffed and open to the public at a frequency adequate to meet the needs of the area being served. An electronics producer responsibility organization may provide collection service jointly with another electronics producer responsibility organization.

(D) The department may waive the requirements of subparagraphs (B) and (C) of this paragraph with respect to a county or city if the proposed plan demonstrates to the department's satisfaction that alternative services or collection sites would provide substantially equivalent collection convenience.

(e) Ensure continuous improvement of the electronics producer responsibility program by:

(A) Establishing and working to achieve measurable program goals for:

(i) Collection, such as amount collected or usage rates of collection services; and

(ii) Maintaining high public awareness of the program.

(B) Evaluating every four years whether additional electronic devices should be included in, or existing devices be removed from, the program.

(C) For any year for which a program goal was not met, describing, with supporting data, what changes or steps the program will undertake that can ensure the program achieves its goals in the upcoming year.

(f) Coordinate with all other electronics producer responsibility organizations through a coordinating body in accordance with ORS 459A.323, if applicable.

(g) Coordinate activities with recycling and reuse programs, including nonprofit organizations that refurbish technology, to further the environmentally sound management of recycling of electronics.

(3) In addition to the information required under subsection (2) of this section, an electronics producer responsibility program plan must include:

(a) A list of all processors that will be used by the electronics producer responsibility program;

(b) The contact information for the electronics producer responsibility organization;

(c) A list of all manufacturers participating in the electronics producer responsibility program; and

(d) A list of all brands of covered electronic devices manufactured, sold or imported by each participating manufacturer, including:

(A) Those brands being offered for sale in this state by each manufacturer; and

(B) Those brands that were offered for sale in this state by each manufacturer during the previous year.

(4) An electronics producer responsibility organization must:

(a) Provide for collection, transportation and recycling of covered electronic devices for covered entities free of charge, except that an electronics producer responsibility program that provides premium service for a covered entity may charge for the additional cost of that premium service.

(b) Implement the plan required under this section.

(c) Provide fair financial compensation to collection sites calculated to cover the costs of collecting, storing, managing and transporting covered electronic devices.

(d) Enter into agreements with all willing transfer stations, landfills and material recovery facilities, that are covered under a solid waste disposal permit issued by the department, to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

(e) In the form and manner prescribed by the department, provide an annual report to the department that:

(A) Includes the total weight of covered electronic devices, including peripherals, collected from covered entities in this state by the electronics producer responsibility program during the previous year;

(B) Includes the total weight of each type of covered electronic device, including peripherals, collected from covered entities in this state by the electronics producer responsibility program during the previous year;

(C) Includes a list of all collection sites and processors used by the electronics producer responsibility program;

(D) Includes the total amount, by weight, of each type of covered electronic device collected at each collection site, or if approved by the department, a grouping of collection sites, presented in a manner that assists the department in determining the rate of use of each collection site;

(E) Includes the results of any approved alternative methods of service in adequately meeting the needs of the applicable jurisdiction, including the date of each alternative service event and the total weight of each type of covered electronic device, including peripherals, collected at each alternative service event;

(F) Details how the plan required under this section was implemented during the previous year, including:

(i) A description of how the electronics producer responsibility organization complied with subsection (2)(e) of this section that includes whether goals have been met, a summary of public awareness activities and copies of public awareness materials developed by the electronics producer responsibility organization; and

(ii) A summary of any safety or security problems that occurred during the collection, transportation or disposal of covered electronic devices and the actual or potential future resolutions of those problems; and

(G) Includes an attestation that all covered electronic devices collected under the electronics producer responsibility program were collected and disposed of in compliance with all applicable laws, rules and regulations and in accordance with environmentally sound management standards.

(f) Retain all records related to the implementation and administration of the electronics producer responsibility program for not less than three years from the time the record was created and make the records available for inspection and audit by the department upon request.

(g) Provide, upon the request of the department, the contact information and a point of contact for each manufacturer participating in the electronics producer responsibility program.

(h)(A) Allow a collection site to recover collected covered electronic devices for refurbishment and resale at retail.

(B) An electronics producer responsibility organization may require a collection site to exclude the weight of covered electronic devices recovered for refurbishment or resale from the weight of covered electronic devices collected by the collection site for the purposes of annual reporting and determining compensation for the collection and management of covered electronic devices unless:

(i) The collection site is a nonprofit organization that refurbishes technologies for resale and recovers the collected covered electronic device for resale at retail, which may include online retail; or

(ii) The collection site recovers the collected covered electronic device for donation to an organization that refurbishes technologies for resale at retail, which may include online retail.

(i)(A) Prior to removing a collection site from an electronics producer responsibility program, work with other electronics producer responsibility organizations or the coordinating body, if applicable, to determine if the collection site can be added to another electronics producer responsibility program.

(B) If the collection site will not be added to another electronics producer responsibility program, the electronics producer responsibility organization must, 90 days prior to removing the collection site from the electronics producer responsibility program:

(i) Provide notice to covered entities by posting notice of the removal on the program website; and

(ii) Provide written notice to the department and all other collection sites in the same watershed.

(C) The department may require the electronics producer responsibility organization to retain a collection site if the electronics producer responsibility organization does not provide notice as required under subparagraph (B) of this paragraph, unless the electronics producer responsibility organization demonstrates good cause for being unable to provide notice.

(5) The department shall review reports submitted under subsection (4)(e) of this section, and approve those reports that the department determines satisfy the requirements of subsection (4)(e) of this section. If the department does not approve a report, the department shall provide the electronics producer responsibility organization with written notice of revisions necessary for approval and the timeline for resubmittal.

(6) Rules adopted by the Environmental Quality Commission to implement this section may include standards for environmentally sound management practices and standards for participating collection sites.

**Note:** See note under 459A.300.

**Note:** Section 21 (2), chapter 259, Oregon Laws 2023, provides:

**Sec. 21.** (2) An electronics producer responsibility organization that plans to implement an electronics producer responsibility program beginning January 1, 2026, must submit an electronics producer responsibility program plan to the department no later than July 1, 2025. [2023 c.259 §21(2)]



**459A.321 Approval of electronics producer responsibility plan.** (1) The Department of Environmental Quality shall approve an electronics producer responsibility program plan as provided in this section if the department determines that the plan satisfies the requirements of ORS 459A.320.

(2) Not later than 60 days after receiving a plan under ORS 359A.320, 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. An electronics producer responsibility organization must submit a revised plan to the department no later than 45 days after the date of the rejection.

(3) No later than 45 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.

(4) If the department rejects a revised plan, the department may:

(a) Require the electronics producer responsibility organization to further revise the plan in accordance with a timeline set forth by the department;

(b) Direct changes to the revised plan; or

(c) Direct the manufacturer or manufacturers on whose behalf the revised plan was submitted to register with an electronics producer responsibility organization with an approved plan.

(5) If the department directs changes to a revised plan under subsection (4) of this section, the electronics producer responsibility organization must implement the changes or request a hearing under ORS chapter 183. [2023 c.259 §6]

**Note:** 459A.321 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.322 Recycling credits; reporting; rules.** [Repealed]

**Note:** 459A.322 is repealed January 1, 2026. See sections 15 and 20, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.323 Coordinating body; manufacturer obligation.** (1) If the Department of Environmental Quality approves more than one electronics producer responsibility program plan to be implemented:

(a) The department shall set a timeline for all electronics producer responsibility organizations to designate a coordinating body. If all electronics producer responsibility organizations are unable to designate a coordinating body in accordance with the timeline set by the department, the department may either designate a coordinating body or extend the timeline for all electronics producer responsibility organizations to designate a coordinating body.

(b) The department may require changes to an approved plan to ensure that all approved plans provide for a consistent means of enabling coordination between electronics producer responsibility organizations.

(2) The coordinating body, or an electronics producer responsibility organization if a coordinating body is not designated under this section, shall annually calculate each manufacturer's manufacturer obligation by:

(a) Multiplying the manufacturer's market share for each product category by the product category's percentage of the total weight of all covered electronic devices recycled during the previous year; and

(b) Adding the percentages calculated under paragraph (a) of this subsection.

(3) The coordinating body must:

(a) Annually reconcile the financial obligations between all electronics producer responsibility organizations based on the manufacturer obligations of the manufacturers participating in each electronics producer responsibility program; and

(b) Conduct any other coordination between electronics producer responsibility organizations required by ORS 459A.305 to 459A.355 or as directed by the department.

(4)(a) Each electronics producer responsibility organization must work with the coordinating body and with all other electronics producer responsibility organizations to ensure the reconciliation of financial obligations for the electronics producer responsibility programs in accordance with the manufacturer obligations calculated by the coordinating body under this section and to ensure that all coordination required under ORS 459A.305 to 459A.355 is conducted.

(b) An electronics producer responsibility organization or a coordinating body may, after notice to the manufacturer, refer to the department any potential violations of the requirements of ORS 459A.305 to 459A.355 by the manufacturer. [2023 c.259 §7]

**Note:** 459A.323 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.325 Recycling fee for manufacturer participating in state contractor program.** [Repealed]

**Note:** 459A.325 is repealed January 1, 2026. See sections 15 and 20, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.327 Education and public awareness.** (1) An electronics producer responsibility organization, or the coordinating body if one is designated under ORS 459A.323, shall consult with the department to develop educational resources and public awareness activities to advertise and promote, on a regular basis, recycling of covered electronic devices and collection opportunities statewide. At a minimum, an electronics producer responsibility organization must:

(a) Promote recycling of covered electronic devices through the electronics producer responsibility program;

(b) Establish a toll-free telephone number and a website address that a covered entity may use to contact the electronics producer responsibility organization about the electronics producer responsibility program;

(c) Publicize information on the location of collection sites and all other collections services offered by the electronics producer responsibility program; and

(d) Engage with and work to sustain high awareness of the program in minority, lower-income, rural and other historically underserved communities.

(2) If the Department of Environmental Quality approves more than one electronics producer responsibility program plan, each electronics producer responsibility organization must, in conjunction with the coordinating body designated under ORS 459A.323 and in consultation with the department, coordinate with all other electronics producer responsibility organizations to implement ongoing public awareness activities to ensure that covered entities can easily identify, understand and access the services provided by all electronics producer responsibility programs that are operational in this state. The public awareness activities must:

(a) Utilize a statewide system of promotion that allows covered entities to easily understand that all electronics producer responsibility organizations are providing services under ORS 459A.305 to 459A.355; and

(b) Satisfy the requirements of subsection (1) of this section, including providing a single website and toll-free telephone number listing the collection services of all electronics producer responsibility programs. [2023 c.259 §9]

**Note:** 459A.327 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.330.** (1) Except as authorized in subsection (2) of this section, an electronics producer responsibility program or a collector participating in an electronics producer responsibility program may not charge a fee to covered entities for the collection, transportation or recycling of covered electronic devices.

(2) A collector that provides a premium service to a covered entity may charge for the additional cost of providing the premium service.

**Note:** See note under 459A.300.

**459A.332 Submission of information to Department of Environmental Quality; confidentiality.** (1) The Department of Environmental Quality may require a manufacturer or an electronics producer responsibility organization to submit information to the department to evaluate compliance with ORS 459A.305 to 459A.355. A manufacturer or electronics producer responsibility organization must submit any data or information required by the department under this subsection in the format requested by the department.

(2) Trade secrets, as defined in ORS 646.461, and information protected by trademark or patent that the department receives from an electronics producer responsibility organization or manufacturer pursuant to ORS 459A.305 to 459A.355 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 information of a specific electronics producer responsibility organization or manufacturer. For purposes of this subsection, compilations of publicly available information, which may have economic value, are not considered to be confidential information. [2023 c.259 §10]

**Note:** 459A.332 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.334 Fees.** (1) The Environmental Quality Commission shall establish by rule an annual fee, which must be reasonably calculated to cover the costs to the Department of Environmental Quality of implementing, administering and enforcing ORS 459A.305 to 459A.355.

(2) The commission shall establish by rule a one-time plan review fee reasonably calculated to cover the costs to the department of reviewing the initial electronics producer responsibility program plan submitted to the department for approval under ORS 459A.321 by each electronics producer responsibility organization. The department may not approve an initial plan under ORS 459A.321 if the electronics producer responsibility organization has not paid the fee required by this subsection. [2023 c.259 §8]

**Note:** 459A.334 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.335.** (1) A retailer may not sell or offer for sale any covered electronic device, except for peripherals, in or for delivery into this state unless:

(a) The covered electronic device is labeled with a brand and the label is permanently affixed and readily visible;

(b) The brand is included on the list made publicly available by the Department of Environmental Quality pursuant to ORS 459A.340 (1); and

(c) The list made publicly available by the department pursuant to ORS 459A.340 (1) specifies that the manufacturer is in compliance with the requirements of ORS 459A.305 to 459A.355.

(2) A retailer shall provide to a consumer at the time of the sale of a covered electronic device information from the department's website that provides details about where and how a consumer can recycle covered electronic devices in Oregon. The information shall be provided in printed form

for in-store sales and in printable form for Internet sales and other sales where the Internet is involved.

**Note:** See note under 459A.300.

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

(1) Maintain and make publicly available:

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

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

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

(d) Electronics producer responsibility program plans submitted to the department under ORS 459A.320;

(e) Revised plans submitted to the department under ORS 459A.321; and

(f) Reports submitted to the department under ORS 459A.320.

(2)(a) For each program year, determine each manufacturer's market share for each product category by dividing the total weight in pounds of covered electronic devices in a product category sold in this state under brands manufactured, sold or imported by the manufacturer during the previous calendar year by the total weight in pounds of covered electronic devices in the product category sold in this state under all brands manufactured, sold or imported by all registered manufacturers during the previous calendar year.

(b) The department may use national market data prorated for Oregon, retail or manufacturer data, consumer research or any other data from the previous calendar year, as determined by the department, to make the determinations described in this subsection. The department may require a manufacturer to submit sales or other data regarding the number and weight of covered electronic devices sold in this state by the manufacturer. A manufacturer must submit any data required by the department under this paragraph in the format requested by the department.

(3) For each calendar year, provide each manufacturer's market share to the manufacturer's electronics producer responsibility organization or to the coordinating body, if a coordinating body has been designated under ORS 459A.323.

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

**Note:** See note under 459A.300.

(Temporary provisions relating to covered electronic device recycling programs)

**Note:** Sections 22 and 23, chapter 259, Oregon Laws 2023, provide:

**Sec. 22. Determination of total weight of covered electronics to be collected for 2025 calendar year; settlement of recycling credits.** (1) Notwithstanding ORS 459A.340 (3), for the period beginning January 1, 2025, and ending December 31, 2025, the total weight of covered electronic devices to be collected shall be equal to the total weight of covered electronic devices to be collected

for the 2024 calendar year determined by the Department of Environmental Quality under ORS 459A.340 (3).

(2) Notwithstanding ORS 459A.320 and 459A.322, the amendments to ORS 459A.320 by section 4 of this 2023 Act or the repeal of ORS 459A.322 by section 15 of this 2023 Act, a manufacturer program with a plan approved by the Department of Environmental Quality for the 2025 calendar year shall enter into an agreement with the state contractor program to settle, by December 31, 2026, all recycling credits. [2023 c.259 §22]

**Sec 23. Reports by manufacturers and state contractor program due March 1, 2026; amount due from manufacturer for 2025 calendar year.** (1) Notwithstanding the amendments to ORS 459A.320 by section 4 of this 2023 Act:

(a) No later than March 1, 2026, a manufacturer that implements a manufacturer program for January 1, 2025, to December 31, 2025, shall provide a report to the Department of Environmental Quality that:

(A) Includes the total weight of covered electronic devices, including orphan devices and computer peripherals, collected from covered entities in this state by the manufacturer from January 1, 2025, to December 31, 2025;

(B) Includes the total weight of each type of covered electronic device, including orphan devices and computer peripherals, collected from covered entities in this state by the manufacturer from January 1, 2025, to December 31, 2025; and

(C) Details how the manufacturer plan was implemented from January 1, 2025, to December 1, 2025.

(b) By July 1, 2026, a manufacturer that does not meet its return share by weight for the period beginning January 1, 2025, and ending December 31, 2025, shall pay the department for the amount not achieved at a rate determined by the department to be equivalent to the amount the manufacturer would have paid, plus 10 percent, to be part of the state contractor program under ORS 459A.340.

(2) Notwithstanding the amendments to ORS 459A.340 by section 14 of this 2023 Act, no later than March 1, 2026, the state contractor program shall provide a report to the department that:

(a) Includes the total weight of covered electronic devices, including orphan devices and computer peripherals, collected from covered entities in this state by the state contractor program from January 1, 2025, to December 31, 2025; and

(b) Includes the total weight of each type of covered electronic device, including orphan devices and computer peripherals, collected from covered entities in this state by the state contractor program from January 1, 2025, to December 31, 2025. [2023 c.259 §23]

**459A.345 Rules.** The Environmental Quality Commission may adopt rules as necessary to implement ORS 459A.305 to 459A.355. [2007 c.302 §11]

**Note:** See note under 459A.300.

**459A.350 Disposition of fees.** Fees collected by the Department of Environmental Quality under ORS 459A.305 to 459A.355 shall be deposited in the State Treasury to the credit of the Covered Electronic Devices Account established under ORS 459A.355. [2007 c.302 §12]

**Note:** See note under 459A.300.

**459A.353 Application of antitrust laws.** The Legislative Assembly declares that electronics producer responsibility organizations providing covered entities with program services for covered electronic devices, including the use of environmentally sound management practices to collect, transport and recycle covered electronic devices, is in the best interests of the public. Therefore, the Legislative Assembly declares its intent that participation in electronics producer responsibility programs as required by ORS 459A.305 to 459A.355 shall be exempt from state antitrust laws. The Legislative Assembly further declares its intent to provide immunity for participating in electronics producer responsibility programs as required by ORS 459A.305 to 459A.355 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 ORS 459A.305 to 459A.355. [2023 c.259 §12]

**Note:** 459A.353 becomes operative January 1, 2026, and applies to electronics producer responsibility program plans submitted to the Department of Environmental Quality pursuant to section 21, chapter 259, Oregon Laws 2023. See sections 20 and 21, chapter 259, Oregon Laws 2023.

**Note:** See note under 459A.300.

**459A.355.** The Covered Electronic Devices Account is established separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. Moneys in the account are continuously appropriated to the Department of Environmental Quality and may be used only to pay the costs of administering, implementing and enforcing ORS 459A.305 to 459A.355 and enforcing the prohibition in ORS 459.247 relating to disposal of covered electronic devices.

**Note:** See note under 459A.300.

**459A.360.** (1) The Department of Environmental Quality shall evaluate any federal law that establishes a national program for the collection and recycling of electronic devices.

(2) If the department determines that the federal law substantially meets or exceeds the requirements and intent of ORS 459A.305 to 459A.355, the department shall include information on the federal law in a report to the Legislative Assembly in the manner provided by ORS 192.245.

**Note:** See note under 459A.300.

**459A.365 City and county regulation of collection of solid waste.** ORS 459A.305 to 459A.355 do not supersede any authority under ORS chapter 459 or 459A for cities and counties to regulate the collection of solid waste. [2007 c.302 §14a]

**Note:** See note under 459A.300.

## **Non-discrimination statement**

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).