

Program Meeting Summary

March 7, 2024/Virtual Zoom Meeting

This is a rulemaking advisory committee meeting to discuss draft rule concepts with committee members related to HB 3220, which modernizes the Oregon E-Cycles Program. All meetings are open to the public.



Attendees

Nicole Hogan
Cheryl Grabham
Rachel Harding
Michael Lee
Lauren Royer
Abby Boudouris
Juan Muro
Daven Stetson
Zack Dahl
John Deuel
Nick Shuman
Tricia Conroy
Beth Vargas Duncan
Mark Kreider
Denise Barnes
Andrea Jones
Vinod Singh
Jim Puckett
Sabrina Gogol
Ray Zielke
Josie Tecum

Jason Linnell
Gina Miller
don Hennen
Daniel Redick
Andrea Fogue
Ali Briggs-Ungerer
Nick Fahey
Laura Leebrick
Tim Brownell
Lisa Nelson
Kim Holmes
TashaFay Hoggatt
Walter Alcorn
Christine Haun
Alexandra Sottile
Julia Smiley
Melissa Mallory
Pete Grell
Jordan Del Valle Tonoian
Steve Siegel
Christopher Regis

Durran Champie
Heather Trim
Lelande Rehard
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Meeting Summary

9:00 a.m. Welcome, Overview of Today's Meeting

- DEQ provided overview of today's meeting and expectations for structure and steps moving forward.

9:10 a.m. Introductions

- RAC members introduced themselves and their affiliations.

9:20 a.m. Review Rulemaking Process and Charter

- DEQ provided overview of rulemaking process, the role of RAC members, timeline for rulemaking and program implementation. This overview also included a review of the committee charter which outlines objectives and scope, roles and expectations, and process for utilizing alternates.
- It is encouraged for RAC members to share any of the related meeting documents with their alternates and interested parties throughout the process.

9:30 a.m. Introduction to New Law – HB 3220

- DEQ provided overview of Oregon E-Cycles program history and changes to the Program through HB 3220.
- Overview included roles and responsibilities in the future E-Cycles program covering the public, collection sites, processors, producer responsibility organizations, manufacturers, and DEQ.
- How are transporters viewed? What are their roles? They are included as part of the Program, since they transport electronic devices from collector to processor.
- A few changes to the Program include: more devices accepted, more permanent collection sites, clarification of administrative coordination requirements, and administrative efficiencies and oversight.
- Briefly reviewed anticipated topics for future committee meetings.

9:50 a.m. Rule Concept Discussion

- **Topic 1: Covered Electronic Devices.** This topic covers the additional devices accepted in the program starting in 2026. DEQ proposes 4 rule concepts. (see meeting 1 background doc). These concepts were presented to RAC and opened for discussion.
- There was no feedback on computer monitors, desktop computers, portable computers.
- Internal hard drives were brought into question, and DEQ will consider including these types of devices as peripherals after more research.
- Suggestion to include both docking stations and power adapter chargers as examples of peripherals.
- Smart phones- mobile cellular phones are not included under the law.
- **Topic 2: Product Categories:** This topic covers product categories which will be used to sort devices at collection and calculate manufacturers' annual market shares and obligations. Statute requires rules to set these categories. For proposed categories see meeting 1 background document.
- Proposal to separate out the monitors from printers and faxes as these are seen as separate categories. From a recycler's perspective, monitors make sense to break out from other devices- based on stacking and shipping. General support for Monitors being placed with TVs as category. Recommended that flat panels and CRTs are separated when handling both TVs and Monitors.

- Request: Can DEQ collect data on the percentage each device type represents of all devices included- in case some of these need to be categorized (distributed) differently. Category 5 should carry more of the proportion than others. If there are some devices that are no longer being made- then how many manufacturers are supporting Category 5 to make sure there is no disproportion among devices in this category?
- Additional considerations for Category 5: Separate out anything with a battery- health and safety standpoint, specifically could apply. Category 5 will likely present educational challenges among public and/or collections. Do peripherals need a separate category? Seems these could fit into Category 5.
- What goes into calculating market share? Under the new law, this is based on both sales from the previous year, and what is recycled in the previous year- both by weight. There is a disconnect in using the same categories for both market share and sorting at collections. What are the best practices for sorting, and best practices for calculation of market share? Is it possible to use subcategories?
- What is the cost of the labor in processing these devices? There are devices that are more difficult to process than others. Anything that requires handling more than once is additional work for the collection sites. Collection sites prefer categories as simple as possible (5 or less).
- Batteries: a collection site provided feedback they do not want to remove batteries. That feedback was echoed by processor from safety perspective. As a reminder, batteries are not in scope of this rulemaking. EPA is working on best practices for safe identification, battery removal and handling.
- Are the categories set up to also incentives reuse?

10:45 a.m. Public Input Period

- No input provided from public.

11:00 a.m. Continued Rule Concept Discussion

- **Topic 3: Collection Site Standards** – This topic discusses establishing a convenient statewide network of collection sites. DEQ proposes rule concepts to clarify standards and other elements. Collection sites accept devices from public, sorts and prepares devices for reuse or transport to processor/recycler. The statute requires PRO provide convenient and equitable service throughout Oregon. Allows PROs to share collection sites, allows collector to charge ‘premium services’. (see meeting 1 rule concept doc.)
- Coordinating body is referenced in the law, which coordinate when there are multiple PROs.
- Clarification provided that for sites that are not considered official E-Cycles sites may be used to count pounds towards PRO collection goals, but not for meeting the convenience standard.
- Premium service versus convenient service: A collector that accepts certain covered devices over others and / or charges for others would not be considered as a site that can count towards meeting the minimum convenience standard. This is in order for PRO to meet obligation to provide *free* convenient service. Participating sites can still offer premium services which do provide additional convenience for those willing to pay for it.
- Processors and Environmentally Sound Management Practices: This topic will be covered in a future RAC meeting in more depth. Plan is supposed to share which processors that are being used, and these plans are approved by DEQ. What is being done to monitor for ‘cherry-picking’ and reuse oversight from all points in the handling process, and what is the support around ensuring devices go to approved processor? PROs must enter agreements with collections site facilities. Additionally, ensure not violating laws anywhere in the line of transportation.
- Program plans are due July 1, 2025- What reporting is required?
- Staffing and minimum hours of operation: Not all sites- such as transfer stations or sites in rural communities *are or even can be* opened 5 days a week. What is the definition of ‘regular business

hours'? Thoughts on minimum staffing? RMA is referenced as having hours requirements that could also fit into these E-Cycles sites being opened longer. 8 hours for at least 4 days. Recommendation to build on RMAs standards which take affect around the same time. Consider having hours published in PRO plan or elsewhere. Mattress program referenced for having rules around hours as examples, and transparency for public. Equity and fairness are built into these so members of the public are able to have consistent and clear hours of operations.

- Additional consideration: There is not enough language that sites are going to be secure. Are they usable during times there are no staff present? It's important they are secure at all times due to theft.
- Any language around the coordination of siting? Specifically, is there any coordination with local units of government and who is responsible for the siting of additional collection sites? This would fall to the PROs. Suggestion that drive times included as consideration in siting, especially for rural areas. DEQ offers that 15 mile radius is included presently and not sure if it can be further refined by drive times.
- Is there potential for retailers participating as collectors? Retailers typically do not collect all covered devices (and sometimes charge to collect covered devices), therefore, cannot participate as collection sites with Oregon E-Cycles.
- Feedback to expand bin labels for additional language (currently English and Spanish only)

11:55 a.m. Next Steps and Adjourn Meeting

- DEQ provided overview of anticipated future topics: (see meeting 1 presentation)
- Next meeting will follow up on topics discussed today. Next steps include polling for next meeting and ways to stay informed as the RAC moves forward.