

Oregon E-Cycles Rulemaking Meeting 2

Materials Management Program

May 9, 2024
Zoom Virtual Meeting

Meeting Agenda

Time	Topic
9 a.m.	Welcome, meeting overview, committee introduction
9:15 a.m.	Brief Overview: new E-Cycles law
9:30 a.m.	Rule concept presentations and discussion
10:35 a.m.	Break
10:45 a.m.	Public input period
11 a.m.	Continued Rule Concept Discussion
12 p.m.	Adjourn meeting

Webinar tips

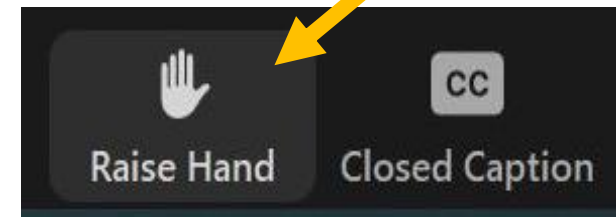
Join audio by either phone or computer, not both.

For committee discussion and comments, use the raise hand button; if joined by phone press *9 (press *6 to unmute)

This meeting is being recorded.

For Zoom technical issues, send a message through the chat to Nikki Hogan, or email: Nicole.Hogan@deq.oregon.gov

Thank you for joining us today!



Meeting guidelines

- Listen and treat everyone with respect
- Allow one person to speak at a time – use ‘raise hand’ feature
- Be prepared and set time aside for the meetings
- Provide a balance of speaking time
- Bring concerns and ideas up for discussion early in the process
- Comment constructively
- Move around and take care of yourself as needed

Communications

- Substantive discussion by the committee will occur during public meetings, not offline.
- DEQ will post meeting materials including meeting slides and summaries on the [E-Cycles rulemaking webpage](#)



Public involvement

Opportunities to stay engaged:

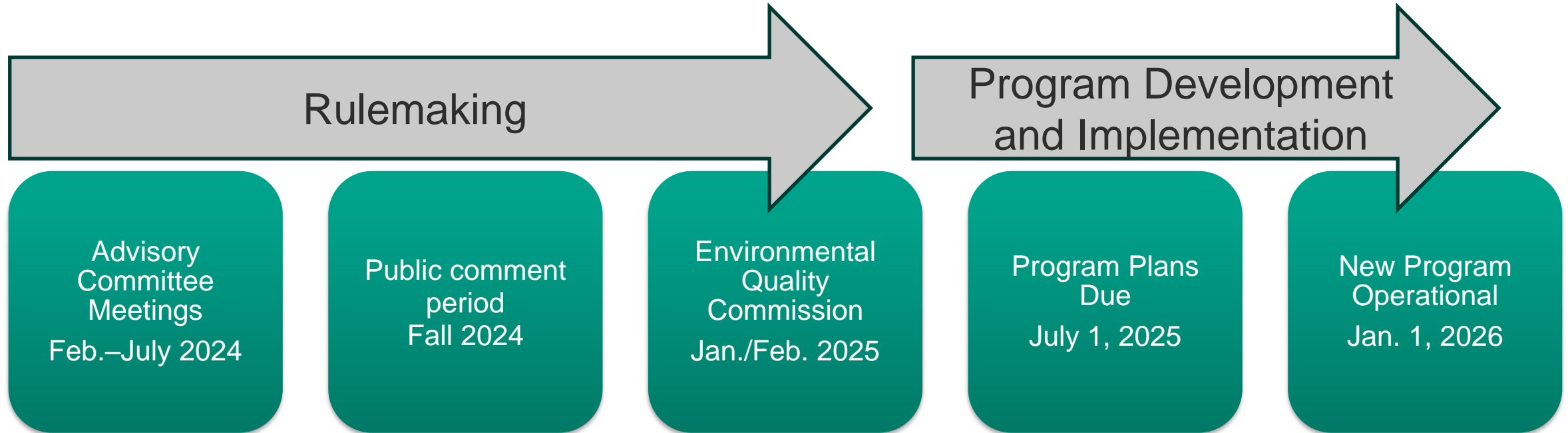
- Sign-up for email updates ([Gov Delivery](#))
- Review meeting materials
- Provide input during meetings
- Submit formal comments on draft rules later this year



Introductions – RAC Members

Name	Affiliation
Jim Puckett	Basel Action Network
Walter Alcorn	Consumer Technology Association
Zack Dahl	Dahl Disposal Services
Jeff Merwin	Deschutes County
Amanda Buros	Dynamic Lifecycle Innovations
Tricia Conroy	Electronic Manufacturers Recycling Management Company, LLC
Durran Champie	Free Geek
Sabrina Gogol	Metro
Andrew Keough	N/A (member of the public)
Naomi Manahan	Reverse Logistics Group
Denise Barnes	Rogue Disposal & Recycling
Daven Stetson	St Vincent de Paul of Lane County
Bryan Catello	Universal Recycling Technology

Program Timeline



E-Cycles 2026: Changes to the Program



People in Oregon

More devices accepted;
convenient and equitable service.



Collection Sites

More permanent collection sites
required statewide



Manufacturers and PROs

Clarification on administrative and
coordination requirements



DEQ

Administrative efficiencies;
continue oversight

Questions?



Proposed Rule Concept Discussion

Topic 1: Program plans and annual reports

Topic 2: Coordination

Topic 3: Fair financial compensation

Topic 4: Environmentally sound management practices



Oregon Department of Environmental Quality

Oregon E-Cycles Modernization: Rule Concepts

Rulemaking Advisory Committee Meeting 2

May 9, 2024

Background

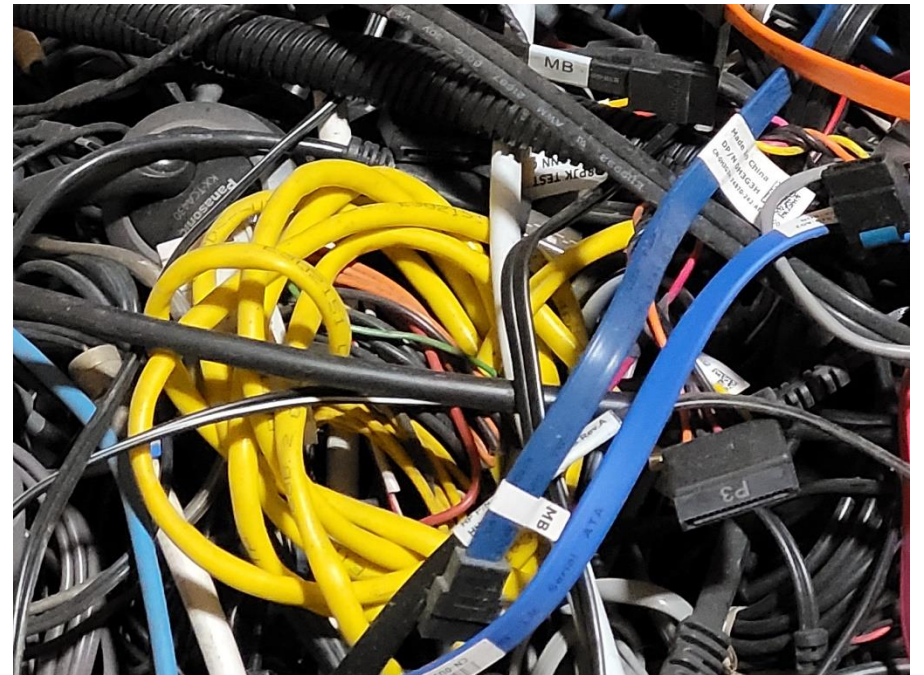
In the modernized Oregon E-Cycles system, producers of covered electronic devices will participate in an Oregon E-Cycles program by joining an electronics producer responsibility organization. The electronics producer responsibility organization will operate the program on the producers' behalf, in accordance with a program plan approved by DEQ. If DEQ approves multiple plans, producers may choose between multiple electronics producer responsibility organizations to join. The electronics producer responsibility program, or programs, will offer convenient collection for electronics recycling throughout the state. DEQ will monitor program operations and producer participation for compliance with the Oregon Electronics Recycling Law.

More information about Oregon E-Cycles modernization can be found in materials provided in the Rulemaking Advisory Committee Meeting 1 held on March 7, 2024. These materials are available on DEQ's [E-Cycles 2024 Rulemaking webpage](#).

Topic 1: Program plans and annual reports

Overview

DEQ proposes four rule concepts to address the submission process and content for plans and reports



Topic 1: Program plans and annual reports

A PRO:



Submits a plan to DEQ
(before a program year)



Implements a program under an
approved plan
(during program year)

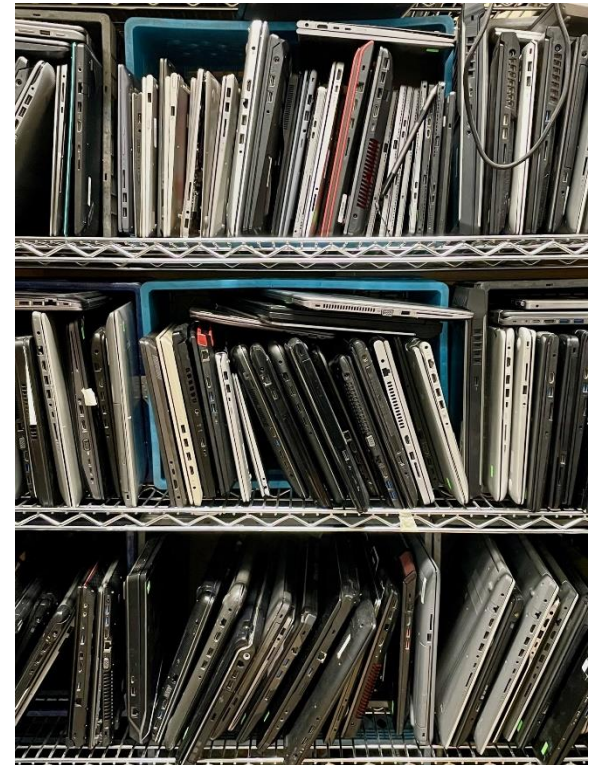


Submits a report to DEQ
describing implementation
(after program year)

Topic 1: Program plans and annual reports

1. Rule Concept: Letter of Intent

DEQ may require a prospective PRO to submit a letter of intent regarding plan submission



Topic 1: Program plans and annual reports

2. Rule Concept: Schedule

Unless directed otherwise by DEQ:

- *Plans due July 1 **before** a program year**
- *Reports due March 1 **after** a program year**

2025	2026	2027
July 1: Initial plan for 2026 due	January – December: Implementation of approved plan for 2026 July 1: plan for 2027 due	January – December: Implementation of approved plan for 2027 March 1: report for 2026 due July 1: plan for 2028 due

**Program year runs on a calendar year*

Topic 1: Program plans and annual reports

3. Rule Concept: Plan content

DEQ may require information sufficient to describe how the proposed program plan will comply with statute, including information on:

- *Coordination*
- *Public awareness*
- *Program financing*
- *Environmentally sound management practices*
- *Fair financial compensation*
- *Goals*

Topic 1: Program plans and annual reports

4. Rule Concept: Annual report content

DEQ may require information sufficient to evaluate whether PRO implemented its program per plan and statute. This includes information on:

- *Coordination*
- *Public awareness*
- *Program financing*
- *Environmentally sound management practices*
- *Fair financial compensation*
- *Goals*

Topic 1: Discussion

Rule Concepts:

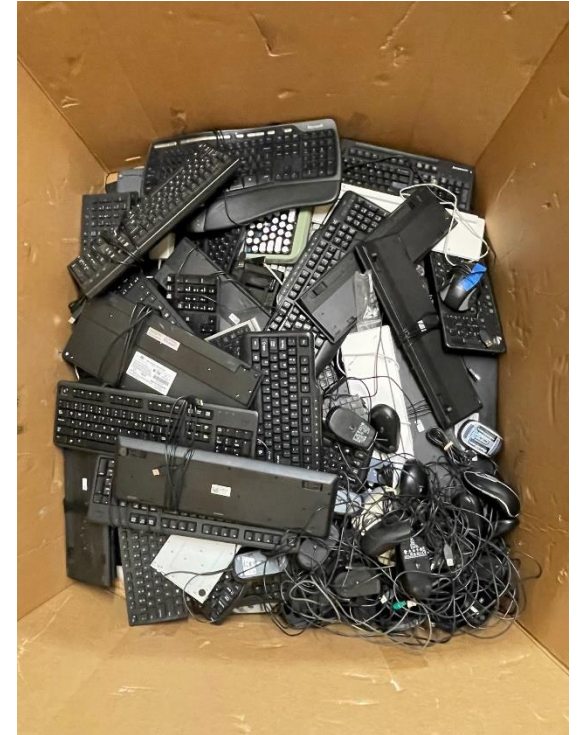
- Letter of intent
- Scheduling (July 1 for plans; March 1 for reports)
- Plan content
- Report content



Topic 2: Coordination

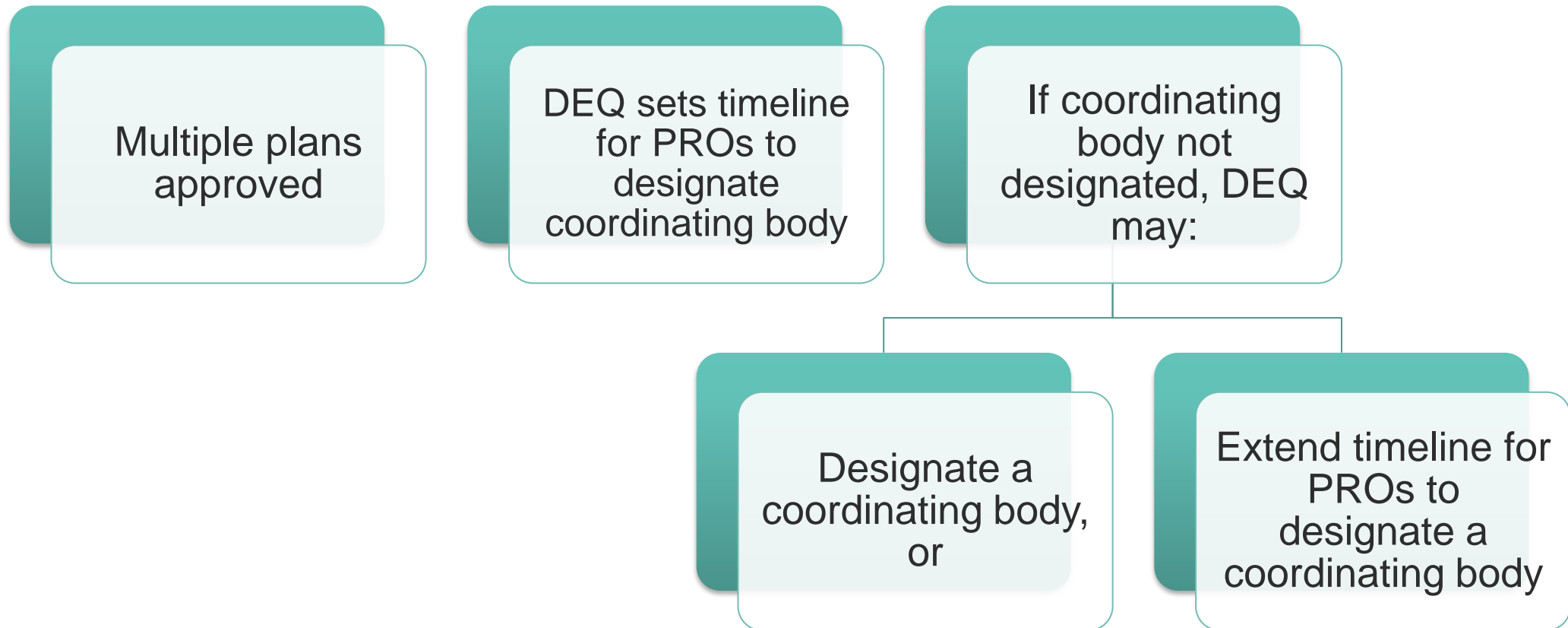
Overview

DEQ proposes three rule concepts related to coordination body designation process and coordination tasks



Topic 2: Coordination

Timeline for coordinating body designation:



Topic 2: Coordination

Multiple programs must coordinate through a coordinating body

- As required by statute, including on:
 - Financial obligations reconciliation
 - Education and outreach
- As directed by DEQ

Topic 2: Coordination

1. Rule Concept: Letter of intent and additional information

DEQ may require a letter of intent and additional information from a prospective coordinating body

Topic 2: Coordination

2. Rule Concept: Plan content regarding coordination

DEQ may require a PRO to name an entity PRO would designate as coordinating body if multiple plans are approved

Topic 2: Coordination

3. Rule Concept: Coordination tasks

DEQ may direct a coordinating body to conduct any coordination for program implementation pursuant to statute.

This includes:

- Public education and outreach activities;*
- Program goals, including collection goals and public awareness goals; and*
- Conducting of surveys or other public awareness measurements*

Topic 2: Discussion

Rule Concepts:

- Letter of intent and additional information
- Plan content regarding coordination
- Coordination tasks



Topic 3: Fair Financial Compensation

Overview

Statute requires a PRO to provide “fair financial compensation to collection sites calculated to cover the costs of collecting, storing, managing, and transporting covered electronic devices.”

DEQ proposes four rule concepts to clarify this requirement.

Topic 3: Fair Financial Compensation



Some considerations:

- Compensation typically price per pound
- Requirements for collection network changed by new law
- PROs must work with all willing transfer stations, landfills and material recovery facilities with a DEQ solid waste permit

Topic 3: Fair Financial Compensation

1. Rule Concept: Rates

DEQ may require plan to describe how PRO will provide fair financial compensation.

Examples:

- *Offering rates to secure a collection site where one is required by statute*
- *Offering comparable compensation rates for collection sites that*
 - *have similar operating characteristics or*
 - *operate in similar geographic areas*

Topic 3: Fair Financial Compensation

2. Rule Concept: Costs

As part of calculating fair financial compensation, a PRO may

- review costs across a range of collection sites, or*
- use reasonable estimates.*

Topic 3: Fair Financial Compensation

3. Rule Concept: Permitted Sites

*For any willing transfer station, landfill or material recovery facility with a solid waste disposal permit, PRO must offer compensation rates **comparable to collection sites with similar operating characteristics.***

Topic 3: Fair Financial Compensation

4. Rule Concept: Third-party evaluation

Evaluation on fair financial compensation:

- *Conducted by a qualified, independent third party*
- *Hired by PRO (or PROs through a coordinating body)*
- *Required for 2028 and 2031*
- *Then upon DEQ's request (up to once every two years)*

Topic 3: Fair Financial Compensation

4. Rule Concept: Third-party evaluation

Evaluation must review:

- *Collection site costs (urban and in rural areas)*
- *Trends in Oregon*
- *Alternative compensation models*
- *Was compensation comparable among collection sites (similar geographic areas / operating characteristics)?*

Topic 3: Fair Financial Compensation

4. Rule Concept: Third-party evaluation

PRO must cooperate with third party and DEQ on evaluating fair financial compensation.

This may include providing a list of prospective collectors solicited and rates offered to prospective collectors.

Topic 3: Discussion

Rule Concepts:

- Plan content on rates
- Costs
- Permitted sites
- Third-party evaluation

Discussion Prompts:

1. Concerns with sharing the information proposed for plans or reports?
2. Any alternative compensation model to study?

Topic 4: Environmentally sound management practices

Overview

PRO must provide for environmentally sound management practices of covered electronic devices.

Rule concepts:

- Definitions related to practices
- Standards for practices
- Specific practices
- Report content
- DEQ's use of tracking devices

Topic 4: Environmentally sound management practices

Statute:

Examples:

- 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

The Environmental Quality Commission may adopt other practices, or standards for practices, through rule.

Topic 4: Environmentally sound management practices

1. Rule Concept: Definitions

Terms include:

- *Final disposition*
- *Materials of concern*
- *Service provider or downstream vendor*

Topic 4: Environmentally sound management practices

2. Rule Concept: Standards for practices

What must practices ensure?

- *Program operates safely, legally, and pursuant to waste hierarchy*
- *PRO can track and provide downstream information*
- *Materials are processed, not stored beyond what's allowed*
- *Materials are safely handled under all circumstances*
- *PRO is aware of issues and can respond*
- *Oregon entities comply with state and local recordkeeping requirements*

Topic 4: Environmentally sound management practices

3. Rule Concept: Specific Practices

- *Practices from statute (adequate recordkeeping, tracking the fate of recycled materials, etc.)*
- *Adequate training, site management, and operation requirements for service providers and downstream vendors; and*
- *Regular monitoring, inspections, performance audits, and auditing in each program year, including auditing with tracking devices*

Topic 4: Environmentally sound management practices

4. Rule Concept: Report Content

DEQ may require information on practices, including:

- *Information on service providers and downstream vendors:*
 - *Name*
 - *Contact*
 - *Type of materials received*
 - *Processing conducted*
- *Results of audits*

Topic 4: Environmentally sound management practices

5. Rule Concept: DEQ's use of tracking devices

DEQ may use tracking devices to track the fate of recycled covered electronic device materials.

Topic 4: Discussion

Rule Concepts:

- Definitions
- Standards
- Types of Practices
- Reporting
- DEQ's use of tracking devices

Discussion Prompts:

1. Obstacles to implementation?
2. Anything else to consider?
3. What if the PRO is also the processor?

Next Steps

- Next meeting in July
- Meeting topics
 - Market share
 - DEQ administrative fees
 - Racial equity impacts of proposed rules
 - Fiscal impacts of proposed rules
- Stay informed
 - Visit the [E-Cycles rulemaking website](#)
 - Sign up for [GovDelivery email alerts](#)



Title VI and alternative formats

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Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us