

# Oregon E-Cycles Rulemaking Advisory Committee Meeting Summary

May 9, 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

Abby Boudouris – OR DEQ	Jennifer Olson
Alejandro Torres	Jessica Cha
Ali Briggs-Ungerer - MRM	Josie Tecum
Amanda Tischer Buros - Dynamic Lifecycle Innovations	Joyce Thung
Andrea Fogue - ORRA	Laura Leebrick - Rogue Waste/Waste Connections
Andrew Keough – public committee member	Lisa Nelson - H2 Compliance
Angie Marzano	Luke Frazier
Armando Vazquez	Michael Lee – OR DEQ
Arthur Sappington	Naomi Manahan - RLG
Bryan Catello- URT	Nick Fahey
Charlene Malsom - Waste Management	Nicole Hogan – OR DEQ
Cheryl Grabham – OR DEQ	Orly Baynglass
Christine Haun - WA Dept of Ecology	Rachel Harding – OR DEQ
Dan Jarman	Rick Zultner
Daniel Redick - OR DEQ	Sabrina Gogol - Metro
Daven Stetson – St Vincent de Paul of Lane County	Tess Milio
Denise Barnes – Rogue Disposal	Thomas Baker
Durran Champie – Free Geek	Travis Comfort
Emily Jenkins - Accerio Global	Tricia Conroy - MRM
Hannah Carleson	Vinod Singh
Janica Jesson	Walter Alcorn – Consumer Technology Assoc.
Jason Linnell	Zack Dahl – Dahl Disposal
Jeff Merwin - Deschutes County	

## Translations or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

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# Meeting Summary

## Welcome, Overview, Introductions

- DEQ welcomed everyone and provided an overview of the agenda.
- RAC members introduced themselves. Several alternates participated

## High Level Overview of E-Cycles Law

- DEQ provided a high-level overview of the Oregon E-cycles law to set the context for any participants new to the process.

## Rule Concept Discussion

### Topic 1: Program plans and annual reports

- DEQ summarized rule concepts related to program plans and annual reports.
- **Letter of intent**
  - Walter Alcorn suggested the letter of intent should include information related to a PRO's preliminary collection network. This would help a coordinating body. Do we want to have a system that allows for smaller PROs?
  - Tricia Conroy from MRM suggested that the letter be submitted with sufficient time ahead of the program plan due date to allow coordination and site sharing, and so PROs know each other's intent.
- **Schedule**
  - Denise Barnes inquired about the timeline for public comment on plans submitted. DEQ will follow up with that information, which is outside the scope of this rulemaking.
- **Content**
  - Sabrina Gogol recommended that DEQ prescribe that public awareness must be measured in a statistically significant way.
- **Annual report**
  - *No discussion on this topic.*

### Topic 2: Coordination

- DEQ summarized rule concepts related to coordination.
- **Letter of intent**
  - Walter Alcorn stated the new system should prioritize continuity and minimizing disruption. Specifically, building on relationships that are working well with existing collection sites and PROs. The letter of intent could indicate where entities want to continue existing relationships. Walter noted that DEQ may need to choose a coordinating body before plan approval. This will help identify holes in the network.
  - Tricia Conroy supported the idea of identifying coordinating body well in advance of program plan submittal.
- **Coordinating body**
  - *No discussion on this topic.*
- **Coordination tasks**
  - Denise Barnes would like to see coordinating body work with LGs and service providers.

- Walter Alcorn stated that coordinating body should allocate responsibility jurisdiction or otherwise.
- Walter said that if there is one coordinating body and multiple PROS, the coordinating body must be able to evaluate the pounds collected at collection sites. Walter recommended this be included in the rules.
- Naomi Manahan stated that a coordinating body should assign any gaps to certain PROs.

### **Topic 3: Fair financial compensation**

- DEQ summarized rule concepts related to fair financial compensation.
- **Rates**
  - Walter Alcorn expressed concern about information about pricing being shared. This program is paid for wholly by manufacturers. The mixture of public and private sector collectors is also unique. Market forces may make some pricing information more uncomfortable to share. We may see quite a disconnect between what collectors are being paid and what their costs are.
  - Daven Stetson noted that if the collectors are losing money, then manufacturers are not actually paying for the program. Transparency is necessary to ensure that the public interest is being met.
  - Tricia Conroy noted that business pricing is confidential information. Electronics recycling price per pound is influenced by so many things. Not sure what alternative will help DEQ get to the goal.
  - Naomi Manahan inquired whether individual PROs would be required to offer the same prices to collection sites. DEQ confirmed that each individual PRO would establish its own pricing according to the requirements.
- **Costs**
  - Zack Dahl inquired how costs will be set. What determines a reasonable cost? Who determines the cost? A: Walter Alcorn explained that the PRO and the collection sites come to a mutual agreement about rates.
  - Zack Dahl wanted to ensure that collection sites are compensated for actual costs.
  - Sabrina Gogol agrees with evaluating sooner as Zack suggested, and that it be a transparent evaluation in terms of costs. She mentioned the recent similar study that was conducted as part of the Recycling Modernization Act. She says there is a good path to gain valuable data; the Dept could view more individual data while only publishing in the aggregate as needed.
- **Permitted sites**
  - Daven Stetson noted that charity sites receive electronics whether they participate in Oregon E-Cycles or not. If they are not part of the program, then they do not have an outlet to get rid of collected electronics. It would cause major disruption if PROs dropped these sites.
  - Naomi Manahan agrees with not disrupting the network. Finds it unclear why permitted sites must be engaged as potential collection sites, and charity / nonprofit sites are not. Suggested that rules also encourage PROs to engage with charity sites.
  - Walter stated that they support continuity but would oppose any requirement to continue with non-permitted sites. This is the only check that keeps collection sites from charging PROs excessive amounts.
  - Sabrina Gogol supported expanding the rules to include charity sites.
  - DEQ clarified that the requirement to engage with permitted sites is set in statute, and there is not a similar requirement related to other sites.
- **Third-party evaluation**
  - Zack Dahl asked what prompts DEQ to require evaluation, and whether we should look at a 1-year evaluation in the first year of the program. We will all be learning, and multiple things could come up that we're not able to address if we don't evaluate early.

- Sabrina Gogol requested a sooner evaluation and a transparent evaluation. She suggested consideration of an evaluation similar to what DEQ conducted for the material recovery facility data in packaging EPR program.
- Naomi Manahan agreed with Tricia [that electronics recycling price per pound is influenced by many variables] and with Sabrina [related to evaluation]. There are so many variables that go into what it costs to service a site. It's the material that they are actually collecting. She supports evaluating a lot of granular level data to understand pricing. This is related to the value of materials post-collection.
- **General**
  - Andrew Keough noted that the purpose of the law is to keep electronics out of waterways. Andrew suggested a consumer fee on electronics sold. DEQ clarified that the statute does not allow for that.
  - Walter Alcorn mentioned that some collectors may not officially be in the program but may collect material. For example, Staples will only collect computers. For the function of the true-up, those pounds should be accounted for somehow. There should be some general understanding that those collection activities should be encouraged. Room for that in any coordinating body true-up. DEQ clarified that the activity currently called the "true-up" will not be necessary to meet statutory requirements.

## Break

## Public Input Period

- Jason Linnell with NCER manages the state contractor program. He stated that relative to coordination, it would be better to have coordination done prior to plan approval. This would be beneficial for the collection network, education, performance indicators, and more tasks. It would allow for initial coordination to happen before plan approval is done.

## Continued Rule Concept Discussion

### Topic 4: Environmentally sound management practices

- DEQ summarized rule concepts related to environmentally sound management practices.
- **Definitions**
  - Denise Barnes asked where the definitions come from. A: These are not in statute. They are intended to clarify statute.
  - Tricia Conroy noted that covered electronic device material includes components in this concept. Where did this come from? A: DEQ wants to ensure that all materials are safely managed.
  - Tricia Conroy expressed concerns about safe handling, noting that people will be required to collect all covered electronic devices including partially deconstructed units.
  - Andrew Keough asked whether the definition for 'materials of concern' will preclude addressing different things come down the pipe in the future.
- **Standards**
  - Sabrina Gogol supported the idea of including treaties in compliance language.
- **Specific practices**
  - Naomi Manahan asked about the intent behind regular monitoring. A: This would be a detail spelled out in the program plan.
  - Naomi Manahan noted that typically they audit the processors and just check in with the collection sites. If the rules require us to audit inspectors that may be excessive.

- Sabrina Gogol supported the depth of investigation of the final disposition of materials, including items spelled out in rule concept 3c. As a collection site we are happy to participate in bale tracking and chain of custody verification. How would DEQ know that materials are being handled in an environmentally protective manner?
- **Report content**
  - Naomi Manahan noted that reporting the vendors from tier 1 to final disposition is time consuming. We do this already. Sometimes when you get into materials such as scrap metal it is difficult to get reporting from. Consider applying this only to materials of concern.
  - Denise Barnes said it should be clear in rules who is responsible for reporting that final disposition.
- **DEQ's use of tracking devices**
  - *No discussion on this topic.*
- **Third-party certification**
  - DEQ asked whether a PRO that is also its own processor should maintain certification with an independent third-party accredited certification program.
  - Naomi Manahan stated that a recycler who is also a PRO should have to maintain certification such as R2 or E-stewards. This provides transparency when others can review their certificates.
  - Sabrina Gogol said Now there's a lot more technology for evaluation. Add specificity in rule when the first evaluation would happen to inform the new program and align with first compensation study.
  - Daven Stetson stated that he agreed with Naomi's comments. Processors should have a standard, either R2 or E-stewards.
  - Denise from Rogue said it is extremely important that all processors meet a standard.
  - Sabrina Gogol stated that all processors should have to meet 3rd party certification requirements.
- **General**
  - Andrew Keough noted that Oregon is often a leader in environmental policies and Europe is ahead of us. He suggested looking to Europe to see how to do things better.

## Next Steps and Adjourn Meeting

- DEQ reminded everyone about how to stay informed.
- The next meeting will likely be in July.
- The meeting adjourned at 11:23 am.