



Oregon Department of Environmental Quality

# Oregon E-Cycles Modernization: Rule Concepts

## Rulemaking Advisory Committee Meeting 3

### Overview

For the third committee meeting, DEQ is seeking the committee members' feedback on rule concepts related to:

- Manufacturer financing of electronics producer responsibility programs; and
- Electronics producer responsibility organization fees.

DEQ is also providing proposed rule language in this meeting packet. The proposed rule language includes changes to existing administrative rules based on rule concepts discussed in previous committee meetings.

### Topic 1: Manufacturer financing of program

Oregon E-Cycles program costs are apportioned among manufacturers. The Oregon Electronics Recycling Law requires an electronics producer responsibility organization (or the coordinating body, if there are multiple electronics producer responsibility organizations) to calculate each manufacturer's "manufacturer obligations" for the program. The calculation takes into account two variables:

1. the manufacturer's market share data from the previous year, which DEQ will provide to the electronics producer responsibility organization or coordinating body; and
2. the amount of the manufacturer's devices in each product category, relative to the weight of all product categories recycled in the previous year.

DEQ is proposing rules to address the market share calculation process. DEQ is also proposing rules to address how to calculate a product category's relative weight in the first program year of the modernized Oregon E-Cycles system, when many of the covered electronic devices will have not been collected by an electronics producer responsibility program in the previous year.

### Rule concepts

#### Market Share Process for Registered Manufacturers of Covered Electronic Devices

1. *Preliminary market share. Beginning in 2026, each year, DEQ will make a preliminary determination of each manufacturer's market share for the program year and notify each manufacturer of that determination.*
2. *Change requests. Each manufacturer will have 30 days to request changes to the preliminary market share and fee tier determination. A manufacturer requesting a change must provide DEQ the relevant information the manufacturer believes supports the change and any other information requested by DEQ to evaluate the requested change.*
3. *Final market share. After the 30-day change-request period, DEQ will make a final determination of each manufacturer's market share and notify each manufacturer of that determination. In making the final market share determinations, DEQ will use the best available information as determined by DEQ, including any relevant information provided by manufacturers in the change-request period.*

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## **Manufacturer Obligation Calculation**

1. *In calculating a product category's percentage of the total weight of covered electronic devices recycled during the previous year, an electronics producer responsibility organization or coordinating body shall use the total weight of covered electronic devices recycled in an electronics producer responsibility program during the previous year.*
2. *If covered electronic devices were not eligible for recycling by an electronics producer responsibility program in a previous year, an electronics producer responsibility organization or coordinating body may use national data, consumer research, sampling, or any other data from the previous calendar year to apportion the costs of the program or programs among all manufacturers, and to reconcile such apportionment against manufacturer obligations in subsequent years.*

## **References:**

- ORS 459A.305(10): Definition of "manufacturer obligation"
- ORS 459A.305(11): Definition of "market share"
- ORS 459A.323(2) and (3): Calculation of manufacturer obligation and reconciliation of manufacturer obligations

## **Topic 2: Electronics producer responsibility organization fees**

Under the Electronics Recycling Law, the Environmental Quality Commission must establish, by rule, two fees reasonably calculated to cover DEQ's costs related to its oversight of Oregon E-Cycles. These fees are:

- A one-time plan review fee
- An annual fee

## **Rule concepts**

DEQ proposes:

1. *Plan review fee. The plan review fee is \$75,000. Each electronics producer responsibility organization must pay the plan review fee before the electronics producer responsibility organization submits its initial program plan.*
2. *Annual fee.*
  - a. *The annual fee is \$315,000.*
  - b. *If multiple electronics producer responsibility organizations have approved plans to operate electronics producer responsibility programs in a program year, each electronics producer responsibility organization must pay an equal share of the total annual fee for that year.*
  - c. *DEQ may reduce the annual fee for a given year to ensure fee revenue approximately matches DEQ's projected costs for that year.*
  - d. *An electronics producer responsibility organization must pay the annual fee by the later of June 1 or not later than 30 days after DEQ sends the fee invoice.*

## **References**

- ORS 459A.334: Fees

## Contact

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