



State of Oregon Department of Environmental Quality

Oregon Environmental Quality Commission Meeting

Jan. 9-10, 2025

Rulemaking Action Item D Oregon E-Cycles Rulemaking

Table of contents

DEQ recommendation to the EQC	1
Introduction	2
Statement of need	3
Rules affected, authorities, supporting documents.....	4
Fee analysis	5
Statement of fiscal and economic impact.....	9
Racial equity.....	15
Environmental justice considerations	16
Federal relationship.....	17
Land use	18
EQC prior involvement	19
Advisory committee	20
Public engagement.....	22
Implementation.....	42
Five-year review	43
Accessibility information	44

DEQ recommendation to the EQC

DEQ recommends that the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

Language of Proposed EQC Motion:

“I move that the commission adopt the proposed rule amendments in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.”

Introduction

DEQ is proposing rules to implement HB 3220, which modernizes the long-standing electronics recycling program, Oregon E-Cycles. This program employs an extended producer responsibility model, a waste management strategy that requires producers to share in the responsibility for the end-of-life management of their products and materials. Typically, manufacturers will designate and join a producer responsibility organization to help them fulfill their legal obligations. A manufacturer pays fees to that organization to cover the costs of the program, including the costs of collection and processing of materials, as well as DEQ's costs associated with overseeing the program.

DEQ proposes creating several new rules and modifying current rules to best serve the E-Cycles program. In early 2024, DEQ convened an advisory committee of entities who may be affected by proposed rules to give input to DEQ on proposed rule concepts. The committee included representatives of manufacturers of covered electronics devices, the public, local governments, prospective producer responsibility organizations, collection site operators and others. DEQ also offered informal public input opportunities at the three rulemaking advisory committee meetings.

Some of the proposed rule topics include environmentally sound management practices, fair financial compensation to collection sites and coordination within the program. The proposed rules would also establish new fees to be paid to DEQ by the electronics producer responsibility organizations participating in the E-Cycles program. These proposed rules are discussed in more detail later in this document.

Statement of need

What need would the proposed rules address?

Proposed rules would address the need to implement the statutory requirements, including the requirement to refine program definitions and set administrative fees. Proposed rules would also address the need for operational clarifications around environmentally sound management practices and collection site standards. Other rules would address the need to implement statute, set product categories for covered electronic devices, clarify requirements on fair financial compensation to collection sites, and address program logistics including coordination, reporting requirements and calculating market share.

How would the proposed rules address the need?

Proposed rules would address the need by specifying fees and definitions and by clarifying the management practices and standards that should be adhered to by participating program entities. Rules would also address the above needs by specifying elements of a study on fair financial compensation and describing the components needed for reporting and coordination to help participants comply with statutory requirements, such as covered electronic device manufacturers and electronics producer responsibility organizations.

How will DEQ know the rules addressed the need?

DEQ will know that the rules addressed the needs if the public is able to use the program conveniently and if covered devices are collected and moved safely and responsibly through the system for recycling. Additionally, if the established fees sustain DEQ's oversight and enforcement responsibilities, this would be another indication that rules addressed the needs for rulemaking. DEQ will also know that rules addressed needs if program participants understand and comply with the statutory requirements as clarified in these rules.

Rules affected, authorities, supporting documents

Lead division

Land Quality Division

Program or activity

Materials Management Program, Product Stewardship Section

Chapter 340 action

Adopt				
340-012-0099	340-098-0230	340-098-0235	340-098-0240	340-098-0245
340-098-0250	340-098-0255	340-098-0260	340-098-0265	340-098-0270
Amend				
340-012-0045	340-012-0140	340-012-0155	340-098-0000	340-098-0010
340-098-0100	340-098-0150	340-098-0200		

Statutory Authority - ORS				
459A.345	468.020	468.065		

Statutes Implemented - ORS				
459.247	459A.305 – 459A. 355			

Legislation

House Bill 3220 (2023)

Fee analysis

These proposed rules would establish new fees. EQC authority to act on the proposed fees is ORS 459A.334 and ORS 459A.345.

Brief description of proposed fees

DEQ proposes the following fees:

- A plan review fee of \$75,000. Each electronics producer responsibility organization must pay the plan review fee before the electronics producer responsibility organization submits its initial program plan.
- An annual fee of \$315,000. Each electronics producer responsibility organization must pay an equal share of the annual fee. DEQ may reduce the annual fee for a given year to ensure fee revenue aligns with DEQ's projected costs for that year.

Reasons

ORS 459A.334 requires the EQC to establish an annual fee reasonably calculated to cover DEQ's costs of implementing, administering and enforcing the statute. ORS 459A.334 also requires the EQC to establish a one-time plan review fee reasonably calculated to cover DEQ's costs of reviewing an initial electronics producer responsibility program plan, which must be approved by DEQ before an electronics producer responsibility organization can implement an electronics producer responsibility program. These fees will be paid by all electronics producer responsibility organizations participating as part of the program cost. These costs are ultimately covered by manufacturers required to participate in the E-Cycles program, through the approved electronics producer responsibility organizations.

Fee proposal alternatives considered

DEQ considered the following alternative:

Apportioning the annual fee by market share. If multiple electronics producer responsibility programs exist, DEQ could divide the annual fee between the electronics producer responsibility organizations based on the market shares of the manufacturers participating in the program. After consideration, DEQ did not choose this option because it may be more administratively burdensome - thereby increasing the annual fee - than apportioning the annual fee in equal parts. Apportioning the annual fee equally also allows for consistency in the application of the fee.

Fee payer

Each electronics producer responsibility organization will pay a one-time plan review fee for its initial program plan. An electronics producer responsibility organization intending to operate in 2026 must pay the plan review fee with the submittal of its initial program plan in 2025.

All electronics producer responsibility organizations with an approved plan will pay towards the annual fee. The first annual fee is due in 2026. If there are multiple electronics producer responsibility organizations, the annual fee will be split equally between them.

Affected party involvement in fee-setting process

DEQ is required to establish these fees by rule, and therefore convened a rulemaking advisory committee. This committee included a variety of interests who may be directly or indirectly affected by the new law and proposed rules; this included prospective producer responsibility organizations. The committee met three times in 2024 to discuss proposed rules and the impacts of those rules.

Summary of impacts

This program is cost-internalized by the manufacturers of covered devices. The fees charged by DEQ to an electronics producer responsibility organization will be part of an electronics producer responsibility organization's overall operating budget. The current statute does not directly require an electronics recycling program to report on its budget annually. However, DEQ estimates the cost of these fees will be a small percentage of an electronics producer responsibility organization's overall budget, based on the cost of similar programs in other states, such as Washington's E-Cycle program. A recent annual report from Washington's program is linked in the table below. In that 2022 report, the Washington program reported total operational and administrative expenses of approximately \$4.9 million. Manufacturers, which finance the electronics producer responsibility program they are participating in, could choose to pass DEQ's fees on to consumers through the price of their products; however, a manufacturer may have to consider that their competitors may not pass DEQ's fees on to consumers.

The proposed fees would support DEQ's program administration activities, including oversight and enforcement of participating entities; review of documents including plans and reports; registering manufacturers with the program and calculating annual market share and other program duties as needed.

Fee payer agreement with fee proposal

Parties that have the potential to be affected by the proposed fees were included during committee meeting discussion.

Links to supporting documents for proposed fees

Document	Reference
House Bill 3220 (2023)	https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3220
Washington E-Cycle 2022 Annual Report	https://ecology.wa.gov/getattachment/044dc5a6-8eba-4359-bfad-7a74c1e38785/online_E-Cycle-WA-2022-Annual-Report-07-10-2023.pdf

How long will the current fees sustain the program?

The proposed annual and plan review fees in this rulemaking are intended to cover DEQ's costs for administering this modernized E-Cycles Program. The program does not receive money from the general fund.

The existing Oregon E-Cycles program includes a manufacturer registration fee and a separate fee for manufacturers participating in a state contractor program that DEQ oversees. HB 3220 eliminates the state contractor program and thus the separate fee. The manufacturer registration fee in the current program requires DEQ to conduct analysis to apportion its cost among approximately one hundred manufacturers. HB 3220 eliminates the manufacturer registration fee and requires the EQC to set an annual fee and a plan review fee for the modernized program.

To develop the plan review fee, DEQ estimated resources, including staff time, required to review an initial electronics producer responsibility program plan and evaluate whether the proposed producer responsibility program will meet legal requirements for implementation and the plan can be approved. The proposed plan review fee of \$75,000 is the same as the plan review fee set for the Oregon Drug Take-Back Program in OAR 340-098-0390(2).

To develop the annual fee, DEQ estimated resources, including staff time, required to implement, administer, and enforce ORS 459A.305 to 459A.355. Such DEQ activities include registering manufacturers, calculating market share, review annual reports for approval, conducting ongoing monitoring, and addressing compliance or performance issues. The proposed rule setting the annual fee will allow DEQ to reduce the annual fee for a given year to ensure fee revenue approximately matches DEQ's projected costs for that year.

Proposed Fees	
Annual Administrative Program Fee	\$315,000
One-time Plan Review Fee	\$75,000
Program costs covered by General Fund	\$0
Expected effective date	Feb. 1, 2025

Fee schedule

Each electronics producer responsibility organization will pay a one-time plan review fee to DEQ for its initial program plan. DEQ anticipates that it will begin to receive plan review fees on or before July 1, 2025, which is the deadline for electronics producer responsibility organizations to submit initial program plans if they intend to operate in 2026. An electronics producer responsibility organization with a program plan approved by DEQ will also pay an annual fee each year on June 1. Each electronics producer responsibility organization will pay an equal share of the total annual fee.

Fee Type	Occurrence	Due
Annual Fee	Each year, starting in 2026	June 1 of each year
Plan Review Fee	One time, with initial plan	July 1, 2025, for plans submitted for the program year 2026; otherwise, due before plan submission for subsequent program years

Statement of fiscal and economic impact

Fiscal and economic impact

HB 3220 requires the EQC to establish an annual fee and a plan review fee for DEQ's oversight, enforcement and administration of the Oregon E-Cycles Program, an electronics producer responsibility program. Producer responsibility programs ensure that manufacturers play a role in the handling of materials and products after use.

The fees proposed by DEQ would likely have an impact on the electronics producer responsibility organizations and ultimately, manufacturers of covered electronic devices participating in the program, because manufacturers are responsible for funding the program.

As required by statute, DEQ has proposed rules to establish product categories. Beginning in 2026, Oregon E-Cycles will collect several additional types of covered electronic devices. Collection sites will sort collected devices into the product categories, which will also be used by DEQ to calculate manufacturers' market share of covered electronic devices. These proposed rules may have an impact on collection sites and electronics producer responsibility organizations, which compensate collection sites for the sites' collection costs. DEQ received input from the rulemaking advisory committee that setting too many categories may increase the costs of the electronics producer responsibility program. The existing Oregon E-Cycles program requires sorting into five categories and DEQ proposes to keep five product categories for the modernized E-Cycles program.

Proposed rules related to fair financial compensation may have a potential impact on electronics producer responsibility organizations, who will ultimately charge the manufacturer for these costs.

Proposed rules related to environmentally sound management practices and collection site standards may have a fiscal impact to collectors, processors, and electronics producer responsibility organizations. The proposed rules allow DEQ to approve alternative environmentally sound management practices from those required by rule if the electronics producer responsibility organization demonstrates to DEQ's satisfaction that the alternative environmentally sound management practices are substantially equivalent to the required practices in ensuring protection of, and compliance with all laws applicable to, human health and safety, the environment, and data privacy. The use of alternative environmentally sound management practices may help reduce the fiscal impact.

Statement of cost of compliance

State agencies

DEQ does not anticipate that other state agencies will incur costs in order to comply with the proposed rules.

Local governments

Local governments may experience some of the impacts described above if they are participating in the program as a collection site. However, statute requires an electronics producer responsibility organization to provide fair financial compensation to collection sites, which would include collection sites operated by local governments; this may reduce the impact. Further, participation as a collection site is voluntary. Local governments may become a collection site to provide a service to their residents and to decrease costs associated with illegal dumping of covered devices, which are accepted through the program at no cost.

Representatives of local governments were part of the rulemaking advisory committee to share input on proposed rules.

Public

The public will likely see positive impact from the modernized program, which will accept more covered electronic devices for reuse and recycling, and from proposed rules that clarify the requirements of such programs. There may be an impact to a consumer if a manufacturer chooses to pass the cost of the program along to Oregon consumers by way of increasing the price of their products. However, DEQ notes that Oregon E-Cycles has been operating for over ten years, and several states have manufacturer-funded electronics recycling programs similar to Oregon E-Cycles. A manufacturer may have to consider that other manufacturers may not increase the price of their products to pass the cost of the program along to Oregon consumers.

A member of the public was part of the rulemaking advisory committee to share input on proposed rules.

Large businesses - businesses with more than 50 employees

Large businesses that are manufacturers of covered electronic devices may likely see impacts based on most of the proposed rules. The statute requires manufacturers of covered electronic devices to fund the electronics producer responsibility program they choose to participate in. The impacts of proposed rules are discussed above. Manufacturers will share program costs and impacts of proposed rules with other participating manufacturers. If there are multiple

electronics producer responsibility organizations with plans approved by DEQ for implementation, manufacturers may select between multiple electronics producer responsibility organizations.

A representative of manufacturers was part of the rulemaking advisory committee to share input on proposed rules.

Large businesses that choose to operate as a transporter or processor for an electronics producer responsibility program may be impacted by proposed rules on environmentally sound management practices, which in part, ensure that devices and materials are handled and processed in a responsible manner. Statute requires manufacturers to pay for the costs of an electronics producer responsibility program, which may reduce the impact on transporters and processors.

A representative of a business that processes electronics was part of the rulemaking advisory committee to share input on proposed rules.

Large businesses that choose to participate as collection sites may experience impacts from proposed rules relating to collection site standards, product categories, and environmentally sound management practices. Statute requires manufacturers to pay for the costs of an electronics producer responsibility program and for an electronics producer responsibility organization to provide fair financial compensation to collection sites calculated to cover costs associated with collecting and managing covered electronic devices.

Several representatives of collection sites, from the public, private and non-profit sectors, were part of the rulemaking advisory committee to share input on proposed rules.

Large businesses that choose to operate as an electronics producer responsibility organization may likely experience impacts from these rules, such as administrative costs to ensure compliance. Electronics producer responsibility organizations are funded by their participating manufacturers. Multiple prospective producer responsibility organizations were part of the rulemaking advisory committee to share input on proposed rules.

There may be additional businesses affected by the proposed rules which DEQ is not aware of at this time.

Small businesses – businesses with 50 or fewer employees

Small businesses that operate in the roles described above for large businesses would likely experience the same impacts as large businesses from these proposed rules.

ORS 183.336 - Cost of compliance for small businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ estimates a small number of small businesses will be subject to the proposed rules. In terms of manufacturers of covered electronic devices, statute exempts a manufacturer from participating in an electronics producer responsibility program if the manufacturer provides proof that the manufacturer sold fewer than 50 covered electronic devices in Oregon during the previous year. Some collection sites may be small businesses, but statute requires they receive fair financial compensation for their voluntary participation in the program.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rules will require electronics producer responsibility organizations to conduct reporting and tracking of materials with documentation. This cost will apply to all electronics producer responsibility organizations whether they are a large or small business; however, the manufacturers participating in the electronics producer responsibility organization's program will cover these costs. Small businesses that choose to participate as collection sites may have reporting, recordkeeping and other administrative activities to comply with the electronics producer responsibility organization's requirements for participation. Statute requires electronics producer responsibility organizations to provide fair financial compensation to a collection site to cover costs associated with participating in the program.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

As mentioned above, the statute and proposed rules will require electronics producer responsibility organizations to provide program supplies to collection sites. Additionally, collection sites will likely need staffing, again with fair financial compensation provided. These costs of compensating sites would apply to all electronics producer responsibility organizations whether they are a large or small business; however, the manufacturers participating in the electronics producer responsibility organization's program will cover these costs.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ appointed prospective producer responsibility organizations and a representative of the manufacturer sector as members on the rulemaking advisory committee. These and other committee members advised DEQ on the cost of compliance for these entities, including small businesses. As stated above,

electronics producer responsibility programs such as this ensure that manufacturers have a role in the collection and disposal of their products, including financial responsibility.

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement, and the committee's input is included in the meeting summary dated July 10, 2024, available on DEQ's E-Cycles rulemaking web page.

The committee did not identify significant impacts beyond DEQ's draft recommendations. One committee member concurred with the draft statement and noted that electronics producer responsibility programs are funded by manufacturers and hoped for a reasonable and collaborative effort through the rulemaking process. A committee member suggested that DEQ consider whether lowering the proposed one-time plan review fee is possible for small recyclers interested in being an electronics producer responsibility organization. Upon review, DEQ determined that the plan review fee is reasonably calculated to cover DEQ's costs for plan review. For comparison, DEQ charges the same plan review fee for electronics producer responsibility organizations submitting plans under the Drug Take-Back Program, an extended producer responsibility program for unwanted household medicines. Additionally, as mentioned in the fiscal impact statement above, electronics producer responsibility organizations are funded by their participating manufacturers.

The statute also allows electronics producer responsibility organizations to share sites; a small electronics producer responsibility organization may potentially share sites (and costs) with other electronics producer responsibility organizations. A prospective producer responsibility organization that is unable to find enough manufacturers to fund its proposed program may choose not to operate an electronics producer responsibility program and thereby would not have to pay the plan review or the annual fees. On review, DEQ determined that the fiscal impact statement above addresses potential impacts on small recyclers interested in becoming electronics producer responsibility organizations. The committee did not conclude that the proposed rules would have a significant adverse impact on small businesses in Oregon.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would not have an effect on the development costs because the proposed rules relate to the implementation of the legislatively-approved electronics producer responsibility program for electronic devices. These proposed rules are intended to give clarification to implementation and other requirements for such programs.

Racial equity

ORS 183.335(2)(b)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state.

The proposed rules for the Oregon E-Cycles Program would provide DEQ with the tools needed to administer and oversee the electronics program. These rules will assist DEQ in carrying out its required responsibilities, including reviewing an electronics producer responsibility organization's plan and ensuring it implements a program equitably for all residents in Oregon. Equity, environmental justice and historically underserved communities are all components that an electronics producer responsibility organization will need to provide service for as part of its program plan.

The E-Cycles program is intended to move devices and materials through a responsible system at their end of life and ensure that all residents throughout the state have access to the program. Overall, the program and its proposed rules would likely have an overall benefit to community members.

There may be impacts that may have occurred as a result of the statute. At this time, DEQ has not identified any specific actions or outcomes from these proposed rules that would substantially burden any person or community based on the racial demographics of that person or community.

Environmental justice considerations

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

DEQ considered the potential effects of this rulemaking and took the following steps. Public meetings were held in a virtual setting so that members of the public from across the state could attend and give input. Further, DEQ appointed members to the rulemaking advisory committee who might have insight from an environmental justice perspective, including those from the community at-large and community-based organizations, in both rural and urban areas of the state. DEQ made efforts to hold the public hearing at a time that is convenient to parties affected by the draft rules.

Overall, these draft rules ensure that both rural and urban communities have sufficient access to drop off locations by requiring they are both conveniently located and open to the public at an acceptable frequency. They maintain or increase the standards of environmentally sound management practices from collection through processing of covered devices. The proposed rule to set fees ensures that DEQ will be able to provide thorough administration and enforcement of the statute and these rules. The law requires that covered devices be collected from the public with no cost to the consumer at drop-off.

Other draft rules relate to the logistics of the program, such as calculating market share and reconciling financial obligations which typically will not have an impact on environmental justice. There may be impacts that may have occurred as a result of the statute. As program plans are approved and the modernized program begins, DEQ will use its oversight authority to identify any potential changes or effects of these rules.

Federal relationship

ORS 183.332, ORS 468A.327 and OAR 340-011-0029 require EQC attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

At this time, the proposed rules do not have any corresponding equivalent federal requirements.

Land use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

DEQ shared information about this rulemaking with the EQC through an informational item at the Nov. 22, 2024 EQC meeting.

Advisory committee

Background

DEQ convened an advisory committee for the E-Cycles rulemaking. The committee met three times and included representatives of electronics manufacturers, the environmental perspective, prospective producer responsibility organizations, the public and operators of collection sites from the private, public and non-profit sectors. Documents pertaining to this rulemaking can be found on the [E-Cycles rulemaking web page](#).

The committee members were:

E-Cycles Rulemaking Advisory Committee	
Name	Representing
Jim Puckett	Basel Action Network
Walter Alcorn	Consumer Technology Association
Zack Dahl	Dahl Disposal Service
Tim Brownell	Deschutes County
Don Hennen	Dynamic Lifecycle Innovations
Tricia Conroy	Electronic Manufacturers Recycling Management Company, LLC
Durran Champie	Free Geek
Sabrina Gogol	Metro
Andrew Keough	Member of the public
Naomi Manahan	Reverse Logistics Group
Denise Barnes	Rogue Disposal & Recycling
Daven Stetson	St Vincent de Paul of Lane County
Ray Zielke	Universal Recycling Technology

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Oregon E-Cycles
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee reviewed materials and gave feedback on the draft rule concepts.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Aug. 29, 2024, filing notice with the Oregon Secretary of State for publication in the Sept. 2024 Oregon Bulletin;
- Posting the Notice, including Invitation to Comment and Draft Rules on the [E-Cycles rulemaking web page](#);
- Emailing approximately 23,497 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Oregon E-Cycles
 - DEQ Public Notices
- Emailing the following key legislators required under [ORS 183.335](#):
 - Representative Pam Marsh, Chair, House Committee on Climate, Energy, and Environment
 - Representative Bobby Levy, Vice-Chair, House Committee on Climate, Energy, and Environment
 - Representative Emerson Levy, Vice-Chair, House Committee on Climate, Energy, and Environment
 - Representative Tom Andersen, Member, House Committee on Climate, Energy, and Environment
 - Representative Mark Gamba, Member, House Committee on Climate, Energy, and Environment
 - Representative Ken Helm, Member, House Committee on Climate, Energy, and Environment
 - Representative Virgle Osborne, Member, House Committee on Climate, Energy, and Environment
 - Representative Mark Owens, Member, House Committee on Climate, Energy, and Environment
 - Representative Khanh Pham, Member, House Committee on Climate, Energy, and Environment
 - Representative Kim Wallan, Member, House Committee on Climate, Energy, and Environment
 - Senator Janeen Sollman, Chair, Senate Committee on Energy and Environment
 - Senator Lynn Findley, Vice-Chair, Senate Committee on Energy and Environment
 - Senator Jeff Golden, Member, Senate Committee on Energy and Environment
 - Senator Cedric Hayden, Member, Senate Committee on Energy and Environment
 - Senator Kate Lieber, Member, Senate Committee on Energy and Environment

- Emailing advisory committee members,
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public Hearing

DEQ held one public hearing and received one verbal comment at the hearing. Later sections of this document include a summary of all the verbal and written comments received during the open public comment period, with DEQ’s responses and a list of the commenters. Original comments are on file with DEQ.

Presiding Officers’ Record

Hearing 1

Date	Tuesday, Sept. 17, 2024
Place	Zoom virtual meeting platform
Start Time	10 a.m.
End Time	10:53 a.m.
Presiding Officer	Stephanie Caldera

Presiding Officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

Twenty people attended the hearing via Zoom. One person commented orally, and no one submitted written comments at the hearing.

Summary of public comments and DEQ responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from Aug. 29, 2024, until 5 p.m. on Sept. 30, 2024.

For public comments received by the close of the public comment period, the following table organizes comments into eleven rule topics with cross references to the commenter number. DEQ’s response follows the summary. Original comments are on file with DEQ.

DEQ changed some proposed rules in response to comments described in the response sections below.

Comments received by close of public comment period

List of comments				
Category #	Comment summaries	Were proposed rules revised based on this comment?	DEQ response	Commenter numbers
Comments on proposed rule 340-012-0099: Classification of violations for producer responsibility program requirements				
1	<p>Ensure DEQ has adequate mechanisms to support compliance by covered manufacturers and electronics producer responsibility organizations. At a minimum, the following proposed Class II violations should be Class I violations:</p> <p>(a) Failing to submit a plan, study, notification, report, or other required information to DEQ,</p>	No	<p>Retaining the proposed classifications better aligns with the classification of violations in other programs. DEQ notes that proposed revisions to OAR 340-012-0140 would place electronics producer responsibility organizations and manufacturers that violate ORS 459A.305 to 459A.355 or related rules in the highest penalty matrix.</p>	4

List of comments				
Category #	Comment summaries	Were proposed rules revised based on this comment?	DEQ response	Commenter numbers
	<p>unless otherwise specified;</p> <p>(b) Failing to implement one or more elements of a producer responsibility program plan;</p> <p>(c) For a coordinating body, failing to coordinate between electronics producer responsibility organizations;</p>			
Comments on proposed rule 340-098-0010: Definitions				
2	<p>“Computer monitor” should not include interactive whiteboards or panels. These devices are primarily found in educational settings such as schools and universities, which are not covered entities.</p>	Yes	DEQ removed interactive whiteboards and panels as examples of computer monitors.	9
3	<p>“Peripherals” should not include augmented reality or virtual reality headsets. These are often standalone devices that do not operate as a peripheral to a covered electronic device. AV/VR headsets should be added by legislative act.</p>	Yes	DEQ removed augmented reality or virtual reality headsets as examples of peripherals.	8

Comments on proposed rule 340-098-0230: Market share notifications beginning 2026

4	Will manufacturers of the newly covered devices be required to register by 12/31/24 for the assignment of the 2026 market share? If not, when will they register?	No	Manufacturers under the modernized E-Cycles have until the end of one year to register for the upcoming year. See HB 3220, Section 3. Manufacturers would thus have until December 31, 2025, to register with DEQ for the 2026 program year.	7
5	A prospective PRO seeking to operate in 2026 must submit a plan by July 1, 2025. It is also our understanding that a plan will not be approved if the plan does not have at least 10% market share. We suggest DEQ refund a plan review fee to an electronics producer responsibility organization if an electronics producer responsibility organization does not meet the 10% market share. Alternatively, we suggest the fee not be required with plan submission until after market share determination, and only be paid if market share determination meets the 10% threshold.	No	<p>DEQ's understanding is that the threshold for an electronics producer responsibility organization is 5% of manufacturer obligations, which are calculated after market share determinations.</p> <p>Having a plan review fee refundable or not payable may disincentivize prospective electronics producer responsibility organizations from taking steps to ensure it secures enough manufacturers to meet the 5% threshold. DEQ may also be at risk of reviewing unsuccessful plans year after year without DEQ's costs covered.</p>	2
6	DEQ should make preliminary market share determinations by March 31 of each year for the next year. For example, DEQ should make preliminary market share determinations for 2026 by March 31, 2025.	Yes	<p>DEQ intends to make market share determinations for a program year during the program year. This is because market share calculation is based on manufacturer registration information; manufacturers have until the end of one year to register for the upcoming year.</p> <p>Program plans for 2026 are due July 1, 2025. DEQ understands this means an electronics producer responsibility organization</p>	7, 8, 9

			<p>may submit a program plan without being certain that it meets the 5% manufacturer-obligation threshold.</p> <p>DEQ has revised the proposed OAR 340-098-0240 to address this issue. OAR 340-098-0240(4) now clarifies that DEQ may reject a program plan if a prospective electronics producer responsibility organization did not represent at least 5% of all manufacturer obligations in a previous year and cannot demonstrate to DEQ's satisfaction that it can represent at least 5% of manufacturer obligations for the upcoming year.</p>	
--	--	--	--	--

Comments on proposed rule 340-098-0235: Electronics producer responsibility organization fees

7	The plan review fee is too high and discriminates against smaller electronics producer responsibility organizations. The \$75,000 plan review fee should be reduced to \$25,000.	No	The new law requires the Environmental Quality Commission to establish a one-time plan review fee reasonably calculated to cover DEQ's costs to review an initial program plan. \$25,000 will not be sufficient to cover DEQ's costs to review an initial plan.	8
8	Will an electronics producer responsibility organization be refunded a portion of the fee if not approved?	No	Refunding a portion of the plan review fee would not be consistent with how DEQ administrative fees are typically implemented. The plan review fee is a one-time fee. This means a prospective electronics producer responsibility organization whose plan is not approved in one year could resubmit a plan in a	7

			subsequent year without paying the fee again.	
9	The annual fee should be assessed only after DEQ has approved all plans for the program year, so this fee should be due December 30 of each year for the subsequent program year instead of June 1 (which is even before program plans are due on July 1).	No	Under the proposed rule, annual fees are due in the program year. The first annual fee, for 2026, is not due until June 1, 2026.	8
10	The electronics producer responsibility organization fees should be sufficient to cover the completion of no less than two fair compensation studies in the first five years of program implementation.	No	As discussed in Category 41, DEQ revised OAR 340-098-0250 (Fair Financial Compensation) to clarify that DEQ may conduct a compensation study in 2028 and periodically thereafter. DEQ will evaluate the results of a first study before determining the frequency of future studies.	4
11	The rule proposes that the annual fee be divided equally among electronics producer responsibility organizations. Comments suggested different ways to divide the annual fee, such as based on an electronics producer responsibility organization's "size" (apportioned by the coordinating body) or the market share of manufacturers participating in each electronics producer responsibility organization.	No	Dividing the annual fee equally is easier and less costly to administer. If the fee is divided on a prorated basis based on market share, complications may arise if there are late manufacturer registrants or if manufacturer data is later found to be incorrect.	7, 8
Comments on proposed rule 340-098-0240: Program plans				
12	Comment seeks clarity on how and what entity would provide oversight of plan implementation and whether plan is subject to public review or DEQ review.	No	DEQ provides oversight of plan implementation and must make program plans available to the public. See HB 3220, Section 14.	3

13	<p>The proposed rule allows DEQ to require a letter of intent from a prospective electronics producer responsibility organization.</p> <p>Comments suggested that the rule specify when a letter of intent must be submitted; what DEQ may require in a letter (such as the designated coordinating body if multiple program plans are approved); and that DEQ will post such letters on DEQ's website.</p> <p>DEQ also received a comment asking how DEQ will communicate to prospective electronics producer responsibility organizations if a letter of intent is required.</p>	No	<p>To allow for administrative flexibility, DEQ did not revise proposed rules to include the suggested additional requirements. DEQ plans to communicate any requirement regarding a letter of intent through GovDelivery and DEQ's website. DEQ will consider whether to post letters of intent during implementation.</p>	2, 8, 9
14	<p>Strengthen the language in subsection (3) to ensure that all prospective electronics producer responsibility organizations will be required to provide robust information on how they will meet the full statutory requirements.</p>	Yes	<p>The proposed rule now states that an electronics producer responsibility organization must provide in its electronics producer responsibility program plan information requested by DEQ on how the electronics producer responsibility organization will implement an electronics producer responsibility program that complies with ORS 459A.305 to 459A.355.</p>	9
15	<p>Remove ability for DEQ to require a program plan to include a contact for the electronics producer responsibility organization who is located in Oregon.</p>	Yes	<p>DEQ removed the language regarding an Oregon-based contact. The proposed rule now states DEQ may require a plan to include a single point of contact for the electronics producer responsibility organization for Oregon.</p>	6, 8

16	Have DEQ hire an independent third party to establish rates and rules around compensation.	No	The statute does not direct DEQ to set collection site compensation rates.	2
17	OAR 340-098-0240(3)(c)(A) and (B) should reference OAR 340-098-0250, in particular, how fair financial compensation will be defined and what are appropriate comparisons of compensation rates.	Yes	DEQ revised OAR 340-098-0240(3)(c) to include a cross-reference to OAR 340-098-0250.	3
18	OAR 340-098-0240(3)(c)(C) references possible incentives an electronics producer responsibility organization may offer collection sites to improve program efficiency. Comments suggested revising the rule to ensure an electronics producer responsibility organization does not penalize a collection site when the collection site has met statutory requirements for collection and sorting.	Yes	DEQ revised OAR 340-098-0240(3)(c)(C) to clarify that compensation should cover costs for conducting sorting according to the product categories set forth in OAR 340-098-0265 and to provide for environmentally sound management practices.	3, 4
19	Require a plan to include a proposed methodology for measuring public awareness in a statistically significant way for lower income, minority, rural and other historically underserved communities, pursuant to ORS 459A.327(d).	Yes	The proposed OAR 340-098-0240(3)(d) now references statistically significant surveys conducted with methodology that accounts for underserved communities.	4
20	Allow DEQ to require a program plan to describe how the electronics producer responsibility organization will calculate a reasonable estimate of lower income, minority, rural and other historically underserved	No	DEQ will look to electronics producer responsibility organizations in their program plans to propose ways to demonstrate and measure how their collection network will provide convenient and equitable service.	4

	communities served by the collection network.			
21	Allow DEQ to require a program plan to describe the technical assistance an electronics producer responsibility organization will provide to facilities. Require a program plan to include actions the electronics producer responsibility organization will take to provide technical assistance for new collection sites, especially within first six months of the modernized program.	Yes	The proposed OAR 340-098-0240(3)(j) now addresses technical assistance.	4
22	Require an electronics producer responsibility organization to outline how it will track safety or security problems and plan for prevention and compensation for those problems, especially from fires.	Yes	DEQ addresses the tracking of safety and security problems through revisions to the proposed OAR 340-098-0245(2)(f). OAR 340-098-0245(2)(f) now clarifies that an electronics producer responsibility organization must have processes to track and address safety or security incidents involving or likely to affect a service provider or downstream vendor's management of covered electronic device materials.	4
23	Does each PRO need to submit a complete list of sites? Or can the list be partial if shared sites will be utilized?	No	A program plan must demonstrate how the electronics producer responsibility organization will provide convenient and equitable service, including the use of shared sites, if applicable. If an electronics producer responsibility organization cannot provide a complete list of collection sites, the plan should describe how the electronics producer responsibility organization will provide	7

			convenient and equitable service upon the launch of the modernized program.	
24	Allow DEQ to require a plan to identify which collection sites will be shared with another electronics producer responsibility organization and also which electronics producer responsibility organization will be primarily responsible for servicing and arranging for collector compensation.	Yes	DEQ incorporated this suggestion in the proposed OAR 340-098-0240(3)(g).	8
25	Require an electronics producer responsibility organization, in both its plan and its contracts with collection sites, to agree to provide 90 days' notice to the public, as well as to all other collection sites, if there are proposed changes to collection sites, such as reduced hours of operation or closure.	No	Prior notice on site closures is addressed in statute. Per ORS 459A.320(4)(i), an electronics producer responsibility organization will be required under the modernized system to provide 90 days' notice to covered entities and all other collection sites in the same waste shed before removing a collection site from its program. See HB 3220, Section 14. DEQ will look to a program plan to see how an electronics producer responsibility organization proposes to keep the public and other collection sites informed about reduced hours or site closures.	3
26	Require an electronics producer responsibility organization, in both its plan and its contracts with collection sites, to be financially responsible for fire prevention related to battery-containing devices, as well as for damages cause by fires from the collection of those covered materials.	No	DEQ declines to adopt this suggestion without a better understanding of the potential economic impact it may have.	3

Comments on proposed rule 340-098-0245: Environmentally sound management practices

27	Allow variances from the requirement under OAR 340-098-0245(1)(c) that covered electronic devices must be sent from a collection site to a processor, refurbisher, or for reuse within six months.	No	The rule as proposed allows DEQ to approve alternatives to the environmentally sound management practice requirements set forth in subsections (1) and (2). This includes approving an alternative to the six-month requirement.	7, 9
28	The rules fail to ensure that collected devices will be properly managed by a responsible end market processor and in compliance with laws around the world. This must be remedied by doing what was done for the Recycling Modernization Act, which includes rules under OAR 340-090-0670 that delineate responsible end markets, including assurances of environmentally sound management, transparency and legality.	No	The statute requires environmentally sound management practices, but not does not require delineating responsible end markets for covered electronic device materials. The proposed rules ensure covered electronic device materials are properly managed by including requirements for recordkeeping; working with service providers and downstream vendors that are willing to provide the electronics producer responsibility organization with information on end markets and that maintain documentation of legal compliance; and specific monitoring practices.	5
29	The proposed rule that requires compliance with all laws, treaties, and regulations applicable to the service provider or downstream vendor handling covered electronic device materials. If this rule is to apply to treaties that the United States has not ratified, we kindly suggest that DEQ conduct a legal analysis and advise as to	Yes	DEQ has revised the proposed rule language to make the intent clearer. The intent is not to provide DEQ with authority to enforce treaties, but to clarify ORS 459A.305(8), which defines environmentally sound management practices as “practices that comply with all applicable laws”. It would be inconsistent with environmentally sound	2

	whether Oregon has constitutional authority to require compliance with treaties that the United States has not ratified.		management practices for an electronics producer responsibility organization to work with service providers or downstream vendors where the service provider or downstream vendor's management of covered electronic device materials would violate a law, including possibly a treaty, applicable to the service provider or downstream vendor.	
30	Many downstream vendors consider their end markets for commodity-ready feedstock confidential. We suggest simply requiring language as to what kind of end market (and to which country) the commodity feedstock will end up at and what is done with it, without having to list the actual end buyer information.	No	<p>The suggested change may result in feedstock being sent to end markets not operating in compliance with the laws of their countries or jurisdictions. DEQ can protect confidential information to the extent permitted by law.</p> <p>The proposed rules do allow DEQ to approve alternatives from the environmentally sound management practices prescribed in rule. DEQ is open to considering more information related to end market reporting as proposed in program plans.</p>	2
31	<p>The rule requires an electronics producer responsibility organization to annually conduct in-person site visits of at least one-third of collectors in the electronics producer responsibility organization's collection network.</p> <p>If these inspections are through a coordinating body, does the one-third requirement apply to the collection network as a whole, or to each individual</p>	Yes	<p>The proposed rule does not address inspections by a coordinating body. DEQ may consider inspections by a coordinating body as an alternative to the environmentally sound management practices prescribed in OAR 340-098-0250(1) and (2).</p> <p>DEQ revised the proposed rule to clarify that an electronics producer responsibility organization must annually inspect at</p>	7

	electronics producer responsibility organization?		least one-third of collectors in the electronics producer responsibility organization's collection network, including shared sites where the electronics producer responsibility organization is the primary electronics producer responsibility organization.	
32	<p>The rule requires an electronics producer responsibility organization to deploy tracking devices as part of environmentally sound management practices.</p> <p>Can tracking devices be deployed through a certification body program, such as R2 or e-Stewards, or through a coordinating body?</p>	No	The proposed rules would allow DEQ to approve alternatives to the environmentally sound management practices prescribed in OAR 340-098-0250(1) and (2). DEQ is open to considering deployment through a certification body program or a coordinating body as an alternative practice.	7
33	We support the potential use of trackers by DEQ to track the fate of covered electronic device material. We would request that DEQ present to the recycler stakeholders details on the types of tracking devices for feedback. Intent is to ensure the trackers will not end up causing fires in a recycler facility for covered electronic device materials.	No	DEQ will consider this suggestion during the implementation phase of the modernized E-Cycles program.	2
34	The rule should clarify what is sufficient for an electronics producer responsibility organization in terms of annually deploying tracking devices to verify chain of custody and the fate of covered electronic device materials.	No	DEQ will look to an electronics producer responsibility organization to specify in its plan what is a sufficient and robust level of tracking device deployment, instead of setting such a level through rule.	4

35	The proposed rule should require an electronics producer responsibility organization to maintain liability insurance and financial assurances sufficient to assume liability for activities related to the handling of covered electronic devices at collection sites. This should include supplemental liability insurance and financial assurances to cover damage from an electronics-based fire at a collection site.	No	DEQ declines to adopt this suggestion without a better understanding of the level of liability insurance and financial assurance that would be required and the potential economic impact. DEQ will look to an electronics producer responsibility organization to specify in its plan the level of liability and financial assurance it will maintain to ensure environmentally sound management practices.	4
Comments on proposed rule 340-098-0250: Fair financial compensation				
36	Revise subsection (1) as follows: (1) In offering compensation to collection sites, an electronics producer responsibility organization may shall review the costs of collecting, storing, managing and transporting covered electronic devices across a range of Oregon collection sites or may use reasonable estimates of costs of collecting, storing, managing and transporting covered electronic devices.	Yes	DEQ incorporated this suggestion, within the scope of information available to the electronics producer responsibility organization.	3
37	Revise OAR 340-098-0250(2) to protect confidential business information. This includes limiting information that an electronics producer responsibility organization	No	The proposed rule language provides better clarity on what information must be provided. DEQ can protect confidential business information to the extent allowed by law.	9

	must provide DEQ regarding collection site compensation to “relevant” information requested by DEQ.			
38	<p>Comments suggested different methods for establishing fair financial compensation, such as:</p> <ul style="list-style-type: none"> • allowing a coordinating body to establish fair financial compensation; • hiring a third party to establish compensation rates and assign collection sites to electronics producer responsibility organizations; and • setting clear fair compensation standards so each site is guaranteed a floor for compensation, with consistent, predictable payments. 	No	DEQ will look to the program plan as an opportunity for an electronics producer responsibility organization to demonstrate how it will meet the statutory requirement to provide fair financial compensation to collection sites. The proposed rules also allow DEQ, after the modernized program is launched, to conduct a study on collection site compensation that evaluates alternative forms of compensation from compensation on a price-per-pound basis.	2, 4, 6
39	Remove option for DEQ to approve an electronics producer responsibility organization to conduct a study on fair financial compensation with methodology acceptable to DEQ.	Yes	DEQ updated the proposed rule to remove this option and clarify the general intent of the compensation study.	3, 4
40	Require an electronics producer responsibility organization’s annual report to include completed compensation studies and demonstrated implementation of study recommendations.	Yes	DEQ revised proposed rules on program plan content (OAR 340-098-0240) and annual report content (OAR 340-098-0255) to reference the compensation study.	3
41	Comments included suggestions of when and at what frequency DEQ must conduct a study on collection site compensation, including to allow a collection site to	Yes	The proposed rule now states that DEQ may conduct a study in 2028 and periodically thereafter. This will clarify the timing of the first study, while allowing	3, 4

	contract for or initiate a study.		flexibility in determining the frequency of future studies.	
42	Require DEQ to invite collection sites to participate in creating study parameters or to inform the development of DEQ's study methodology.	No	DEQ will consider the suggestion to invite collection site input on the study after the modernized program has launched.	3, 4
43	Require each compensation study to evaluate all the topics listed under subsection (3).	No	The proposed rules allow for flexibility in the design of compensation studies to address future concerns or needs related to compensation.	3
44	Include, as a topic that a compensation study may evaluate, innovative ways to manage program costs across these functions including through integration with operations beyond covered electronic devices and covered electronic device collection including services for non-covered entity products.	Yes	DEQ updated the proposed rule language so that a study can include an evaluation of ways to manage collection costs.	8
45	Include that a compensation study may evaluate, packaging efficiency, including percentage of successful separation into respective categories, average weight of covered devices per pallet/gaylord after being separated into product categories, average weight of covered devices loaded per truck shipment (including size of the truck), presence and proportion of any of non-covered electronic devices such as microwaves or other high cost/low value items, and how safely covered devices are packaged for shipment.	No	DEQ did not revise the proposed rule to address packaging efficiency. However, DEQ updated the proposed rule language based on a previous comment so that a study can include an evaluation of ways to manage collection costs.	8

Comments on proposed rule 340-098-0255: Annual reports				
46	Require annual reports to include the total number of sites the electronics producer responsibility organization provided technical assistance to.	Yes	DEQ addressed this comment in revising OAR 340-098-0255(2)(b).	4
47	Require annual reports to include the results of tracking devices deployed by the electronics producer responsibility organization and DEQ. Identify the collection sites that had material tracked to a destination that did not meet applicable environmentally sound management practices. Provide a reasonable estimate of the total tons the collection site sent through the same pathway as the tracked material that did not meet all applicable environmentally sound management practices.	No	DEQ will work with an electronics producer responsibility organization to determine the best method for sharing the results of tracking devices.	4
Comments on proposed rule 340-098-0260: Coordinating body				
48	What is the timeline for DEQ to require a notice of intent from a coordinating body?	No	DEQ did not revise proposed rules to specify a timeline for a letter of intent. If DEQ required a letter of intent from a prospective coordinating body, it would likely be before program plans are due. DEQ plans to communicate any requirement regarding a letter of intent through GovDelivery and DEQ's website.	7
49	Comments asked whether DEQ may, or suggested that DEQ be allowed to, approve the coordinating body before the electronics producer	No	Statute allows DEQ to designate a coordinating body if DEQ has approved plans by multiple electronics producer responsibility	7, 8

	responsibility organizations submit their program plans.		organizations and a coordinating body cannot be designated by these electronics' producer responsibility organizations. See HB 3220, Section 7. DEQ will follow this statutory timeline for coordinating body designation.	
50	Authorize a coordinating body function to ensure balance of manufacturer obligation and recycling amounts across multiple electronics producer responsibility organizations and reduce the potential for freeriding by plans that collect or recycle well under their manufacturer obligations.	Yes	HB 3220 requires a coordinating body to reconcile the financial obligations of electronics producer responsibility organizations based on the relative manufacturer obligations represented by each electronics producer responsibility organization. See 459A.323(3). DEQ has updated OAR 340-098-0260(3) to reiterate this requirement.	8
Comments on proposed rule 340-098-0265: Product categories				
51	Require recyclers to report the weight of televisions separately from the weight of monitors so that the market share for these devices can be calculated separately. Not all television manufacturers produce monitors and not all monitor manufacturers (most of whom are also computer manufacturers) produce televisions.	No	The product categories are to be used for both sorting at collection and calculating market share. Collectors expressed during the rulemaking process a preference to keep the number of product categories low to reduce the burden on sorting. The rule was not modified and will maintain the number of product categories at five based on this feedback.	2
General Comments				
52	"You're trying to make money off of people and rules in a failing economy. I am AWAKE to what's going on in Medford, OR. Most are not and that's the way you like it."	No	Oregon E-Cycles is a producer responsibility program that offers free recycling opportunities for covered electronic devices. The program is funded by the manufacturers of covered electronic devices.	1

The table below lists people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

List of Commenters			
#	Name	Organization	Hearing #
1	McBride (full name not given)	Public	written
2	Don Hennen	Dynamic Lifecycle Innovations	written
3	Kristan Mitchell	Oregon Refuse and Recycling Association (ORRA)	written
4	Sabrina Gogol and Warren Johnson	Metro	1, and written
5	Jim Puckett	Basel Action Network (BAN)	written
6	Andriana Kontovrakis	RLG	written
7	Jason Linnell	National Center for Electronics Recycling (NCER)	written
8	Walter Alcorn	Consumer Technology Association (CTA)	written
9	Ali Briggs-Ungerer	MRM	written

Implementation

Notification

The proposed rules would become effective upon filing, with effective and filing dates as indicated in the rule language. DEQ would notify affected parties by:

- GovDelivery email list for
 - Rulemaking
 - Oregon E-Cycles
- posting an announcement on DEQ's website.

DEQ will also be in regular contact with entities including prospective producer responsibility organizations, that will likely be subject to the administrative rules. DEQ will also provide information to entities such as manufacturers and existing collection sites who may be indirectly impacted by the rules.

Compliance and enforcement

If rules are adopted, DEQ staff will oversee compliance and enforcement of affected parties.

Measuring, sampling, monitoring and reporting

If rules are adopted, some affected parties will need to conduct measuring, monitoring and reporting for DEQ's review and approval.

Database, invoicing and website systems

If rules are adopted, DEQ staff will invoice applicable producer responsibility organizations for DEQ's administrative fees.

Training

At this time, DEQ staff have not identified any trainings that would be needed in order to implement the rules, if adopted.

Five-year review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts some of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).

Rules exempt from five-year review				
340-012-0045	340-012-0140	340-012-0155	340-098-0000	340-098-0010
340-098-0100	340-098-0150	340-098-0200		

Five-year rule review required

No later than Jan. 9, 2030, DEQ will review the newly adopted rules for which ORS 183.405 (1) requires review to determine whether:

- The rule has had the intended effect
- The anticipated fiscal impact of the rule was underestimated or overestimated
- Subsequent changes in the law require that the rule be repealed or amended
- There is continued need for the rule.

DEQ will use “available information” to comply with the review requirement allowed under ORS 183.405 (2).

DEQ will provide the five-year rule review report to the advisory committee to comply with ORS 183.405 (3).

Rules subject to five-year review				
340-012-0099	340-098-0230	340-098-0235	340-098-0240	340-098-0245
340-098-0250	340-098-0255	340-098-0260	340-098-0265	340-098-0270

Accessibility information

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

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

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](#).