



OREGON REFUSE & RECYCLING ASSOCIATION

January 18, 2023

To: Michael Lee, Oregon DEQ

From: Andrea Fogue, Governmental Affairs Director, ORRA

Re: ORRA E-Cycles Comments to DEQ on Proposed Legislative Concept 477

ORRA appreciated the small group conversation with DEQ and PSI on the proposed E-Cycles Program legislation and work that has gone into convening stakeholders on this critical issue. As we have stated in the 2022 Legislative Session and stakeholder conversations, our shared goal with the proposed legislation is to ensure a stable program that provides convenient, accessible collection of e-waste where these materials are safely handled and disposed of. An essential part of the solution is ensuring that collection sites are not dropped from the program without adequate consideration and notice to citizens who depend on this program.

ORRA offers the following comments and proposed changes for inclusion in the amendment to Legislative Concept 477. These are the areas we initially prioritized. We may have additional comments and suggestions based on the outcome of the amendment language and additional stakeholder conversations.

Landfill Ban Provision

ORRA does not support a landfill ban for newly added materials unless there is evidence of harm to the environment if the material is disposed of in a landfill.

Financial Compensation Provision (Section 3(4)(c))

ORRA proposes the following changes in bold text:

(c) Provide financial compensation to collection sites for their reasonable actual costs **including but not limited to transportation from a collection site to the processor, trained labor, equipment and supplies, appropriate signage, storage appropriate to protect human health and the environment and meet all local, state, and federal requirements, and any other reasonable costs to collect, store, manage and transport covered electronic devices** ~~to collect and manage covered electronic devices.~~

As discussed with DEQ, ORRA would expect additional details of what is covered within each category to be promulgated in administrative rules.

Opt-In Provision (Section 3(4)(d))

ORRA proposes the following changes in strike through and bold text:

(d) Enter into agreements with all willing ~~permitted transfer~~

~~stations, as defined in ORS 459.005,~~ **willing facilities covered under a DEQ Solid Waste Disposal Site Permit** to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

Permitted solid waste facilities meet all local, state, and federal regulations and provide the most convenient and cost-effective locations for the Oregon E-Cycles Program. While transfer stations are essential collection points, there are other permitted solid waste facilities such as landfills and material recovery facilities that have depots that can enhance the accessibility and convenience of the program.

ORRA agrees with DEQ that permitted collection sites who voluntarily opt-into the program should be eligible to receive the same cost reimbursement as those the PROs seek out and contract with to provide collection services to meet their convenience standards requirements. We look forward to the follow-up from DEQ as to how this will be ensured with the proposed changes to the program.

Additional Notice Provision

To aid in ensuring a similar situation to December 2021 does not happen again where collection sites were dropped from the program without adequate notice, ORRA proposes including the language identified in Rule Concept: Convenience Standards, Collection Targets and Performance Standards for PRO Recycling Services (Dec. 28, 2022, pg. 9, Notification of changes and continuity of services, .9) in the amendment to LC 477 as a basis with the addition of the bold text:

A PRO choosing to discontinue service at a collection point must provide the collection point operator and DEQ with at least three months advance notice. The PRO must also provide concurrent notice to the users of the collection point by means of prominently placed signage at the site, and via whatever Internet-based content the PRO uses to promote the site to the public **and provide notice to all other collection sites within the wasteshed**. All required notices shall include the date at which service will be discontinued and the location of other nearby collection points or information about the alternative collection service that will substitute for it.

While we understand that with the proposed legislation permitted solid waste service providers that voluntarily opt-in to the Oregon E-Cycles Program could not be dropped by a PRO, closing other sites (e.g. Goodwill) could impact alternative collection sites.

ORRA and our members look forward to continued conversation on the proposed legislation and amendment that is being drafted. Please do not hesitate to let me know if questions or you would like to convene an additional conversation to discuss our comments and proposed changes.