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On House Bill 3251
House Committee on Energy and the Environment
May 14, 2015

Product Stewardship for Household Hazardous Wastes
Overview of HB 3251-1

This legislation would establish a product stewardship program for hazardous wastes from households throughout the state. Manufacturers selling designated products into the state would be responsible for providing stewardship programs for the collection and proper management of waste from those products.

While the state's paint stewardship program addresses a major part of the household hazardous waste stream, that program does not address the significant amounts of toxic, corrosive, flammable and chemically reactive products that are generated by households and need to be properly managed at their end of use. Such products, if disposed in the garbage or dumped in the environment, pose environmental and safety risks. If stored in basements and garages, they pose risks of child poisonings and accidents, fires and spills.

Increasing opportunities for the collection of Household Hazardous Wastes (HHW) is adopted state policy (ORS 459.411). In line with that policy, local governments and the DEQ have developed HHW programs with both permanent facilities and mobile collection events. While these programs work hard to provide services to their communities, their resources are limited and wastes are going uncollected. There are also parts of the state where there are little if any of these services available.

Key elements of this stewardship legislation include:

- Identifying the scope of covered products.
- Requiring manufacturers who sell a covered product into the state to ensure there is a program for their products' end-of-life collection and environmentally sound management.
- Flexibility for manufacturers to provide their own program or work in cooperation with other manufacturers to provide a program.
- Collection convenience and performance standards that programs have to achieve.
- Support for the utilization of existing HHW collection infrastructure
- DEQ review and approval of program plans.

Scope of products

The legislation proposes to cover those especially problematic HHW products that are most appropriately collected at DEQ approved facilities and collection events. Covered products will include:

- flammable products including solvents;
- home and garden products containing toxic pesticides; and
- highly corrosive or reactive products like oven cleaners and pool chemicals.

The legislation is not intended to cover a number of products commonly received at HHW facilities and events that could also be safely collected at retail locations. These include:

- household batteries;
- mercury thermostats and mercury containing lamps, including compact fluorescents (CFLs); and
- pharmaceuticals;

Some states and local governments are at work with stakeholders on legislation for these excluded product categories and they might be appropriate for our state in the future.

Program financing

The legislation proposes that stewardship programs would be financed utilizing a “cost internalization” approach as opposed to a state reviewed “assessment fee” as in the paint stewardship legislation. Under a cost internalization approach, each stewardship organization apportions the cost of the program across its member manufacturers. The manufacturers then internalize their cost for the program in the price of their products.

Program and performance requirements

Stewardship organizations must submit plans for approval that describe how they will provide environmentally sound collection and management of covered products. The programs would be need to be in place 18 months after the bill passed. Other important program requirements include:

- Providing convenient service in every county
- Collecting targeted amounts of covered products

Utilization of existing HHW infrastructure

The legislation recognizes the importance of established local government HHW collection services. Provisions to support that role include:

- Requiring the products covered under the legislation to be collected at DEQ approved facilities and collection events.
- HHW stewardship programs must coordinate with the paint stewardship program.

Role of retailers

- Retailers of covered products will provide information to consumers about the collection opportunities afforded to them by the stewardship programs.
- Retailers will not be required to take back the covered products.

Stakeholder dialogue

This legislative proposal is intended to initiate a stakeholder dialogue between Oregon residents, product manufacturers, the refuse and recycling industry, state and local governments, health and environmental organizations, and other concerned parties about the proposal. Key topics for discussion are expected to include:

Covered products – Are the proposed definitions sufficient to identify what products would and would not fall under the program? Are there products that should or should not be covered?

Covered entities – The proposal covers waste from households not from businesses. Should coverage be extended to cover some or all businesses that are not fully regulated hazardous waste generators?

Program performance – What is most appropriate for a convenience standard – number of collection sites, hours available, distance, or? Is the proposed method for setting targets appropriate? Are there alternative approaches?

Utilization of existing HHW infrastructure – How best can the program ensure the program will build on existing successes of local government and provide more services to underserved areas of the state?

“Upstream” improvements – Reducing the use of products that result in HHW is an important issue, what additional provisions might the legislation include to foster that?