

Oregon E-Cycles Program

Oregon E-Cycles Guide for Manufacturer Recycling Programs

Oregon's Electronics Recycling Law ORS 459A.300-.365

Updated January 2015

Manufacturers must provide a program for collection, transportation and recycling of covered electronic devices for covered entities free of charge.

Section 1: Manufacturer Recycling Program Options

Manufacturers may participate in one of the following three types of recycling programs:

- **State Contractor Program:** All manufacturers are participants in the state contractor program unless they choose to participate in and meet the qualifications for an individual or group manufacturer program.
- **Individual Manufacturer Program:** A manufacturer with a minimum of five percent return share may implement a program under a plan approved by Oregon DEQ. The plan must identify a representative for the recycling program.
- **Group Manufacturer Program:** A group of manufacturers may choose to implement a manufacturer program as one entity, if in doing so the manufacturers meet the sum of their individual return shares by weight under ORS 459A.340(3) and that sum is at least five percent. The group implements a program under a plan approved by Oregon DEQ.

Section 2: Date to Indicate Recycling Program Intention

At the time of registration, manufacturers must declare which recycling program they will participate in for the calendar year following the registration year. For example, a manufacturer that registers on Dec. 1, 2014 is registering for calendar year 2015, and providing its recycling program intention for calendar year 2016. A manufacturer may not change its recycling program selection after the December 31 close of a registration period.

Section 3: Recycling Program Set Up

Manufacturers choosing to implement an individual or group recycling program must submit a plan proposal to Oregon DEQ for approval by **July 1** of each year. Recycling programs must be fully operational on January 1 of the following calendar year. The State Contractor Program has contractual obligations and therefore does not submit an annual plan.

Section 4: What Must Be Included in the Plan

The following information is what the individual or group plan must include to describe how the program plan will provide statewide, environmentally sound collection, transportation and recycling of covered electronic devices for covered entities free of charge.



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*OREGON DEQ is a leader
in restoring, maintaining
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water.*

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Formatting the recycling program plan

Consider using the outline below. These components are explained in greater detail in this guide.

1. Financing
2. Management
3. Operations
 - i) Collection sites and services
 - ii) Reuse opportunities
 - iii) Transportation
 - iv) Recyclers
4. Environmentally sound management practices
5. Education and outreach
6. Coordination
7. Return share (RS) and return share by weight (RSW) obligations
8. Recordkeeping
9. Sampling
10. Implementation timeline
11. For group programs only
12. For individual and group manufacturer programs

Additional information

- Plan representatives may submit previously approved plans with changes shown in track changes or otherwise clearly noted. In addition, plan representatives must incorporate any changes required for plan approval into the original plan submittal in track changes or otherwise clearly noted.
- Please use the comprehensive Report Form with Annual Credits provided by Oregon DEQ to submit the program's statewide collection system, including permanent sites, locations that will provide reuse opportunities, collection events and other services. DEQ will use this reporting form throughout the program year for quarterly and annual collection and recycling data reporting.

Detailed plan information guide

A) The plan should ensure that:

1. The requirements for collection sites (collection system standards) are met or exceeded.
2. Collection from covered entities is free of charge, except for premium service (as described in the collection system standards).
3. All collection, transportation and recycling services will meet approved Oregon DEQ environmentally sound management practices.

B) The plan must address the following:

1. **Financing.** Provide sufficient information to show that either a legal obligation to pay has been established or that adequate budgeting and planning has been developed to provide for payment of collection, transportation and recycling services; provide for other program functions (for example, sampling, management, recordkeeping, promotion), and assess charges to manufacturers in a group program (if applicable).

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2. **Management.** Describe how the program's overall day-to-day management will be handled, including management of contracts, record keeping, reporting and compliance oversight of service providers. Identify key personnel responsible for running various aspects of the program and provide their contact information.
3. **Operation.** Describe the statewide network to collect covered electronic devices from covered entities in Oregon.
 - i) **Collection sites and services.**

Describe how the program will meet the requirements for a collection network in Oregon Revised Statute 459A.320 (2)(b) and (2)(c). Use the Report Form with Annual Credits provided by Oregon DEQ to submit the program's statewide collection system, including permanent sites, locations that will provide reuse opportunities, events and other services. Describe the following:

 - a. How new sites and services will be chosen for each area (for example, use of local infrastructure, businesses and services).
 - b. Location and contact information for each site by county/city.
 - c. Description and contact information for each service by county/city. Events can be listed in the quarter the event will be held without specific date, time or location. The plan should state that this information will be submitted to DEQ at least 30 days before the event.
 - d. Days and hours of operation for each site/service (for events, see "c" above).
 - e. Types of covered electronic devices collected at each site/service. Note: all sites are to collect all devices, but in few instances, if a site or service does not collect all CEDs, describe the need to limit collection.
 - f. Include a statement that the program will submit a plan amendment for Oregon DEQ approval before the program significantly reduces the size of its collection network during the year. Include specific threshold or other criteria for identifying significant changes (for example, number or percentage of reduction of sites or volume).
 - ii) **Reuse opportunities**
 - a. Describe how reuse will be addressed in promotion and outreach plans.
 - b. Describe any reuse opportunities that may be provided by the program, if applicable. Provide the name, contact info, physical location for each reuse operation used, and types of CEDs to be diverted for reuse at each facility.
 - c. Describe any reuse opportunities that may be planned for future years, if applicable.
 - iii) **Transportation**

Provide the name and contact information for the program's logistics manager, list of transporters to be used, counties and cities where each transporter provides service under the plan, and types of CEDs transported.
 - iv) **Recyclers**

Provide the name, contact info, physical location for each recycler used, term of contact (start/end dates), types of CEDs to be recycled at each facility, and a description of processes and methods that each recycler will use to recycle the CEDs. If consolidation points will be used, for each consolidation facility include the name, contact information, location, types of CEDs that will be receiving from each collection site served, and names of the recyclers from whom it will be receiving consolidated loads.

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4. **Environmentally sound management practices.**

Describe how the program will ensure the collectors, transporters and recyclers will meet Oregon E-Cycles Environmentally Sound Management Practices (EMPs) or similar standards.

- i) Specify whether the program will use Oregon E-Cycles' EMPs or other standards. If other standards will be used, please describe those standards and explain how they will be at least as protective as the EMPs.
- ii) Describe how the program will ensure that all service providers comply with approved environmental management practices. For each type of service provider, the plan should describe:
 - a. Sites that will be inspected or audited and frequency of the audits. Describe any strategies that will be used to identify sites and determine the frequency for inspections and audits (for example, random selection of x percent; complaint response, follow-up on discrepancies in reporting).
 - b. Practices that will be inspected or audited at each facility or type of facility.
 - c. How the inspections and audits will be conducted (for example, site visits, self-reporting) and who will conduct them.
 - d. Recycler compliance with approved environmental management standards or another standard that is equivalent or better.

5. **Education and outreach.** Describe how the program will advertise and promote collection for recycling and reuse opportunities statewide and on a regular basis. Include specifics for any toll-free numbers or websites or other planned methods that provide information about the manufacturer's program in sufficient detail to allow covered entities to learn how to return their CEDs for recycling or reuse.

6. **Coordination.** If services are provided jointly with another program, describe how the programs will coordinate those services (including oversight of service providers, allocation and reporting of collections, program promotion).

This description should demonstrate that each program will meet the statute's requirements. Each program is responsible for meeting those requirements and cannot delegate that responsibility to another program.

- i) Identify all collection sites and events and other service providers in the program's network that will be shared through contracts with another program. Use the Report Form with Annual Credits to provide this information for shared collection sites and services. For each shared service provider, identify the program that has contracted with the service provider (contracting program) and the program(s) that will be sharing those services through contracts with the contracting program. (If you're not the contracting program, you need show only your program as sharing the service, not other programs sharing the service.)
- ii) Describe how recordkeeping and reporting systems will accurately track and report data as required in Recordkeeping (point 8. below) for all shared sites, events and other services.
- iii) For each shared service provider, a written contract(s) between the service provider and contracting program and a contract(s) between the manufacture

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program sharing the service must ensure that the collection system standards, environmental management practices, recordkeeping and reporting systems and other plan requirements are met throughout the year and that the contract with the shared service provider does not prohibit such sharing. The contracts between programs sharing service providers must also specify how pounds collected will be allocated among programs so DEQ is assured there is agreement on this issue.

To satisfy this requirement, please include a statement in the plan that:

- a. Any agreement with any other recycling program that your program relies on to provide any service necessary for DEQ's approval of your plan under ORS 459A.340, requires that all services provided to your program pursuant to that agreement will comply with the terms of the other recycling program's plan approved pursuant to ORS 459A.340, and all applicable requirements of ORS 459A.300 to 459A.360.
- b. Any agreement between your program and any other recycling program that provides for the sharing of collection sites or services also provides for allocation of pounds collected between the programs.
- c. The program, upon request, will provide a copy of the agreements to DEQ. Do **not** include copies of the agreements with other programs unless specifically requested.

7. **Return share by weight obligations.** Describe how the program intends to meet the minimum return share by weight. Address how collecting more or less than the minimum return share weight will be handled.
8. **Recordkeeping.** Describe the data tracking and accounting system that will be established and maintained to track the CEDs collected under the plan for reuse or recycling. The system should track CEDs from each collection point to each reuse entity and each recycler that processes the CED waste streams into raw materials. Recordkeeping includes accounting and reporting systems that will be used to track progress toward the program's minimum return share weight. Include a statement that quarterly and annual reports will be submitted for the program year on the form provided by DEQ.
9. **Sampling.** Include a statement that the program will conduct an auditable, statistically significant sampling of CEDs entering the recycling system using a methodology approved by DEQ, and describe how the sampling will be conducted. The sampling will typically occur at recycling or consolidation points, but may occur at collection points if necessary. The plan must assure reasonable access to CEDs for the purpose of sampling or examining materials.

Note: DEQ may initiate or coordinate the sampling event dates and number of units necessary to sample, but final responsibility for sampling and costs associated with sampling are with the program plans.

10. **Implementation timeline.** Provide a timeline that includes start-up, implementation and progress toward milestones and anticipated results.
11. **For group plans only, provide the following:**
 - i) A list of all manufacturers participating in the program and contact information for their authorized representatives.
 - ii) A proposal for assessing charges and apportioning costs for manufacturers participating in the program. Include the data or information that will be used.

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12. For individual and group manufacturer programs, provide the following:

- i) A written statement, signed by the authorized representative of each participating manufacturer, committing that manufacturer:
 - a. To use the program with the intent to fulfill its statewide collection and recycling responsibilities.
 - b. To comply with the terms and conditions of the Oregon DEQ-approved plan.
 - c. To retain responsibility and financial liability for its collection, transportation, processing and recycling obligations in the event the program fails to meet those obligations for the manufacturer.
- ii) Contact information for the program's authorized representative, including name, address, phone number and email.
- iii) A statement, signed by the program's authorized representative, certifying that the representations in the plan are truthful.

Section 5: Plan Submittal and Approval Process

1. Use any templates, lists, letters or forms provided.
2. Submit electronic file. Paper copies may be requested by Oregon DEQ if necessary.
3. Submit to DEQ by July 1 of each year. Final collection sites for each year may be submitted by October 1.
4. Within 30 days, DEQ will determine if the plan complies with the law. DEQ may ask for additional information or clarification during its plan review. It will determine if the plan is:
 - i) **Approved:** If approved, DEQ will send a letter of approval to the authorized representative. The approval letter will include the plan's expiration date.
 - ii) **Disapproved:** If disapproved, DEQ will send a letter of disapproval to the authorized representative. The disapproval letter will provide the agency's reasons for not approving the plan.
 - a. The authorized representative must submit a new or revised plan within 30 days after receipt of the disapproval letter.
 - b. DEQ will review the new or revised plan within 30 days.
5. Plans must be approved annually by DEQ.
6. If DEQ does not approve a plan submitted for an upcoming calendar year, the manufacturer(s) in that program will default to the state contractor program for that year and pay recycling fees to DEQ.

Section 6: Approval Criteria

Oregon DEQ will consider the following when reviewing a plan for approval:

1. The plan submittal dates were met;
2. The plan contains all information required by the law and as described in Section 4 of this document, and provides sufficient information to allow DEQ to determine that the plan's implementation will comply with the law;

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3. The recycling program, when implemented, would meet or exceed required DEQ Collection System Standards and DEQ environmentally sound management practices; and
4. Prior year(s)' performance, when applicable.

Section 7: Updates and Revisions Process

The authorized representative must submit a plan revision to Oregon DEQ within 60 days of any changes to the plan or notice from DEQ that an update is required.

1. The program may submit plan revisions for only those sections of the plan that change.
2. DEQ's approval of a plan revision is not required for changes in management structure, contact person, transporter, collection sites or services that are not significant as described in the approved plan.
3. DEQ approval is required before implementation of any changes to the Environmental Management Practices that fall below minimum requirements or to collection sites or services that are significant as described in the approved plan.

Section 8: Approval Process for Plan Revisions

Within 30 days after receipt of a plan revision requiring approval, DEQ will review the proposed revision following the same approval criteria and process described for plan review (see Section 5 of this document).

Section 9: Program Compliance

By July 1 of each year, a program that does not meet its minimum return share by weight for the previous calendar year must pay Oregon DEQ for the pounds under-collected at a rate determined by DEQ to be equivalent to the amount the manufacturer would have paid, plus 10 percent, to be part of the state contractor program.

Section 10: Reporting Requirements

1. Annual Report

Statutory requirement

Oregon's Electronics Recycling Law, Oregon Revised Statute 459A.320(3)(e), requires:

(3) A manufacturer choosing to implement a manufacturer program shall:

(e) By March 1 of each year, provide a report to the department that details how the plan required under this section was implemented during the previous calendar year.

The annual report must include the information below. Selected information can be reported using the final, completed quarterly report for the year, updated with any year-end changes.

- i) Total weight in pounds of CEDs, including orphans, for the preceding program year including documentation verifying collection and recycling of that material for:
 - a. CEDs collected, reported by county and collection site or service, not including CEDs set aside for reuse and refurbishment;
 - b. CEDs recycled, reported by each recycler.

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- ii) The total count by type of CEDs sent for reuse or refurbishment.
- iii) The collection services provided in each county and for each city with a population of 10,000 or greater, including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them.
- iv) The list of collection sites that were inspected onsite and by desk audit for compliance with the collector standards. Describe how the inspections were conducted (onsite, phone, self-audit) and the practices checked. Include the outcome of the inspections and describe any issues identified and how they were resolved.
- v) A completed Annual Credit Report form.
- vi) Recycler information:
 - a. A list of all direct recyclers used;
 - b. The weight of CEDs processed by each direct recycler;
 - c. A description of the processes and methods used by each direct recycler to process the CEDs including a description of the processing and facility locations;
 - d. A report of compliance audits for all direct recyclers listed in the authorized party's approved plan, including copies of compliance audit reports or other documentation to demonstrate or certify that the direct recyclers meet either the Oregon DEQ Environmentally Sound Management Practices or another approved standard.
 - e. A list of the destinations where whole CEDs, components and materials (including materials of concern) were sent for recycling from the direct recycler facility through the point at which the material became a single material commodity suitable for final processing. Also include the final destination for disposal of residuals. *Materials of concern include, among others, any mercury bearing lamps or devices or PCBs, batteries, cathode ray tubes, leaded glass and circuit boards.*
 - f. Describe how you or your recyclers verified that downstream vendors appropriately managed the materials they received.
- vii) A description of educational and advertising efforts undertaken to inform covered entities¹ about where and how to reuse and recycle their CEDs;
- viii) Results of the previous year's sampling (see Sampling Report, below);
- ix) For group programs: the list of manufacturers participating;
- x) Signature of the authority or the authorized representative; and
- xi) Any other clarifying information deemed necessary by Oregon DEQ to determine compliance with the plan.
- xii) Optional: DEQ is also interested in hearing about other noteworthy accomplishments or improvements your program achieved during the year, your concerns or suggestions

¹ "Covered entity" means any Oregon household, a business that employs 10 or fewer individuals, a not-for-profit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code that employs 10 or fewer individuals, or any person giving seven or fewer covered electronic devices to a collector at any one time.

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for improving the Oregon E-Cycles program and any trends observed, lessons learned or other issues that might inform Oregon E-Cycles.

Submittal: The authorized representative must submit the items below:

- i) One electronic copy in a format usable by Oregon DEQ that allows electronic editing and commenting; and
- ii) Any reporting templates provided by DEQ, such as the quarterly reporting form.
- iii) The following certifying statement with the signature of the authorized party for your plan:

I/We hereby declare under penalty of false swearing (Oregon Revised Statute 162.075 and ORS 162.085) that the above information and all of the statements, documents and attachments submitted with this claim are true and correct.

Review and approval: Oregon DEQ will review each report within 60 days of receipt and will notify the authorized party of any need for additional information or documentation, or any deficiency in its report.

- i) DEQ will notify the program in writing if it determines the report is sufficient.
 - ii) If DEQ determines that additional information is needed or deficiencies need correction, the authorized representative must submit the additional information to DEQ within 30 days of receipt of the notice.
2. **Sampling Report:** By March 1 of each year, report the results of the sampling of CEDs entering the recycling system during the previous calendar year. The report must include:
- i) A list of all brands identified during the sampling or count by the manufacturer;
 - ii) The weight of covered electronic devices identified for each brand during the sampling or count; and
 - iii) The total weight of covered electronic devices, including orphan devices, collected from covered entities in the state by the manufacturer during the previous calendar year.
3. **Collection Service and Site Information:** Provide timely updates of collection service and site information, including location, hours and dates, and types of CEDs collected to DEQ for posting on its website and to the E-Cycles hotline.

Reporting Confidential information

DEQ will protect any information you identify as confidential to the full extent allowed under its public records law (Oregon Revised Statute 192.410-505). You must clearly mark the information as confidential and submit it as follows:

- a. If you provide the information by mail: Label the information in the document as “Confidential.” Place it in a separate, sealed envelope marked “Confidential.”
- b. If you provide the information by email: Do NOT include the information in the body of the email. Attach the information as a separate document labeled as “Confidential.” Mark the email as “Confidential” in the subject line and body of the email.

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Section 11: Schedule

Oct. 1 – Dec. 31	Manufacturers register online at www.ecycleregistration.org for the following calendar year and indicate recycling program choice for the calendar year after the registration year.
Jan. 1	Recycling Programs fully operational for current calendar year.
March 1	Recycling Programs submit annual reports to Oregon DEQ for the <u>previous</u> calendar year.
May 1	DEQ notifies each manufacturer of return share and return share by weight obligation for <u>next</u> calendar year.
July 1	Recycling program plan proposals due to DEQ.
	Manufacturer registration fees due to DEQ for the current calendar year.
	DEQ mails recycling invoices for following year to manufacturers participating in the state contractor program.
Aug. 1	DEQ 30-day plan review period ends. Manufacturers notified of approval or need for clarification or changes.
Sept. 1	Manufacturer 30-day reply period for clarification or changes ends.
	Recycling fees due for manufacturers in state contractor program.
Oct. 1	DEQ issues recycling program plan approvals.