

## METRO 2026 LEGISLATIVE ISSUE IDENTIFICATION

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**ISSUE:** Battery Extended Producer Responsibility

### **BACKGROUND:**

Americans use and discard millions of batteries each year. Collecting and recycling batteries saves valuable resources, reduces environmental and human health impacts, and helps prevent the health and safety hazards posed by these discarded products entering the waste stream.

In landfills, batteries can release hazardous materials like mercury and lead into the environment. When placed in the trash, lithium-ion batteries – used to power electronic devices like cell phones – can catch fire or explode, causing damage and endangering the lives of waste workers. Both Metro Central and Metro South have had fires caused by batteries. In addition, batteries contain valuable materials such as steel, manganese, and zinc; these materials are mined using energy-intensive processes that emit greenhouse gases.

Battery Extended Producer Responsibility (EPR) programs have been on the rise across the United States. These programs aim to manage the lifecycle of batteries, from production to disposal, with a focus on reducing environmental impact. EPR is a policy approach where producers are held responsible for the entire lifecycle of their products, including post-consumer waste. This shift encourages manufacturers to design products that are easier to recycle and reduces the burden on public waste management systems.

Batteries, especially lead-acid, lithium-ion, and nickel-cadmium, contain hazardous materials that can leach into the environment if not disposed of properly. With the rise in electronic devices and electric vehicles, battery use has skyrocketed, amplifying concerns over waste and environmental pollution. As there is no comprehensive federal program, EPR for batteries has largely developed at the state level. Various states, such as California, Maine, and Washington, have all implemented EPR laws targeting specific battery types. These laws typically require producers to set up collection, recycling, and disposal programs, ensuring that consumers can easily return used batteries.

Innovations in battery technology and recycling methods are also advancing, potentially improving the efficiency and effectiveness of battery recovery efforts. Battery EPR programs represent a crucial step toward more sustainable battery management in the U.S. By holding producers accountable, these programs aim to minimize environmental impact, promote recycling, and ensure safe disposal of hazardous materials. The ongoing evolution of these initiatives reflects broader trends in environmental policy and waste management across the country.

### **RECOMMENDATION:**

Support legislation that creates a battery extended producer responsibility program in Oregon.

**LEGISLATIVE HISTORY:**

Over the past decade, states across the country have passed battery EPR programs. Legislatures have built off other states' programs, expanding battery types and/or products covered by their programs.

In 2014, Vermont enacted the nation's first single-use household battery EPR law. In its first year of implementation, that state increased collection of both single-use and rechargeable batteries by more than 180 percent.

Washington, D.C. enacted a battery EPR law in 2021. This law was the first single-use and rechargeables battery EPR law that also addressed battery-containing products, broadening the scope of batteries included in EPR laws.

California followed in 2022. Their program covers single-use and rechargeable batteries and added stronger convenience standards and an advisory board that requires multi-stakeholder input.

In 2023, Washington enacted its battery EPR law which also covers a broad scope of single-use and rechargeable batteries. They are also the first state to include e-mobility device batteries and to study the opportunities and challenges of managing large-format batteries and batteries that are embedded in products, such as electronics.

In January 2024, New Jersey enacted the Electric and Hybrid Vehicle Battery Management Act, becoming the first state to include in its EPR battery law electric and hybrid vehicle propulsion batteries (those used to supply power to propel a vehicle). With this new law, New Jersey has continued the trend of addressing new batteries not previously included in EPR laws.

In August 2024, Illinois enacted the Portable and Medium-Format Battery Stewardship Act, which will create a statewide program that requires battery producers to fund and manage the collection, transportation, and recycling of portable primary and rechargeable batteries, as well as medium-format batteries.

Lastly in 2025, Colorado and Nebraska passed battery EPR laws for portable and medium-format batteries. In Oregon, Metro led efforts to pass similar battery EPR legislation. The bill passed with bipartisan support out of the policy committee but failed to pass out of Ways and Means. Due to budgetary concerns in the 2025 session, new programs faced higher hurdles for passage.

**OTHER INTERESTED PARTIES:**

Key parties with a high level of interest include local governments both individually and through the League of Oregon Cities (LOC) and the Association of Oregon Counties (AOC); persons and companies in the solid waste and recycling field both individually and through the Oregon

Refuse and Recycling Association (ORRA) and the Association of Oregon Recyclers (AOR); environmental and conservation groups; and the Oregon Department of Environmental Quality.

**IMPACT IF PROPOSED ACTION OCCURS:**

- Supports the Regional Solid Waste Management Plan's promotion of reuse and repair and product stewardship to shift responsibility for managing product costs and impacts "upstream" to manufacturers.
- Assists Metro in preserving natural resources and protecting the environment.
- Reduces fire risk at Metro's transfer stations.

**RACIAL EQUITY IMPACTS**

While recycling feels universal, only 2/3rds of the U.S. population has the same level of access to recycling as they do garbage service, and the access gap is much larger in multifamily housing. Some members of BIPOC communities have traditionally had larger household sizes or been more reliant on multifamily housing in the past because of BIPOC disparities in homeownership. Finding ways to make all waste and recycling services more convenient and accessible for all community members will have profound impacts on BIPOC communities. EPR programs tend to increase education and convenience to recycle hard to manage materials. Additionally, many BIPOC folks work in the solid waste industry and will be negatively impacted if harmful waste is not removed from trash cans, trucks and transfer stations.

**CLIMATE IMPACTS**

Batteries contain a host of hazardous substances. Even small amounts of these toxics can be dangerous if released into the air, water and soil. A battery EPR program protects our health and environment by keeping these substances out of our landfills and incinerators.

Batteries contain valuable materials – including copper, gold and aluminum – that can be recycled and used in new products. Recycling these materials prevents the need to extract virgin materials, conserving natural resources.

Using recycled materials consumes less energy than using virgin materials to make new products. Because less energy is consumed, less greenhouse gases are emitted.