

## **BILL ANALYSIS**

C.S.H.B. 2826  
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Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires an electronics retailer in Texas to sell only electronic items from manufacturers that have a plan to take back and recycle the electronic items it makes, known as a manufacturer recovery plan. An electronics retailer violates the statute by selling branded electronics that are not part of a manufacturer recovery plan, even if those products were part of a recovery plan at the time they were ordered. Retailers have no way of knowing the date a manufacturer's recovery plan became compliant or went out of compliance because the Texas Commission on Environmental Quality (TCEQ) does not have a systematic method of keeping track of compliance. Additionally, because electronics retailers are not required to provide recycling information for computers they sell, consumers are often unaware of recycling guarantees from manufacturers.

C.S.H.B. 2826 streamlines compliance with the Computer TakeBack Law for electronics retailers by allowing the retailer to sell computer equipment that was part of a listed manufacturer's recovery plan at the time the retailer purchased the equipment. The bill requires TCEQ to maintain a record of compliant recovery plans retrievable by date and to remove non-compliant recovery plans on a quarterly basis. Finally, the bill mandates TCEQ provide electronics retailers with recycling information that can be given to the consumer at the point of sale.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 361.956(a), Health and Safety Code, by adding Section 361.956(a-1) providing a person who is a retailer of computer equipment is considered in compliance with the requirements of Subsection (a)(2) if, on the date the computer equipment is ordered from the manufacturer or its agent, the manufacturer is included on TCEQ's Internet site as a manufacturer with a recovery plan. Adds Section 361.956(d) requiring TCEQ to retain historical records that contain the list of manufacturers with recovery plans retrievable by date. Adds Section 361.956(e) requiring a retailer of computer equipment to provide consumers the information published by TCEQ regarding the legal disposition, recycling and reuse of computer equipment, including information regarding computer equipment collection events, collection sites and community computer equipment recycling and reuse programs. Requires the information be provided in writing. Allows the required written information to be included with the sales receipt or as part of the packaging of the equipment or, alternatively, provided by the retailer through a toll-free number or address of an Internet site provided to consumers.

SECTION 2. Amends Section 361.958, Health and Safety Code, by adding Subsection (c) requiring TCEQ to remove manufacturers no longer in compliance with Subchapter Y, Health and Safety Code, from the Internet site once each fiscal quarter.

SECTION 3. Provides a retailer of computer equipment is not required to provide the required information described in Section 361.956(e), Health and Safety Code, as added by this Act, before January 1, 2010.

SECTION 4. Effective Date

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

SECTION 1. C.S.H.B. 2826 differs from the original in Section 361.956(e), Health and Safety Code, by requiring a retailer of computer equipment to provide consumers the information published by TCEQ regarding the legal disposition, recycling and reuse of computer equipment, including information regarding computer equipment collection events, collection sites and community computer equipment recycling and reuse programs. The original did not include information regarding the legal disposition of computer equipment in the information published by TCEQ that retailers are required to provide to consumers. The substitute also differs from the original in Section 361.956(e) by striking language included in the original that provided the required written information be in clear English or any other language the commission determined was a primary language in the retailer's area of business.

SECTION 2. C.S.H.B. 2826 differs from the original by requiring TCEQ to remove manufacturers no longer in compliance with Subchapter Y, Health and Safety Code, from the Internet site once each fiscal quarter. The original required TCEQ to remove recovery plans of manufacturers no longer in compliance with Subchapter Y, Health and Safety Code, from the Internet site once each calendar quarter.

SECTION 3. No change from the original.

SECTION 4. No change from the original.