

BILL ANALYSIS

C.S.H.B. 648
By: Farias
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to a recent study, U.S. residents and businesses generate more than 3 million tons of electronic waste each year, most of which originates from urban areas and is not recycled. Recently enacted legislation in Texas established the television equipment recycling program and the computer equipment recycling program for the recycling of covered television equipment and certain electronic equipment. C.S.H.B. 648 seeks to encourage the use of these recycling programs through the provision of certain notice and information regarding the programs by a municipal solid waste facility or incinerator and a commercial transporter of solid waste.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 3, 5, and 6 of this bill.

ANALYSIS

C.S.H.B. 648 amends the Health and Safety Code to require an owner or operator of a municipal solid waste landfill or a municipal solid waste incinerator to post in a conspicuous location at the landfill or incinerator a sign that encourages consumers to recycle electronic waste, defined by the bill as computer equipment that is eligible for collection under a manufacturer's recovery plan and as covered television equipment that is eligible for collection under a manufacturer's recovery plan or a manufacturer's recycling leadership program. The bill specifies that an owner or operator is not liable for electronic waste collected at the landfill or incinerator nor required to remove electronic waste collected and that an owner or operator is not in violation of the sign requirement if the owner or operator has made a good faith effort to comply with the sign requirement.

C.S.H.B. 648 adds temporary provisions, set to expire December 31, 2015, to require a commercial transporter of solid waste who transports waste to a municipal solid waste landfill or a municipal solid waste incinerator to provide each person who has contracted directly with the transporter for the transportation of solid waste an informational insert at least once each year that encourages consumers to recycle electronic waste. The bill specifies that a commercial transporter is not liable for electronic waste carried by the transporter nor required to remove electronic waste collected and that a commercial transporter is not in violation of the insert requirement if the commercial transporter has made a good faith effort to comply with the insert requirement.

C.S.H.B. 648 requires the Texas Commission on Environmental Quality (TCEQ) by rule to develop the sign and informational insert and requires the sign and insert to include information relating to recycling programs for electronic waste and TCEQ's Internet website. The bill's provisions apply to an owner or operator of a municipal solid waste landfill or incinerator and a transporter of solid waste who transports waste to a municipal solid waste landfill or incinerator beginning on the effective date of rules adopted by TCEQ to implement the bill's provisions,

which are required to be adopted not later than December 31, 2013.

C.S.H.B. 648 specifies that the collection, recycling, and reuse provisions of the computer equipment recycling program, except as provided by the bill's provisions, do not impose any obligation on an owner or operator of a transporter of solid waste, in addition to a solid waste facility.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 648 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter Y, Chapter 361, Health and Safety Code, is amended by adding Section 361.9645 to read as follows:

Sec. 361.9645. CERTAIN DISPOSAL PROHIBITED. (a) A person may not discard or dispose of computer equipment at a municipal solid waste facility or a waste-to-energy facility.

(b) This section does not impose any obligation on an owner or operator of a solid waste facility or a waste-to-energy facility.

SECTION 2. Subchapter Z, Chapter 361, Health and Safety Code, is amended by adding Section 361.9745 to read as follows:

Sec. 361.9745. CERTAIN DISPOSAL PROHIBITED. (a) A person may not discard or dispose of covered television equipment at a municipal solid waste facility or a waste-to-energy facility.

(b) This section does not impose any obligation on an owner or operator of a solid waste facility or a waste-to-energy facility.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

No equivalent provision.

SECTION 1. Section 361.954(a), Health and Safety Code, is amended to read as follows:

(a) The collection, recycling, and reuse provisions of this subchapter apply to computer equipment used and returned to the manufacturer by a consumer in this state and, except as provided by Section 361.967, do not impose any obligation on an owner or

operator of a solid waste facility or a transporter of solid waste.

No equivalent provision.

SECTION 2. Section 361.966, Health and Safety Code, is amended to read as follows:
Sec. 361.966. FEDERAL PREEMPTION; EXPIRATION. (a) If federal law establishes a national program for the collection and recycling of computer equipment and the commission determines that the federal law substantially meets the purposes of Sections 361.952 through 361.965 [~~this subchapter~~], the commission may adopt an agency statement that interprets the federal law as preemptive of those sections [~~this subchapter~~].

(b) Sections 361.952 through 361.965 expire [~~This subchapter expires~~] on the date the commission issues a statement under this section.

No equivalent provision.

SECTION 3. Subchapter Y, Chapter 361, Health and Safety Code, is amended by adding Section 361.967 to read as follows:

Sec. 361.967. NOTICE AND INFORMATION PROVIDED TO CONSUMER BY MUNICIPAL SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a) In this section, "electronic waste" means computer equipment that is eligible for collection under a manufacturer's recovery plan adopted under Section 361.955.

(b) An owner or operator of a municipal solid waste landfill or a municipal solid waste incinerator shall post in a conspicuous location at the landfill or incinerator a sign that encourages consumers to recycle electronic waste. An owner or operator is not liable for electronic waste collected at the landfill or incinerator and is not required to remove electronic waste collected. An owner or operator is not in violation of this subsection if the owner or operator has made a good faith effort to comply with this subsection.

(c) A commercial transporter of solid waste who transports waste to a municipal solid waste landfill or a municipal solid waste incinerator shall provide each person who has contracted directly with the transporter for the transportation of solid waste an informational insert that encourages consumers to recycle electronic waste. A commercial transporter must provide the

insert to each person at least once each year. A commercial transporter is not liable for electronic waste carried by the transporter and is not required to remove electronic waste collected. A commercial transporter is not in violation of this subsection if the commercial transporter has made a good faith effort to comply with this subsection. This subsection expires December 31, 2015.
(d) The commission by rule shall develop the sign and informational insert required by this section. The sign and insert must include information relating to recycling programs for electronic waste and the commission's Internet website.

No equivalent provision.

SECTION 4. Section 361.973(a), Health and Safety Code, is amended to read as follows:
(a) Except as provided by this section and Sections [Section] 361.991 and 361.993, this subchapter applies only to covered television equipment that is:
(1) offered for sale or sold to a consumer in this state; or
(2) used by a consumer in this state and returned for recycling.

No equivalent provision.

SECTION 5. Subchapter Z, Chapter 361, Health and Safety Code, is amended by adding Section 361.993 to read as follows:
Sec. 361.993. NOTICE AND INFORMATION PROVIDED TO CONSUMER BY MUNICIPAL SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a) In this section, "electronic waste" means covered television equipment that is eligible for collection under:
(1) a manufacturer's recovery plan adopted under Section 361.978; or
(2) a manufacturer recycling leadership program established under Section 361.979.
(b) An owner or operator of a municipal solid waste landfill or a municipal solid waste incinerator shall post in a conspicuous location at the landfill or incinerator a sign that encourages consumers to recycle electronic waste. An owner or operator is not liable for electronic waste collected at the landfill or incinerator and is not required to remove electronic waste collected. An owner or operator is not in violation of this subsection if the owner or operator has made a good faith effort to comply with this subsection.

(c) A commercial transporter of solid waste who transports waste to a municipal solid waste landfill or a municipal solid waste incinerator shall provide each person who has contracted directly with the transporter for the transportation of solid waste an informational insert that encourages consumers to recycle electronic waste. A commercial transporter must provide the insert to each person at least once each year. A commercial transporter is not liable for electronic waste carried by the transporter and is not required to remove electronic waste collected. A commercial transporter is not in violation of this subsection if the commercial transporter has made a good faith effort to comply with this subsection. This subsection expires December 31, 2015.

(d) The commission by rule shall develop the sign and informational insert required by this section. The sign and insert must include information relating to recycling programs for electronic waste and the commission's Internet website.

No equivalent provision.

SECTION 6. (a) The Texas Commission on Environmental Quality shall adopt rules to implement this Act not later than December 31, 2013.

(b) Sections 361.967 and 361.993, Health and Safety Code, as added by this Act, apply to an owner or operator of a municipal solid waste landfill or incinerator and a transporter of solid waste who transports waste to a municipal solid waste landfill or incinerator beginning on the effective date of rules adopted by the Texas Commission on Environmental Quality under Subsection (a) of this section.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.