

## **BILL ANALYSIS**

C.S.H.B. 1058  
By: Farias  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that an alarming amount of electronic waste is dumped in landfills every year in the United States. These parties believe that electronic recycling programs recently created in Texas are instrumental in combating this growing problem. C.S.H.B. 1058 seeks to encourage people to use these available recycling programs.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

C.S.H.B. 1058 amends the Health and Safety Code to require the owner or operator of a solid waste facility to post in a conspicuous location at the facility 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 or disposed of at the facility nor required to remove electronic waste collected or disposed of and is not in violation of the sign requirement if the owner or operator has made a good faith effort to comply with the requirement.

C.S.H.B. 1058 adds temporary provisions, set to expire December 31, 2017, to require a commercial transporter of solid waste who transports waste to a solid waste facility 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 is not in violation of the insert requirement if the transporter has made a good faith effort to comply with the requirement.

C.S.H.B. 1058 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 website. The bill's provisions apply to an owner or operator of a solid waste facility and a commercial transporter of solid waste who transports waste to a solid waste facility beginning on the effective date of rules adopted by TCEQ to implement the bill's provisions and require the rules to be adopted not later than December 31, 2015.

C.S.H.B. 1058 specifies that the collection, recycling, and reuse provisions of the Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act, except as provided by the bill's provisions, do not impose any obligation on a commercial transporter of solid waste.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1058 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

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.

SECTION 2. Section 361.966, Health and Safety Code, is amended.

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.

#### HOUSE COMMITTEE SUBSTITUTE

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 commercial transporter of solid waste.

SECTION 2. Same as introduced version.

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 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 solid waste facility shall post in a conspicuous location at the solid waste facility a sign that encourages consumers to recycle electronic waste. An owner or operator is not liable for electronic waste collected or disposed of at the solid waste facility and is not required to remove electronic waste collected or disposed of. An owner or operator is not in

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, 2017.

(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.

SECTION 4. Section 361.973(a), Health and Safety Code, is amended.

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

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 solid waste facility shall provide each person who has contracted directly with the commercial 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 commercial 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, 2017.

(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.

SECTION 4. Same as introduced version.

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 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 solid waste facility shall post in a conspicuous location at the solid waste facility a sign that encourages consumers to recycle electronic waste. An owner or operator is not liable for

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, 2017.

(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.

SECTION 6. (a) The Texas Commission on Environmental Quality shall adopt rules to implement this Act not later than December 31, 2015.

(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 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

electronic waste collected or disposed of at the solid waste facility and is not required to remove electronic waste collected or disposed of. 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 solid waste facility shall provide each person who has contracted directly with the commercial 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 commercial 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, 2017.

(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.

SECTION 6. (a) The Texas Commission on Environmental Quality shall adopt rules to implement this Act not later than December 31, 2015.

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

SECTION 7. Same as introduced version.

III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.