

# Texas Computer Equipment Recycling Law

House Bill 2714

Enacted 2007

Effective Date: January 1, 2008

Enforcement Date: January 1, 2009

# Background

- The Texas computer products recycling bill was introduced in both houses in 2007 and passed overwhelmingly at the end of the session.
- Success of the legislation was directly attributable to support from a broad group of stakeholders:
  - Manufacturers, led by Dell and HP
  - Environmental Groups, including the Computer TakeBack Campaign and the Texas Campaign for the Environment
  - Business and technology industry trade associations
  - Cities and Counties
  - Recyclers
  - Consumer Groups

# The Texas Law is Based on Producer Responsibility

- The Texas law requires that before a manufacturer can offer or sell computer products (desktops, notebooks, and monitors) to **anyone** in Texas, the manufacturer must:
  - establish and implement a recovery plan for collection, recycling and reuse of computer products used by consumers for **personal or home business use**;
  - label the computer products it sells with its brand
- The Texas law does not cover TV's

# Responsibilities for Manufacturers

- The manufacturer must offer to collect its own brand of covered products from consumers end of their useful life at **no charge** to the consumer.
- The recovery plans must be reasonably convenient and available.
- The manufacturer must make a URL (website) available for posting by TCEQ that provides instructions on how consumers can take advantage of recovery plan.

# Responsibilities for Manufacturers

- The manufacturer's computer products sold to consumers must contain the manufacturer's brand
- The manufacturer must file annual reports of the weight of computer products collected
- The manufacturer is not liable for information left on the recycled computer product by the consumer

# Responsibilities for Retailers

- Retailers cannot sell a manufacturer's computer products to consumers unless the manufacturer has filed a recovery plan and has properly branded its products
- Retailers are responsible for determining if the manufacturer whose products they sell is in full compliance with the law.
- Retailers are not required to collect computer equipment for recycling or reuse.
- Retailers are not liable for information left on the recycled computer product by the consumer

# Role of the Texas Commission on Environmental Quality (TCEQ)

- TCEQ must develop a consumer education program to make consumers aware of the need to recycle end-of-life computer equipment
- TCEQ must host a website with the following information:
  - Best management practices for recycling and reuse of computer equipment
  - List of web links to manufacturers' recovery plans
  - List of collection events, collection sites, and community programs for the recycling of end-of-life computer equipment

# Role of the Texas Commission on Environmental Quality (TCEQ)

- TCEQ is responsible for enforcing the law by the following means:
  - TCEQ may conduct audits and inspections to ensure that manufacturers have filed recovery plans with the state and have properly branded their products
  - TCEQ may seek injunctions and penalties for manufacturers are in violation.
- TCEQ cannot charge a fee for implementing this act, but may use recovered penalties to fund administrative costs of enforcement

# Role of the Texas Commission on Environmental Quality (TCEQ)

- TCEQ must adopt the Institute of Scrap Recycling Industries' Electronics Recycling Operating Practices, or other standards from a comparable nationally recognized group, as the sound environmental management standards for recycling.
- Beginning Mar. 1, 2010, TCEQ must annually report (electronically) to the House Environmental Regulation Committee and the Senate Natural Resources Committee on manufacturers' progress.

# Role of the Attorney General

- The Attorney General, working with TCEQ, may take enforcement against a manufacturer, retailer or other person in violation of the act.
- The Attorney General may also file suit to enjoin activity related to sale of computer products in violation of the act.

# Role and Responsibility for Consumers

- Consumers are responsible for all information that is contained on recycled computers
- Consumers are urged to take advantage of free recycling programs provided by manufacturers under this law
- Consumers are urged to educate themselves on the proper means of responsibly disposing of unwanted computer products.

# The Advantages of the Texas Computer Recycling Law

- Places the financial burden for operation of the recycling program on manufacturers
- No charge to consumers, either at the time of purchase (e.g., Calif-type Advance Recovery Fee) or at the time of disposal
- No costs to taxpayers in extensive government programs with additional regulation
- Allows manufacturers to design most cost effective and innovative recycling programs based upon their business models.

# The Advantages of the Texas Computer Recycling Law

- Provides for effective enforcement by TCEQ and the Attorney General for violations of the act
- Provides for faster start up of programs by manufacturers, unlike some states with Producer Responsibility laws that are taking years to implement
- Provides for annual reporting of the weight of collected computer products to develop data on how effective the manufacturers' recycling programs are.
- Generates support from a broad group of stakeholders, including industry & NGOs

# Conclusion

- If JCOTS decides to move forward with a legislative recommendation on computer products recycling, the Texas Model offers an effective means of addressing the growing issue of the recycling of computer products in a fiscally responsible manner.