

BILL ANALYSIS

C.S.H.B. 286
By: Thompson, Ed
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the amount of material disposed in landfills that could have been recycled, especially considering that the act of recycling incorporates a broad range of activities that have a positive impact on the Texas economy. C.S.H.B. 286 seeks to promote recycling by providing for the production of a plan to stimulate the use of recyclable materials as feedstock in processing and manufacturing.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 286 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ), in cooperation with the Texas Economic Development and Tourism Office (TEDTO), to produce a plan to stimulate the use of recyclable materials as feedstock in processing and manufacturing. The bill sets out plan requirements and prohibits the plan from requiring a generator, collector, or processor of recyclable materials to ship to or use a particular processing or manufacturing facility. The bill requires TCEQ, to the extent practicable in preparing the plan, to use methodologies and information derived from other recycling economic studies already performed. The bill requires TCEQ to update the plan every four years and requires the plan, in a year in which the plan is updated, to be included in the annual summary of municipal solid waste management produced by the municipal solid waste permits section of TCEQ and delivered to the governor and legislature.

C.S.H.B. 286 requires TCEQ, in cooperation with other state agencies, to develop an education program intended for the public using billboards, public service announcements, social media, and other methods that includes certain recycling information. The bill requires TCEQ to update the education program at least every four years.

C.S.H.B. 286 authorizes TCEQ to enter into contracts with public, private, and nonprofit organizations to produce the plan and the education program. The bill specifies that for its purposes "recyclable material" includes paper, plastic, metal, glass, vegetative waste, compost, mulch, tires, electronic waste, construction and demolition debris, batteries, and paint. The bill exempts from its provisions ferrous and nonferrous metals recycled by a metal recycling entity.

C.S.H.B. 286 requires TCEQ and TEDTO, not later than September 1, 2020, to prepare and

deliver to the governor and the Municipal Solid Waste Management and Resource Recovery Advisory Council a progress report on the initial plan and education program. The bill requires TCEQ and TEDTO to complete and make publicly available the initial plan and implement the education program not later than September 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 286 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the scope of the plan for the stimulation of the use of recyclable materials as feedstock in manufacturing to include the use of recyclable materials as feedstock in processing. The substitute revises requirements for the plan.

The substitute specifies that the education program developed by TCEQ is intended for the public using billboards, public service announcements, social media, and other methods and revises requirements for the program.

The substitute increases the frequency by which TCEQ is required to update the plan and the education program from every five years to every four years. The substitute includes definitions for "manufacturer" and "principal processor," specifies some applicable recyclable materials for purposes of the bill, and exempts from the bill's provisions ferrous and nonferrous metals recycled by a metal recycling entity.

The substitute revises procedural provisions relating to the deadline for the completion of the initial plan and education program to provide for a later deadline and provides for the preparation and delivery of a progress report on the initial plan and education program.