

BILL ANALYSIS

C.S.H.B. 3224
By: Lozano
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that metal recycling entities arrange for recycling of recyclable material with certain facilities and that such a facility may go out of business after having polluted the environment with the recyclable material. Concerns have been raised that in such a case the metal recycling entity that arranged for the recycling may be held liable for the pollution. C.S.H.B. 3224 seeks to address these concerns and bring state law in line with federal law by creating a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.

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. 3224 amends the Health and Safety Code to establish that a person who arranges for recycling of recyclable material is not responsible for the following recyclable materials under the Solid Waste Disposal Act if the person can establish by a preponderance of the evidence that the person would not be liable with respect to the recyclable material under certain federal law based on the person meeting the criteria established under federal law relating to transactions involving that type of recyclable material:

- applicable solid waste that the person arranged to process, store, or dispose of, or arranged with a transporter for transport to process, store, or dispose of, at certain solid waste facilities or sites; or
- applicable solid waste that the person accepts or accepted for transport to a solid waste facility or site selected by the person.

C.S.H.B. 3224, for its purposes, defines "recyclable material" by reference to federal law but excludes scrap metal from the term.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3224 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 excludes scrap metal from the term "recyclable material" applicable to the bill's provisions.