

## BILL ANALYSIS

Senate Research Center

H.B. 284  
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Natural Resources  
5/8/2009  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to a 2008 report by the United States Government Accountability Office, many United States companies are exporting electronic equipment to developing countries for recycling. Additionally, it is estimated that anywhere between 20 percent and 50 percent of electronic equipment sent to recycling centers in the United States actually ends up being shipped abroad. In many of these developing countries, unsafe practices can cause health problems. In 2007, the legislature passed H.B. 2714, which required certain electronic manufacturers to provide a recycling program for the consumers of their products. The bill, however, did not require electronics recyclers to disclose whether they ship recycled electronic parts overseas to be dumped.

This legislation requires companies operating in Texas that ship electronic parts overseas to be dumped to provide the Texas Commission on Environmental Quality an annual report that specifies, among other things, the final destination of electronic parts or equipment shipped abroad for recycling, reuse, or disposal, so that Texas consumers may be fully informed about the ultimate destination of their recycled electronic products.

H.B. 284 relates to reporting of international shipment of electronic waste.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 361.9553, Health and Safety Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.954(a), Health and Safety Code, to provide that, except as provided by Section 361.9553, 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 do not impose any obligation on an owner or operator of a solid waste facility.

SECTION 2. Amends Subchapter Y, Chapter 361, Health and Safety Code, by adding Section 361.9553, as follows:

Sec. 361.9553. REPORTS ON INTERNATIONAL SHIPMENTS OF USED ELECTRONICS. (a) Provides that this section is intended to provide consumers of electronic equipment in this state and other residents of this state who may give to a business entity in this state electronic parts or electronic equipment for recycling, reuse, or disposal a means to inform themselves of the probable destination of the parts or equipment.

(b) Requires a business entity that operates in this state and ships for recycling, reuse, or disposal any sort of electronic parts or electronic equipment to which this subchapter is applicable from this state to an ultimate destination that is located outside of the United States but is not located in a county that is a member of the European Union or of the Organization for Economic Cooperation and

Development to provide a report to the Texas Natural Resource Conservation Commission (TNRCC) annually. Provides that the reporting requirement does not apply to electronic equipment that is being shipped for reuse unless the equipment is not functional and is packaged accordingly and does not apply to electronic equipment that is being shipped for reuse by returning it to a manufacturer or the manufacturer's agent. Requires TNRCC to provide a means for the report to be filed electronically. Sets forth the required content of the report.

(c) Requires TNRCC to make the report's information publically available on TNRCC's website in a timely manner.

(d) Authorizes TNRCC to adopt rules to implement this section. Authorizes the rules to provide for exemptions from compliance with this section for shipments made for humanitarian reasons or for de minimis shipments.

SECTION 3. (a) Makes application of Section 361.9553, Health and Safety Code, as added by this Act, prospective.

(b) Requires that the first report required by Section 361.9553, Health and Safety Code, as added by this Act, cover the period September 1, 2009, to August 31, 2010. Requires that report be submitted to the Texas Commission on Environmental Quality not later than September 30, 2010.

SECTION 4. Effective date: September 1, 2009.