

# Takeback Programs Have Business and Bi-Partisan Support in Texas & Nationwide

Takeback programs have become a very popular bipartisan, market-based strategy for solid waste management, especially solid waste that contains toxic materials. To date, 23 states have passed legislation creating takeback programs for electronic waste, or e-waste. Additionally, nationwide there are 75 producer takeback programs covering ten categories of products. Texas has two producer takeback laws on the books—one for computers and the other for TVs.



## Why takeback?

**1** Takeback programs save tax dollars. When producers are responsible for their products' full life cycle, local governments no longer have to subsidize proper end of life management of these products. This is money that could be used to help stabilize budget challenges so many local governments face.

**2** Recycling/reuse conserves valuable resources. Iron, copper, aluminum, gold, and other metals can all be found in e-waste. Additionally, rare earth metals, such as Gadolinium (Gd), are found in e-waste. It is estimated that 97% of all the rare earth metals are controlled by China, which has begun an initiative to restrict trade of these metals, causing prices to increase dramatically. It does not make sound economic sense to let these valuable and sometimes rare materials go to a landfill.

**3** Across the country, takeback laws pertain to products manufactured with hazardous materials or liquid or bulky wastes. With regard to e-waste, many of our electronic devices contain lead, mercury, cadmium and other heavy metals that are highly dangerous to humans and animals. Landfilling these products gives these toxic materials the opportunity to leak into soil and waterways or evaporate into the air. Takeback programs encourage recycling and reuse, keep dangerous toxins away from our children, and encourage product design that makes them easier to recycle and reduces toxic materials.

# Who pays with producer takeback recycling?

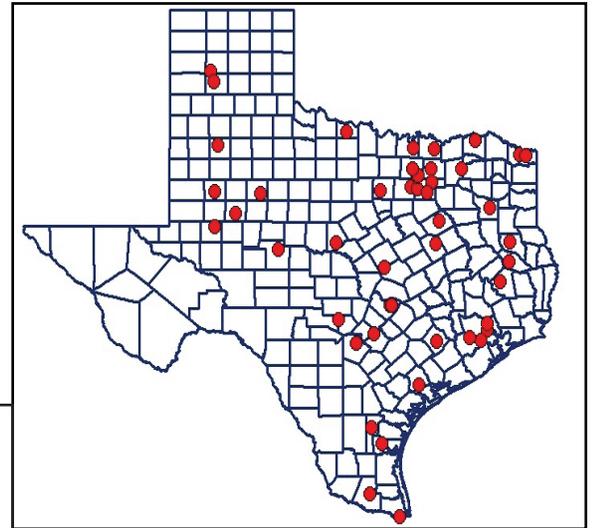
Like other costs of production and marketing, the end of life costs of a product can be reflected in its retail price. For many products such as electronics, prices are falling. There is no evidence the electronics prices are increasing because of producer takeback policies. Because so many states have electronics takeback programs, the companies may be putting any costs into the price of the product on a national basis, as prices are not set on a state-by-state basis. (The Texas Computer and TV Takeback Laws prohibit manufacturers from charging consumers when recycling products.)

In any case, Texans should not have to foot the bill through local tax dollars. Manufacturer takeback programs relieve the tax burden currently borne by municipalities and taxpayers. Furthermore, taxpayers who don't buy lots of electronics, for instance, do not have to subsidize local collection costs for other residents who may buy lots of electronics. Takeback laws allow the free market to operation without taxpayer subsidies for recycling, disposal and clean-up costs.

## Producer takeback can help protect our water and create jobs

Many Texas landfills are leaking toxins into groundwater. The latest data from the state environmental agency found that many of the active trash landfills that monitor for groundwater contamination are leaking. Others may be too, but have not been detected yet. Producer takeback recycling can keep additional toxins out of landfills that pollute groundwater. When combined with policies that divert electronic waste from landfills generally collections could increase by an average of 72%, resulting in 900 jobs in Texas in the short run and up to 5000 jobs in the long run.

TCEQ ground water monitors have detected toxic chemicals leaking from 42 Texas landfills. Toxins in landfills threaten the security of Texas' water.



## What is the history of support for takeback?

Takeback programs have garnered considerable Republican and Democratic support. Thirty-two states have at least one product category covered by a takeback program and 19 states have multiple covered product categories. Examples of support for takeback programs in Texas and across America include:

**TEXAS** In 2007, Rep. Dennis Bonnen (R - 25), with joint authors Rep. Gattis (R - 20) and Rep. Branch (R - 108), introduced the Texas Computer Takeback Law (HB 2714), which passed unanimously in the Texas House and Senate and was signed by Gov. Perry. In 2011, both chambers overwhelmingly passed the TV Takeback Law (SB 329), authored by Sen. Watson (D - 14) and Rep. Chisum (R—88). Co-sponsors included Sen. Carona (R - 16), Rep. Branch (R - 108) and Rep. Cook (R - 8). In 2011, the Texas House also passed a bill to strengthen existing voluntary takeback programs for mercury-containing thermostats.

**SOUTH CAROLINA** In 2006, South Carolina passed its first takeback legislation pertaining to mercury automobile switches. The bill was authored by Rep. Witherspoon (R), and coauthored by 6 Republicans and 3 Democrats. In 2010, South Carolina passed legislation creating an e-waste takeback program. HB 4093 was authored by Rep. Loftis (R) and coauthored by 9 Republicans and 15 Democrats. Both bills were signed into law by then-Gov. Mark Sanford, Jr. (R).

**UTAH** Rep. Menlove (R), along with Republicans Rep. Ferry and Rep. Wallace, submitted takeback legislation (HB 138), which the legislature passed in 2006. Sen. Knudson (R) sponsored the bill in the Senate. The bill was then signed into law by Gov. Jon Huntsman (R).

**ARKANSAS** In 2005, Arkansas passed a takeback resolution, SB 323. This was authored by Sen. Bryles (D) and sponsored in the House by Rep. Childers (R). The bill was signed into law by then-Gov. Mike Huckabee (R).

**LOUISIANA** In 2006, Sen. Fontenot (R) authored SB 615, which established Louisiana's first takeback program.

**MISSOURI** Missouri enacted a takeback program in 2008: SB 720 was authored by Sen. Coleman (D) and carried in the House by Rep. Smith (R). It was signed into law by then-Acting Governor, Lt. Gov. Peter Kinder (R).

# What are companies and trade associations saying about producer responsibility?

“**Dell Inc.’s** Individual Producer Responsibility Policy is based on more than a decade of experience providing recycling and reuse services directly to our customers. Individual Producer Responsibility requires Dell to internalize the costs of responsibly managing our own brand of products at the end of the products’ useful lives and thus factor those cost impacts into our product design decisions.”<sup>1</sup>

“**HP** supports the concept of Individual Producer Responsibility (IPR) in e-waste legislation, an approach that makes producers responsible for recycling their own products once they have been collected.”<sup>2</sup>

“**Panasonic** supports IPR (Individual Producer Responsibility) as the ultimate and ideal way to promote recycling.”<sup>3</sup>

“**Acer** supports the concept of Individual Producer Responsibility and is committed to bringing reasonably convenient methods of electronic product recycling to its customers.”<sup>4</sup>

**Paint Industry:** “The American Coatings Association created PaintCare whose sole purpose is to ensure effective operation and efficient administration of paint product stewardship programs on behalf of all architectural paint manufacturers in the United States.[...] PaintCare legislation enables the industry to implement a program for the management of post-consumer paint by providing for a level playing field among manufacturers and retailers...”<sup>5</sup>

**Battery Industry:** “Battery manufacturers are working on a national program for consumers to easily drop off used household batteries. The long term vision for the Corporation for Battery Recycling (CBR) is to lead and shape a national program that maximizes reuse of spent battery materials with a vision of ‘zero waste.’”<sup>6</sup> (NOTE: CBR is a collaboration between Duracell, Energizer & Panasonic)

**Mattress Industry:** “International Sleep Products Association members recognize that manufacturers have a responsibility to take environmentally sound and economically practical actions to improve the long-term sustainability of their business operations. This begins with the materials sourcing process, and proceeds through the manufacturing, assembly, distribution and used product disposal phases.”<sup>7</sup>

<sup>1</sup> <http://www.dell.com/learn/us/en/uscorp1/corp-comm/individual-producer-policy?c=us&l=en&s=corp> (accessed 12/27/2013)

<sup>2</sup> <http://www.hp.com/hpinfo/globalcitizenship/environment/recycle/individualproducerresponsibility.html> (accessed 12/27/2013)

<sup>3</sup> [http://panasonic.net/sustainability/en/eco/resources\\_recycling/recovery/](http://panasonic.net/sustainability/en/eco/resources_recycling/recovery/) (accessed 12/27/2013)

<sup>4</sup> <http://us.acer.com/ac/en/US/content/recycling-policies> (accessed 12/27/2013)

<sup>5</sup> <http://www.paint.org/find-your-issue/post-consumer-paint-management.html> (accessed 12/27/2013)

<sup>6</sup> <http://recyclebattery.org/> (accessed 12/27/2013)

# How do Texas constituencies line up?

On its public website, the **Texas Conservative Coalition** lists the Computer Takeback Law, authored by Rep. Dennis Bonnen and passed in 2007, as a “Conservative Victory” on the environment.

**From the Texas  
Conservative  
Coalition website**

Source: <http://txcc.org/environment>



[Home](#) » [Conservative Victories](#)

## Environment

The Legislature has taken significant steps toward improving air quality, creating incentives for renewable energy, establishing requirements for energy conservation, and ensuring that water in Texas' rivers, lakes, and bays is clean.

### House Bill 2714 (80R)

Recycling of Computer Equipment

**Key point:** House Bill 2714 requires computer manufacturers to establish free and convenient computer equipment recycling programs.

**The Texas TV Takeback Law (S.B. 329) passed in 2011 with wide margins in both the Texas House (142 yeas, 6 nays) and Texas Senate (29 yeas, 2 nays) and was supported by:**

Texas Association of Manufacturers

Texas Retailers Association

Texas Association of Goodwills

Texas Baptist Christian Life Commission

Consumer Electronics Association

Technology Association of America (Tech America)

Thomson/Technicolor

TechNet

“The policy and political network of CEOs and Senior Executives that promotes the growth of technology and the innovation economy.”

General Electric

National Solid Waste Management Association

Texas Disposal Systems

Harris County

City of Fort Worth