

February 1, 2021

The Honorable Dolores Kelly, Chair  
The Honorable Brian Feldman, Vice-Chair  
Members, Maryland Senate Finance Committee

**Re: Consumer Technology Association Opposition to Senate Bill 412**

Dear Chair Kelley, Vice-Chair Feldman, and Committee Members:

On behalf of the Consumer Technology Association (CTA), thank you for the opportunity to present testimony outlining our opposition to SB 412. We are very concerned with this bill which would require manufacturers of electronic equipment to provide third parties with diagnostic and repair information, software, tools, and parts.

CTA is the trade association representing the U.S. consumer technology industry. Eighty percent of CTA's more than 2,000 member companies are small businesses and startups; others are among the world's best-known manufacturing and retail brands. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability.

CTA is concerned with SB 412 on several fronts, and many of those concerns are outlined in detail in the electronics manufacturers' opposition letter dated February 1, 2021. In addition to the security and consumer safety issues outlined in that letter, our comments here will focus on the sustainability rationale for this legislation as articulated by some bill proponents. Proponents of this legislation argue that it will reduce landfilling of electronic waste in Maryland. However, this argument is based on misunderstanding the electronics recycling ecosystem.

**Electronics – the Fastest Declining Product in the Municipal Solid Waste Stream**

According to the U.S. EPA<sup>1</sup>, electronics are the fastest-declining product in the municipal solid waste stream. The most recent EPA data show that consumer e-waste generation declined 5% from 2017 to 2018, and from 2015 to 2018 declined by 13%. This EPA data is corroborated by a recent study by Yale and Rochester Institute of Technology researchers

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<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/durable-goods-product-specific-data>

which concludes that e-waste generation in the U.S. peaked in 2015 and is in a period of extended decline (see “[Electronic Waste on the Decline, New Study Finds](#)”).

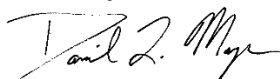
Mobile devices continue to have value even at end of life, and consumers frequently trade them in. According to CTA’s biennial survey on how consumers handle their devices, only 2% of consumers report throwing their old mobile device in the trash while nearly 10 times as many reported either trading in their old mobile device, selling it, giving it away, or recycling it. Applying those survey results roughly to Maryland’s population would mean that while approximately 90,000 smart phones are disposed annually, more than 750,000 smart phones are traded in, sold, given away, or recycled every year. When viewed by weight and as a percentage of the more than 6 million tons of solid waste disposed in Maryland in 2018, smart phones represent around 0.0007% of all disposed material.

Given these data and the demand for used smart phones – if anyone is considering throwing their old smart phone in the trash, please reconsider because most still have economic value because of the reuse market – SB 412 would not measurably decrease mobile device disposal.

Making sure devices are kept out of the trash is an important priority for manufacturers, so repair and reuse are important elements of manufacturers’ networks. Repair and reuse are even included as aspects of governmental green procurement standards.

Last year, 26 states examined and rejected similar legislation. No state wanted to engage in unwarranted intervention in the marketplace with one-size-fits-all mandates that compromise consumer safety and protection. For the reasons listed above, and those further examined in the manufacturers’ coalition letter we signed on to, we respectfully urge you to not move SB 412 out of committee. Thank you again for the opportunity to present our concerns with this legislation. If you have any questions, please do not hesitate to contact me at [dmoyer@cta.tech](mailto:dmoyer@cta.tech).

Sincerely,

A handwritten signature in black ink that reads "Dan Moyer". The signature is written in a cursive style with a large, stylized "D" and "M".

Dan Moyer  
Sr. Manager, Environmental Law & Policy  
Consumer Technology Association