

EDDM Consumer Choice Act of 2026

Frequently Asked Questions for Legislators

This document provides answers to common questions legislators and staff may have about the EDDM Consumer Choice Act. Each answer includes relevant precedents, statistics, and legal citations.

I. Basic Questions About the Bill

Q: What is EDDM and why does it need regulation?

A: Every Door Direct Mail (EDDM) is a USPS program that delivers advertising to every address on a postal route without requiring individual names or addresses. Unlike targeted direct mail, EDDM uses generic designations like "Postal Customer" or "Resident." Approximately 3 billion EDDM pieces are delivered annually.

The key problem: Consumers cannot opt out of EDDM. While Americans can register on the Do Not Call list, unsubscribe from emails, block text messages, and stop fax advertisements, there is no federal mechanism to refuse postal advertising mail delivered by their own government.

Q: What does this bill actually do?

A: The EDDM Consumer Choice Act establishes an opt-in system for saturation mail. Under current law, all households receive advertising mail by default with no opt-out. Under this bill, households would only receive saturation mail if they affirmatively choose to receive it—either by registering online or displaying a physical sticker.

Key provisions:

- • FTC-administered opt-in registry (modeled on Do Not Call Registry)
- • Physical sticker option (Netherlands model)
- • Private right of action (\$500-\$1,500 per violation, like TCPA)

- • 24-month phased implementation
- • State AG enforcement authority

Q: Why opt-in instead of opt-out?

A: Opt-out systems place the burden on consumers and have historically been ineffective. The industry-run DMAchoice opt-out has low consumer awareness (under 10%) and explicitly does not cover EDDM. Previous Do Not Mail legislation in 2007-2008 used opt-out models and all failed.

The Netherlands proves opt-in works: When Amsterdam and 61 other Dutch municipalities switched to opt-in (the "JA-sticker" system), 81% of households chose not to receive advertising mail. The Dutch Supreme Court upheld this system in June 2021. Businesses adapted without economic collapse.

II. Constitutional Questions

Q: Does this bill violate the First Amendment?

A: No. The Supreme Court definitively addressed this issue in *Rowan v. Post Office Department* (1970):

"We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another."

The Do Not Call Registry faced identical First Amendment challenges and was upheld in *Mainstream Marketing Services v. FTC* (10th Cir. 2004). This bill applies the same constitutional framework to postal advertising.

Q: How does this bill satisfy the Central Hudson test?

A: Commercial speech restrictions must satisfy the four-part *Central Hudson* test:

1. 1. Is the speech lawful and not misleading? Yes—the bill only regulates delivery method, not content.
2. 2. Is the government interest substantial? Yes—privacy (Rowan), environmental protection, fraud prevention.
3. 3. Does the regulation directly advance that interest? Yes—opt-in reduces unwanted mail.
4. 4. Is it no more restrictive than necessary? Yes—only saturation mail is affected; willing recipients still receive mail; first-class mail unaffected.

Q: Why isn't political mail exempt?

A: Previous failed bills exempted political mail, which critics viewed as politicians exempting themselves from consumer protection. This bill takes a principled position: if consumers have the right to refuse commercial advertising, they should have the same right to refuse political advertising.

The bill IS content-neutral: It restricts based on delivery method (saturation mail), not message content. All saturation mail—commercial and political—is treated equally. Content-neutral restrictions receive lower First Amendment scrutiny.

Note: Official election materials (voter registration, polling information) from government agencies are exempt under Section 3.

III. Economic Questions

Q: Won't this devastate the Postal Service?

A: The Postal Service has lost \$118 billion since 2007—advertising mail revenue has not prevented these losses. The primary cause was the PAEA 2006 pre-funding mandate requiring \$5.4 billion annually for retiree health benefits (partially addressed in 2022).

Key facts:

- First-class mail volume has declined 50%+ since 2001 regardless of advertising mail

- • Package delivery is growing and represents USPS's future
- • The bill provides 24-month phase-in for operational adjustment
- • Registry fees partially offset administrative costs

Q: What about the 460,000 jobs the industry claims depend on direct mail?

A: This figure is inflated and misleading:

- • It counts ALL printing, paper manufacturing, and postal jobs—not just advertising mail
- • It does not distinguish saturation mail from other mail types
- • It counts some workers multiple times across categories
- • It is based on 2007 data; the industry has already contracted significantly
- • It ignores jobs created by digital alternatives

Netherlands evidence: When 81% opted out, there was no documented wave of bankruptcies. Businesses adapted to digital channels.

Q: Won't this hurt small businesses?

A: The bill specifically protects small senders with a 6-month delayed enforcement period for mailers sending fewer than 100,000 pieces annually. Additionally:

- • Small local businesses increasingly prefer digital advertising (cheaper, more targeted)
- • The largest EDDM users are national chains and franchises, not local shops
- • Targeted mail to named individuals is NOT affected—only saturation mail
- • 44% of junk mail is thrown away unopened—that's wasted advertising spend

IV. Implementation Questions

Q: Is a national opt-in registry technically feasible?

A: Yes. The Do Not Call Registry has successfully managed 246+ million phone numbers for over 20 years. Address-based systems are no more complex. The Netherlands uses a simple physical sticker system that requires no central database at all—mail carriers simply check for stickers during delivery.

Q: Why is the FTC administering this instead of USPS?

A: USPS has a conflict of interest—its revenue depends on mail volume. The FTC has proven experience administering the Do Not Call Registry and has existing enforcement infrastructure. USPS remains involved for carrier training and technical implementation.

Q: What is the physical sticker option?

A: Modeled on the Netherlands "JA" (Yes) sticker system, households can display a "YES - Deliver Advertising Mail" indicator on their mailbox. This provides:

- Self-enforcing mechanism (visual indicator is clear)
- No database lookup required during delivery
- Accessible to those without internet access
- Proven effective in European implementations

V. Why Previous Bills Failed

Q: What happened to the 2007-2008 Do Not Mail bills?

A: H.R. 3319 (2007) and 18 state bills all died in committee due to:

- Industry lobbying (\$5-10 million annually from Mail Moves America coalition)
- Opt-out model was easy to attack as "inconvenient"
- Broad exemptions undermined effectiveness
- No private right of action meant weak enforcement
- Politicians exempted themselves, inviting criticism

Q: How is this bill different?

A: This bill addresses every weakness of failed legislation:

Past Weakness	Our Solution
Opt-out burden on consumers	Opt-in flips the default
Weak penalties	\$500-\$1,500/piece (TCPA model)
No private enforcement	Private right of action
Politicians exempt themselves	Political advertising included
FTC-only enforcement	FTC + State AG + private
Sudden implementation	24-month phase-in

VI. Key Statistics (Sourced)

Statistic	Value	Source
Trees cut annually	100 million	Center for Development of Recycling
CO2 emissions	51.5 million metric tons	VoLo Foundation
Water consumed	28 billion gallons	ForestEthics
Taxpayer disposal cost	\$320 million/year	Municipal studies
Thrown away unopened	44%	EPA
Mail fraud losses (2024)	\$4.9 billion	FBI IC3
EDDM pieces annually	~3 billion	USPS
Support for registry	89%	Zogby 2007
Netherlands opt-out rate	81%	Municipal data

For additional information, visit: zerojunkmail.org

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