

EDDM Consumer Choice Act of 2026

Responding to Industry Opposition

The direct mail industry has developed sophisticated arguments against Do Not Mail legislation. This document provides detailed responses to each major industry argument, with supporting evidence and precedents.

Quick Reference: One-Line Responses

Industry Argument	Response
"460,000 jobs depend on direct mail"	That counts all mail jobs, not just junk mail—and the Netherlands didn't collapse
"Small businesses will suffer"	Small businesses prefer digital; the bill gives them extra time anyway
"First Amendment violation"	Supreme Court ruled advertisers can't force mail into homes (Rowan, 1970)
"Registry is unworkable"	We run a 246-million-number phone registry—this isn't harder
"DMAchoice already exists"	DMAchoice doesn't stop EDDM—that's the whole problem
"Just throw it away"	44% already do—that's the problem, not the solution
"USPS will go bankrupt"	USPS lost \$118B despite junk mail—it hasn't saved them
"Consumers want the ads"	Then they can opt in; 81% chose not to in Netherlands

Detailed Responses

Economic Arguments

Argument 1: "460,000 jobs depend on direct mail"

The Claim: "Direct mail supports 460,000 American jobs. This legislation would devastate the industry and cause massive unemployment."

Problems with this claim:

- 1. The number is inflated and outdated—it includes ALL printing, paper, and postal jobs, not just advertising mail
- 2. It conflates all mail with saturation mail—this bill only affects EDDM and similar saturation mailings
- 3. It ignores jobs created by digital alternatives
- 4. Based on 2007 data; the industry has already contracted significantly

Evidence from Netherlands: When 81% opted out under the JA-sticker system, there was no documented wave of bankruptcies. Businesses adapted to digital channels. Some reported improved ROI by reaching only willing recipients.

Your response: "The 460,000 jobs figure counts all printing, paper, and postal jobs—not just advertising mail jobs. This bill only affects saturation mail. And in the Netherlands, where 81% opted out, businesses adapted. No economic collapse occurred."

Argument 2: "This will devastate small businesses"

The Claim: "Small local businesses depend on affordable EDDM to compete with large corporations."

Problems with this claim:

- EDDM primarily benefits large national mailers—top users are chains and franchises
- Small businesses increasingly prefer digital (cheaper, more targeted)
- Section 10(d) of the bill delays enforcement for senders under 100,000 pieces
- 44% of junk mail is thrown away unopened—that's wasted ad spend

Your response: "Small businesses have more advertising options than ever—most cheaper and more targeted than EDDM. The bill actually protects small senders with delayed enforcement. Meanwhile, the top EDDM users are large national chains, not the local pizza shop."

Argument 3: "This will hurt the economy"

The Claim: "The direct mail industry contributes billions to GDP. Restricting it will harm economic growth."

Problems with this claim:

- Economic activity isn't inherently good—producing waste that goes straight to landfills isn't productivity
- Resources would be reallocated, not destroyed—paper and logistics shift to other uses
- Environmental costs are externalized—taxpayers pay \$320 million annually in disposal costs

Your response: "Producing 3 billion pieces of mail that nobody asked for and 44% throw away unopened isn't economic productivity—it's waste. The industry gets to count the revenue while taxpayers pay \$320 million to dispose of what consumers throw away."

Constitutional Arguments

Argument 4: "This violates the First Amendment"

The Claim: "Commercial speech is protected by the First Amendment. A Do Not Mail registry would unconstitutionally restrict advertisers' free speech rights."

The Supreme Court has already rejected this argument:

"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."

— Chief Justice Burger, Rowan v. Post Office Department (1970)

The Do Not Call Registry survived identical challenges in *Mainstream Marketing Services v. FTC* (10th Cir. 2004).

Key point: This isn't a ban—it's a consent requirement. Advertisers can still reach anyone who opts in. No message content is restricted.

Your response: "The Supreme Court ruled in 1970 that advertisers don't have a constitutional right to force mail into your home. The Do Not Call Registry faced the exact same First Amendment challenge and won. This isn't about banning speech—it's about requiring consent."

Argument 5: "Political mail must be exempt"

The Claim: "Political speech receives the highest First Amendment protection. Exempting political mail is constitutionally required."

Problems with this claim:

- Campaign advertising solicits money and votes—functionally similar to commercial speech
- This bill is content-neutral—restricts based on delivery method, not message
- Candidates have many other channels (TV, digital, door-to-door, targeted mail)
- Politicians exempting themselves from consumer protection invites justified criticism

Your response: "If consumers have the right to refuse commercial advertising in their mailboxes, they should have the same right to refuse political advertising. Politicians shouldn't exempt themselves from consumer protection."

Practical Arguments

Argument 6: "An opt-in registry is unworkable"

The Claim: "Managing a national opt-in registry would be operationally impossible."

Evidence against this claim:

- Do Not Call Registry: 246+ million numbers, operating successfully for 20+ years
- Netherlands uses physical stickers—no central database needed
- Modern database technology easily handles address-based lookups
- Bill provides 24 months for implementation

Your response: "If we can manage a registry of 246 million phone numbers, we can manage a registry of addresses. The Netherlands does it with simple mailbox stickers. This isn't a technical problem—it's a political one."

Argument 7: "DMAchoice already allows opt-out"

The Claim: "Industry self-regulation through DMAchoice already gives consumers an opt-out option."

Critical fact: DMAchoice does NOT stop EDDM. It only covers member companies' addressed mail. Saturation mail is explicitly excluded.

Additional problems:

- Consumer awareness is under 10%
- Compliance is voluntary with no penalties
- Only covers DMA members
- If self-regulation worked, 89% of consumers wouldn't still want a registry

Your response: "DMAchoice doesn't stop EDDM. It doesn't cover saturation mail at all. That's the whole point—industry self-regulation has failed to address the most objectionable category of unwanted mail."

Argument 8: "Just throw it away"

The Claim: "If consumers don't want the mail, they can simply throw it away."

Why this misses the point:

- 44% already do throw it away unopened—that's the problem, not the solution
- It shifts the burden from industry to consumers
- Environmental costs remain: 100 million trees, 51.5 million metric tons CO2
- Taxpayers pay \$320 million annually for disposal
- Vulnerable populations (seniors) must sort through mail to find legitimate documents

Your response: "44% already throw it away without opening it—that's not a solution, that's the problem. 100 million trees are cut, \$320 million in disposal costs are incurred, and consumers spend 8 months of their lives sorting junk mail. 'Just throw it away' shifts the cost from the industry that profits to everyone else who pays."

Postal Service Arguments

Argument 9: "This will bankrupt the Postal Service"

The Claim: "USPS depends on advertising mail revenue to survive."

The reality:

- USPS has lost \$118 billion since 2007—despite advertising mail revenue
- The PAEA pre-funding mandate (\$5.4B annually) is the primary cause of losses
- First-class mail volume down 50%+ since 2001 regardless of advertising mail
- Package delivery is USPS's future growth area
- The bill provides 24-month phase-in for adjustment

Your response: "The Postal Service has lost \$118 billion since 2007—junk mail hasn't saved it. Mail volume has been declining for 20 years regardless. The future of USPS is packages and priority services, not forcing unwanted advertising on consumers."

Prepared by ZeroJunkMail.org | January 2025