



General Assembly

**Substitute Bill No. 6386**

January Session, 2021



**AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY  
FOR TIRES, SMOKE DETECTORS AND CERTAIN GAS CYLINDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) For the purposes of this  
2 section:

3 (1) "Brand" means a name, symbol, word or mark that attributes a gas  
4 cylinder to the producer of such gas cylinder;

5 (2) "Commissioner" means the Commissioner of Energy and  
6 Environmental Protection;

7 (3) "Covered entity" means any political subdivision of the state,  
8 permitted transfer station, state park or state or private campground  
9 that possesses a discarded gas cylinder that was discarded in this state  
10 or at a temporary event, including any such event at a public or private  
11 school, college or university where thirty or more cylinders are  
12 generated;

13 (4) "Department" means the Department of Energy and  
14 Environmental Protection;

15 (5) "Discarded gas cylinder" means any gas cylinder that a consumer  
16 discarded, intends to discard or abandoned;

17 (6) "Gas cylinder" or "cylinder" means any nonrefillable and refillable  
18 cylinder supplied with any type of flammable pressurized gas, helium  
19 or carbon dioxide, of any size greater than a water capacity of two  
20 pounds and up to and including cylinders with a water capacity of fifty  
21 pounds, including, but not limited to, seamless cylinders and tubes,  
22 welded cylinders and insulated cylinders intended to contain helium,  
23 carbon dioxide or any flammable materials such as propane, acetylene,  
24 butane, hydrogen, ethylene and all other flammable compressed gases.  
25 "Gas cylinder" does not include any cylinder, tube or container intended  
26 to deliver a product that is not a compressed gas;

27 (7) "Gas cylinder stewardship organization" means any nonprofit  
28 organization created by producers or created by any trade association  
29 that represents producers and that designs, submits and implements the  
30 gas cylinder stewardship program;

31 (8) "Gas cylinder stewardship program" or "program" means the  
32 state-wide program described in this section and implemented pursuant  
33 to the gas cylinder stewardship plan;

34 (9) "Performance goal" means a metric proposed by the gas cylinder  
35 stewardship organization to measure, on an annual basis, the  
36 performance of the gas cylinder stewardship program, taking into  
37 consideration technical and economic feasibilities, in achieving  
38 continuous, meaningful improvement in the rate of gas cylinder  
39 recycling in the state and any other specified goal of the program;

40 (10) "Producer" means: (A) Any person who manufactures and uses  
41 in a commercial enterprise, sells, offers for sale or distributes any  
42 cylinder in the state under the brand of the manufacturer; (B) any person  
43 who is not the manufacturer of the cylinder but who is the owner or  
44 licensee of a trademark under which the cylinder is used in a  
45 commercial enterprise, sold, offered for sale or distributed in the state,  
46 whether or not the trademark is registered; or (C) any person who  
47 imports any cylinder into the state for use in a commercial enterprise or  
48 for the commercial sale, offer for sale or distribution in the state;

49 (11) "Recycling" means any process in which discarded cylinders,  
50 components and by-products may lose their original identity or form as  
51 they are transformed into new, usable or marketable materials.  
52 "Recycling" does not include the use of incineration for energy recovery;

53 (12) "Refurbish" means to restore for the purposes of refilling a  
54 cylinder;

55 (13) "Retailer" means any person who sells or offers for sale gas  
56 cylinders in this state or offers gas cylinders for sale in this state to a  
57 consumer; and

58 (14) "Sale" means the transfer of title of a gas cylinder for  
59 consideration, including, but not limited to, the use of a sales outlet,  
60 catalog, Internet web site or similar electronic means.

61 (b) On or before July 1, 2022, each producer, or such producer's  
62 designee, shall join a gas cylinder stewardship organization and such  
63 organization shall submit a plan, for the Commissioner of Energy and  
64 Environmental Protection's approval, to establish a state-wide gas  
65 cylinder stewardship program, as described in this subsection. Retailers  
66 may participate in any such gas cylinder stewardship organization.  
67 Such gas cylinder stewardship program shall, to the extent it is  
68 technologically feasible and economically practical: (1) Minimize public  
69 sector involvement in the management of discarded gas cylinders; (2)  
70 provide for free, convenient and accessible state-wide opportunities for  
71 the receipt of discarded gas cylinders from any person in the state with  
72 a discarded gas cylinder that was discarded in the state, including, but  
73 not limited to, participating covered entities that accumulate and  
74 segregate a minimum of thirty discarded gas cylinders for collection at  
75 one time; (3) provide for free collection of discarded gas cylinders from  
76 municipal transfer stations that accumulate and segregate fewer than  
77 thirty gas cylinders, provided the transfer station requires such  
78 collection due to space or permit requirements; (4) provide for gas  
79 cylinder stewardship organization-financed end-of-life management for  
80 discarded gas cylinders collected pursuant to subdivisions (2) and (3) of

81 this subsection; and (5) provide suitable storage containers at, or make  
82 other mutually agreeable storage and transport arrangements for,  
83 permitted municipal transfer stations for segregated, discarded gas  
84 cylinders, at no cost to such municipality, provided any such municipal  
85 transfer station shall make space available for such purpose and shall  
86 not impose any fee for placement of such storage container on the  
87 municipal transfer station's premises.

88 (c) The plan submitted pursuant to subsection (b) of this section shall:  
89 (1) Identify each producer participating in the program; (2) describe the  
90 fee structure for the program; (3) establish performance goals for the  
91 first two years of the program; (4) identify proposed facilities to be used  
92 by the program; (5) detail how the program will promote the recycling  
93 of discarded gas cylinders; and (6) include a description of the public  
94 education program that will be used to promote consumer knowledge  
95 of such program. The fee structure described in subdivision (2) of this  
96 subsection shall not include a fee charged to consumers at the point of  
97 sale.

98 (d) Each stewardship organization shall establish and implement a  
99 fee structure that covers, but does not exceed, the costs of developing  
100 the plan described in subsection (c) of this section, operating and  
101 administering the program described in subsection (b) of this section  
102 and maintaining a financial reserve sufficient to operate the program  
103 over a multiyear period of time in a fiscally prudent and responsible  
104 manner. Each stewardship organization shall maintain all records  
105 relating to the program for a period of not less than three years.

106 (e) Pursuant to the program, recycling shall be required for gas  
107 cylinders and residual gases recovered for reuse.

108 (f) The Commissioner of Energy and Environmental Protection shall  
109 approve a plan for the establishment of the gas cylinder stewardship  
110 program, provided such plan meets the requirements of subsections (b)  
111 to (e), inclusive, of this section. Not later than ninety days after  
112 submission of the plan pursuant to this section, the commissioner shall

113 make a determination whether to approve the plan. Prior to making  
114 such determination, the commissioner shall post the plan on the  
115 department's Internet web site and solicit public comments on the plan.  
116 Such solicitation shall not be conducted pursuant to chapter 54 of the  
117 general statutes. In the event that the commissioner disapproves the  
118 plan because it does not meet the requirements of subsections (b) to (e),  
119 inclusive, of this section, the commissioner shall describe the reasons for  
120 the disapproval in a notice of determination that the commissioner shall  
121 provide to the gas cylinder stewardship organization. Such stewardship  
122 organization shall revise and resubmit the plan to the commissioner not  
123 later than forty-five days after receipt of the commissioner's notice of  
124 disapproval. Not later than forty-five days after receipt of the revised  
125 plan, the commissioner shall review and approve or disapprove the  
126 revised plan, and provide a notice of determination to the gas cylinder  
127 stewardship organization. Such stewardship organization may  
128 resubmit a revised plan to the commissioner for approval on not more  
129 than two occasions. If the gas cylinder stewardship organization fails to  
130 submit a plan that is acceptable to the commissioner because it does not  
131 meet the requirements of subsections (b) to (e), inclusive, of this section,  
132 the commissioner shall modify a submitted plan to make it conform to  
133 the requirements of subsections (b) to (e), inclusive, of this section, and  
134 approve it. Not later than one hundred twenty days after the approval  
135 of a plan pursuant to this section, or one hundred eighty days, in the  
136 case of a plan modified by the commissioner, the gas cylinder  
137 stewardship organization shall implement the gas cylinder stewardship  
138 program.

139 (g) (1) Each gas cylinder stewardship organization shall submit any  
140 proposed substantial change to the program to the Commissioner of  
141 Energy and Environmental Protection for approval. For the purposes of  
142 this subdivision, "substantial change" means: (A) A change in the  
143 processing facilities to be used for discarded gas cylinders collected  
144 pursuant to the program, or (B) a material change to the system for  
145 collecting gas cylinders. If the commissioner does not disapprove a  
146 proposed substantial change within ninety days of receipt of notification

147 of such proposed substantial change, such proposed substantial change  
148 shall be deemed approved.

149 (2) Not later than July 1, 2025, each gas cylinder stewardship  
150 organization shall submit updated performance goals to the  
151 commissioner that are based on the experience of the program during  
152 the first two years of the program.

153 (h) Each gas cylinder stewardship organization shall notify the  
154 Commissioner of Energy and Environmental Protection of other  
155 material changes to the program on an ongoing basis, without  
156 resubmission of the plan to the commissioner for approval. Such  
157 changes shall include, but not be limited to, a change in the composition,  
158 officers or contact information of the gas cylinder stewardship  
159 organization.

160 (i) Not later than October fifteenth of each year, each gas cylinder  
161 stewardship organization shall submit an annual report to the  
162 Commissioner of Energy and Environmental Protection, on a form  
163 prescribed by the commissioner. The commissioner shall post such  
164 annual report on the department's Internet web site. Such report shall  
165 include: (1) The tonnage of gas cylinders collected pursuant to the  
166 program from: (A) Municipal transfer stations, (B) retailers, and (C) all  
167 other covered entities; (2) the weight of gas cylinder materials recycled,  
168 as indicated by the weight of each of the commodities sold to secondary  
169 markets; (3) the weight of gas cylinders refurbished; (4) a summary of  
170 the public education program that supports the program; (5) an  
171 evaluation of the effectiveness of methods and processes used to achieve  
172 performance goals of the program; and (6) recommendations for any  
173 changes to the program.

174 (j) Two years after the implementation of the program and every  
175 three years thereafter, or upon the request of the Commissioner of  
176 Energy and Environmental Protection but not more frequently than  
177 once a year, each gas cylinder stewardship organization shall cause an  
178 audit of the program to be conducted by an auditor selected by the

179 commissioner. Such audit shall review the accuracy of the gas  
180 stewardship organization's data concerning the program and provide  
181 any other information requested by the commissioner, consistent with  
182 the requirements of this section, provided such request does not require  
183 the disclosure of any proprietary information or trade or business  
184 secrets. Such audit shall be paid for by each gas cylinder stewardship  
185 organization. Each gas cylinder stewardship organization shall  
186 maintain all records relating to the program for not less than three years.

187 (k) Upon implementation of the gas cylinder stewardship program  
188 described in this section, any covered entity that participates in such  
189 program shall not charge for the receipt of discarded gas cylinders that  
190 are discarded in this state, provided any such covered entity may restrict  
191 the acceptance of gas cylinders by number, source or condition.

192 (l) Not later than three years after the approval of the gas cylinder  
193 stewardship plan pursuant to this section, the Commissioner of Energy  
194 and Environmental Protection shall submit a report, in accordance with  
195 the provisions of section 11-4a of the general statutes, to the joint  
196 standing committee of the General Assembly having cognizance of  
197 matters relating to the environment. Such report shall provide an  
198 evaluation of the gas cylinder stewardship program and establish a goal  
199 for the amount of discarded cylinders managed under the program and  
200 a separate goal for the recycling of gas cylinders, taking into  
201 consideration technical and economic feasibilities.

202 (m) Each producer and gas cylinder stewardship organization shall  
203 be immune from liability for any claim of a violation of antitrust law or  
204 unfair trade practice, if such conduct is a violation of antitrust law, to  
205 the extent such producer or gas cylinder stewardship organization is  
206 exercising authority pursuant to the provisions of this section.

207 (n) The Commissioner of Energy and Environmental Protection may  
208 seek civil enforcement of the provisions of this section pursuant to  
209 chapter 439 of the general statutes.

210 (o) Whenever, in the judgment of the Commissioner of Energy and  
211 Environmental Protection, any person has engaged in or is about to  
212 engage in any act, practice or omission that constitutes, or will  
213 constitute, a violation of any provision of this section, the Attorney  
214 General may, at the request of the commissioner, bring an action in the  
215 superior court for the judicial district of New Britain for an order  
216 enjoining such act, practice or omission. Such order may require  
217 remedial measures and direct compliance with the provisions of this  
218 section. Upon a showing by the commissioner that such person has  
219 engaged in or is about to engage in any such act, practice or omission,  
220 the court may issue a permanent or temporary injunction, restraining  
221 order or other order, as appropriate.

222 (p) Any action brought by the Attorney General pursuant to this  
223 section shall have precedence in the order of trial, as provided in section  
224 52-191 of the general statutes.

225 (q) In the event that another state implements a gas cylinder recycling  
226 program, each gas cylinder stewardship organization may collaborate  
227 with such state to conserve efforts and resources used in carrying out  
228 the gas cylinder stewardship program, provided such collaboration is  
229 consistent with the requirements of this section.

230 (r) The Commissioner of Energy and Environmental Protection may  
231 assess a reasonable fee to each gas cylinder stewardship organization,  
232 not to exceed ten per cent of total program costs, for administration of  
233 the gas cylinder stewardship program.

234 (s) Any producer who fails to participate in the gas cylinder  
235 stewardship program shall not sell or offer for sale gas cylinders in this  
236 state.

237 Sec. 2. (NEW) (*Effective October 1, 2021*) (a) For the purposes of this  
238 section:

239 (1) "Brand" means a name, symbol, word or mark that attributes a tire  
240 to the producer of such tire;



241 (2) "Commissioner" means the Commissioner of Energy and  
242 Environmental Protection;

243 (3) "Covered entity" means any permitted transfer station, tire  
244 retailer, car dealership, automotive garage or private or public sector  
245 fleet maintenance garage;

246 (4) "Department" means the Department of Energy and  
247 Environmental Protection;

248 (5) "Discarded tire" means any tire that a consumer discarded or  
249 abandoned, or intends to discard or abandon;

250 (6) "Tire" means a product composed primarily of rubber that is  
251 mounted on the wheels of all types of passenger and commercial on-  
252 road and off-road motorized vehicles including passenger vehicles,  
253 motorcycles, trucks, buses, mobile homes, trailers, noncommercial  
254 aircraft, and earthmoving, road building, mining, logging, agricultural,  
255 industrial, and other vehicles to provide mobility. "Tire" does not  
256 include any tire from any toy, bicycle, commercial aircraft or personal  
257 mobility device;

258 (7) "Tire stewardship organization" means the nonprofit organization  
259 created by producers or created by any trade association that represents  
260 producers who account for a majority of tire production in the United  
261 States and that designs, submits and implements the gas tire  
262 stewardship program;

263 (8) "Tire stewardship program" or "program" means the state-wide  
264 program described in this section and implemented pursuant to the tire  
265 stewardship plan;

266 (9) "Performance goal" means a metric proposed by the tire  
267 stewardship organization to measure, on an annual basis, the  
268 performance of the tire stewardship program, taking into consideration  
269 technical and economic feasibilities, in achieving continuous,  
270 meaningful improvement in the rate of tire recycling in the state and any

271 other specified goal of such program;

272 (10) "Producer" means any person who manufactures a tire that is  
273 sold, offered for sale or distributed in this state under the producer's  
274 own name or brand. "Producer" includes (A) the owner of a trademark  
275 or brand under which a tire is sold, offered for sale or distributed in this  
276 state, and (B) any person who imports a tire into the United States that  
277 is sold or offered for sale in this state and that is manufactured by a  
278 person who does not have a presence in the United States. "Producer"  
279 does not include any manufacturer of tires with less than one-tenth of  
280 one per cent of the nationally recognized market share;

281 (11) "Recycling" means any process in which discarded tires,  
282 components and by-products may lose their original identity or form as  
283 they are transformed into new, usable or marketable materials.  
284 "Recycling" does not include the use of incineration for energy recovery;

285 (12) "Retailer" means any person who sells or offers for sale tires in  
286 this state or offers tires for sale in this state to a consumer; and

287 (13) "Sale" means the transfer of title of a tire for consideration,  
288 including, but not limited to, the use of a sales outlet, catalog, Internet  
289 web site or similar electronic means.

290 (b) On or before July 1, 2022, each producer, or such producer's  
291 designee, shall join the tire stewardship organization and such  
292 organization shall submit a plan, for the Commissioner of Energy and  
293 Environmental Protection's approval, to establish a state-wide tire  
294 stewardship program, as described in this subsection. Retailers may  
295 participate in any such tire stewardship organization. Such tire  
296 stewardship program shall, to the extent it is technologically feasible  
297 and economically practical: (1) Minimize public sector involvement in  
298 the management of discarded tires; (2) provide for free, convenient and  
299 accessible state-wide opportunities for the receipt of discarded tires  
300 from any person in the state with a discarded tire that was discarded in  
301 the state, including, but not limited to, participating covered entities that

302 accumulate and segregate a minimum of six cubic yards of discarded  
303 tires at one time; (3) provide for free collection of discarded tires from  
304 municipal transfer stations that accumulate and segregate fewer than  
305 one hundred tires, provided the transfer station requires such collection  
306 due to space or permit requirements; (4) provide for producer-financed  
307 end-of-life management for discarded tires collected pursuant to  
308 subdivisions (2) and (3) of this subsection; and (5) provide suitable  
309 storage containers at, or make other mutually agreeable storage and  
310 transport arrangements for, permitted municipal transfer stations for  
311 segregated, discarded tires, at no cost to such municipality.

312 (c) The plan submitted pursuant to subsection (b) of this section shall:  
313 (1) Identify each producer participating in the program; (2) describe  
314 how the program will be financed; (3) establish performance goals for  
315 the first two years of the program; (4) identify proposed facilities to be  
316 used by the program; (5) detail how the program follows the solid waste  
317 hierarchy, as defined in the state-wide solid waste management plan,  
318 and will promote the recycling of discarded tires; and (6) include a  
319 description of the public education program that will be used to  
320 promote consumer knowledge of such program.

321 (d) Each stewardship organization shall establish and implement a  
322 system for financing the tire stewardship program that covers, but does  
323 not exceed, the costs of developing the plan described in subsection (c)  
324 of this section, operating and administering the program described in  
325 subsection (b) of this section and maintaining a financial reserve for six  
326 months sufficient to operate the program. Each stewardship  
327 organization shall maintain all records relating to the program for a  
328 period of not less than three years. Funding of such program may be  
329 through a fee structure.

330 (e) The Commissioner of Energy and Environmental Protection shall  
331 approve a plan for the establishment of the tire stewardship program,  
332 provided such plan meets the requirements of subsections (b) to (e),  
333 inclusive, of this section. Prior to making such determination, the  
334 commissioner shall post the plan on the department's Internet web site

335 and solicit public comments on the plan. Such solicitation shall not be  
336 conducted pursuant to chapter 54 of the general statutes. Not later than  
337 ninety days after submission of the plan pursuant to this section, the  
338 commissioner shall make a determination whether to approve the plan.  
339 In the event that the commissioner disapproves the plan because it does  
340 not meet the requirements of subsections (b) to (e), inclusive, of this  
341 section, the commissioner shall describe the reasons for the disapproval  
342 in a notice of determination that the commissioner shall provide to the  
343 tire stewardship organization. Such stewardship organization shall  
344 revise and resubmit the plan to the commissioner not later than forty-  
345 five days after receipt of the commissioner's notice of disapproval. Not  
346 later than forty-five days after receipt of the revised plan, the  
347 commissioner shall review and approve or disapprove the revised plan,  
348 and provide a notice of determination to the gas cylinder stewardship  
349 organization. Such stewardship organization may resubmit a revised  
350 plan to the commissioner for approval on not more than two occasions.  
351 If the tire stewardship organization fails to submit a plan that is  
352 acceptable to the commissioner because it does not meet the  
353 requirements of subsections (b) to (e), inclusive, of this section, the  
354 commissioner shall modify a submitted plan to make it conform to the  
355 requirements of subsections (b) to (e), inclusive, of this section, and  
356 approve it. Not later than one hundred twenty days after the approval  
357 of a plan pursuant to this section, or one hundred eighty days, in the  
358 case of a plan modified by the commissioner, the tire stewardship  
359 organization shall implement the tire stewardship program.

360 (f) (1) The tire stewardship organization shall submit any proposed  
361 substantial change to the program to the Commissioner of Energy and  
362 Environmental Protection for approval. For the purposes of this  
363 subdivision, "substantial change" means: (A) A change in the processing  
364 facilities to be used for discarded tires collected pursuant to the  
365 program, or (B) a material change to the system for collecting tires.

366 (2) Not later than July 1, 2025, the tire stewardship organization shall  
367 submit updated performance goals to the commissioner that are based

368 on the experience of the program during the first two years of the  
369 program.

370 (g) Each tire stewardship organization shall notify the Commissioner  
371 of Energy and Environmental Protection of other material changes to  
372 the program on an ongoing basis, without resubmission of the plan to  
373 the commissioner for approval. Such changes shall include, but not be  
374 limited to, a change in the composition, officers or contact information  
375 of the tire stewardship organization.

376 (h) Not later than October fifteenth of each year, each tire stewardship  
377 organization shall submit an annual report to the Commissioner of  
378 Energy and Environmental Protection, on a form prescribed by the  
379 commissioner. The commissioner shall post such annual report on the  
380 department's Internet web site. Such report shall include: (1) The  
381 tonnage of tires collected pursuant to the program from: (A) Municipal  
382 transfer stations, (B) retailers, and (C) all other covered entities; (2) the  
383 tonnage of tires diverted for recycling; (3) a summary of the public  
384 education program that supports the program; (4) an evaluation of the  
385 effectiveness of methods and processes used to achieve performance  
386 goals of the program; and (5) recommendations for any changes to the  
387 program.

388 (i) Two years after the implementation of the program and every  
389 three years thereafter, or upon the request of the Commissioner of  
390 Energy and Environmental Protection but not more frequently than  
391 once a year, each tire stewardship organization shall cause an audit of  
392 the program to be conducted by an auditor selected by the  
393 commissioner. Such audit shall review the accuracy of the tire  
394 stewardship organization's data concerning the program and provide  
395 any other information requested by the commissioner, consistent with  
396 the requirements of this section, provided such request does not require  
397 the disclosure of any proprietary information or trade or business  
398 secrets. Such audit shall be paid for by each tire stewardship  
399 organization. Each tire stewardship organization shall maintain all  
400 records relating to the program for not less than three years.

401 (j) Upon implementation of the tire stewardship program described  
402 in this section, any covered entity that participates in such program shall  
403 not charge for the receipt of discarded tires that are discarded in this  
404 state, provided any such covered entity may restrict the acceptance of  
405 tires by number, source or condition.

406 (k) Not later than three years after the approval of the tire  
407 stewardship plan pursuant to this section, the Commissioner of Energy  
408 and Environmental Protection shall submit a report, in accordance with  
409 the provisions of section 11-4a of the general statutes, to the joint  
410 standing committee of the General Assembly having cognizance of  
411 matters relating to the environment. Such report shall provide an  
412 evaluation of the tire stewardship program and establish a goal for the  
413 amount of discarded tires managed under the program and a separate  
414 goal for the diversion of tires for recycling, taking into consideration  
415 technical and economic feasibilities.

416 (l) Each producer and the tire stewardship organization shall be  
417 immune from liability for any claim of a violation of antitrust law or  
418 unfair trade practice, if such conduct is a violation of antitrust law, to  
419 the extent such producer or tire stewardship organization is exercising  
420 authority pursuant to the provisions of this section.

421 (m) The Commissioner of Energy and Environmental Protection may  
422 seek civil enforcement of the provisions of this section pursuant to  
423 chapter 439 of the general statutes.

424 (n) Whenever, in the judgment of the Commissioner of Energy and  
425 Environmental Protection, any person has engaged in or is about to  
426 engage in any act, practice or omission that constitutes, or will  
427 constitute, a violation of any provision of this section, the Attorney  
428 General may, at the request of the commissioner, bring an action in the  
429 superior court for the judicial district of New Britain for an order  
430 enjoining such act, practice or omission. Such order may require  
431 remedial measures and direct compliance with the provisions of this  
432 section. Upon a showing by the commissioner that such person has

433 engaged in or is about to engage in any such act, practice or omission,  
434 the court may issue a permanent or temporary injunction, restraining  
435 order or other order, as appropriate.

436 (o) Any action brought by the Attorney General pursuant to this  
437 section shall have precedence in the order of trial, as provided in section  
438 52-191 of the general statutes.

439 (p) In the event that another state implements a tire stewardship or  
440 recycling program, the tire stewardship organization may collaborate  
441 with such state to conserve efforts and resources used in carrying out  
442 the tire stewardship program, provided such collaboration is consistent  
443 with the requirements of this section.

444 (q) The Commissioner of Energy and Environmental Protection may  
445 assess a reasonable fee to the tire stewardship organization, not to  
446 exceed ten per cent of total program costs, for administration of the tire  
447 stewardship program.

448 (r) Any producer who fails to participate in the tire stewardship  
449 program shall not sell or offer for sale tires in this state.

450 Sec. 3. (NEW) (*Effective October 1, 2021*) (a) For the purposes of this  
451 section:

452 (1) "Brand" means a name, symbol, word or mark that attributes a  
453 smoke detector to the producer of such smoke detector;

454 (2) "Commissioner" means the Commissioner of Energy and  
455 Environmental Protection;

456 (3) "Covered entity" means any political subdivision of the state,  
457 permitted transfer station, or permitted household hazardous waste  
458 facility that possesses a discarded smoke detector that was discarded in  
459 this state;

460 (4) "Department" means the Department of Energy and

461 Environmental Protection;

462 (5) "Discarded smoke detector" means any smoke detector that a  
463 consumer discarded, intends to discard or abandoned;

464 (6) "Smoke detector" means any battery operated or plug-in smoke  
465 detector intended for use in a residential dwelling, any carbon  
466 monoxide detector intended for use in a residential dwelling and any  
467 smoke detector and carbon monoxide detector combination intended  
468 for use in a residential dwelling with or without an alarm notification;

469 (7) "Smoke detector stewardship organization" means the nonprofit  
470 organization created by producers or created by any trade association  
471 that represents producers who account for a majority of smoke detector  
472 production in the United States and that designs, submits and  
473 implements the smoke detector stewardship program;

474 (8) "Smoke detector stewardship program" or "program" means the  
475 state-wide program described in this section and implemented pursuant  
476 to the smoke detector stewardship plan;

477 (9) "Performance goal" means a metric proposed by the smoke  
478 detector stewardship organization to measure, on an annual basis, the  
479 performance of the smoke detector stewardship program, taking into  
480 consideration technical and economic feasibilities, in achieving  
481 continuous, meaningful improvement in the rate of smoke detector  
482 recycling in the state and any other specified goal of the program;

483 (10) "Producer" means any person who manufactures a smoke  
484 detector that is sold, offered for sale or distributed in the state under the  
485 producer's own name or brand. "Producer" includes (A) the owner of a  
486 trademark or brand under which a smoke detector is sold, offered for  
487 sale or distributed in this state, whether or not such trademark or brand  
488 is registered in this state, and (B) any person who imports a smoke  
489 detector into the United States that is sold or offered for sale in this state  
490 and that is manufactured or renovated by a person who does not have  
491 a presence in the United States;



492 (11) "Recycling" means any process in which discarded smoke  
493 detectors, components and by-products may lose their original identity  
494 or form as they are transformed into new, usable or marketable  
495 materials. "Recycling" does not include the use of incineration for energy  
496 recovery;

497 (12) "Retailer" means any person who sells or offers for sale smoke  
498 detectors in this state or offers smoke detectors for sale in this state to a  
499 consumer; and

500 (13) "Sale" means the transfer of title of a smoke detector for  
501 consideration, including, but not limited to, the use of a sales outlet,  
502 catalog, Internet web site or similar electronic means.

503 (b) On or before July 1, 2022, each producer, or such producer's  
504 designee, shall join the smoke detector stewardship organization and  
505 such organization shall submit a plan, for the Commissioner of Energy  
506 and Environmental Protection's approval, to establish a state-wide  
507 smoke detector stewardship program, as described in this subsection.  
508 Retailers may participate in any such smoke detector stewardship  
509 organization. Such smoke detector stewardship program shall, to the  
510 extent it is technologically feasible and economically practical: (1)  
511 Minimize public sector involvement in the management of discarded  
512 smoke detectors; (2) provide for free, convenient and accessible state-  
513 wide opportunities for the receipt of discarded smoke detectors from  
514 any person in the state with a discarded smoke detector that was  
515 discarded in the state, including, but not limited to, participating  
516 covered entities that accumulate and segregate a minimum of fifty  
517 discarded smoke detectors for collection at one time and municipal  
518 transfer stations that discard a minimum of thirty smoke detectors at  
519 one time; (3) provide for free collection of discarded smoke detectors  
520 from municipal transfer stations that accumulate and segregate fewer  
521 than thirty smoke detectors, provided the transfer station requires such  
522 collection due to space or permit requirements; (4) provide for smoke  
523 detector stewardship organization-financed end-of-life management for  
524 discarded smoke detectors collected pursuant to subdivisions (2) and (3)

525 of this subsection; and (5) provide suitable storage containers at, or  
526 make other mutually agreeable storage and transport arrangements for,  
527 permitted municipal transfer stations for segregated, discarded smoke  
528 detectors, at no cost to such municipality, provided any such municipal  
529 transfer station shall make space available for such purpose and shall  
530 not impose any fee for placement of such storage container on the  
531 municipal transfer station's premises.

532 (c) The plan submitted pursuant to subsection (b) of this section shall:  
533 (1) Identify each producer participating in the program; (2) describe the  
534 fee structure for the program; (3) establish performance goals for the  
535 first two years of the program; (4) identify proposed facilities to be used  
536 by the program; (5) detail how the program will promote the recycling  
537 of discarded smoke detectors; and (6) include a description of the public  
538 education program that will be used to promote consumer knowledge  
539 of such program. The fee structure described in subdivision (2) of this  
540 subsection shall not include a fee charged to consumers at the point of  
541 sale.

542 (d) The smoke detector stewardship organization shall establish and  
543 implement a fee structure that covers, but does not exceed, the costs of  
544 developing the plan described in subsection (c) of this section, operating  
545 and administering the program described in subsection (b) of this  
546 section and maintaining a financial reserve sufficient to operate the  
547 program over a multiyear period of time in a fiscally prudent and  
548 responsible manner. The smoke detector stewardship organization shall  
549 maintain all records relating to the program for a period of not less than  
550 three years.

551 (e) Pursuant to the program, recycling shall be preferred over any  
552 other disposal method for smoke detectors, to the extent that recycling  
553 is technologically feasible and economically practical.

554 (f) The Commissioner of Energy and Environmental Protection shall  
555 approve a plan for the establishment of the smoke detector stewardship  
556 program, provided such plan meets the requirements of subsections (b)

557 to (e), inclusive, of this section. Not later than ninety days after  
558 submission of the plan pursuant to this section, the commissioner shall  
559 make a determination whether to approve the plan. Prior to making  
560 such determination, the commissioner shall post the plan on the  
561 department's Internet web site and solicit public comments on the plan.  
562 Such solicitation shall not be conducted pursuant to chapter 54 of the  
563 general statutes. In the event that the commissioner disapproves the  
564 plan because it does not meet the requirements of subsections (b) to (e),  
565 inclusive, of this section, the commissioner shall describe the reasons for  
566 the disapproval in a notice of determination that the commissioner shall  
567 provide to the smoke detector stewardship organization. Such  
568 stewardship organization shall revise and resubmit the plan to the  
569 commissioner not later than forty-five days after receipt of the  
570 commissioner's notice of disapproval. Not later than forty-five days  
571 after receipt of the revised plan, the commissioner shall review and  
572 approve or disapprove the revised plan, and provide a notice of  
573 determination to the smoke detector stewardship organization. Such  
574 stewardship organization may resubmit a revised plan to the  
575 commissioner for approval on not more than two occasions. If the smoke  
576 detector stewardship organization fails to submit a plan that is  
577 acceptable to the commissioner because it does not meet the  
578 requirements of subsections (b) to (e), inclusive, of this section, the  
579 commissioner shall modify a submitted plan to make it conform to the  
580 requirements of subsections (b) to (e), inclusive, of this section, and  
581 approve it. Not later than one hundred twenty days after the approval  
582 of a plan pursuant to this section, or one hundred eighty days, in the  
583 case of a plan modified by the commissioner, the smoke detector  
584 stewardship organization shall implement the smoke detector  
585 stewardship program.

586 (g) (1) The smoke detector stewardship organization shall submit any  
587 proposed substantial change to the program to the Commissioner of  
588 Energy and Environmental Protection for approval. For the purposes of  
589 this subdivision, "substantial change" means: (A) A change in the  
590 processing facilities to be used for discarded smoke detectors collected

591 pursuant to the program, or (B) a material change to the system for  
592 collecting smoke detectors. If the commissioner does not disapprove a  
593 proposed substantial change within ninety days of receipt of notification  
594 of such proposed substantial change, such proposed substantial change  
595 shall be deemed approved.

596 (2) Not later than July 1, 2025, the smoke detector stewardship  
597 organization shall submit updated performance goals to the  
598 commissioner that are based on the experience of the program during  
599 the first two years of the program.

600 (h) The smoke detector stewardship organization shall notify the  
601 Commissioner of Energy and Environmental Protection of other  
602 material changes to the program on an ongoing basis, without  
603 resubmission of the plan to the commissioner for approval. Such  
604 changes shall include, but not be limited to, a change in the composition,  
605 officers or contact information of the smoke detector stewardship  
606 organization.

607 (i) Not later than October fifteenth of each year, the smoke detector  
608 stewardship organization shall submit an annual report to the  
609 Commissioner of Energy and Environmental Protection, on a form  
610 prescribed by the commissioner. The commissioner shall post such  
611 annual report on the department's Internet web site. Such report shall  
612 include: (1) The weight of smoke detectors collected pursuant to the  
613 program from: (A) Municipal transfer stations, (B) retailers, and (C) all  
614 other covered entities; (2) the weight of smoke detectors diverted for  
615 recycling; (3) the weight of smoke detector materials recycled, as  
616 indicated by the weight of each of the commodities sold to secondary  
617 markets; (4) a summary of the public education program that supports  
618 the program; (5) an evaluation of the effectiveness of methods and  
619 processes used to achieve performance goals of the program; and (6)  
620 recommendations for any changes to the program.

621 (j) Two years after the implementation of the program and every  
622 three years thereafter, or upon the request of the Commissioner of

623 Energy and Environmental Protection but not more frequently than  
624 once a year, the smoke detector stewardship organization shall cause an  
625 audit of the program to be conducted by an auditor selected by the  
626 commissioner. Such audit shall review the accuracy of the smoke  
627 detector organization's data concerning the program and provide any  
628 other information requested by the commissioner, consistent with the  
629 requirements of this section, provided such request does not require the  
630 disclosure of any proprietary information or trade or business secrets.  
631 Such audit shall be paid for by the smoke detector stewardship  
632 organization. The smoke detector organization shall maintain all  
633 records relating to the program for not less than three years.

634 (k) Upon implementation of the smoke detector stewardship  
635 program described in this section, any covered entity that participates  
636 in such program shall not charge for the receipt of discarded smoke  
637 detectors that are discarded in this state provided any such covered  
638 entity may restrict the acceptance of smoke detectors by number, source  
639 or condition.

640 (l) Not later than three years after the approval of the smoke detector  
641 stewardship plan pursuant to this section, the Commissioner of Energy  
642 and Environmental Protection shall submit a report, in accordance with  
643 the provisions of section 11-4a of the general statutes, to the joint  
644 standing committee of the General Assembly having cognizance of  
645 matters relating to the environment. Such report shall provide an  
646 evaluation of the smoke detector stewardship program and establish a  
647 goal for the amount of discarded smoke detectors managed under the  
648 program and a separate goal for the recycling of smoke detectors, taking  
649 into consideration technical and economic feasibilities.

650 (m) Each producer and the smoke detector stewardship organization  
651 shall be immune from liability for any claim of a violation of antitrust  
652 law or unfair trade practice, if such conduct is a violation of antitrust  
653 law, to the extent such producer or smoke detector stewardship  
654 organization is exercising authority pursuant to the provisions of this  
655 section.

656 (n) The Commissioner of Energy and Environmental Protection may  
657 seek civil enforcement of the provisions of this section pursuant to  
658 chapter 439 of the general statutes.

659 (o) Whenever, in the judgment of the Commissioner of Energy and  
660 Environmental Protection, any person has engaged in or is about to  
661 engage in any act, practice or omission that constitutes, or will  
662 constitute, a violation of any provision of this section, the Attorney  
663 General may, at the request of the commissioner, bring an action in the  
664 superior court for the judicial district of New Britain for an order  
665 enjoining such act, practice or omission. Such order may require  
666 remedial measures and direct compliance with the provisions of this  
667 section. Upon a showing by the commissioner that such person has  
668 engaged in or is about to engage in any such act, practice or omission,  
669 the court may issue a permanent or temporary injunction, restraining  
670 order or other order, as appropriate.

671 (p) Any action brought by the Attorney General pursuant to this  
672 section shall have precedence in the order of trial, as provided in section  
673 52-191 of the general statutes.

674 (q) In the event that another state implements a smoke detector  
675 recycling program, the smoke detector stewardship organization may  
676 collaborate with such state to conserve efforts and resources used in  
677 carrying out the smoke detector stewardship program, provided such  
678 collaboration is consistent with the requirements of this section.

679 (r) The Commissioner of Energy and Environmental Protection may  
680 assess a reasonable fee to the smoke detector stewardship organization,  
681 not to exceed ten per cent of total program costs, for administration of  
682 the smoke detector stewardship program.

683 (s) Any producer who fails to participate in the smoke detector  
684 stewardship program shall not sell or offer for sale smoke detectors in  
685 this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section

**ENV**      *Joint Favorable Subst.*