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## **OLR Bill Analysis**

### **HB 5353**

#### ***AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.***

#### **SUMMARY**

This bill gives a gas cylinder stewardship organization that is implementing an approved stewardship plan a private right of action for damages against a noncompliant producer under certain circumstances (see BACKGROUND). Current law limits civil enforcement of the gas cylinder stewardship law to actions by the Department of Energy and Environmental Protection (DEEP) and the attorney general.

Under the bill, the right of action can be brought when the (1) organization incurs more than \$500 in actual costs to manage gas cylinders the defendant producer supplied, sold, or offered for sale in the state and (2) defendant producer, or the stewardship organization to which it belongs, is noncompliant with the gas cylinder stewardship law.

The damages available to the organization are (1) the actual costs to manage (i.e., collection, education, handling, recycling, approved disposal, and administrative overhead) cylinders reasonably identified as coming from another gas cylinder producer or gas cylinder stewardship organization and (2) attorney's fees and costs from bringing the action.

The bill allows a gas cylinder stewardship organization to bring the action regardless of whether it informed DEEP of the defendant's noncompliance. It also specifies that DEEP is not a necessary party to the private action, nor does DEEP need to help or otherwise participate, unless it is subject to a subpoena from the court.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

***Gas Cylinder Stewardship Law***

PA 22-27 established a framework for a statewide stewardship program to collect discarded gas cylinders. Among other things, the law requires, by October 1, 2025, all gas cylinder producers to be part of an approved and implemented stewardship program, either individually or by participating in a stewardship organization.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/20/2024)