
OLR Bill Analysis

HB 5353 (as amended by House "A")*

AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.

SUMMARY

PA 22-27 established a framework for a statewide stewardship program to collect discarded gas cylinders, to which this bill makes several changes.

First, current law requires, by October 1, 2025, all gas cylinder producers to be part of an approved and implemented stewardship program. The bill instead requires producers to be part of an approved plan by October 1, 2024, and a program to be implemented by that October 1, 2025, date.

Current law limits civil enforcement of the gas cylinder stewardship law in court to actions by the Department of Energy and Environmental Protection (DEEP) and the attorney general. In these cases, the bill allows the court to assess a civil penalty on producers of up to \$25,000 per offense, with each violation being a separate offense. The bill also gives a gas cylinder stewardship organization that implements an approved stewardship plan a private right of action for damages against a noncompliant producer under certain circumstances.

Lastly, the law requires DEEP to annually report to the Environment Committee on its efforts to address producer noncompliance. Current law requires the report to include a list of noncompliant producers. The bill instead requires it to have a list of compliant ones that is based on information from the stewardship organizations.

*House Amendment "A" (1) requires producers to be part of a stewardship organization by October 1, 2024, and designates October 1, 2025, as the date for program implementation; (2) requires DEEP's annual report on producer compliance to include a list of compliant,

rather than noncompliant, producers; (3) eliminates a provision in the underlying bill specifying that DEEP is not a necessary party to the private action, unless by subpoena; and (4) makes minor and technical changes, including limiting the attorney's fees that a producer can receive in the private action to those that are reasonable.

EFFECTIVE DATE: Upon passage

PRIVATE RIGHT OF ACTION

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) reasonable 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.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/20/2024)

Judiciary Committee

Joint Favorable

Yea 34 Nay 1 (04/22/2024)