



PA 24-133—HB 5353

Environment Committee

Judiciary Committee

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 act makes several changes.

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

Prior law limited civil enforcement of the gas cylinder stewardship law in court to actions by the Department of Energy and Environmental Protection (DEEP) and the state attorney general. In these cases, the act 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 act 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, existing law requires DEEP to annually report to the Environment Committee on its efforts to address producer noncompliance. Prior law required the report to include a list of noncompliant producers. The act instead requires it to have a list of compliant ones that is based on information from the stewardship organizations.

EFFECTIVE DATE: Upon passage

PRIVATE RIGHT OF ACTION

Under the act, a private right of action can be brought when a (1) stewardship 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 act allows a gas cylinder stewardship organization to bring the action regardless of whether it informed DEEP of the defendant's noncompliance.