

## **Environment Committee JOINT FAVORABLE REPORT**

**Bill No.:** HB-6386

AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY FOR

**Title:** TIRES, SMOKE DETECTORS AND CERTAIN GAS CYLINDERS.

**Vote Date:** 3/29/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/10/2021

**File No.:**

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### **SPONSORS OF BILL:**

Rep. Joseph P. Gresko, 121st Dist.

Rep. Michael A. Winkler, 56th Dist.

Rep. David Michel, 146th Dist.

### **REASONS FOR BILL:**

Tires, gas cylinders and smoke detectors are necessary to life but hazardous materials to the environment. These products end up in the waste stream without due proper concern. To ensure these materials are efficiently and effectively properly disposed, recycled or reclaimed the necessary regulatory frame work is required. Connecticut has a successfully extended producer responsibility programs for other items, these conditions are extended with specific instructions for tires, gas cylinders and smoke detectors.

### **Substitute Language – LCO No. 6127**

DEEP reported in 2016 they do not favor a tire manifest program since other states that have a manifest system of tracking to monitor the generation, transportation and disposal still have illegal dumping of tires in their states. This bill will allow the industry to develop a tire stewardship program using their knowledge of the system.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Katie Dykes, Commissioner, Department of Energy and Environmental Protection**

Department of Environmental Protection (DEEP) supports HB6386. DEEP has been working with 74 communities since September 2020. The purpose of Connecticut Coalition for Sustainable Materials Management (CCSMM) is to seek solutions to Connecticut's waste management issues. Extended Producer Responsibility Programs (EPR), a significant focus of CCSM, puts the disposal of materials on the producer, not on the municipalities and taxpayers. CCSM recommended supporting EPR on tires and gas cylinders.

1. Tires are a significant issue in the waste stream. Illegal dumping on state land and various municipalities has been an issue over the years. DEEP in 2016 conducted a study on the effects of tire hauler licenses in other states, implementation of license program for tire haulers was ineffective. Most tires are shipped out of state to become tire-derived fuel. EPR for tire could lead recycling more tires and create jobs.
2. Gas cylinders have significant issues in the waste stream. Gas cylinders must be emptied of all gas prior to disposal or recycling. Occasionally gas cylinders are not emptied prior to disposal and can cause an explosive condition, either in a garbage truck or waste-to-energy plant.
3. Smoke detectors are problems in the waste stream. Manufacturer take-back programs are non-existent and there is no market for these recycled products.

## **NATURE AND SOURCES OF SUPPORT:**

### **James Cosgrove, First Selectman, Town of Branford**

Tires, gas cylinders and smoke detectors are hard and expensive to recycle for municipalities to dispose of correctly. Extended Producer Responsibility (EPR) ensures handling, recycling and reclaiming products by the manufacturer. Gas cylinders are a significant issue. Branford residents are often turned away at the transfer station with disposal of propane tanks. Without an easy method of disposal for propane tanks, tanks often end as hidden trash or make way in to the waste stream.

### **Jennifer Heaton-Jones, Executive Director, Housatonic Resources Recovery Authority**

The proposed legislation for Extended Producer Responsibility (EPR) for tires, gas cylinders and smoke detectors are the solution for proper disposal of these products. EPR creates a circular economy and moves away from a linear economy of "make, take and waste".

Canada has an EPR established for tires and smoke detectors. This system works well and provides a way for manufacturers to share the burden for products produced.

### **Daniel Rosenthal, First Selectman, Town of Newtown**

Newtown has difficulty with options for tires, gas cylinders and smoke detectors like many communities. The bill provides a framework solution for tires, gas cylinders and smoke detectors. Gas cylinders are dangerous to dispose of in the waste stream. Smoke detectors have insufficient disposal method due to the radioactive material of ionization type smoke detectors. Tire disposal has been a problem for more than five decades. The only solution to address these products is the Expanded Producer Responsibility.

### **Donna Hamzy, Advocacy Manager, Connecticut Conference of Municipalities**

A properly implemented Extended Producer Responsibility (EPR), like the mattress, paint and e-waste programs take the financial and administrative overhead with end-of-life disposition from the state and municipalities. The implementation of legislations does not have a cost for the state and significant cost savings for municipalities.

### **Alicea Charamut, Executive Director, Rivers Alliance of Connecticut**

River cleanup volunteers pull hundreds of tires and dozens of gas cylinders from rivers and riverbanks every year. Extended Producer Responsibility programs are effective at reducing illegal dumping. These programs offer free and simple disposal of products. Smoke detectors contain radioactive materials and should be properly disposed appropriately. Smoke detectors are typically discarded into the waste stream. Management of hazardous materials and to keep it out of waterways is very important.

*The Environment Committee received more than 30 additional testimonials in support of HB6386.*

### **NATURE AND SOURCES OF OPPOSITION:**

#### **Sean Moore, Director, Government Relations, U.S. Tire Manufacturers Association**

U.S. Tire Manufacturers Association (USTMA) opposes EPR for management of scrap tires. USTMA seeks to be a "trusted resource" to grow a scrap tire market that is circular and sustainable in Connecticut. The reduction of manufacturing footprint, investment in research and development of sustainable tire materials and supporting sustainable scrap tire markets are some items of USTMA's commitment to sustainability.

USTMA is a leader in advocacy of strong scrap tire laws. These laws have reduced stockpiled tires by 94% between 1990 and 2019. Scrap tires are one of the most widely recycled items, 76% of tires consumed in beneficial end-use markets. USTMA members goal is 100% scrap use tires enter sustainable or circular end-use markets.

**Will Fabrizio, Director of Production and Northeast Service, Paraco Gas Corporation**

Paraco is the largest privately-held propane marketer in the North East region. Mr. Fabrizio requests either HB6386 Section 2 (6) be amended to exclude the work refillable or vote no on HB6386. The exchange market for 20lb tanks has grown over last 20 years. Exchange cages are available at most gas stations in Connecticut. The cost of exchanging an empty cylinder is one-third the cost of replacing both cylinder and gas. This program encourages the end customer to reuse the empty cylinder and keep the cylinder from the waste stream. Paraco collects the empty cylinders at transfer stations, recycling centers and other facilities at minimal or no cost to these facilities. Cylinders are recycled and refurbished and resold to keep items out of the landfill.

For those reasons, the focus should not be on 20lb propane cylinders, but should be on the smaller, non-refillable propane tanks.

**Timothy Phelan, President, Connecticut Retail Merchants Association**

Retail business community has more than 470,000 jobs and contributes more than \$34 billion dollars to Connecticut's economy. The goals of HB6386 are laudable, it is not feasible. The EPR program places an "undue burden" retailer by establishment of a council and program to collect fees from customers, space for disposition of materials that could be hazardous to employees and customers. Programs as this present displeasure to customers due to the increase of an additional fee customers need to pay.

**Paul Newberry, Pressure Cylinders Compliance and Regulatory Manager, Worthington Industries, Inc.**

Worthington Industries believes HB6386 has an unintended and severe impact on industry and industries supported by Worthington. Propane cylinders are important to meeting Connecticut's needs. Handling of propane cylinders are considered hazardous material by the federal Department of Transportation (DOT), is complex and requires several organizations working together. Worthington would like to work with industry and the state on a solution.

Refillable propane cylinders can be refilled up to 12 years prior to re-certification, qualified and put back into the system. Non-refillable cylinders can be recycled. DOT classification of propane cylinders as hazardous materials and decentralized waste management across the country, recycling cylinders is complicated. Mr. Newberry states "you cannot force a bill on an industry that is impossible to implement".

**Christian Herb, President, Connecticut Energy Marketers Association**

Connecticut Energy Marketers Association (CEMA) believes most of the issues around gas cylinders is around the disposable cylinders. The propane industry has a successful tank exchange program for consumers. Exchange programs are located at nearly every grocery store, gas station and other retail locations. Many locations served as collection points for tanks that are no longer needed. In response to recycling and stewardship concerns, CEMA has offered to remove propane tanks from municipalities and state parks at no charge. The establishment of a process does not resolve the issue, but costs money the consumer pays. CEMA wants to be part of the solution and does not think the program and process is the most effective and efficient to address the issue.

*The Environment Committee received more than 5 additional testimonials in opposition of HB6386.*

**Reported by: Steve Smith**

**Date: 4/8/2021**