



General Assembly

February Session, 2022

***Raised Bill No. 5139***

LCO No. 1041



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY  
FOR TIRES.***

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this  
2 section:

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

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

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

10 (4) "Department" means the Department of Energy and  
11 Environmental Protection;

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

14 (6) "Tire" means a product composed primarily of rubber that is  
15 mounted on the wheels of all types of passenger and commercial on-  
16 road and off-road motorized vehicles, including passenger vehicles,  
17 motorcycles, trucks, buses, mobile homes, trailers, noncommercial  
18 aircraft and earthmoving, road building, mining, logging, agricultural,  
19 industrial and other vehicles to provide mobility. "Tire" does not include  
20 any tire from any toy, bicycle, commercial aircraft or personal mobility  
21 device;

22 (7) "Tire stewardship organization" means the nonprofit organization  
23 created by producers or created by any trade association that represents  
24 producers who account for a majority of tire production in the United  
25 States and that designs, submits and implements the gas tire  
26 stewardship program;

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

30 (9) "Performance goal" means a metric proposed by the tire  
31 stewardship organization to measure, on an annual basis, the  
32 performance of the tire stewardship program, taking into consideration  
33 technical and economic feasibilities, in achieving continuous,  
34 meaningful improvement in the rate of tire recycling in the state and any  
35 other specified goal of such program;

36 (10) "Producer" means any person who manufactures a tire that is  
37 sold, offered for sale or distributed in this state under the producer's  
38 own name or brand. "Producer" includes (A) the owner of a trademark  
39 or brand under which a tire is sold, offered for sale or distributed in this  
40 state, and (B) any person who imports a tire into the United States that  
41 is sold or offered for sale in this state and that is manufactured by a  
42 person who does not have a presence in the United States. "Producer"  
43 does not include any manufacturer of tires with less than one-tenth of  
44 one per cent of the nationally recognized market share;

45 (11) "Recycling" means any process in which discarded tires,

46 components and by-products may lose their original identity or form as  
47 they are transformed into new, usable or marketable materials.  
48 "Recycling" does not include the use of incineration for energy recovery;

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

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

54 (b) On or before July 1, 2023, each producer, or such producer's  
55 designee, shall join the tire stewardship organization and such  
56 organization shall submit a plan, for the Commissioner of Energy and  
57 Environmental Protection's approval, to establish a state-wide tire  
58 stewardship program, as described in this subsection. Retailers may  
59 participate in any such tire stewardship organization. Such tire  
60 stewardship program shall, to the extent it is technologically feasible  
61 and economically practical: (1) Minimize public sector involvement in  
62 the management of discarded tires; (2) provide for free, convenient and  
63 accessible state-wide opportunities for the receipt of discarded tires  
64 from any person in the state with a discarded tire that was discarded in  
65 the state, including, but not limited to, participating covered entities that  
66 accumulate and segregate a minimum of six cubic yards of discarded  
67 tires at one time; (3) provide for free collection of discarded tires from  
68 municipal transfer stations that accumulate and segregate fewer than  
69 one hundred tires, provided the transfer station requires such collection  
70 due to space or permit requirements; (4) provide for producer-financed  
71 end-of-life management for discarded tires collected pursuant to  
72 subdivisions (2) and (3) of this subsection; and (5) provide suitable  
73 storage containers at, or make other mutually agreeable storage and  
74 transport arrangements for, permitted municipal transfer stations for  
75 segregated, discarded tires, at no cost to such municipality.

76 (c) The plan submitted pursuant to subsection (b) of this section shall:  
77 (1) Identify each producer participating in the program; (2) describe

78 how the program will be financed; (3) establish performance goals for  
79 the first two years of the program; (4) identify proposed facilities to be  
80 used by the program; (5) detail how the program follows the solid waste  
81 hierarchy, as defined in the state-wide solid waste management plan,  
82 and will promote the recycling of discarded tires; and (6) include a  
83 description of the public education program that will be used to  
84 promote consumer knowledge of such program.

85 (d) Each stewardship organization shall establish and implement a  
86 system for financing the tire stewardship program that covers, but does  
87 not exceed, the costs of developing the plan described in subsection (c)  
88 of this section, operating and administering the program described in  
89 subsection (b) of this section and maintaining a financial reserve for six  
90 months sufficient to operate the program. Each stewardship  
91 organization shall maintain all records relating to the program for a  
92 period of not less than three years. Funding of such program may be  
93 through a fee structure.

94 (e) The Commissioner of Energy and Environmental Protection shall  
95 approve a plan for the establishment of the tire stewardship program,  
96 provided such plan meets the requirements of subsections (b) to (d),  
97 inclusive, of this section. Prior to making such determination, the  
98 commissioner shall post the plan on the department's Internet web site  
99 and solicit public comments on the plan. Such solicitation shall not be  
100 conducted pursuant to chapter 54 of the general statutes. Not later than  
101 ninety days after submission of the plan pursuant to this section, the  
102 commissioner shall make a determination whether to approve the plan.  
103 In the event that the commissioner disapproves the plan because it does  
104 not meet the requirements of subsections (b) to (d), inclusive, of this  
105 section, the commissioner shall describe the reasons for the disapproval  
106 in a notice of determination that the commissioner shall provide to the  
107 tire stewardship organization. Such stewardship organization shall  
108 revise and resubmit the plan to the commissioner not later than forty-  
109 five days after receipt of the commissioner's notice of disapproval. Not  
110 later than forty-five days after receipt of the revised plan, the  
111 commissioner shall review and approve or disapprove the revised plan,

112 and provide a notice of determination to the gas cylinder stewardship  
113 organization. Such stewardship organization may resubmit a revised  
114 plan to the commissioner for approval on not more than two occasions.  
115 If the tire stewardship organization fails to submit a plan that is  
116 acceptable to the commissioner because it does not meet the  
117 requirements of subsections (b) to (d), inclusive, of this section, the  
118 commissioner shall modify a submitted plan to make it conform to the  
119 requirements of subsections (b) to (d), inclusive, of this section, and  
120 approve it. Not later than one hundred twenty days after the approval  
121 of a plan pursuant to this section, or one hundred eighty days, in the  
122 case of a plan modified by the commissioner, the tire stewardship  
123 organization shall implement the tire stewardship program.

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

130 (2) Not later than July 1, 2025, the tire stewardship organization shall  
131 submit updated performance goals to the commissioner that are based  
132 on the experience of the program during the first two years of the  
133 program.

134 (g) Each tire stewardship organization shall notify the Commissioner  
135 of Energy and Environmental Protection of other material changes to  
136 the program on an ongoing basis, without resubmission of the plan to  
137 the commissioner for approval. Such changes shall include, but not be  
138 limited to, a change in the composition, officers or contact information  
139 of the tire stewardship organization.

140 (h) Not later than October fifteenth of each year, each tire stewardship  
141 organization shall submit an annual report to the Commissioner of  
142 Energy and Environmental Protection, on a form prescribed by the  
143 commissioner. The commissioner shall post such annual report on the

144 department's Internet web site. Such report shall include: (1) The  
145 tonnage of tires collected pursuant to the program from: (A) Municipal  
146 transfer stations, (B) retailers, and (C) all other covered entities; (2) the  
147 tonnage of tires diverted for recycling; (3) a summary of the public  
148 education program that supports the program; (4) an evaluation of the  
149 effectiveness of methods and processes used to achieve performance  
150 goals of the program; and (5) recommendations for any changes to the  
151 program.

152 (i) Two years after the implementation of the program and every  
153 three years thereafter, or upon the request of the Commissioner of  
154 Energy and Environmental Protection but not more frequently than  
155 once a year, each tire stewardship organization shall cause an audit of  
156 the program to be conducted by an auditor selected by the  
157 commissioner. Such audit shall review the accuracy of the tire  
158 stewardship organization's data concerning the program and provide  
159 any other information requested by the commissioner, consistent with  
160 the requirements of this section, provided such request does not require  
161 the disclosure of any proprietary information or trade or business  
162 secrets. Such audit shall be paid for by each tire stewardship  
163 organization. Each tire stewardship organization shall maintain all  
164 records relating to the program for not less than three years.

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

170 (k) Not later than three years after the approval of the tire  
171 stewardship plan pursuant to this section, the Commissioner of Energy  
172 and Environmental Protection shall submit a report, in accordance with  
173 the provisions of section 11-4a of the general statutes, to the joint  
174 standing committee of the General Assembly having cognizance of  
175 matters relating to the environment. Such report shall provide an  
176 evaluation of the tire stewardship program and establish a goal for the

177 amount of discarded tires managed under the program and a separate  
178 goal for the diversion of tires for recycling, taking into consideration  
179 technical and economic feasibilities.

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

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

188 (n) Whenever, in the judgment of the Commissioner of Energy and  
189 Environmental Protection, any person has engaged in, or is about to  
190 engage in, any act, practice or omission that constitutes, or will  
191 constitute, a violation of any provision of this section, the Attorney  
192 General may, at the request of the commissioner, bring an action in the  
193 Superior Court for the judicial district of New Britain for an order  
194 enjoining such act, practice or omission. Such order may require  
195 remedial measures and direct compliance with the provisions of this  
196 section. Upon a showing by the commissioner that such person has  
197 engaged in or is about to engage in any such act, practice or omission,  
198 the court may issue a permanent or temporary injunction, restraining  
199 order or other order, as appropriate.

200 (o) Any action brought by the Attorney General pursuant to this  
201 section shall have precedence in the order of trial, as provided in section  
202 52-191 of the general statutes.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section

**Statement of Purpose:**

To establish a stewardship program for discarded tires in the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*