



# House of Representatives

**File No. 834**

General Assembly

January Session, 2023

**(Reprint of File No. 529)**

Substitute House Bill No. 6486  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 26, 2023

***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, 2023*) (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, private or public sector fleet  
9 maintenance garage or other location identified in the approved  
10 stewardship plan;

11 (4) "Discarded tire" means any whole tire or whole tire on a rim that

12 a consumer discarded or abandoned, or intends to discard or abandon;

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

21 (6) "Tire stewardship organization" means an organization created or  
22 selected by a producer or producers that designs, submits and  
23 implements a tire stewardship plan;

24 (7) "Tire stewardship program" or "program" means the state-wide  
25 program described in this section and implemented pursuant to an  
26 approved tire stewardship plan;

27 (8) "Performance goals" means annual outcomes proposed by the tire  
28 stewardship organization in the tire stewardship plan that measure the  
29 performance of the program including tire collection and diversion  
30 rates, economic and environmental benefits, beneficial recycling usages  
31 and targets, public education and participation and any other specified  
32 goal of such program;

33 (9) "Producer" means, with respect to new tires marketed to  
34 consumers in the state separately from any vehicle or equipment: (A) If  
35 the brand holder of the tire is a resident of the United States, the tire  
36 manufacturer; (B) if there is no person described in subparagraph (A) of  
37 this subdivision, any person who is not the manufacturer of the tire but  
38 who is the owner or licensee of a trademark under which the tire is  
39 supplied in this state, whether or not the trademark is registered; (C) if  
40 there is no person described in subparagraph (B) of this subdivision, any  
41 person who imports any tire into the state for supply to a consumer; or  
42 (D) if there is no person described in subparagraph (C) of this  
43 subdivision, the retailer who supplies the tire to a consumer.

44 (10) "Recycling" means any process in which discarded tire  
45 components and by-products may lose their original identity or form as  
46 they are transformed into new, usable or marketable materials.  
47 "Recycling" may include the use of tires or processed materials that are  
48 incinerated or used as a fuel or fuel supplement, provided such  
49 incineration does not occur in this state;

50 (11) "Retailer" means any person who supplies a tire to a consumer,  
51 including any person who supplies a tire through vehicle service or who  
52 supplies a tire through an Internet transaction to be delivered to a  
53 consumer in this state; and

54 (12) "Supply" means the transfer of title of a tire for consideration,  
55 including, but not limited to, the use of a sales outlet, catalog, Internet  
56 web site or similar electronic means.

57 (b) On or before January 1, 2025, each producer, or such producer's  
58 designee, shall join a tire stewardship organization and such  
59 organization shall submit a plan, for the Commissioner of Energy and  
60 Environmental Protection's approval, to establish a state-wide tire  
61 stewardship program, as described in this subsection. Any retailer may  
62 participate in any such tire stewardship organization. Such tire  
63 stewardship program shall, to the extent it is technologically feasible  
64 and economically practical: (1) Establish and manage a state-wide  
65 collection system utilizing covered entities; (2) provide access to the  
66 collection system to the public, free of charge, for the drop-off of  
67 discarded tires; (3) ensure discarded tires are picked up from the  
68 collection system and transported for recycling; (4) ensure all discarded  
69 tires collected in the collection system are resold or recycled; (5) provide  
70 suitable storage containers for tires, as required, throughout the  
71 collection system; (6) implement public promotion and education about  
72 the program; (7) assist in market development, as needed, to achieve  
73 performance goals; and (8) finance all program activities solely through  
74 producer funding.

75 (c) Any plan submitted pursuant to subsection (b) of this section shall:

76 (1) Identify each producer participating in the program; (2) describe  
77 how the program will be financed; (3) establish performance goals for  
78 the first two years of the program; (4) describe the industry transition  
79 timeline that is required to achieve such performance goals and how the  
80 plan will, to the greatest extent economically feasible, utilize existing  
81 service providers and infrastructure in the state; (5) identify proposed  
82 facilities to be used by the program in the collection system and  
83 discarded tire transportation and recycling activities; (6) detail how the  
84 program follows the solid waste hierarchy, as defined in the state-wide  
85 solid waste management plan established pursuant to section 22a-228 of  
86 the general statutes, and will promote the recycling of discarded tires to  
87 higher value products and sustainability; and (7) include a description  
88 of the public education program that will be used to promote consumer  
89 knowledge of such program.

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

99 (e) The Commissioner of Energy and Environmental Protection shall  
100 approve a plan for the establishment of a tire stewardship program,  
101 provided such plan meets the requirements of subsections (b) to (d),  
102 inclusive, of this section. Prior to making any such determination, the  
103 commissioner shall post the plan on the Department of Energy and  
104 Environmental Protection's Internet web site and solicit public  
105 comments on the plan. Such solicitation shall not be conducted pursuant  
106 to chapter 54 of the general statutes. Not later than ninety days after  
107 submission of the plan pursuant to this section, the commissioner shall  
108 make a determination whether to approve the plan. In the event that the  
109 commissioner disapproves the plan because it does not meet the

110 requirements of subsections (b) to (d), inclusive, of this section, the  
111 commissioner shall describe the reasons for the disapproval in a notice  
112 of determination that the commissioner shall provide to the tire  
113 stewardship organization. Such tire stewardship organization shall  
114 revise and resubmit the plan to the commissioner not later than forty-  
115 five days after receipt of the commissioner's notice of disapproval. Not  
116 later than forty-five days after receipt of the revised plan, the  
117 commissioner shall review and approve or disapprove the revised plan  
118 and provide a notice of determination to the tire stewardship  
119 organization. Such stewardship organization may resubmit a revised  
120 plan to the commissioner for approval on not more than two occasions.  
121 If the tire stewardship organization fails to submit a plan that is  
122 acceptable to the commissioner because it does not meet the  
123 requirements of subsections (b) to (d), inclusive, of this section, the  
124 commissioner shall modify a submitted plan to make it conform to the  
125 requirements of subsections (b) to (d), inclusive, of this section and  
126 approve it. Not later than one hundred twenty days after the approval  
127 of a plan pursuant to this section, the tire stewardship organization shall  
128 implement the tire stewardship program.

129 (f) (1) Any tire stewardship organization shall submit any proposed  
130 substantial change to the tire stewardship program to the Commissioner  
131 of Energy and Environmental Protection for approval. For the purposes  
132 of this subdivision, "substantial change" means: (A) A change in the  
133 processing facilities to be used for discarded tires collected pursuant to  
134 the tire stewardship program, or (B) a material change to the system for  
135 collecting tires.

136 (2) Two years after implementation of such tire stewardship  
137 program, the tire stewardship organization shall submit updated  
138 performance goals to the commissioner that are based on the experience  
139 of the program during the first two years of the program.

140 (g) Each tire stewardship organization shall notify the Commissioner  
141 of Energy and Environmental Protection of other material changes to  
142 the program on an ongoing basis, without resubmission of the plan to

143 the commissioner for approval. Such changes shall include, but not be  
144 limited to, any change in the composition, officers or contact  
145 information of the tire stewardship organization.

146 (h) Not later than October fifteenth of each year, each tire stewardship  
147 organization shall submit an annual report to the Commissioner of  
148 Energy and Environmental Protection on a form prescribed by the  
149 commissioner. The commissioner shall post such annual report on the  
150 Department of Energy and Environmental Protection's Internet web  
151 site. Such report shall include: (1) The tonnage of tires collected  
152 pursuant to the program from: (A) Municipal transfer stations, (B)  
153 retailers, and (C) all other covered entities; (2) the tonnage of tires  
154 diverted for recycling; (3) a summary of the public education program  
155 that supports the program; (4) an evaluation of the effectiveness of  
156 methods and processes used to achieve performance goals of the  
157 program; and (5) recommendations for any changes to the program.

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

172 (j) Upon implementation of the tire stewardship program described  
173 in this section, any covered entity that participates in such program shall  
174 not charge for the receipt of discarded tires that are discarded in this  
175 state, provided any such covered entity may reasonably restrict the

176 acceptance of tires by number, source or condition.

177 (k) Not later than three years after the approval of any tire  
178 stewardship plan pursuant to this section, the Commissioner of Energy  
179 and Environmental Protection shall submit a report, in accordance with  
180 the provisions of section 11-4a of the general statutes, to the joint  
181 standing committee of the General Assembly having cognizance of  
182 matters relating to the environment. Such report shall provide an  
183 evaluation of the applicable tire stewardship program and establish a  
184 goal for the amount of discarded tires managed under such tire  
185 stewardship program and a separate goal for the diversion of tires for  
186 recycling, taking into consideration technical and economic feasibilities.

187 (l) Any producer and tire stewardship organization shall be immune  
188 from liability for any claim of a violation of antitrust law or unfair trade  
189 practice, if such conduct is a violation of antitrust law, to the extent such  
190 producer or tire stewardship organization is exercising authority  
191 pursuant to the provisions of this section.

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

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

207 (o) Any action brought by the Attorney General pursuant to this

208 section shall have precedence in the order of trial, as provided in section  
209 52-191 of the general statutes.

210 (p) In the event that another state implements a tire stewardship or  
211 recycling program, any tire stewardship organization may collaborate  
212 with such other state to conserve efforts and resources used in carrying  
213 out the tire stewardship program, provided such collaboration is  
214 consistent with the requirements of this section.

215 (q) The Commissioner of Energy and Environmental Protection may  
216 assess a reasonable fee to any tire stewardship organization, not to  
217 exceed ten per cent of total program costs, for administration of the  
218 applicable tire stewardship program.

219 (r) Any producer who fails to participate in a tire stewardship  
220 program authorized pursuant to this section shall not supply tires in this  
221 state.

222 Sec. 2. (*Effective from passage*) The Commissioner of Transportation  
223 shall undertake the requisite laboratory testing and pilot program  
224 utilization of tire-derived asphalt on primary state roadways  
225 throughout the state. Not later than January 1, 2025, the commissioner  
226 shall submit a report, in accordance with section 11-4a of the general  
227 statutes, to the joint standing committee of the General Assembly  
228 having cognizance of matters relating to the environment on the efficacy  
229 and suitability of utilizing tire-derived asphalt on primary roadways  
230 throughout the state. Such report shall include, but need not be limited  
231 to, a recommendation concerning such use and an estimation of the  
232 volume or number of tires required to sustain any such recommended  
233 usage.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>from passage</i>	New section



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Energy and Environmental Protection	GF - Cost/Revenue Gain	None	See Below
Department of Transportation	TF - Potential Cost	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Savings	None	See Below

**Explanation**

The bill requires, by January 1, 2025, tire producers to join or create a tire stewardship organization, which must submit a plan for statewide tire stewardship to the Department of Energy and Environmental Protection (DEEP) for approval.

This could potentially result in municipal savings, beginning in FY 25, as fewer tires would be part of the municipal solid waste (MSW) stream and subject to any costs for shipping MSW out-of-state.

The extent of any municipal savings would depend on the volume of tires currently being disposed of in the MSW stream and current tip fees

for each municipality.<sup>1</sup>

The bill may also result in a revenue gain to DEEP, beginning during the second half of FY 25, as DEEP may assess a fee on the stewardship organizations. There will additionally be costs to DEEP, also starting during the second half of FY 25, for administration of the statewide tire stewardship program, which are expected to be minimal given the limited scope of DEEP responsibilities in the bill. Revenues remitted to DEEP from the stewardship organizations would be used to cover DEEP expenses, as the bill allows the agency to retain up to 10% of total tire stewardship program costs for DEEP's administrative role.

Additionally, the bill allows DEEP to civilly enforce program requirements. This has no fiscal impact since it is expected that tire manufacturers will comply with the program, based on experience from existing paint and mattress stewardship programs.

The bill requires the Department of Transportation (DOT) to perform laboratory testing for a pilot program for using tire-derived asphalt on certain roadways and report, by January 1, 2025, to the Environment Committee on its effectiveness. This may result in a cost to DOT depending on the scope of the pilot program required under the bill.

Lastly, the bill also makes other changes that have no fiscal impact to the state or municipalities.

House "A" (1) alters the definition of "recycling" to include tires or other certain materials that are incinerated out-of-state or used as fuel, and (2) adds the DOT pilot program and reporting provisions resulting in the impacts described above.

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<sup>1</sup> The fee charged by the owner or operator of a landfill for the acceptance of a unit weight or volume of solid waste for disposal, usually done by the truckload. The tipping fee is passed back along the chain of waste acceptor to hauler to generator in the form of fees or taxes. Tipping fees rise as the volume of available landfill space is depleted, or as it becomes harder.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the volume of tires removed from the MSW stream and the rate of tip fees.

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**OLR Bill Analysis****sHB 6486 (as amended by House "A")\******AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY FOR TIRES.*****SUMMARY**

This bill requires the establishment of a state-wide stewardship program to manage certain discarded tires that, among other things, provides free access to a collection system and ensures discarded tires are resold or recycled. It prohibits tire producers who fail to participate in a program from supplying tires in Connecticut.

The bill requires tire producers, or their designees, to join a stewardship organization that they create or select by January 1, 2025. The stewardship organization must develop a plan to implement the program which must, in turn, be submitted to the Department of Energy and Environmental Protection (DEEP) for approval.

Among other things, the plan must detail how the program will be financed, which may be through a fee structure. The bill also authorizes the DEEP commissioner to assess a reasonable fee, up to 10% of the total program costs, on a tire stewardship organization for program administration.

The bill (1) allows the DEEP commissioner to civilly enforce the program's requirements, (2) sets auditing and reporting requirements, and (3) gives immunity to producers and organizations from claims of antitrust or unfair trade practice violations under certain circumstances. It also generally allows an organization to collaborate with another state with a tire stewardship or recycling program.

Lastly, the bill requires the Department of Transportation (DOT) commissioner to do needed laboratory testing related to a pilot program

on using tire-derived asphalt on primary state roadways throughout the state. By January 1, 2025, the DOT commissioner must submit a report to the Environment Committee on the efficacy and suitability of using tire-derived asphalt on these roadways. The report must include (1) a recommendation on its use and (2) an estimate of the volume or number of tires needed to sustain any recommended use.

\*House Amendment "A" (1) specifies that "recycling" may include using tires or processed materials that are incinerated out-of-state or used as fuel or fuel supplement and (2) adds the DOT pilot program and reporting provisions.

EFFECTIVE DATE: October 1, 2023, except the DOT pilot program and reporting provisions are effective upon passage.

### **TIRE PRODUCERS**

The bill applies to tire "producers," which are generally tire manufacturers if the tire brand holder is a U.S. resident. A "brand" is a name, symbol, word, or mark that attributes a tire to its producer.

If there is no manufacturer meeting the above requirement, then the following, in order, would be considered the producer:

1. an owner or licensee of a trademark under which the tire is supplied in Connecticut, regardless of trademark registration;
2. an importer of the tire for supply to a consumer; or
3. the retailer who supplies the tire to a consumer.

Under the bill, a "discarded tire" is a whole tire (including a tire on a rim) a consumer discarded, abandoned, or intends to discard or abandon. Tires the bill covers include products made primarily of rubber that are mounted on wheels of passenger or commercial motorized vehicles, whether on- or off-road, including passenger vehicles; motorcycles; trucks; buses; mobile homes; trailers; noncommercial aircraft; and earthmoving, road building, mining,

logging, agricultural, industrial, and other vehicles providing mobility. The bill excludes tires from toys, bicycles, commercial aircrafts, or personal mobility devices.

To “supply” is to transfer a tire’s title for consideration, including through a sales outlet, catalog, or website or similar electronic means.

### **PROGRAM PURPOSES AND ESTABLISHMENT**

By January 1, 2025, the bill requires producers, or their designees, to join a tire stewardship organization, which is a producer-created or -selected organization to design, submit, and implement a tire stewardship plan. The bill allows retailers to participate in the stewardship organization.

Under the bill, the tire stewardship program must, to the extent that it is technologically feasible and economically practical, establish and manage a state-wide collection system using covered entities (e.g., transfer stations, tire retailers, dealerships, see below) and provide for the following:

1. free public access to the collection system (i.e., drop-off) for discarded tires;
2. suitable storage containers for tires, as needed, throughout the collection system;
3. public promotion and education about the program;
4. market development, as needed, to meet performance goals; and
5. financing program activities only by producer funding.

The program must also ensure that discarded tires are (1) picked up from the collection system and transported for recycling and (2) resold or recycled. Under the bill, “recycling” includes any process in which discarded tire parts and by-products may lose their original identity or form as they are transformed into new, usable, or marketable materials. The bill specifies that recycling may include the use of tires or processed

materials that are incinerated out-of-state or used as a fuel or fuel supplement.

“Covered entities” include permitted transfer stations, tire retailers, car dealerships, automotive garages, public or private fleet maintenance garages, and other locations identified in the plan.

### **PLAN DEVELOPMENT AND SUBMISSION**

By the same date (January 1, 2025), a tire stewardship organization must submit a plan to establish a state-wide tire stewardship program to the DEEP commissioner for approval.

The plan must:

1. identify each participating producer;
2. describe program’s financing and public education program;
3. establish performance goals for the program’s first two years (see below);
4. describe the industry transition timeline needed to achieve the performance goals and how it will use, to the greatest extent economically feasible, existing service providers and infrastructure in Connecticut;
5. identify proposed program facilities for collection, transportation, and recycling; and
6. detail how the program (a) follows the state’s solid waste hierarchy (see BACKGROUND) and (b) will promote sustainability and recycling discarded tires to higher value products.

Under the bill, a stewardship organization must establish and implement a system to finance the program that covers, but does not exceed, the costs to (1) develop the plan, (2) operate and administer the program, and (3) maintain a financial reserve sufficient to operate the

program for six months. The organization's proposed "performance goals" are annual outcomes that measure the program's performance including collection and diversion rates, economic and environmental benefits, beneficial recycling uses and targets, public education and participation, and any other specified goal.

### **PLAN APPROVAL AND IMPLEMENTATION**

The bill requires the DEEP commissioner to determine whether to approve the plan for the tire stewardship program within 90 days after its submission, but after she posts the plan on the department's website and solicits public comments. The bill specifies that the solicitation must not be done in accordance with the Uniform Administrative Procedure Act.

The commissioner must approve a plan if it meets the bill's program, plan, and financing requirements. If the commissioner disapproves the plan, she must give the stewardship organization a notice of determination describing her reasons. The organization must revise and resubmit its plan within 45 days after receiving the disapproval notice. The commissioner must review and either approve or disapprove a revised plan within 45 days after receiving it and give a notice of determination to the organization. The bill restricts resubmitting a revised plan for approval to no more than two occasions. If the organization fails to provide an acceptable plan, the commissioner must modify its submitted plan to conform with the requirements.

The bill requires the stewardship organization to implement the tire stewardship program within 120 days after plan approval.

### **CHANGES TO A PLAN**

The bill requires a stewardship organization to submit substantial proposed plan changes to the DEEP commissioner for approval. Under the bill, a "substantial change" is a (1) change in the processing facilities used for collected discarded tires or (2) material change to the system for collecting them. The bill has no deadline by which the commissioner must approve a substantial change by the stewardship organization.



The bill also requires an organization to notify the commissioner of other material program changes on an ongoing basis and without resubmitting the plan for approval. These changes include things such as changes to the organization's composition, officers, or contact information.

The bill requires an organization to submit updated performance goals to the commissioner two years after the program's implementation. The updated goals must be based on the program's experience during those first two years.

### **TIRE COLLECTION FEES**

Once the program is implemented, the bill prohibits participating covered entities from charging for the receipt of tires discarded in Connecticut. However, it allows them to reasonably restrict accepting tires by number, source, or condition.

### **AUDIT REQUIREMENTS**

#### ***Program Audits***

Two years after program implementation, and then every three years, an organization must pay for a program audit by a commissioner-selected auditor. The bill also allows the commissioner to request an audit, but it does not permit more than one audit per year. The audit must (1) review the accuracy of the organization's program data and (2) provide any other program-related information the commissioner requests, but not any proprietary information or trade or business secrets.

The bill requires an organization to maintain all program records for at least three years.

#### ***Audited Financial Statements***

Existing law requires any product stewardship organization operating in the state to, annually by May 1, submit to DEEP certified audited financial statements and the name of any contractor or organization that has a contract with it valued at \$2,000 or more. DEEP

must post and maintain the information on its website (CGS § 22a-905g). This requirement also applies to a tire stewardship organization.

## **REPORTING REQUIREMENTS**

### ***Stewardship Organization***

Annually by October 15, the bill requires a stewardship organization to submit a report to the DEEP commissioner, on a form she prescribes, with the following information:

1. tonnage of tires collected from municipal transfer stations, retailers, and all other covered entities;
2. tonnage of tires diverted for recycling;
3. a summary of the program's public education efforts;
4. an evaluation of the effectiveness of methods and processes used to achieve program performance goals; and
5. recommendations for any program changes.

The report must then be posted on the department's website.

### ***DEEP***

Within three years after a plan's approval, the DEEP commissioner must submit a report to the Environment Committee that evaluates the program. The report must also set goals for (1) the amount of discarded tires managed under the program and (2) diverting tires for recycling, considering technical and economic feasibilities.

## **CIVIL PENALTIES**

The bill authorizes the DEEP commissioner to civilly enforce the program's requirements under her existing authority.

It allows the commissioner to ask the attorney general to bring an action for injunctive relief in the New Britain Superior Court if she believes that a person has engaged in, or is about to engage in, any act, practice, or omission that violates the program's requirements. It

permits the court to issue a permanent or temporary injunction, restraining order, or other appropriate order, including remedial measures and directing compliance. The bill requires that these actions by the attorney general take precedence over other actions in the order of trial.

### **LIABILITY PROTECTION**

Under the bill, to the extent a producer or an organization is exercising authority according to the bill's provisions, it is immune from liability for any antitrust or unfair trade practice claim based on a violation of antitrust law.

### **INTERSTATE COLLABORATION**

The bill allows a stewardship organization to collaborate with another state that has a similar tire stewardship or recycling program to conserve efforts and resources. However, the collaboration must be consistent with the bill's requirements.

### **BACKGROUND**

#### ***Solid Waste Hierarchy***

Connecticut's Comprehensive Materials Management Strategy (i.e., the revised state-wide Solid Waste Management Plan) uses a hierarchy as a guide for solid waste management efforts. The hierarchy emphasizes source reduction, recycling, composting, and energy recovery. It lists landfilling and incineration as last resorts for solid waste disposal.

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27    Nay 6    (03/24/2023)