

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-6486
AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY FOR
Title: TIRES.
Vote Date: 3/24/2023
Vote Action: Joint Favorable Substitute
PH Date: 1/30/2023
File No.:

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SPONSORS OF BILL:

Environment Committee

REASONS FOR BILL:

To prevent illegal dumping of tires by establishing an Extended Producer Responsibility (EPR) program for tires.

JFS Language:

LCO 6272: Inserted full substitute language to establish conventional stewardship organization to develop plans to implement required stewardship program for tires.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy & Environmental Protection

Commissioner Dykes does not support the bill and encourages the Committee to consider a true EPR program. The bill does not include any provisions requiring manufactures to pay for the end-of-life management of scrap tires. Without this the bill misses the key benefits of Extended Producer Responsibility policy. State run programs as proposed have not had significant success in illegal dumping and they only invest in clean-up programs rather than prevention and incentive measures. In Canada and Europe, the EPR policies are effective by removing the primary incentive: a fee for disposal. In the states 2016 Comprehensive Materials Management Strategy product stewardship solutions is an effective tool to meet the state's diversion goals.

NATURE AND SOURCES OF SUPPORT:

Sean Moore, Senior Director, U.S. Tire Manufacturers Association:

USTMA supports the bill. As the national trade association for tire manufactures with 12 member companies across 17 states, we understand the challenges municipalities are experiencing with illegally dumped and improperly disposed tires. The bill does not propose to create and extended producer responsibility which we oppose but establishes a more meaningful policy to address illegal dumping and improper disposal of scrap tires. Sustainability is one of our core pillars and central to our mission and vision and incorporate sustainable materials into tires such as:

1. Major research into the commercial viability of guayule, a native shrub to the U.S. Southwest.
2. Participation in the Program of Excellence in Naturel Rubber Alternatives including Taraxaum koksaghyz, a type of Russian dandelion.
3. Develop tires with tread made from 100% dandelion-derived rubber.
4. Develop tires made from other recycled or renewable members.

This proposal will improve tire management far more effectively than the EPR program as proposed in 2022.

John Sherrin, Director of End-of-Life Programs, U.S. Tire Manufacturers Association:

A review of scrap tire management in 2015 showed that while tire stockpiles had been eliminated there were no markets to consume scrap tires in Connecticut.

In 2020 DEEP identified concerns with small-scale illegal scrap tire dumping. This bill will address these two issues. Many states have programs to grow scrap time markets and these markets are important as they create a demand that pulls tires through the scrap tire marked. USTMA is encouraged by the use of modified rubber asphalt the Connecticut Department of Transportation along with stormwater infiltration galleries and a whole range of civil engineering and construction applications. Illegal dumping can be addressed by actively enforcing regulations, supporting financial assurance mechanism for these transporters and developing a transporter license program. We see no need for and EPR system.

Danielle Waterfield, Chief Policy Officer, Institute of Scrap Recycling Industries:

Ms. Waterfield supports a market-based approach for managing recyclable tires. Many states have grant programs to expand recycled product markets with seed money for innovated startups in research and development. Colorado has a manufacturing business such as Rubberosion that creates sediment retention and waterflow control devices from recycled tires. Improper disposal or illegal dumping can be addressed thru proper enforcements. We urge Connecticut to implement proven effective regulatory programs before disrupting a viable market-based tire recycling program with an EPR program.

Patrick Comins, Executive Director, Connecticut Audubon Society:

The Audubon Society supports any attempts to reduce environmental waste and to encourage proper recycling of tires and other materials.

NATURE AND SOURCES OF OPPOSITION:

Luke Bronin, Mayor, City of Hartford:

Mayor Bronin testified that he opposes the bill as currently drafted. There are various aspects of the language that need to be further developed. Tire scavenging through scrap tire holding bins is one of the most common items illegally dumped and constitute a fire hazard and are detrimental to the environment. There is a great need for a tire extender producer responsibility program, but such program must alleviate the burden placed on municipalities.

Kim O'Rourke, Recycling Coordinator, City of Middletown:

Ms. O'Rourke testified that the City of Middletown opposes the bill because of the following:

1. Does not establish a stewardship organization
2. Does not shift the cost to producers
3. Does not offer free and accessible disposal options
4. Does not include plans for education and outreach
5. Does not include performance goals or accountability
6. Does not include and incentive for a circular economy

We support the bill if the language would be replaced with HB 5139 from the 2022 legislative session.

David Greenstein, Vice President, Lakin Tire:

Over the past 44 years Lakin Tires has demonstrated a commitment to ensuring that all discarded tires are recycled. Connecticut's problem is not the existing collection and recycling system it is the illegal acts of tire thieves scavenging through retailer's scrap bins, selecting the "good tires" and then illegally dumping the rest. Last year I testified against HB 5139 because we do not need an EPR system. The entire New England region is lacking sufficient tire recycling options.

Barry Takallou, President, Crumb Rubber Manufacturers:

We support the EPR programs this legislation needs to be revised substantially. Last years legislation more accurately reflects and extender producer responsibility program for tires. The legislation does not address the problem of illegal dumping. A better program would be an incentive-based system of promoting the use of recycled scrap tires into value-added products. We look to working with the legislature and other parties to ensure a proper EPR program.

Lori Vitagliano, Government and Public Relations, Regional Water Authority:

This bill would not create an extender producer responsibility program for unwanted tires. Connecticut has successful EPR programs for electronics, mattresses, paint and cylinders and should have one for tires. As an environmental services company we support a sustainable EPR initiative for tires that increases disposal options and reduces environmental hazards.

James Berardino, Connecticut Water Works Association:

Water companies are committed to protecting the quality and availability of Connecticut's public water supplies. Many water companies throughout the state find abandoned tires on their properties. Discarded tires impair water sources, interfere with the bill and use the legislation in bill HB 5139 as proposed in 2022.

Francis Brady, Founder, BYO Madison:

As a member of the Madison & Guilford Solid Waste Disposal Committee opposes the bill but supports Extended Producer Responsibility for Tires. An EPR program would involve the actual producers of tires. Collecting and scraping of tires as outlined in last years bill HB 5139 would provide an efficient solution. The rubber pollution we experience daily at Hammonasset Beach State Park is an example of what happens if tires are not disposed of and managed properly.

Betsy Gara, Executive Director, Connecticut Council of Small Towns:

COST opposes the bill and given the closure of the Materials Innovations & Recycling Authority municipalities are struggling to manage solid waste. Relying on out of state landfills is costly and not environmentally sound, The state must move forward with a statewide plan for managing solid waste in a cost-effective manner. Extended Producer Responsibility programs should be a major component of Connecticut's solid waste management strategies. COST supports establishment of an EPR program.

Matthew Hart, Executive Director, Capital Region Council of Governments:

The CRCOG recommends rejecting the bill as drafted and adopting legislation establishing an effective, sustainable and accountable manufactured funded EPR program as proposed in HB 5139 in 2022.

Lori Brown, Executive Director, CT League of Conservation Voters:

Efforts to pass legislation addressing the disposal of used tires has been presented many times. We understand the difficulty in designing programs for the disposal of used tires. There are examples from other countries with different strategies to consider. We recommend using the language from last year's bill HB 5139.

Rhea Drozdenko, River Steward, Connecticut River Conservancy:

On behalf of the Connecticut River Conservancy that as an environmental nonprofit we are opposed to the bill as it is currently write. The bill does not reflect a true Extended Producer Responsibility. The tire crisis is twofold, illegal dumping and the primary scrap tire-end use. Burning tires for fuel is not sustainable. Municipalities and state agencies pay the disposal costs of illegally dumped tires, and this puts an unjust burden on towns and taxpayers.

Peter Hargeave, President, Policy Integrity, Inc.

As President of a small consultancy that provides advice to governments and recycling producers the proposed language in the bill is problematic. All the bill does is extracts from consumers fees and there is no responsibility to producers. Instead of fees make the producers responsible for the proper collection and processing of tires.

Lisa Antel and a citizen of Bridgewater both submitted testimony in opposition to the bill and included substantial substitute language to address their concerns with the bill.

The following opposed the bill but recommended using an Extended Produce Responsibility program:

Scott, Cassel, Chief Executive Officer, Product Stewardship Institute

Tim Phelan President, Connecticut Retail Network

Jennifer Jones, Executive Directive, Housatonic Resources Recovery Authority

Matthew Kjnickerbocker, Connecticut Conference of Municipalities
Alice Kosowsky, Chairperson, Hamden Solid Waste & Recycling Commission
Christine O'Neill
Ken Kipen
Catherine Owens, Professor, University of Hartford
Tammy Thorton, President, Wilton Go Green
Jean Speck, First Selectman, Town of Kent

Over 25 people also submitted testimony in opposition to the bill.

Reported by: Pamela Bianca

Date: March 30, 2023