



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
2 this section:

3 (1) "Brand" means a name, symbol, word or mark that attributes a
4 tire 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
9 fleet 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-
15 road 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
19 not include any tire from any toy, bicycle, commercial aircraft or
20 personal mobility device;

21 (6) "Tire stewardship organization" means an organization created
22 or 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
28 tire stewardship organization in the tire stewardship plan that
29 measure the performance of the program including tire collection and
30 diversion rates, economic and environmental benefits, beneficial
31 recycling usages and targets, public education and participation and
32 any other specified 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)
37 of this subdivision, any person who is not the manufacturer of the tire
38 but 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,
41 any person who imports any tire into the state for supply to a
42 consumer; or (D) if there is no person described in subparagraph (C) of
43 this 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
46 as they are transformed into new, usable or marketable materials.
47 "Recycling" does not include the use of tires or processed materials that

48 are incinerated or used as a fuel or fuel supplement;

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

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

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

74 (c) Any plan submitted pursuant to subsection (b) of this section
75 shall: (1) Identify each producer participating in the program; (2)
76 describe how the program will be financed; (3) establish performance
77 goals for the first two years of the program; (4) describe the industry
78 transition timeline that is required to achieve such performance goals
79 and how the plan will, to the greatest extent economically feasible,

80 utilize existing service providers and infrastructure in the state; (5)
81 identify proposed facilities to be used by the program in the collection
82 system and discarded tire transportation and recycling activities; (6)
83 detail how the program follows the solid waste hierarchy, as defined
84 in the state-wide solid waste management plan established pursuant to
85 section 22a-228 of the general statutes, and will promote the recycling
86 of discarded tires to higher value products and sustainability; and (7)
87 include a description of the public education program that will be used
88 to promote consumer knowledge of such program.

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

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

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

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

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

139 (g) Each tire stewardship organization shall notify the
140 Commissioner of Energy and Environmental Protection of other
141 material changes to the program on an ongoing basis, without
142 resubmission of the plan to the commissioner for approval. Such
143 changes shall include, but not be limited to, any change in the
144 composition, officers or contact information of the tire stewardship
145 organization.

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

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

173 (j) Upon implementation of the tire stewardship program described
174 in this section, any covered entity that participates in such program
175 shall not charge for the receipt of discarded tires that are discarded in
176 this state, provided any such covered entity may reasonably restrict
177 the acceptance of tires by number, source or condition.

178 (k) Not later than three years after the approval of any tire

179 stewardship plan pursuant to this section, the Commissioner of Energy
180 and Environmental Protection shall submit a report, in accordance
181 with the provisions of section 11-4a of the general statutes, to the joint
182 standing committee of the General Assembly having cognizance of
183 matters relating to the environment. Such report shall provide an
184 evaluation of the applicable tire stewardship program and establish a
185 goal for the amount of discarded tires managed under such tire
186 stewardship program and a separate goal for the diversion of tires for
187 recycling, taking into consideration technical and economic
188 feasibilities.

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

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

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

209 (o) Any action brought by the Attorney General pursuant to this
210 section shall have precedence in the order of trial, as provided in

211 section 52-191 of the general statutes.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

ENV *Joint Favorable Subst.*