



House of Representatives

General Assembly

File No. 329

February Session, 2024

House Bill No. 5353

House of Representatives, April 8, 2024

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.

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

1 Section 1. Section 22a-905h of the general statutes is amended by
2 adding subsection (v) as follows (*Effective from passage*):

3 (NEW) (v) (1) A gas cylinder stewardship organization that
4 implements an approved gas cylinder stewardship plan in accordance
5 with the requirements of this section may bring a civil action against a
6 producer for damages when: (A) The plaintiff incurs more than five
7 hundred dollars in actual costs associated with administrative
8 overhead, education, collection, handling, recycling and the approved
9 disposal of the defendant producer's gas cylinders that are supplied,
10 sold or offered for sale in this state; and (B) the defendant producer or
11 the gas cylinder stewardship organization to which such defendant
12 producer belongs is not in compliance with the provisions of this
13 section.

14 (2) The Department of Energy and Environmental Protection shall
 15 not be a necessary party to or be required to provide assistance or
 16 otherwise participate in a civil action authorized pursuant to
 17 subdivision (1) of this subsection solely due to the department's
 18 regulatory responsibilities pursuant to this section, unless subject to
 19 subpoena before a court exercising jurisdiction over such matter.

20 (3) A gas cylinder stewardship organization may file a civil action
 21 pursuant to subdivision (1) of this subsection regardless of whether such
 22 organization petitioned the department concerning a noncompliant
 23 producer or gas cylinder stewardship organization.

24 (4) For the purposes of this subsection, "damages" means: (A) The
 25 actual costs a plaintiff gas cylinder stewardship organization incurs in
 26 administrative overhead, education, collection, handling, recycling or
 27 the approved disposal of gas cylinders that are reasonably identified as
 28 originating from another gas cylinder producer or gas cylinder
 29 stewardship organization; and (B) the costs and attorney's fees
 30 associated with bringing a civil action pursuant to subdivision (1) of this
 31 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-905h(v)

ENV *Joint Favorable*

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:** None**Municipal Impact:** None**Explanation**

The bill, which allows a gas cylinder stewardship organization to pursue legal action against a noncompliant producer, results in no fiscal impact to the state or municipalities. The court system disposed of over 263,000 cases in FY 23 and the number of cases associated with the bill is not anticipated to be great enough to need additional resources.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 5353*****AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM.*****SUMMARY**

This bill gives a gas cylinder stewardship organization that is implementing an approved stewardship plan a private right of action for damages against a noncompliant producer under certain circumstances (see BACKGROUND). Current law limits civil enforcement of the gas cylinder stewardship law to actions by the Department of Energy and Environmental Protection (DEEP) and the attorney general.

Under the bill, the right of action can be brought when the (1) organization incurs more than \$500 in actual costs to manage gas cylinders the defendant producer supplied, sold, or offered for sale in the state and (2) defendant producer, or the stewardship organization to which it belongs, is noncompliant with the gas cylinder stewardship law.

The damages available to the organization are (1) the actual costs to manage (i.e., collection, education, handling, recycling, approved disposal, and administrative overhead) cylinders reasonably identified as coming from another gas cylinder producer or gas cylinder stewardship organization and (2) attorney's fees and costs from bringing the action.

The bill allows a gas cylinder stewardship organization to bring the action regardless of whether it informed DEEP of the defendant's noncompliance. It also specifies that DEEP is not a necessary party to the private action, nor does DEEP need to help or otherwise participate,

unless it is subject to a subpoena from the court.

EFFECTIVE DATE: Upon passage

BACKGROUND

Gas Cylinder Stewardship Law

PA 22-27 established a framework for a statewide stewardship program to collect discarded gas cylinders. Among other things, the law requires, by October 1, 2025, all gas cylinder producers to be part of an approved and implemented stewardship program, either individually or by participating in a stewardship organization.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/20/2024)