



Substitute House Bill No. 6486

Public Act No. 23-62

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

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

Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this section:

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

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

(3) "Covered entity" means any permitted transfer station, tire retailer, car dealership, automotive garage, private or public sector fleet maintenance garage or other location identified in the approved stewardship plan;

(4) "Discarded tire" means any whole tire or whole tire on a rim that a consumer discarded or abandoned, or intends to discard or abandon;

(5) "Tire" means a product composed primarily of rubber that is mounted on the wheels of any type of passenger or commercial on-road or off-road motorized vehicle, including passenger vehicles,

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motorcycles, trucks, buses, mobile homes, trailers, noncommercial aircraft and earthmoving, road building, mining, logging, agricultural, industrial and other vehicles and that provides mobility. "Tire" does not include any tire from any toy, bicycle, commercial aircraft or personal mobility device;

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

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

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

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

(10) "Recycling" means any process in which discarded tire

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components and by-products may lose their original identity or form as they are transformed into new, usable or marketable materials. "Recycling" may include the use of tires or processed materials that are incinerated or used as a fuel or fuel supplement, provided such incineration does not occur in this state;

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

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

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

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

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

(e) The Commissioner of Energy and Environmental Protection shall approve a plan for the establishment of a tire stewardship program, provided such plan meets the requirements of subsections (b) to (d), inclusive, of this section. Prior to making any such determination, the commissioner shall post the plan on the Department of Energy and Environmental Protection's Internet web site and solicit public comments on the plan. Such solicitation shall not be conducted pursuant

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to chapter 54 of the general statutes. Not later than ninety days after submission of the plan pursuant to this section, the commissioner shall make a determination whether to approve the plan. In the event that the commissioner disapproves the plan because it does not meet the requirements of subsections (b) to (d), inclusive, of this section, the commissioner shall describe the reasons for the disapproval in a notice of determination that the commissioner shall provide to the tire stewardship organization. Such tire stewardship organization shall revise and resubmit the plan to the commissioner not later than forty-five days after receipt of the commissioner's notice of disapproval. Not later than forty-five days after receipt of the revised plan, the commissioner shall review and approve or disapprove the revised plan and provide a notice of determination to the tire stewardship organization. Such stewardship organization may resubmit a revised plan to the commissioner for approval on not more than two occasions. If the tire stewardship organization fails to submit a plan that is acceptable to the commissioner because it does not meet the requirements of subsections (b) to (d), inclusive, of this section, the commissioner shall modify a submitted plan to make it conform to the requirements of subsections (b) to (d), inclusive, of this section and approve it. Not later than one hundred twenty days after the approval of a plan pursuant to this section, the tire stewardship organization shall implement the tire stewardship program.

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

(2) Two years after implementation of such tire stewardship

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program, the tire stewardship organization shall submit updated performance goals to the commissioner that are based on the experience of the program during the first two years of the program.

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

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

(i) Two years after the implementation of a tire stewardship program and every three years thereafter, or upon the request of the Commissioner of Energy and Environmental Protection, but not more frequently than once a year, each tire stewardship organization shall cause an audit of the tire stewardship program to be conducted by an auditor selected by the commissioner. Such audit shall review the accuracy of the tire stewardship organization's data concerning the program and provide any other information requested by the commissioner, consistent with the requirements of this section, provided such request does not require the disclosure of any

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proprietary information or trade or business secrets. Such audit shall be paid for by the tire stewardship organization. Each tire stewardship organization shall maintain all records relating to the program for not less than three years.

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

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

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

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

(n) Whenever, in the judgment of the Commissioner of Energy and Environmental Protection, any person has engaged in, or is about to

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engage in, any act, practice or omission that constitutes, or will constitute, a violation of any provision of this section, the Attorney General may, at the request of the commissioner, bring an action in the superior court for the judicial district of New Britain for an order enjoining such act, practice or omission. Such order may require remedial measures and direct compliance with the provisions of this section. Upon a showing by the commissioner that such person has engaged in or is about to engage in any such act, practice or omission, the court may issue a permanent or temporary injunction, restraining order or other order, as appropriate.

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

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

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

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

Sec. 2. (*Effective from passage*) The Commissioner of Transportation shall undertake the requisite laboratory testing and pilot program utilization of tire-derived asphalt on primary state roadways throughout the state. Not later than January 1, 2025, the commissioner

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shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the efficacy and suitability of utilizing tire-derived asphalt on primary roadways throughout the state. Such report shall include, but need not be limited to, a recommendation concerning such use and an estimation of the volume or number of tires required to sustain any such recommended usage.

Approved June 27, 2023