

February 6, 2023

RE: H 67 - An act relating to household products containing hazardous substances

Dear Chair Sheldon and Members of the House Committee on Environment and Energy:

Worthington Industries is writing regarding H 67 - An act relating to household products containing hazardous substances. Worthington is a leading US-based manufacturer of pressurized cylinders, including both refillable and non-refillable cylinders. As noted in our previous submission on H 115, our organization supports the overarching objective of the Bill to ensure the proper collection and management of end-of-life cylinders. Since our submission last year, we worked closely with legislators in Connecticut on similar legislation for gas cylinders that was passed with unanimous support.

We do however have a number of concerns about the drafting of H 67, including:

- **Gas Cylinder Definition:** The definition of gas cylinder has been amended from the definition used in Connecticut without an analysis of the impacts. We worked closely with Connecticut on that definition based on feedback from local governments, service providers and state officials. We are concerned about some of the potential products added and associated impacts to collection and management.
- **Orphan Covered Products:** The inclusion of a category for orphan covered products is poorly defined and potentially leaves producers managing costs for products they never had anything to do with (e.g., a company that produces propane cylinders having to pay for an orphan cylinder full of refrigerant or an obsolete commercial pesticide). We recommend that either orphan materials be removed or the definition be refined to ensure that the language removes ambiguity.
- **Aggressive Timelines:** The current timelines are not realistic to:
 - identify designated producers,
 - form a producer responsibility organization/s,
 - potentially hire staff,
 - develop and consult on a program plan,
 - allow time for Department review and approval, and then
 - enter into agreements with collectors, haulers, and processors.

All of these steps are currently required to be completed in a year and half with three months of that set aside for the Department's review process.



- **Household Participation Rate:** The specific requirements related to the collection participation rate should be removed as they cannot currently be measured in the way that is defined in the regulation (i.e., a vehicle count is not equivalent to a household participant rate), and consideration is needed as to how participant rates might be calculated for materials collected at a State park, campground or potentially in a retail setting. Collection participation rates should instead be addressed in the program plan.
- **Reporting Requirements:** Requirements for an advisory committee, annual reporting on costs and public awareness surveys should be removed. If producers are responsible to meet improved outcomes, they should have flexibility in how they meet these goals and ensure continual improvement.

We look forward to working closely with the State as this Bill progresses and would be pleased to answer any questions you might have.

Sincerely,

Ann Lane
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Worthington Industries