

STATE OF NEW YORK

7553

2025-2026 Regular Sessions

IN SENATE

April 22, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to establishing extended producer responsibility for tires

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 34 to read as follows:

3 TITLE 34

4 EXTENDED PRODUCER RESPONSIBILITY FOR TIRES

5 Section 27-3401. Definitions.

6 27-3403. Disposal ban.

7 27-3405. Producer plan.

8 27-3407. Producer responsibilities.

9 27-3409. Retailer requirements.

10 27-3411. Department responsibilities.

11 27-3413. Tire stewardship advisory board.

12 27-3415. Post-consumer content requirements.

13 27-3417. Penalties.

14 27-3419. Rules and regulations.

15 § 27-3401. Definitions.

16 For the purpose of this title, the following terms shall have the
17 following meanings:

18 1. "Brand" means a name, symbol, word, or mark that attributes the
19 product to the owner or licensee of the brand as the producer.

20 2. "Closed-loop recycling" means recycling in which materials that are
21 reclaimed are returned to the original process or processes in which
22 they were generated and they are reused in the production process.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11373-01-5

1 3. "Collection program" or "program" means a program financed and
2 implemented by producers, either individually, or through a represen-
3 tative organization, that provides for, but is not limited to, the
4 collection, transportation, reuse, recycling, proper end-of-life manage-
5 ment, or an appropriate combination thereof, of discarded covered prod-
6 uct.

7 4. "Collection site" means a permanent location in the state at which
8 discarded covered product may be returned by a consumer. Collection
9 sites shall accept all types of covered product as defined by this title
10 regardless of brand.

11 5. "Consumer" means a person located in the state who purchases, owns,
12 leases, or uses the covered product, including but not limited to an
13 individual, a business, corporation, limited partnership, not-for-profit
14 corporation, the state, a public corporation, public school, school
15 district, private or parochial school, or board of cooperative educa-
16 tional services or government entity.

17 6. "Covered product" means a product composed primarily of rubber that
18 is mounted on the wheels of any type of passenger or commercial on-road
19 or off-road motorized vehicle, including passenger vehicles, motorcy-
20 cles, trucks, buses, mobile homes, trailers, noncommercial aircraft and
21 earthmoving, road building, mining, logging, agricultural, industrial
22 and other vehicles and that provide mobility. "Covered product" does not
23 include any product composed primarily of rubber that is mounted on the
24 wheels of any toy, bicycle, commercial aircraft or personal mobility
25 device.

26 7. "Discarded covered product" means covered product that a consumer
27 has used and disposed of in the state and is no longer used for its
28 manufactured purpose.

29 8. "Energy recovery" means the process by which all or a portion of
30 solid waste materials are processed or combusted in order to utilize the
31 heat content or other forms of energy derived from such solid waste
32 materials.

33 9. "Producer" means any person who manufactures a covered product that
34 is sold, offered for sale, or distributed in the state under the
35 manufacturer's own name or brand. "Producer" includes:

36 (a) the owner of a trademark or brand under which covered product is
37 sold, offered for sale, or distributed in this state, whether or not
38 such trademark or brand is registered in this state; and

39 (b) any person who imports a covered product into the United States
40 that is sold or offered for sale in the state and that is manufactured
41 by a person who does not have a presence in the United States.

42 10. "Recycling" means to separate, dismantle or process the materials,
43 components or commodities contained in discarded covered products for
44 the purpose of preparing the materials, components, or commodities for
45 use or reuse in new products or components. "Recycling" does not
46 include: (a) energy recovery or energy generation by any means, includ-
47 ing but not limited to, combustion, incineration, pyrolysis, gasifica-
48 tion, solvolysis, or waste-to-fuel; (b) any chemical conversion process;
49 or (c) landfill disposal.

50 11. "Recycling rate" means the percentage of discarded covered product
51 that is managed through recycling or reuse, as defined by this title,
52 and is calculated by dividing the amount of recycled output derived from
53 collected covered products, plus any amount sent for reuse, by the esti-
54 imated total amount of discarded covered product generated during a
55 program year.

1 12. "Representative organization" means a not-for-profit organization
2 established by a producer or group of producers to implement a
3 collection program.

4 13. "Retailer" means any person who sells or offers for sale covered
5 products to a consumer in the state.

6 14. "Reuse" means the return of a product into the economic stream for
7 use in the same kind of application as the product was originally
8 intended to be used, without a change in the product's identity.

9 15. "Sell" or "sale" means any transfer for consideration of title or
10 the right to use, from a manufacturer or retailer to a person, includ-
11 ing, but not limited to, transactions conducted through retail sales
12 outlets, catalogs, mail, the telephone, the internet or any electronic
13 means; this does not include samples, donations, or reuse.

14 § 27-3403. Disposal ban.

15 1. No person shall knowingly dispose of any covered product as solid
16 waste in the state at any time on or after January first, two thousand
17 twenty-eight.

18 2. Beginning six months from the effective date of this title, no
19 retailer, distributor, wholesaler, manufacturer, or owner or operator of
20 a covered product collection site, consolidation facility, or waste
21 recycling facility in the state shall dispose of covered product waste
22 at a solid waste management facility or hazardous waste management
23 facility, or place covered product waste for collection which is
24 intended for disposal at a solid waste management facility or hazardous
25 waste management facility.

26 3. Beginning two years from the effective date of this title, no
27 person, except for an individual or household shall place or dispose of
28 any covered product waste in any solid waste management facility, or
29 place covered product waste for collection which is intended for
30 disposal at a solid waste management facility or hazardous waste manage-
31 ment facility in this state. Persons engaged in the collection of solid
32 waste for delivery to a solid waste management facility shall provide
33 written information to users of such facility on the proper methods for
34 the recycling of covered product.

35 4. Beginning three years from the effective date of this title, no
36 individual or household shall place or dispose of any covered product
37 waste, that exceeds an amount as determined by the department, shall
38 place or dispose of any covered product waste in any solid waste manage-
39 ment facility, or place covered product waste for collection which is
40 intended for disposal at a solid waste management facility or hazardous
41 waste management facility in this state.

42 5. Beginning two years from the effective date of this title, an owner
43 or operator of a solid waste management facility or hazardous waste
44 management facility shall educate users of such facility on the proper
45 methods for the management of covered product waste. Such education
46 shall include:

47 (a) providing written information to users of such facility on the
48 proper methods for recycling of covered product waste; and

49 (b) posting, in conspicuous locations at such facility, signs stating
50 that covered product waste may not be disposed of at the facility.

51 § 27-3405. Producer plan.

52 1. No later than June thirtieth, two thousand twenty-seven, a produc-
53 er, either individually or cooperatively with one or more producers, or
54 a representative organization shall submit to the department for the
55 department's approval a plan for the establishment of a collection

1 program that meets the collection requirements described in this
2 section.

3 2. A producer may satisfy the collection program requirement of this
4 section by agreeing to participate collectively with other producers.
5 Any such collective program shall notify the department.

6 3. A producer or representative organization shall update the plan, as
7 needed, when there are changes proposed to the current program. A new
8 plan or amendment will be required to be submitted to the department for
9 approval when:

10 (a) there is a revision of the program's goals; or

11 (b) every three years from the date of approval of a previous plan.

12 4. The plan submitted by the producer or representative organization
13 to the department under this section shall, at a minimum:

14 (a) provide a list of each participating producer and brands covered
15 by the program;

16 (b) provide information on the products covered by the program;

17 (c) describe how the producer or representative organization will
18 collect, transport, recycle and process covered product;

19 (d) describe how the program will provide for collection of covered
20 product in the state, free of cost and in a manner convenient to consum-
21 ers, including how the program will achieve, at a minimum, a convenience
22 standard which ensures that all counties in the state and all munici-
23 palitys which have a population of ten thousand or greater have at
24 least one permanent collection site and one additional permanent
25 collection site for every thirty thousand people located in those areas,
26 that accepts covered product from consumers during normal business
27 hours; however with respect to a city having a population of one million
28 or more, after consultation with the department of sanitation of such
29 city, the department may otherwise establish an alternative convenience
30 standard. The producer or representative organization may coordinate the
31 program with existing municipal waste collection infrastructure as is
32 mutually agreeable. Convenience standards shall be evaluated by the
33 department periodically and the department may require additional
34 collection locations to ensure adequate consumer convenience;

35 (e) describe in detail education and outreach efforts to inform
36 consumers and others engaged in the management of discarded covered
37 product about the program including, at a minimum, an internet website
38 and a toll-free telephone number and written information included at the
39 time of sale of covered product that provides sufficient information to
40 allow a consumer to learn how to return such covered product for
41 disposal, recycling or reuse;

42 (f) describe the methods to be used to reuse or recycle discarded
43 covered product;

44 (g) describe the methods to be used to manage or dispose of discarded
45 covered product that cannot be recycled or reused;

46 (h) describe how the program will meet annual performance goals, as
47 determined by the department, provided that at a minimum, the program
48 shall achieve the following recycling rates:

49 (i) a thirty percent recycling rate for covered product of which ten
50 percent shall be closed-loop recycling by five years after the plan is
51 approved by the department pursuant to section 27-3411 of this title;

52 (ii) a fifty percent recycling rate for covered product of which twen-
53 ty percent shall be closed-loop recycling by ten years after the plan is
54 approved by the department pursuant to section 27-3411 of this title;
55 and

1 (iii) a seventy-five percent recycling rate for covered product, of
2 which forty percent shall be closed-loop recycling by fifteen years
3 after the plan is approved by the department pursuant to section 27-3411
4 of this title;

5 (i) describe what, if any, incentives will be used to encourage
6 retailer participation;

7 (j) describe the outreach and education methods that will be used to
8 encourage municipal landfill and transfer station participation;

9 (k) describe the sources of data and methodology for estimating the
10 amount of discarded product in the state annually; and

11 (l) any other information as specified by the department.

12 § 27-3407. Producer responsibilities.

13 1. Beginning no later than January thirty-first, two thousand twenty-
14 eight, the producer or representative organization shall implement the
15 collection program utilizing collection sites established pursuant to
16 paragraph (d) of subdivision four of section 27-3405 of this title.

17 2. A producer shall not sell, or offer for sale, covered product to
18 any person in the state unless the producer is implementing or partic-
19 ipating under an approved plan.

20 3. The program shall be free to the consumer, convenient and adequate
21 to serve the needs of consumers in all areas of the state on an ongoing
22 basis.

23 4. A producer or representative organization shall maintain records
24 demonstrating compliance with the provisions of this title and make them
25 available for audit and inspection by the department for a period of
26 three years. The department shall make such records available to the
27 public upon request in accordance with the provisions of the state free-
28 dom of information law and the regulations promulgated thereunder.
29 Record holders shall submit the records required to comply with the
30 request within sixty working days of written notification by the depart-
31 ment of receipt of the request.

32 5. A producer or representative organization shall be responsible for
33 all costs associated with the implementation of the collection program,
34 including but not limited to the cost of collection. A producer, produc-
35 ers or representative organization shall pay costs incurred by the
36 department in the administration and enforcement of this title. Exclu-
37 sive of fines and penalties, the department shall only be reimbursed its
38 actual cost of administration and enforcement.

39 6. Any person who becomes a producer on or after January thirty-first,
40 two thousand twenty-eight, shall submit a plan to the department, or
41 notify the department that it has joined an existing plan, prior to
42 selling or offering for sale in the state any covered product, and shall
43 comply with the requirements of this title.

44 7. On or before March thirty-first, two thousand thirty, and annually
45 thereafter, a producer or representative organization shall submit a
46 report to the department that includes, for the previous calendar year,
47 a description of the program, including, but not limited to the follow-
48 ing:

49 (a) a detailed description of the methods used to collect, transport,
50 and process covered product in the state, including detailing collection
51 methods made available to consumers and an evaluation of the program's
52 collection convenience;

53 (b) identification of all collection sites in the state;

54 (c) the weight of all of the producer's covered product in the state
55 by method of disposition, including reuse, recycling and other methods
56 of processing or disposal;

1 (d) an evaluation of whether the performance goals and recycling rates
2 have been achieved;

3 (e) the total cost of implementing the program;

4 (f) samples of all educational materials provided to consumers and a
5 detailed list of efforts undertaken and an evaluation of the methods
6 used to disseminate such materials including recommendations, if any,
7 for how the educational component of the program can be improved; and

8 (g) any other information required by the department.

9 8. On or before January first of each program year following implemen-
10 tation of the plan pursuant to section 27-3405 of this title, each
11 producer, group of producers or representative organization shall submit
12 a report to the department that assesses compliance with performance
13 goals and describes any modification necessary to achieve such goals.

14 § 27-3409. Retailer requirements.

15 1. Beginning July first, two thousand twenty-eight, no retailer may
16 sell or offer for sale covered product in the state unless the producer
17 of such covered product is participating in a collection program. A
18 retailer shall be in compliance with this section if, on the date that
19 covered product was offered for sale, the producer is listed on the
20 department's website as implementing or participating in an approved
21 program or if the covered product brand is listed on the department's
22 website as being included in the program.

23 2. Any retailer may participate, on a voluntary basis, as a designated
24 collection site pursuant to a collection program and in accordance with
25 all applicable laws and regulations.

26 § 27-3411. Department responsibilities.

27 1. The department shall (a) maintain a list of producers who are
28 implementing or participating pursuant to section 27-3405 of this title,
29 (b) maintain a list of each producer's brands, and (c) post such lists
30 on the department's website.

31 2. Beginning on January thirty-first, two thousand twenty-eight, the
32 department shall post on its website the location of all collection
33 sites identified to the department by the producer in its plans and
34 annual reports.

35 3. The department shall post on its website each producer plan
36 approved by the department.

37 4. Within ninety days after receipt of a proposed plan or plan amend-
38 ments, the department shall approve or reject the plan or the plan
39 amendment. If the plan or the plan amendment is approved, the department
40 shall notify the producer or representative organization in writing. If
41 the department rejects the plan or plan amendment, the department shall
42 notify the producer or representative organization in writing stating
43 the reason for rejecting the plan or plan amendment. A producer or
44 representative organization whose plan is rejected shall submit a
45 revised plan to the department within thirty days of receiving a notice
46 of rejection. If the department rejects the subsequent proposal, the
47 producer and producers at issue shall be out of compliance and subject
48 to enforcement provisions.

49 5. The department shall submit a report regarding the implementation
50 of this title in the state to the governor and legislature by April
51 first, two thousand twenty-seven and every two years thereafter. The
52 report shall include, at a minimum, an evaluation of:

53 (a) the stream of covered product in the state;

54 (b) disposal, recycling and reuse rates in the state for covered prod-
55 uct;

1 (c) a discussion of compliance and enforcement related to the require-
2 ments of this title; and

3 (d) recommendations for any changes to this title.

4 6. Starting four years after the plan is approved by the department
5 pursuant to this section, the department shall impose a penalty of twen-
6 ty-five cents per pound to be assessed on the producer or representative
7 organization for the number of additional pounds of covered product that
8 would have needed to be recycled through the program to achieve the
9 performance goals specified in the approved stewardship plan. All penal-
10 ties collected pursuant to this section shall be paid over to the
11 commissioner for deposit to the tire extended producer responsibility
12 fund established pursuant to section ninety-seven-uuuu of the state
13 finance law.

14 § 27-3413. Tire stewardship advisory board.

15 1. There is hereby established within the department the tire steward-
16 ship advisory board to make recommendations to the commissioner regard-
17 ing producer plans required by this title.

18 2. The board shall be composed of thirteen voting members. Such
19 members shall include:

20 (a) one representative of covered product producers;

21 (b) two representatives of covered product retailers;

22 (c) one representative of covered product recyclers;

23 (d) two representatives of covered product collectors;

24 (e) one representative of a company that utilizes discarded covered
25 product to manufacture a new product;

26 (f) one representative of a covered product installer association;

27 (g) one representative from a statewide environmental organization;

28 (h) one representative from a statewide waste disposal association;

29 (i) one representative from the New York product stewardship council;

30 (j) one representative from a consumer organization; and

31 (k) one representative from a statewide recycling organization.

32 3. The members shall be appointed as follows:

33 (a) two members to be appointed by the temporary president of the
34 senate;

35 (b) two members to be appointed by the speaker of the assembly;

36 (c) one member to be appointed by the minority leader of the senate;

37 (d) one member to be appointed by the minority leader of the assembly;

38 and

39 (e) seven members to be appointed by the governor.

40 4. Such appointments shall be made no later than sixty days following
41 the date on which this title takes effect. The members shall designate a
42 chair from among the members by majority vote. Board members shall
43 receive no compensation but shall be entitled to their necessary and
44 actual expenses incurred in the performance of their board duties.

45 5. The board shall meet at least annually by the call of the chair.

46 § 27-3415. Post-consumer content requirements.

47 All covered product in the state shall be manufactured with the
48 following minimum amounts from post-consumer sources:

49 1. Within one year after the plan is approved by the department pursu-
50 ant to section 27-3411 of this title, a minimum ten percent post-consum-
51 er content;

52 2. Within four years thereafter, a minimum of twenty percent post-con-
53 sumer content; and

54 3. Five years thereafter, a minimum of thirty percent post-consumer
55 content.

56 § 27-3417. Penalties.

1 Any producer, representative organization, or retailer who violates
2 any provision of or fails to perform any duty imposed pursuant to this
3 title shall be liable for a civil penalty not to exceed five hundred
4 dollars for each violation and an additional penalty of not more than
5 five hundred dollars for each day during which such violations continue.
6 Civil penalties shall be assessed by the department after a hearing or
7 opportunity to be heard pursuant to the provisions of section 71-1709 of
8 this chapter.

9 § 27-3419. Rules and regulations.

10 The department is authorized to promulgate any rules and regulations
11 necessary to implement this title.

12 § 2. The state finance law is amended by adding a new section 97-uuuu
13 to read as follows:

14 § 97-uuuu. Tire extended producer responsibility fund. 1. There is
15 hereby established in the joint custody of the state comptroller and the
16 commissioner of environmental conservation a special fund to be known as
17 the "tire extended producer responsibility fund".

18 2. Such fund shall consist of all revenues received by the state comp-
19 troller pursuant to the provisions of section 27-3411 of the environ-
20 mental conservation law and all other moneys appropriated thereto from
21 any other fund or source pursuant to law. Nothing contained in this
22 section shall prevent the state from receiving grants, gifts, or
23 bequests for the purposes of the fund as defined in this section and
24 depositing them into the fund according to law.

25 3. The moneys of the tire extended producer responsibility fund,
26 following appropriation by the legislature, shall be allocated for the
27 direct costs associated with extended producer responsibility for tires
28 pursuant to title thirty-four of article twenty-seven of the environ-
29 mental conservation law.

30 4. The state comptroller may invest any moneys in the tire extended
31 producer responsibility fund not expended for the purpose of this
32 section as provided by law. The state comptroller shall credit any
33 interest and income derived from the deposit and investment of moneys in
34 the tire extended producer responsibility fund to the tire extended
35 producer responsibility fund.

36 5. Any unexpected and unencumbered moneys remaining in the tire
37 extended producer responsibility fund at the end of the fiscal year
38 shall remain in the tire extended producer responsibility fund and shall
39 not be credited to any other fund.

40 § 3. Section 71-1701 of the environmental conservation law, as amended
41 by chapter 795 of the laws of 2022, is amended to read as follows:

42 § 71-1701. Applicability of this title.

43 This title shall be applicable to the enforcement of titles 1 through
44 11 and titles 15 through 19 of article 17; article 19; and titles 1
45 [~~and~~], 33 and 34 of article 27 of this chapter.

46 § 4. Subdivision 11 of section 27-1901 of the environmental conserva-
47 tion law, as added by section 3 of part V1 of chapter 62 of the laws of
48 2003, is amended to read as follows:

49 11. "Tire service" means any person or business [~~in New York state~~]
50 who sells or installs new tires for use on any vehicle and any person or
51 business who engages in the retail sale of new motor vehicles. [~~A person~~
52 ~~who is not the end point of sale and any governmental agency or poli-~~
53 ~~tical subdivision are excluded from this term] The United States of
54 America and any of its agencies and instrumentalities, and New York
55 state and any of its agencies, instrumentalities, public corporations,
56 or political subdivisions are excluded from this term.~~

1 § 5. Subdivision 1 and the opening paragraph of subdivision 2 of
2 section 27-1905 of the environmental conservation law, as amended by
3 section 1 of part MM of chapter 58 of the laws of 2022, are amended to
4 read as follows:

5 1. Until [~~December thirty-first, two thousand twenty-five~~] January
6 thirty-first, two thousand twenty-seven, accept from a customer, waste
7 tires of approximately the same size and in a quantity equal to the
8 number of new tires purchased or installed by the customer; and

9 Until [~~December thirty-first, two thousand twenty-five~~] January thir-
10 ty-first, two thousand twenty-seven, post written notice in a prominent
11 location, which must be at least eight and one-half inches by fourteen
12 inches in size and contain the following language:

13 § 6. Subdivisions 1, 2 and 3 of section 27-1913 of the environmental
14 conservation law, subdivisions 1 and 2 as amended by section 2 and
15 subdivision 3 as amended by section 3 of part MM of chapter 58 of the
16 laws of 2022, are amended to read as follows:

17 1. Until [~~December thirty-first, two thousand twenty-five~~] January
18 thirty-first, two thousand twenty-seven, a waste tire management and
19 recycling fee of two dollars and fifty cents shall be charged on each
20 new tire sold. The fee shall be paid by the purchaser to the tire
21 service at the time the new tire or new motor vehicle is purchased;
22 provided, however, that the fee shall be paid by a purchaser to a tire
23 service upon installation of new tires unless the purchaser can demon-
24 strate that the fee was previously paid to the seller. The waste tire
25 management and recycling fee does not apply to [~~+~~ ~~(a)~~] recapped [~~or~~
26 ~~resold~~] tires [~~;~~ ~~(b)~~ ~~mail order sales;~~ ~~or~~ ~~(c)~~ ~~the sale of new motor vehi-~~
27 ~~cle tires to a person solely for the purpose of resale provided the~~
28 ~~subsequent retail sale in this state is subject to such fee~~].

29 2. Until [~~December thirty-first, two thousand twenty-five~~] January
30 thirty-first, two thousand twenty-seven, the tire service shall collect
31 the waste tire management and recycling fee from the purchaser at the
32 time of the sale and shall remit such fee to the department of taxation
33 and finance with the quarterly report filed pursuant to subdivision
34 three of this section.

35 (a) The fee imposed shall be stated as an invoice item separate and
36 distinct from the selling price of the tire.

37 (b) The tire service shall be entitled to retain an allowance of twen-
38 ty-five cents per tire from fees collected.

39 3. Each tire service [~~maintaining a place of business in this state~~]
40 that is a "person required to collect tax" as defined in section eleven
41 hundred thirty-one of the tax law shall make a return to the department
42 of taxation and finance on such form and including such information as
43 the commissioner of taxation and finance may require. Such returns shall
44 be due at the same time and for the same periods as the sales tax return
45 of such tire service, in accordance with section eleven hundred thirty-
46 six of the tax law, and payment of all fees due for such periods shall
47 be remitted with such returns.

48 § 7. Paragraph (a) of subdivision 6 of section 27-1913 of the environ-
49 mental conservation law, as amended by section 2 of part MM of chapter
50 58 of the laws of 2022, is amended to read as follows:

51 (a) Until [~~December thirty-first, two thousand twenty-five~~] January
52 thirty-first, two thousand twenty-seven, any additional waste tire
53 management and recycling costs of the tire service in excess of the
54 amount authorized to be retained pursuant to paragraph (b) of subdivi-
55 sion two of this section may be included in the published selling price
56 of the new tire, or charged as a separate per-tire charge on each new

1 tire sold. When such costs are charged as a separate per-tire charge:
2 (i) such charge shall be stated as an invoice item separate and distinct
3 from the selling price of the tire; (ii) the invoice shall state that
4 the charge is imposed at the sole discretion of the tire service; and
5 (iii) the amount of such charge shall reflect the actual cost to the
6 tire service for the management and recycling of waste tires accepted by
7 the tire service pursuant to section 27-1905 of this title, provided
8 however, that in no event shall such charge exceed two dollars and fifty
9 cents on each new tire sold.

10 § 8. This act shall take effect immediately.