



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

June 18, 2014

To All Tire Retailers and Facilities that Accept Used Tires:

The Department of Health (DOH) received concerns from tire retailers on whether resellers of worn (used) tires are fully compliant with state laws, and whether they are properly managing the customer's old tires by sending them to facilities permitted by the DOH.

This notice is intended to clarify the interpretation of the DOH on what the state solid waste management law codified as Sec. 342I, Part II, HRS requires of all tire retailers.

Sec. 342I-21, Hawaii Revised Statutes (HRS) defines "tire retailer" as "any person who sells or offers to sell tires to the public."

Furthermore, Sec. 342I-23(a)(2), HRS requires tire retailers to:

- (1) Accept, at the point of transfer, in a quantity at least equal to the number of new motor vehicle tires purchased by a customer, motor vehicle tires offered by the customer.
- (2) Post written notice which shall be at least five inches by seven inches in size and easily visible to customers and shall contain the universal recycling symbol and the following language:
 - (A) "It is illegal to discard a motor vehicle tire";
 - (B) "Recycle your used tires";
 - (C) "State law requires us to accept used motor vehicle tires for recycling or disposal, in exchange for new tires purchased"; and
 - (D) "The final price of a new tire includes disposal of your old tire. The disposal fee is not subject to reduction or refund."

The DOH interprets "new" in Sec. 342I-23(a)(2) to refer to the general viewpoint of the customer, who wants to give up an old (used) tire and buy another one, whether it is used or not. "New" means "new" in ownership. A used tire purchased by a consumer is "new" to that consumer. The term "new" covers both a physically brand new, unused tire, and a used tire, purchased by a consumer. This means that the take-back, posting, advertising, recordkeeping and reporting requirements of Sec. 342I, Part II, HRS apply not only to retailers of brand new, unused tires, but to retailers of used, worn tires as well.

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The following tire retailer requirements in Sec. 342I, Part II, HRS are still in effect:

- Accept motor vehicle tires offered by customers, in a quantity equal to the number of tires purchased by the customer;
- Charge customers a final price of a new tire that includes the disposal of the old tire;
Post written notice of the aforementioned requirements and as specified in Chapter 342I, Part II, HRS at the point of sale which shall be easily visible to customers;
- Disclose whether a separate disposal fee may be added to the final price of the tire and the actual cost of the disposal fee in any advertisement;
- Even if a customer elects to keep the old used tire when purchasing a new one, there shall be no discount or refund of the disposal fee for the new tire purchased;
- Maintain records for a minimum of three years that provide at a minimum the following information:
 - The name, phone number, and address of the person, company, business, source, or entity from whom the used tires were received, if receiving used tires from entities other than the general public, such as tire retailers, wholesalers, transporters, collectors, and recyclers;
 - The date of receipt of the used tires;
 - The quantity of used tires received; and
 - The record of shipment indicating the:
 - Ultimate destination of the used tires;
 - Identification of the transporter;
 - Date of shipment; and
 - Quantity of tires shipped.
- Send an annual summary to the DOH by July 31st of each year.

Please bring this notice to the attention of anyone you know who may have an interest in this matter. If you have other questions, please call Mr. John Valera of the Office of Solid Waste Management at 586-4226. Annual summary forms and the notice for posting are also available online at <http://health.hawaii.gov/shwb/solid-waste/>.

Sincerely


STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch