

Connecticut Residential Pressurized Cylinders Program Design

January 17, 2022



SUBMITTED BY:



WORTHINGTON
INDUSTRIES

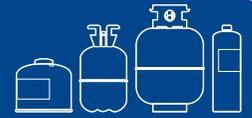
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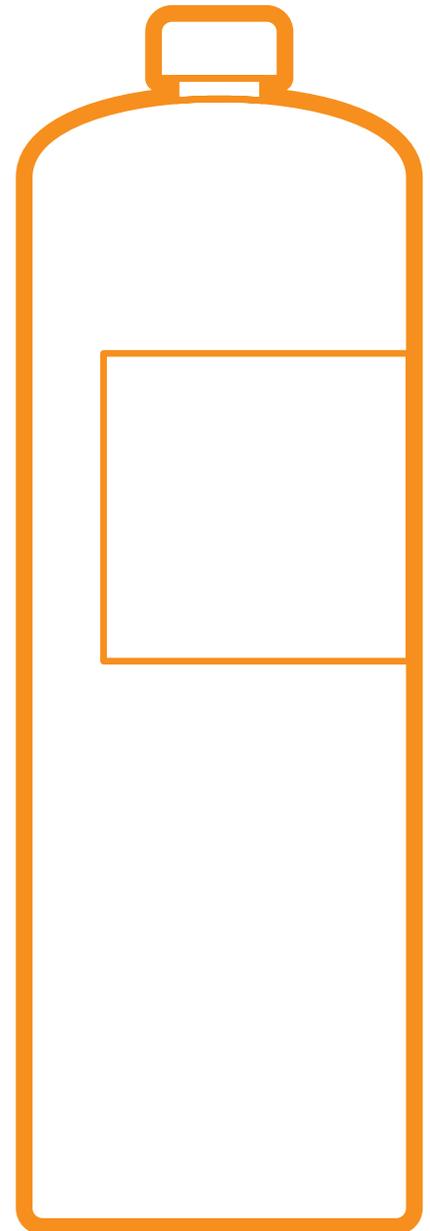
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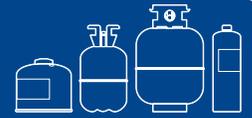
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1.0 Introduction



Worthington Industries is a leading global supplier of pressurized cylinders and accessories for applications such as fuel storage, water systems, outdoor living, tools and celebrations; and North America's premier value-added steel processor.

As a leading US-based cylinder manufacturer, Worthington Industries has committed to work with the state of Connecticut to support the effective management of discarded residential pressurized cylinders.

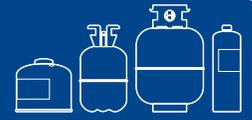
Worthington Industries raised a number of concerns regarding [HB 6386, An Act Concerning Extended Producer Responsibility for Tires, Smoke Detectors and Certain Gas Cylinders](#), as it did not reflect best practices learned in jurisdictions like Ontario, Canada which has had legislation in place since 2008 for producer collection and management of discarded gas cylinders and has recently revised its legislation to reflect lessons learned over the previous decade.¹ Some of these concerns included:

- Definitions that do not include types of transactions other than retail sales and do not fully account for online sales originating out-of-state which together create an unlevel playing field that will leave Connecticut companies financially disadvantaged;

- Prescriptive requirements (how, when and where materials are collected; how producers decide to organize themselves; limitations on point-of-sale fees which could incent reuse or refilling; prescribing requirements related to commercial arrangements) that prevent producers from:
 - Delivering a system that is more convenient for consumers and more operationally efficient;
 - Innovating to increase consumer participation, capture rates and recycling performance;
- Timelines that are unachievable and not aligned with EPR policies in other jurisdictions; and
- Language that would make the Bill more difficult to implement and enforce.



¹ Ontario Government. Environmental Registry of Ontario posting: Proposed producer responsibility regulation for Hazardous and Special Products (HSP), June 8, 2021. Available at <https://ero.ontario.ca/notice/019-2836>



Worthington Industries committed to report to the Joint Standing Environment Committee of the General Assembly by January 17, 2022 on:

1. Current practices for collection and management of discarded residential pressurized cylinders including the number and types of discarded pressurized cylinders and
2. Ways to improve the collection and management of discarded residential pressurized cylinders that achieve the following objectives:
 - c. Minimize public sector involvement in the management of discarded residential pressurized cylinders;
 - d. Free, convenient and accessible state-wide collection of discarded residential pressurized cylinders from residents;
 - e. Continuous, meaningful improvement in the collection of discarded residential pressurized cylinders over time;
 - f. Safe handling of discarded pressurized cylinders;
 - g. Reuse of residual gases; and
 - h. Recycling of discarded pressurized cylinders.

Over the course of about five months Worthington Industries sought broad stakeholder input to better understand the current management of residential pressurized cylinders in Connecticut and then to seek feedback on an approach to meet these objectives.

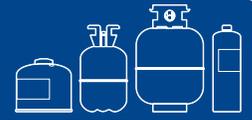
This outreach included:

- Local governments such as regions, cities and towns, and their associations and transfer stations;
- Retailers who sell refillable and non-refillable pressurized cylinders and participate in the exchange system for returned refillable pressurized cylinders;
- Waste management service providers that collect and process pressurized cylinders including the scrap industry;
- Energy from waste (EFW) facilities;
- Propane distributors that operate propane exchange networks in Connecticut;
- State parks and private campgrounds that may receive pressurized cylinders from visitors;
- Colleges that may receive pressurized cylinders as a result of tail-gate parties; and
- State government.

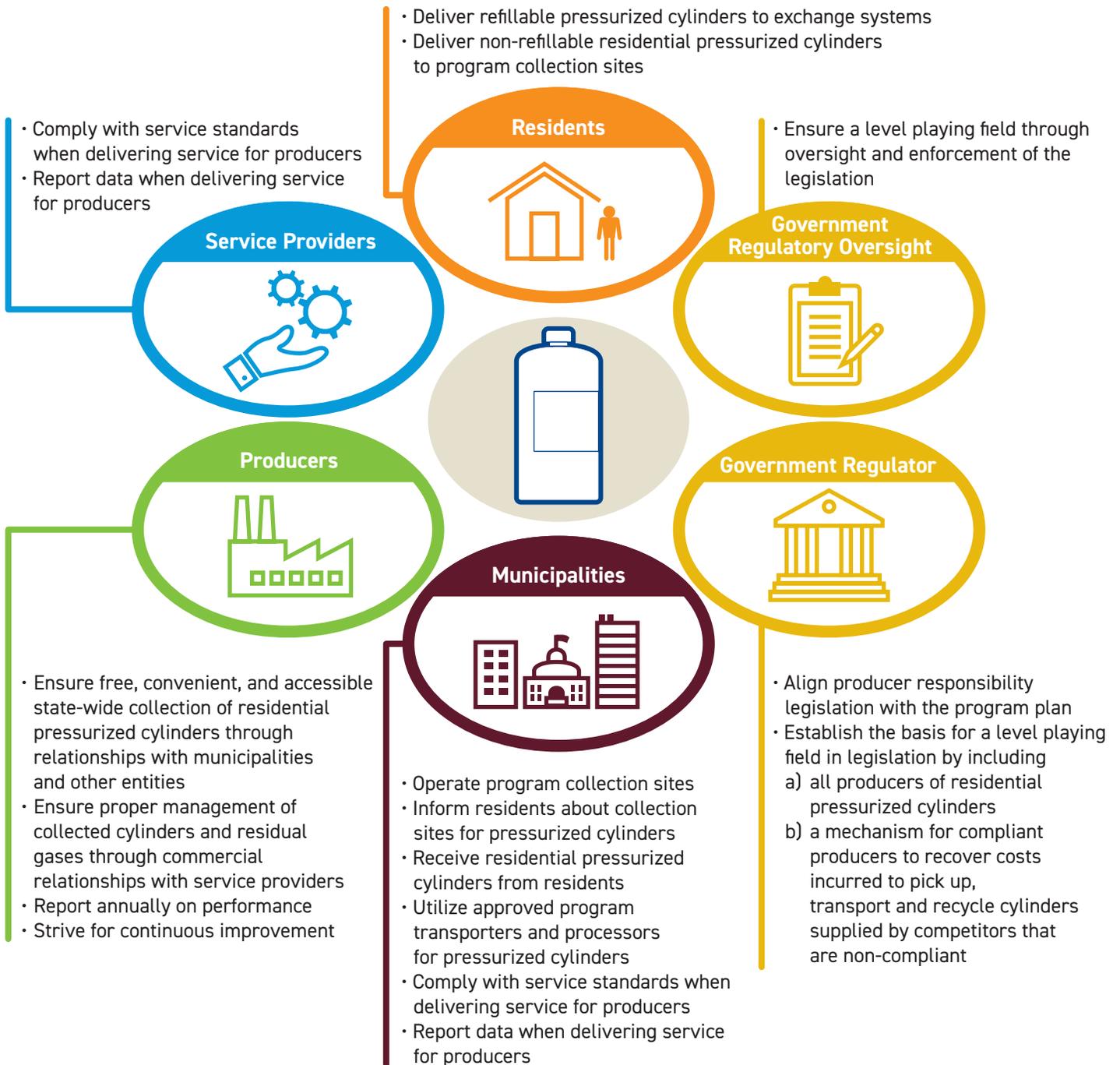
An outline of the engagement is provided below.

Task #	Task Description	Timeline
1	Outreach to better understand current management pressurized cylinders in Connecticut	August to October 2021
2	Share Baseline Report with stakeholders for feedback	Share on October 12, 2021 Feedback by October 25, 2021
3	Share Draft Program Design Report with stakeholders for feedback	Share on November 24, 2021 Feedback by December 8, 2021
4	Submit Final Public Report to Connecticut Joint Standing Environment Committee	By January 17, 2022

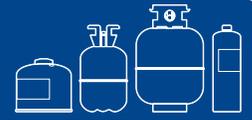
This report proposes a collection and management system for discarded residential gas cylinders to achieve the objectives set out above.



Roles and Responsibilities to Collect and Manage Residential Cylinders in Connecticut



2.0 Definitions



For clarity, definitions are provided for the following relevant terms.

Discarded pressurized cylinder means any pressurized cylinder acquired by a residential consumer in Connecticut that is discarded by a residential consumer in Connecticut.

Pressurized cylinder or **cylinder** means any non-refillable and refillable cylinder supplied with flammable pressurized gas, helium or carbon dioxide, of any size greater than a water capacity of 0.5 pounds and up to and including cylinders with a water capacity of fifty pounds, including, but not limited to, seamless cylinders and tubes, welded cylinders and insulated cylinders intended to contain helium, carbon dioxide or flammable materials such as propane, butane and other flammable compressed gases.

Pressurized cylinder does not include any cylinder, tube or container intended to deliver a product that is not a compressed gas or that is used by any medical facility or commercial enterprise.²

It also does not include cylinders that contain gases primarily used by commercial entities: oxygen, refrigerants, acetylene, hydrogen, ethylene, and foam adhesives.

Recycling means the reclamation of materials in such a manner that they can be used to displace the primary or raw materials they were produced from.³

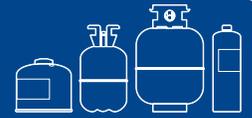
Supply, supplies or **supplied** mean the sale, lease or donation, with transfer of possession or title, or otherwise made available or distributed for use in the state including through, but not limited to, the use of a sales outlet, catalog, Internet web site or similar electronic means.



² This definition is built from the definition in [HB 6386 – An Act Concerning Extended Producer Responsibility for Tires, Smoke Detectors and Certain Gas Cylinders](#) which set minimum and maximum size thresholds and excluded certain gases including non-flammable gases such as oxygen. This definition reduces the water capacity threshold from 2 pounds to 0.5 pounds in order to include 5.5 oz butane cylinders and iso-butane camping cylinders.

³ Valiante, U., Gies, G., Moreside, E. (2021). Defining Recycling in the Context of Plastics. A Principled and Practical Approach. Canadian Standards Association, Toronto, ON.

3.0 Program Scope



3.1 In-Scope Pressurized Cylinders

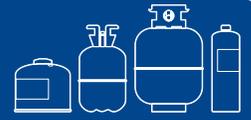
Pressurized cylinders supplied to and discarded by residential consumers include two main types:

- Refillable pressurized cylinders (e.g., 20 lb propane cylinders); and
- Non-refillable pressurized cylinders (e.g., propane cylinders used for cooking or heating, helium tanks, portable torches).

The following table lists the types of residential cylinders that meet the definition of pressurized cylinder together with product specifications and management considerations during storage and transport. This table includes cylinders that meet the definition in section 2.0 but that fall below the size threshold in HB 6386, An Act Concerning Extended Producer Responsibility for Tires, Smoke Detectors and Certain Gas Cylinders because residents are likely to discard these cylinders together with the cylinders referenced in HB 6386.

Figure 1 - Types of In-Scope Residential Cylinders Consistent with the Definition of Pressurized Cylinder in Section 2.0 with Management Considerations

		Types of Pressurized Cylinders	DOT Product Specifications	Management Considerations
		Non-Refillable Cylinders		
		16 oz Propane	39	Does not need to be stored upright as DOT 39 cylinder <1.2L in volume
		14 oz Fuel Torch	39	Does not need to be stored upright as DOT 39 cylinder <1.2L in volume
		Helium, 9.5" (29.7 lb) Helium, 12" (49.6 lb)	39	Does not need to be stored upright as not flammable
		4 oz / 8 oz / 16 oz Isobutane camping cylinders		Does not need to be stored upright as pressure valve not required
		5.5 oz Butane		Does not need to be stored upright as pressure valve not required
		Refillable Cylinders		
		20 lb and under Propane	4BA	Must be stored upright



3.2 Out-of-Scope Pressurized Cylinders

Pressurized cylinders supplied to industrial, commercial and institutional consumers and pressurized cylinders containing oxygen, refrigerants, acetylene, hydrogen, ethylene and foam adhesives are excluded.

Cylinders for industrial and commercial uses are managed through business-to-business relationships (i.e., typically between the user and their gas supplier) where these cylinders are collected, refilled and/or properly managed at the end-of-life.

Fire extinguishers are also excluded as they were not part of the initial legislation.

The image below represents types of pressurized cylinders supplied to industrial and commercial users.

Figure 2 – Types of Excluded Pressurized Cylinders



**Industrial
Welding
Cylinder**



**Large Heating
and Residential
Propane Cylinders**

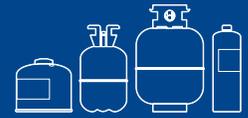


**Commercial
Steel/Aluminum
Forklift Cylinder**



**Commercial
Refrigerant/Foam
and Adhesive Cylinder**

4.0 Program Design



The program's objectives are to:

- Maximize residents' access to collection points;
- Minimize the distance that the resident must travel to divert cylinders;
- Provide collection services that meet the needs of residents of Connecticut;
- Ensure residents are not charged to deliver cylinders to a collection site; and
- Provide collection and recycling services in a cost-effective manner.

The program includes the following elements:

- Collection of residential pressurized cylinders through a collection network
- Communication / education to residents to encourage use of the collection system
- Pick-up of cylinders from collection locations and transport to processing facilities
- Managing recovered cylinders to capture residual gas and refill or recycle the cylinder
- Performance goals
- Tracking outcomes

4.1 Sources of Pressurized Cylinders

The program will serve Connecticut residents⁴ that deliver non-refillable pressurized cylinders and refillable cylinders to a program collection location.

Refillable pressurized containers that are returned by residents to the refillable cylinder exchange system are not included in this program as they are being managed properly.⁵

4.2 Receiving Pressurized Cylinders from Residents

In order to achieve a robust collection system, the following steps will be taken:

- Arrange for pick-up of cylinders, without charge, from municipal HHW drop offs, HHW events and transfer stations that accept residential refillable and non-refillable cylinders on the condition that the municipality does not charge residents to receive cylinders and pick-up of cylinders from disposal and material recovery facilities that separate residential refillable and non-refillable cylinders from inbound mixed residential waste;
- Arrange for pick-up of cylinders, without charge, from private campgrounds and state parks where they wish to participate in the program to manage cylinders discarded by residents at these locations;
- Implement a pilot project to collect non-refillable pressurized cylinders at retailers; and
- Where collection gaps exist, explore options in that geographic area to accept residential refillable and non-refillable cylinders from residents.

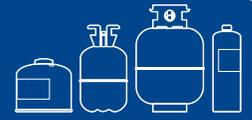
Program collection sites will be required to meet program operational standards (e.g., compliance with regulatory requirements for collection, handling and staff training, secure storage, record keeping, no charge for residents to deliver cylinders). A minimum number of cylinders to receive pick-up services will be established based on the type of program collection location and, where appropriate, storage capacity.

Collection services will be monitored to identify:

- Best practices that could be adopted by other collection sites;
- Geographic areas that would benefit from additional collection services; and
- Collection sites that are not used by residents.

⁴ As noted in section 3.1, pressurized cylinders supplied to industrial, commercial and institutional consumers are managed through business-to-business relationships.

⁵ There are over 500 exchange sites for refillable pressurized cylinders established by propane distributors or other gas distributors through retail channels (e.g., mass merchants, convenience stores, gas stations, grocery, hardware, home centers), and propane distributors across Connecticut. A locator is available online through the Propane Gas Association of New England (<https://pgane.org/safety-and-training/tankrecycling/>).



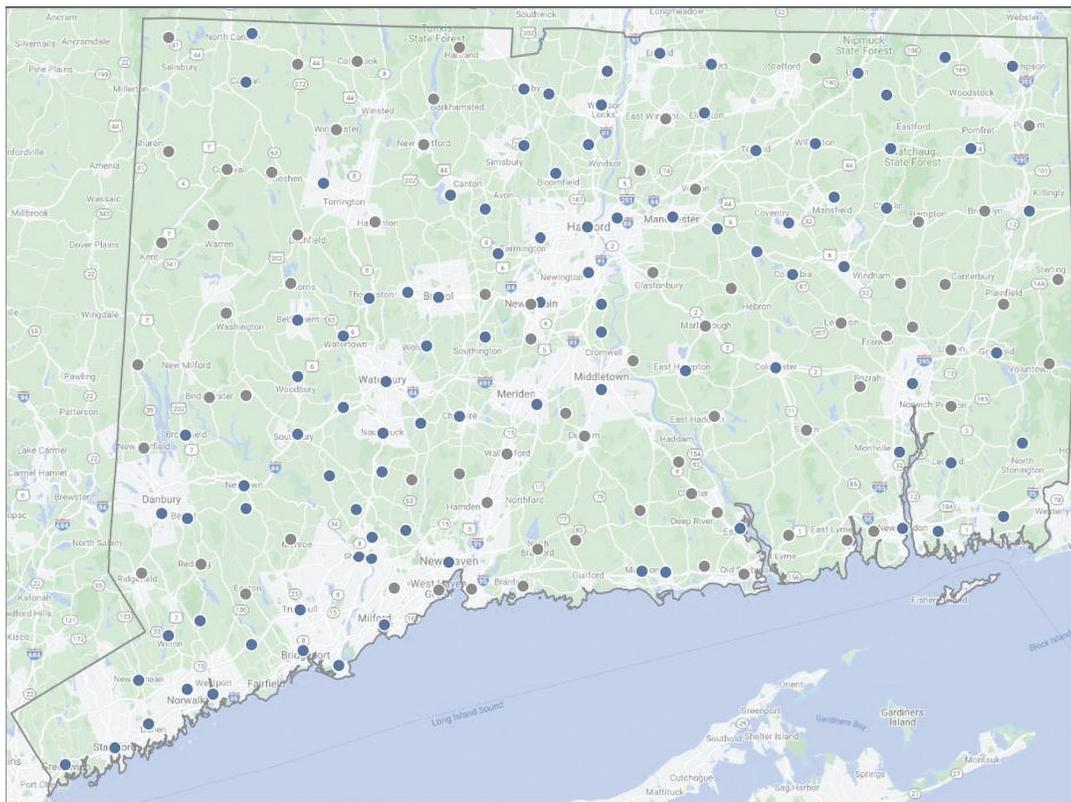
4.2.1 Municipalities

A review of municipal websites and feedback on the baseline report indicate there are currently 99 municipalities that collect household hazardous waste (HHW) including pressurized cylinders through a drop-off location (e.g., HHW drop off or transfer station) or a special HHW event.

Identified Connecticut Municipalities Offering HHW Collection

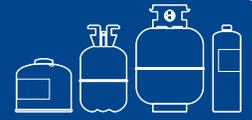
Andover, Ansonia, Ashford, Avon, Barkhamstead, Beacon Falls, Bethel, Bethlehem, Bloomfield, Bolton, Bridgeport, Bristol, Brookfield, Burlington, Canaan, Canton, Chaplin, Cheshire, Clinton, Colchester, Columbia, Coventry, Cromwell, Danbury, Darien, Derby, Eastford, East Granby, East Hampton, East Hartford, Ellington, Enfield, Essex, Fairfield, Farmington, Granby, Greenwich, Griswold, Groton, Hartford, Killingly, Ledyard, Madison, Manchester, Mansfield, Meriden, Middlebury, Middletown, Milford, Montville, Naugatuck, New Britain, New Canaan, New Hartford, New Milford, Newington, Newtown, North Canaan, North Stonington, Norwalk, Norwich, Oxford, Plymouth, Pomfret, Prospect, Rocky Hill, Seymour, Shelton, Simsbury, Somers, Southbury, Southington, Stamford, Stonington, Stratford, Suffield, Thomaston, Thompson, Tolland Torrington, Trumbull, Union, Waterbury, Watertown, West Hartford, Weston, Westport, Wethersfield, Willington, Wilton, Winchester / Winsted, Windham, Windsor, Windsor Locks, Wolcott, Woodbridge, Woodbury, Woodstock

The following map illustrates the identified municipalities that offer HHW collection. Collection of pressurized cylinders may be at drop-off locations, transfer stations or special events.



HHW Collection

- YES
- NO



A drop-off location is a permitted facility that operates all year or seasonally to accept HHW including pressurized cylinders. It is operated by a municipality or a private waste management company contracted by a municipality. Drop-off locations have common characteristics such as trained staff, fencing, secure waste storage, defined storage capacity, site signage, health and safety equipment, and spill containment. The level of convenience for public access to a drop off location is affected by its location, and the resulting travel distance for residents, and the hours of operation.

Special events typically involve a licensed waste management company receiving HHW in an area such as a parking lot or public works yard. As with drop off locations, special events have common characteristics such as trained staff, site signage, health and safety equipment, spill containment, and traffic control. Special events typically do not store collected HHW on site overnight. The level of convenience for public access to a special event is affected by its location, and the resulting travel distance for residents, and the event hours of operation. Events are often held on weekends for half or full days.

Although the program intends, over time, to “minimize public sector involvement in the management of discarded residential pressurized cylinders”, these municipal HHW drop off locations and special events are likely already familiar to residents who may be delivering other types of household hazardous waste.

Arrangements will be established with municipalities that wish to participate in the program by receiving refillable and non-refillable cylinders listed in section 3.1. This will also include municipal disposal and recycling facilities that separate residential cylinders from inbound mixed residential waste and recyclables.

4.2.2 Retailers

Non-refillable pressurized cylinders are not currently accepted at retail locations. A pilot project will be implemented to collect non-refillable pressurized cylinders at select retail locations to test options for overcoming the identified challenges including:

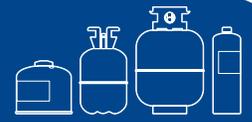
- Permitting for collection containers to receive cylinders that contain flammable gases;
- Space constraints for siting collection containers; and
- Maintenance of collection containers and adjacent areas including removing items dropped off that are not pressurized cylinders.

4.2.3 State Parks and Private Campgrounds

The state of Connecticut website indicates there are twelve state parks with overnight camping, two state forests with overnight camping and approximately fifty private campgrounds operating in Connecticut.

A pick-up service will be offered to state parks, state forests and private campgrounds for residential visitors that use and wish to discard non-refillable cylinders at these locations.





4.3 Communications / Education to Residents

Communication activities will focus on the following objectives:

- Increasing awareness of how to properly manage pressurized cylinders;
- Encouraging the use of the 20 lb refillable cylinder exchange system; and
- Influencing behavior change to manage non-refillable pressurized cylinders through delivery to the program collection network.

The program will:

- Develop a communication tool kit that includes messaging and graphics;
- Seek opportunities to partner with collectors of household hazardous waste to promote their activities through use of the messaging and graphics in the communication tool kit; and
- Develop and maintain online content to provide information on program collection locations, cylinders accepted at the program collection locations, contact information for questions and complaints, information on how and why it is important to properly manage cylinders, and annual program reports.

4.4 Picking Up and Transporting Pressurized Cylinders

A system to pick-up cylinders from the program collection locations and transport the cylinders to processors is required. Agreements will be established with licenced transporters to service program collection sites. Transporters will be required to meet program operational standards including providing timely pick-up services to program collection locations, tracking of materials and compliance with regulatory requirements.

Transportation of pressurized gases (including discarded cylinders) is regulated by the United States Department of Transportation (DOT). The DOT sets requirements on how cylinders must be transported (under Code of Federal Regulations, Title 49). Transporters will be required to meet all applicable State and DOT rules and regulations (e.g., manifests, secured storage) and track cylinders from the collection point to final disposition.

Collection sites will be serviced by transporters either on a regular schedule or an on-call basis, as appropriate for a specific collection site.

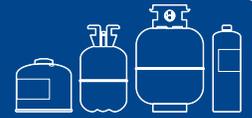
4.5 Managing Recovered Pressurized Cylinders

Refillable pressurized cylinders delivered by residents to a program collection location will be picked up and transported to a facility where:

- Cylinders will be inspected, recertified, refilled, and returned to the exchange system; or
- If a cylinder cannot be recertified, the residual gas and valve will be removed, and the cylinder will be decommissioned before it is sent to a scrap metal recycler.

Empty non-refillable cylinders will be delivered to a facility where the residual gas and valve will be removed, and the cylinder will be decommissioned before it is sent to a scrap metal recycler.

Agreements will be established with facilities to provide these services. Processors will be required to meet program operational standards including capturing gases for reuse or proper management, recycling cylinders and tracking the delivery of cylinders to scrap metal recycling facilities.



4.6 Performance Goals

The following performance metrics will be monitored for refillable and non-refillable cylinders delivered to program collection locations and reported annually:

- Number of collection locations by type (municipal, campground, park, retail) and number of special events in each municipality
- Number of refillable and non-refillable cylinders collected
- Number of refillable cylinders returned to the exchange system and number sent to scrap metal recyclers
- Tons of non-refillable cylinders sent to scrap metal recyclers

If manufacturers of pressurized cylinders other than Worthington Industries participate in the program, the following metrics can be calculated:

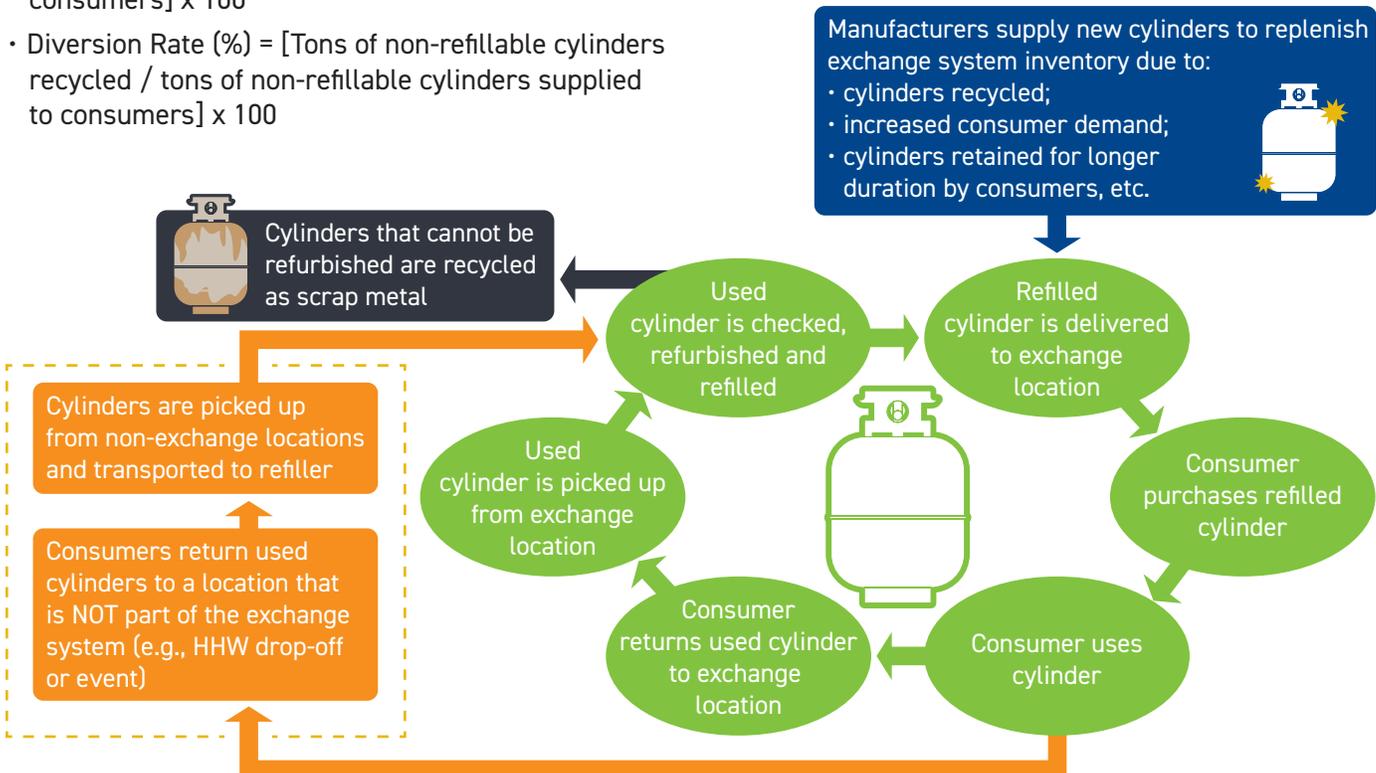
- Collection Rate (%) = $\left[\frac{\text{Tons of non-refillable cylinders collected}}{\text{tons of non-refillable cylinders supplied to consumers}} \right] \times 100$
- Diversion Rate (%) = $\left[\frac{\text{Tons of non-refillable cylinders recycled}}{\text{tons of non-refillable cylinders supplied to consumers}} \right] \times 100$

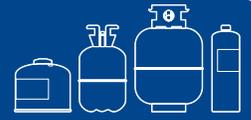
While current performance in Connecticut is difficult to accurately measure, a performance target has been established based on performance in the early years of a new program for non-refillable cylinders in other jurisdictions. It is based on the baseline work completed by Worthington and the cylinders it supplies into the market.

Collection and Diversion	
Non-Refillable Cylinder Performance Target	By the fifth year of the program, 100,000 cylinders collected per year

The performance target for non-refillable cylinders will be reassessed after the first year of operation when actual program data are available and then again after five years of program operation.

A performance target for refillable cylinders has not been proposed as this program manages only those cylinders that are not returned to the exchange system, and it is not possible to determine the total number of these cylinders.





4.7 Tracking and Measuring Outcomes

The program will require tracking by companies that are contracted to pick-up, transport and process pressurized cylinders delivered by residents to the program collection locations.

Companies picking up and transporting residential pressurized cylinders must track and report on:

- Refillable pressurized cylinders
 - Quantity picked up from each collection site or event by location
 - Name and location of the facility (or facilities) to which the cylinders were delivered for management
 - Quantity delivered to each facility
- Non-refillable pressurized cylinders
 - Quantity picked up from each collection site or event by location
 - Name and location of the facility (or facilities) to which the cylinders were delivered for management
 - Quantity delivered to each facility

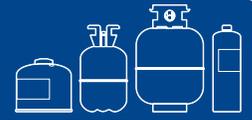
Companies that are receiving and managing residential pressurized cylinders must track and report on:

- Refillable pressurized cylinders
 - Quantity received in tons
 - Quantity refurbished and returned to the exchange system in units
 - Quantity decommissioned and directed to scrap metal recycling in tons
- Non-refillable pressurized cylinders
 - Quantity received in number of units and tons
 - Quantity decommissioned and directed to scrap metal recycling in units and tons.

The program will publish an annual report that will include:

- Information on the performance metrics described in section 4.6
- Description of communications activities to support the program collection system
- Any implementation issues and challenges
- Producers participating in the program

5.0 Implementation



5.1 Arrangements with Vendors

A request for expressions of interest was released on October 29, 2021 to:

1. Identify companies able to pick-up discarded residential pressurized cylinders from specified locations and transport the cylinders, directly or via consolidation, to a facility for refurbishment or recycling; and
2. Identify companies able to:
 - a. For refillable pressurized cylinders
 - i. Refurbish and return to the exchange system;
 - ii. Where refurbishment is not feasible, capture residual gas, decommission the cylinders and deliver the cylinders to scrap metal recyclers;
 - b. For non-refillable pressurized cylinders
 - i. Capture residual gas, decommission the cylinders and deliver the cylinders to scrap metal recyclers;
3. Assess the capabilities of respondents to provide the services described in # 1 and # 2 in each of the regions within Connecticut; and
4. Assess the capabilities of respondents to track the cylinders picked up, transported and managed.

Responses received will be utilized to inform commercial arrangements with vendors.

5.2 Arrangements with Collection Locations

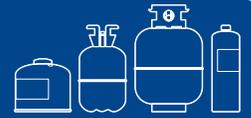
The program will establish agreements with municipal governments to receive program pressurized cylinders from residents at HHW drop-offs, transfer stations, disposal and recycling facilities, and HHW special events, including where appropriate, arrangements for program communications.

The program will establish agreements with state parks and campgrounds for pick-up of program pressurized cylinders discarded by residents at their locations.

5.3 Timeline

A minimum of one year will be required to establish the agreements and the transportation and processing infrastructure and to implement the necessary communications required to support the pressurized cylinder collection system. A shorter timeline will lead to cost premiums and increase the risk that the new system will not be well-received by consumers.

6.0 Role of Worthington Industries

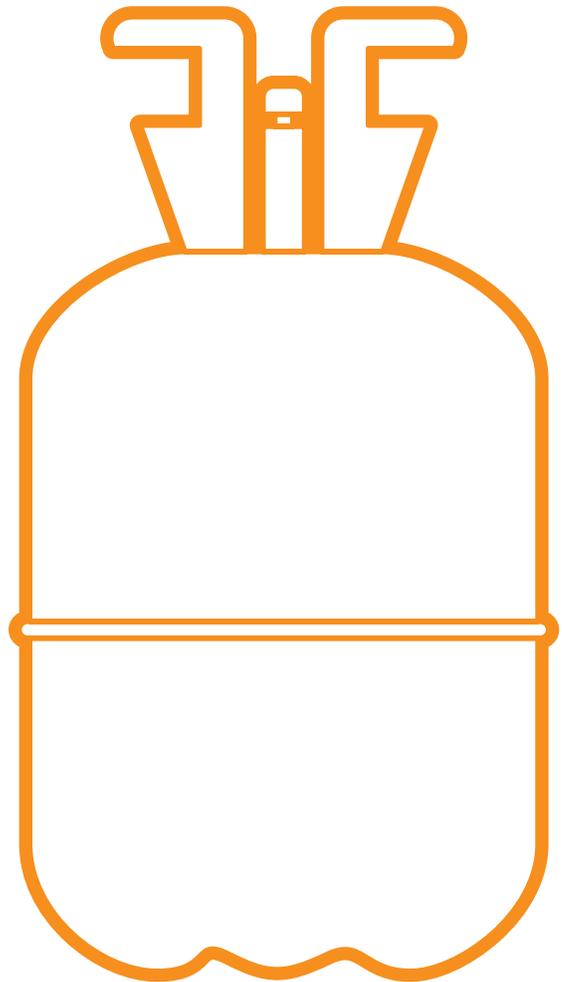


Worthington Industries is working to develop and implement this program for pressurized cylinders in Connecticut as a leading US-based cylinder manufacturer. As part of this program, Worthington Industries will develop arrangements with companies to pick up, transport and recycle the pressurized cylinders that Worthington Industries supplies to its consumers in Connecticut.

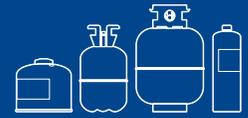
Worthington Industries is willing to operate the collection and recycling systems described in this document for both its pressurized cylinders and those supplied by other companies. However, Worthington Industries will not be financially responsible for the costs associated with cylinders supplied by other companies and requires compensation from these other companies for the cost of picking up, transporting and recycling the pressurized cylinders they supplied to Connecticut consumers.

Where these companies join Worthington Industries to implement the systems described in this document, these cost sharing mechanisms will be set out in commercial arrangements between Worthington Industries and the companies.

Where these companies are not part of the program described in this document, Worthington Industries seeks assistance from the State to ensure a level playing field, as described in section 7.1, to create the regulatory context for the commercial arrangements that will be required.



7.0 Role of State Government



7.1 Level Playing Field

Worthington Industries is committed to deliver a program that meets the objectives sought in HB 6386, An Act Concerning Extended Producer Responsibility for Tires, Smoke Detectors and Certain Gas Cylinders:

1. Minimize public sector involvement in the management of discarded residential pressurized cylinders;
2. Free, convenient and accessible state-wide collection of discarded residential pressurized cylinders from residents;
3. Continuous, meaningful improvement in the collection of discarded residential pressurized cylinders over time;
4. Safe handling of discarded pressurized cylinders;
5. Reuse of residual gases; and
6. Recycling of discarded pressurized cylinders.

Worthington Industries, however, is only one of many companies that supply the types of pressurized cylinders described in section 3.0 to Connecticut consumers. Worthington Industries does not want to be put at a commercial disadvantage by taking on the responsibilities of other producers of pressurized cylinders. As a result, Worthington Industries requests that the State government establish producer responsibility legislation that obligates all companies that supply the types of cylinders described in section 3.0. Worthington Industries also requests a mechanism in the legislation for Worthington Industries to recover the costs it incurs to pick up, transport and recycle cylinders supplied by companies that have not joined in the program described in this document.

Worthington Industries also requests that the producer responsibility legislation for pressurized cylinders:

- Include both traditional types of sales as well as online sales originating out-of-country and out-of-state to create a level playing field for US and Connecticut companies;
- Prescribe outcomes but not prescribe how producers must act to deliver those outcomes⁶;
- Set a start date that accommodates the activities that must be completed before the program begins in order to avoid premature roll out that is likely to cause frustration or confusion among residents; and
- Set a timeline for performance outcomes that is practical and reflects the time required for behavioral and societal change.

7.2 Recognition of Program Plan Submitted to the State

Worthington Industries requests that producer responsibility legislation align with the program plan to allow Worthington Industries, and other companies that wish to join its plan, the ability to begin to move forward with the significant work necessary to put a state-wide program in place and to acknowledge the resources already expended to lead by example.

7.3 Enforcement of a Level Playing Field

Worthington Industries requests that the State ensure that all companies that supply the types of pressurized cylinders set out in section 3.0 to residents of Connecticut meet their obligations under the producer responsibility legislation for pressurized cylinders, either through submitting a program plan to the state or by otherwise meeting the requirements in the legislation.

⁶ Producers need to be able to innovate to provide convenient collection services for residents, increase resident participation, and develop more efficient transport and processing systems. As such, legislation should not prescribe: how, when and where materials are collected; how producers organize themselves; use of point-of-sale fees; or, commercial arrangements.