

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred House  
3 Bill No. 67 entitled “An act relating to household products containing  
4 hazardous substances” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) Thousands of household products sold in the State contain  
10 substances designated as hazardous under State or federal law.

11 (2) Vermont’s hazardous waste rules establish specific requirements for  
12 the management of hazardous waste, including a prohibition on disposal in  
13 landfills.

14 (3) Leftover household products, known as household hazardous waste  
15 (HHW), are regulated through a requirement that municipal solid waste  
16 management entities (SWMEs) include provisions in solid waste  
17 implementation plans for the management and diversion of unregulated  
18 hazardous waste. The State solid waste management plan also requires the  
19 SWMEs to each hold a minimum of two HHW collection events every year.

1           (4) Many SWMEs already offer more than two HHW collection events,  
2           and seven of the SWMEs have established permanent facilities for the regular  
3           collection of HHW.

4           (5) HHW collection events and permanent facilities are expensive to  
5           operate, and SWMEs spend approximately \$1.6 million a year to manage  
6           HHW, costs that are subsequently passed on to the residents of Vermont  
7           through taxes, fees, or disposal charges.

8           (6) As a result of the failure to divert HHW, it is estimated that 640 tons  
9           or more per year of HHW are being disposed of in landfills.

10           (7) There is general agreement among the SWMEs and the Agency of  
11           Natural Resources that additional collection sites and educational and  
12           informational activities are necessary to capture more of the HHW being  
13           disposed of in landfills.

14           (8) Funding constraints are a current barrier to new collection sites and  
15           educational and informational activities.

16           (9) HHW released into the environment can contaminate air,  
17           groundwater, and surface waters, thereby posing a significant threat to the  
18           environment and public health.

19           (10) To improve diversion of HHW from landfills, reduce the financial  
20           burden on SWMEs and taxpayers, reduce the cost of the overall system of  
21           managing HHW, and lessen the environmental and public health risk posed by

1 improperly disposed of HHW, the State shall implement a program to require  
2 the manufacturers of household products containing a hazardous substance to  
3 implement a stewardship organization to collect household products containing  
4 a hazardous substance free of charge to the public.

5 Sec. 2. 10 V.S.A. chapter 164B is added to read:

6 CHAPTER 164B. COLLECTION AND MANAGEMENT OF  
7 HOUSEHOLD HAZARDOUS PRODUCTS

8 § 7181. DEFINITIONS

9 As used in this chapter:

10 (1) “Agency” means the Agency of Natural Resources.

11 (2) “Consumer product” means any product that is regularly used or  
12 purchased to be used for personal, family, or household purposes.

13 (3) “Covered entity” means any person who presents to a collection  
14 facility or event that is included in an approved collection plan any number of  
15 covered household hazardous products, with the exception of large quantity  
16 generators or small quantity generators as those terms are defined in the  
17 Agency of Natural Resources’ Vermont Hazardous Waste Regulations.

18 (4)(A) “Covered household hazardous product” means a consumer  
19 product offered for retail sale that is contained in the receptacle in which the  
20 product is offered for retail sale, if the product has any of the following  
21 characteristics:

1                    (i) the product or a component of the product is a hazardous waste  
2 under **subchapter 2** of the Vermont Hazardous Waste Management  
3 Regulations, regardless of the status of the generator of the hazardous waste;

4                    (ii) the product is a gas cylinder; or

5                    (iii) the product is a pesticide registered with the Agency of  
6 Agriculture, Food and Markets as a **Class C** pesticide.

7                    (B) “Covered product” does not mean any of the following:

8                    (i) a primary battery;

9                    (ii) a lamp that contains mercury;

10                   (iii) a thermostat that contains mercury;

11                   (iv) architectural paint as that term is defined in section 6672 of  
12 this title;

13                   (v) a covered electronic device as that term is defined in section  
14 7551 of this title;

15                   (vi) a pharmaceutical drug;

16                   (vii) citronella candles;

17                   (viii) flea and tick collars;

18                   (ix) **Class A or B pesticides**; or

19                   (x) products that are intended to be rubbed, poured, sprinkled on,  
20 sprayed on, introduced into, or otherwise applied to the human body or any  
21 part of a human for cleansing, moisturizing, sun protection, beautifying part of

1 a human for cleansing, moisturizing, sun protection, beautifying, promoting  
2 attractiveness, or altering appearance, unless designated as a hazardous  
3 material or a hazardous waste by the Secretary of Natural Resources.

4 (5)(A) “Gas cylinder” means:

5 (i) any nonrefillable cylinder and its contents supplied to a  
6 consumer for personal, family, or household use and shall include those  
7 containing flammable pressurized gas, spray foam insulating products, single-  
8 use and rechargeable handheld fire extinguishers, helium, or carbon dioxide, of  
9 any size not exceeding any cylinder with a water capacity of 50 pounds,  
10 including seamless cylinders and tubes, welded cylinders, and insulated  
11 cylinders intended to contain helium, carbon dioxide, or flammable materials  
12 such as propane, butane, or other flammable compressed gasses; or

13 (ii) refillable cylinders containing propane for personal, family, or  
14 household use not exceeding a water capacity of one pound.

15 (B) “Gas cylinder” does not include any medical or industrial-grade  
16 cylinder.

17 (6)(A) “Manufacturer” means a person who:

18 (i) manufactures or manufactured a covered household hazardous  
19 product under its own brand or label for sale in the State;

20 (ii) sells in the State under its own brand or label a covered  
21 household hazardous product produced by another supplier;

1           (iii) owns a brand that it licenses or licensed to another person for  
2           use on a covered household hazardous product sold in the State;

3           (iv) imports into the United States for sale in the State a covered  
4           household hazardous product manufactured by a person without a presence in  
5           the United States;

6           (v) manufactures a covered household hazardous product for sale  
7           in the State without affixing a brand name; or

8           (vi) assumes the responsibilities, obligations, and liabilities of a  
9           manufacturer as defined under subdivisions (i) through (v) of this subdivision  
10          (6)(A), provided that the Secretary may enforce the requirements of this  
11          chapter against a manufacturer defined under subdivisions (i) through (v) of  
12          this subdivision (6)(A) if a person who assumes the manufacturer’s  
13          responsibilities fails to comply with the requirements of this chapter.

14          (B) “Manufacturer” does not mean a person set forth under  
15          subdivisions (A)(i)–(vi) of this subdivision (6) if the person manufacturers,  
16          sells, licenses, or imports less than \$5,000.00 of covered products in a program  
17          year.

18          (7) “Orphan covered product” means a covered household hazardous  
19          product for which no manufacturer is participating in a stewardship  
20          organization pursuant to section 7182 of this title.

1           (8) “Program year” means the period from January 1 through  
2           December 31.

3           (9) “Retailer” means a person who sells a covered household hazardous  
4           product in the State through any means, including a sales outlet, a catalogue,  
5           the telephone, the Internet, or any electronic means.

6           (10) “Secretary” means the Secretary of Natural Resources.

7           (11) “Sell” or “sale” means any transfer for consideration of title or of  
8           the right to use by lease or sales contract a covered household hazardous  
9           product to a person in the State of Vermont. “Sell” or “sale” does not include  
10           the sale, resale, lease, or transfer of a used covered household hazardous  
11           product or a manufacturer’s wholesale transaction with a distributor or a  
12           retailer.

13           (12) “Stewardship organization” means a legal entity such as an  
14           organization, association, or entity that has developed a system, method, or  
15           other mechanism that assumes the responsibilities, obligations, and liabilities  
16           under this chapter of multiple manufacturers of covered household hazardous  
17           products.

18           § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

19           STEWARDSHIP ORGANIZATION REGISTRATION

20           (a) Sale prohibited. Beginning on January 1, 2025, a manufacturer of a  
21           covered household hazardous product shall not sell, offer for sale, or deliver to

1 a retailer for subsequent sale a covered household hazardous product unless all  
2 the following have been met:

3 (1) The manufacturer is participating in a stewardship organization  
4 implementing an approved collection plan.

5 (2) The name of the manufacturer, the manufacturer's brand, and the  
6 name of the covered household hazardous product are submitted to the Agency  
7 of Natural Resources by a stewardship organization and listed on the  
8 stewardship organization's website as covered by an approved collection plan.

9 (3) The stewardship organization in which the manufacturer participates  
10 has submitted an annual report under section 7185 of this title.

11 (4) The stewardship organization in which the manufacturer participates  
12 has conducted a plan audit consistent with the requirements of subsection  
13 7185(b) of this title.

14 (b) Stewardship organization registration requirements.

15 (1) Beginning on July 1, 2024 and annually thereafter, a stewardship  
16 organization shall file a registration form with the Secretary. The Secretary  
17 shall provide the registration form to the stewardship organization. The  
18 registration form shall include:

19 (A) a list of the manufacturers participating in the stewardship  
20 organization;



1           (B) a list of the brands of each manufacturer participating in the  
2           stewardship organization;

3           (C) a list of the covered household hazardous products of each  
4           manufacturer participating in the stewardship organization;

5           (D) the name, address, and contact information of a person  
6           responsible for ensuring the manufacturer’s compliance with this chapter;

7           (E) a description of how the stewardship organization meets the  
8           requirements of subsection 7184(b) of this title, including any reasonable  
9           requirements for participation in the stewardship organization; and

10          (F) the name, address, and contact information of a person for a  
11          nonmember manufacturer to contact regarding how to participate in the  
12          stewardship organization to satisfy the requirements of this chapter.

13          (2) A renewal of a registration without changes may be accomplished  
14          through notifying the Agency of Natural Resources on a form provided by the  
15          Agency.

16          § 7183. COLLECTION PLANS

17          (a) Collection plan required. Prior to July 1, 2024, a stewardship  
18          organization representing manufacturers of covered household hazardous  
19          products shall submit a collection plan to the Secretary for review.

20          (b) Collection plan; minimum requirements. Each collection plan shall  
21          include, at a minimum, all of the following requirements:

1           (1) List of participants. A list of the manufacturers, brands, and  
2           products participating in the collection plan and a methodology for adding and  
3           removing manufacturers and notifying the Agency of new participants.

4           (2) Free statewide collection of covered household hazardous products.  
5           The collection program shall provide for free, convenient, and accessible  
6           statewide opportunities for the collection from covered entities of covered  
7           household hazardous products, including orphan covered products. A  
8           stewardship organization shall accept all covered household hazardous  
9           products collected from a covered entity and shall not refuse the collection of a  
10           covered household hazardous product, including orphan covered household  
11           products, based on the brand or manufacturer of the covered household  
12           hazardous product unless specifically exempt from this requirement. The  
13           collection program shall also provide for the payment of collection, processing,  
14           and end-of-life management of the covered household hazardous products.  
15           Collection costs include facility costs, equipment costs, labor, supplies,  
16           maintenance, events costs, and event contractor costs, including collection  
17           event set-up fees, environmental service fees, insurance fees, and shipping  
18           containers and materials.

19           (3) Convenient collection location. The stewardship organization shall  
20           develop a collection program that allows all municipal household hazardous

1 waste collection programs to opt to be a part of the collection plan, including  
2 collection events and facilities offered by solid waste planning entities.

3 (4) Public education and outreach. The collection plan shall include an  
4 education and outreach program that shall include a website and may include  
5 media advertising, retail displays, articles and publications, and other public  
6 educational efforts. Outreach and education shall be suitable for the State's  
7 diverse ethnic populations, through translated and culturally appropriate  
8 materials, including in-language and targeted outreach. During the first year of  
9 program implementation and every two years thereafter, each stewardship  
10 organization shall carry out a survey of public awareness regarding the  
11 requirements of the program established under this chapter that can identify  
12 communities that have disparities in awareness and need more outreach. Each  
13 stewardship organization shall share the results of the public awareness  
14 surveys with the Secretary. If multiple stewardship organizations are  
15 implementing plans approved by the Secretary, the stewardship organizations  
16 shall coordinate in carrying out their education and outreach responsibilities  
17 under this subdivision and shall include in their annual reports to the Secretary  
18 a summary of their coordinated education and outreach efforts. The education  
19 and outreach program and website shall notify the public of the following:

20 (A) that there is a free collection program for covered household  
21 hazardous products;

1           (B) the location and hours of operation of collection points and how a  
2           covered entity can access this collection program;

3           (C) the special handling considerations associated with covered  
4           household hazardous products; and

5           (D) source reduction information for consumers to reduce leftover  
6           covered household products.

7           (5) Compliance with appropriate environmental standards. In  
8           implementing a collection plan, a stewardship organization shall comply with  
9           all applicable laws related to the collection, transportation, and disposal of  
10           hazardous waste. A stewardship organization shall comply with any special  
11           handling or disposal standards established by the Secretary for covered  
12           household hazardous products or for the collection plan of the manufacturer.

13           (6) Method of disposition. The collection plan shall describe how  
14           covered household hazardous products will be managed in the most  
15           environmentally and economically sound manner, including following the  
16           waste-management hierarchy. The management of covered household  
17           hazardous products under the collection plan shall use management activities  
18           in the following priority order: source reduction, reuse, recycling, energy  
19           recovery, and disposal. Collected covered household hazardous products shall  
20           be recycled when technically and economically feasible. The economic

1 feasibility of recycling shall be determined by the Secretary after consultation  
2 with the stewardship organization and other interested stakeholders.

3 (7) Roles and responsibilities. A collection plan shall list all key  
4 participants in the covered household hazardous products collection chain,  
5 including:

6 (A) the name and location of the collection facilities accepting  
7 covered household hazardous products under the collection plan and the  
8 address and contact information for each facility;

9 (B) the name and contact information of the contractor responsible  
10 for transporting the covered household hazardous products; and

11 (C) the name and address of the recycling and disposal facilities  
12 where the covered household hazardous products collected are deposited.

13 (8) Performance goals. A collection plan shall include:

14 (A) A participation rate for covered household hazardous products  
15 determined by the number of total participants at collection events and  
16 facilities listed in the collection plan during a program year divided by the total  
17 number of households. The number of households shall include seasonal  
18 households. The calculation methodology for the number of households shall  
19 be included in the plan.

20 (B) At a minimum, the collection participation rate for the first five  
21 years of a plan shall be a participation rate of five percent of the households for

1 every collection program based on the number of households the collection  
2 program serves. After the initial approved program plan, the stewardship  
3 organization shall propose participation rates for subsequent program plans.  
4 The proposed participation rates shall be equal to or greater than the average  
5 participation rates achieved in the previous program plan for each collection  
6 program and not less than five percent of the households in each collection  
7 program. If a stewardship organization does not meet its participation rate, the  
8 Secretary may require the stewardship organization to revise the collection  
9 plan to provide for one or more of the following: additional public education  
10 and outreach, additional collection events, or additional hours of operation for  
11 collection sites. A stewardship organization is not authorized to reduce or  
12 cease collection, education and outreach, or other activities implemented under  
13 an approved plan on the basis of achievement of program performance goals.

14 (C) Proposed goals for increasing public awareness of the program,  
15 including meaningful participation for environmental justice focus populations  
16 as required by 3 V.S.A. chapter 72.

17 (9) Collection plan funding. The collection plan shall describe how the  
18 stewardship organization will fund the implementation of the collection plan  
19 and collection activities under the plan, including the costs for education and  
20 outreach, collection, processing, and end-of-life management of the covered  
21 household hazardous product. Collection costs include facility costs,

1 equipment costs, labor, supplies, maintenance, events costs, and event  
2 contractor costs, including collection event set-up fees, environmental service  
3 fees, insurance fees, and shipping containers and materials. The collection  
4 plan shall include how municipalities will be compensated for all costs  
5 associated with collection of covered household hazardous products.

6 (c) Term of collection plan. A collection plan approved by the Secretary  
7 under section 7187 of this title shall have a term not to exceed five years,  
8 provided that the manufacturer remains in compliance with the requirements of  
9 this chapter and the terms of the approved collection plan.

10 (d) Collection plan implementation. A stewardship organization shall  
11 implement a collection plan on or before January 1, 2025.

#### 12 § 7184. STEWARDSHIP ORGANIZATIONS

13 (a) Participation in a stewardship organization. A manufacturer shall meet  
14 the requirements of this chapter by participating in a stewardship organization  
15 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this  
16 title.

17 (b) Qualifications for a stewardship organization. To qualify as a  
18 stewardship organization under this chapter, an organization shall:

19 (1) commit to assume the responsibilities, obligations, and liabilities of  
20 all manufacturers participating in the stewardship organization;

1           (2) not create unreasonable barriers for participation in the stewardship  
2           organization; and

3           (3) maintain a public website that lists all manufacturers and  
4           manufacturers' brands and products covered by the stewardship organization's  
5           approved collection plan.

6           § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

7           (a) Annual report. On or before March 1, 2026 and annually thereafter, a  
8           stewardship organization of manufacturers of covered household hazardous  
9           products shall submit a report to the Secretary that contains all of the  
10          following:

11           (1) A description of the collection program.

12           (2) The volume or weight by hazard category, as defined by the  
13           Secretary, of covered household hazardous products collected, the disposition  
14           of the collected covered household hazardous products, and the number of  
15           covered entities participating at each collection facility or collection event  
16           from which the covered household hazardous products were collected.

17           (3) The name and address of all the recycling and disposal facilities  
18           where the covered household hazardous products are collected and delivered  
19           and deposited.

20           (4) The weight or volume by hazard category of covered household  
21           hazardous products sold in the State in the previous calendar year by a



1 manufacturer participating in a stewardship organization’s collection plan.

2 Sales data and other trade secrets provided under this section shall be exempt

3 from public inspection and copying under the Public Records Act if that

4 information meets the requirements of 1 V.S.A. § 317(c)(9). Confidential

5 information shall be redacted from any final public report.

6 (5) A comparison of the collection plan’s participation rate and public

7 awareness goals compared to the actual participation rate and public awareness

8 and how the program will be improved if the participation rate and public

9 awareness goals are not met.

10 (6) A description of the methods used to reduce, reuse, collect, transport,

11 recycle, and process the covered household hazardous products.

12 (7) The cost of implementing the collection plan, including the costs of

13 administration, collection, transportation, recycling, disposal, and education

14 and outreach.

15 (8) A description and evaluation of the success of the education and

16 outreach materials. If multiple stewardship organizations are implementing

17 plans approved by the Secretary, the stewardship organizations shall include a

18 summary of their coordinated education and outreach efforts.

19 (9) Recommendations for any changes to the program.

20 (b) Collection plan audit. On or before March 1, 2030 and every five years

21 thereafter, a stewardship organization of manufacturers of covered household

1 hazardous products shall hire an independent third party to audit the collection  
2 plan and the plan's operation. The auditor shall examine the effectiveness of  
3 the program in collecting and disposing of covered household hazardous  
4 products. The auditor shall examine the cost-effectiveness of the program and  
5 compare it to that of collection programs for covered household hazardous  
6 products in other jurisdictions. The auditor shall make recommendations to the  
7 Secretary on ways to increase the program's efficacy and cost-effectiveness.

8 (c) Public posting. A stewardship organization shall post a report or audit  
9 required under this section to the website of the stewardship organization.

10 § 7186. ANTITRUST; CONDUCT AUTHORIZED

11 (a) Activity authorized. A manufacturer, group of manufacturers, or  
12 stewardship organization implementing or participating in an approved  
13 collection plan under this chapter for the collection, transport, processing, and  
14 end-of-life management of covered household hazardous products is  
15 individually or jointly immune from liability for conduct under State laws  
16 relating to antitrust, restraint of trade, unfair trade practices, and other  
17 regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the  
18 extent that the conduct is reasonably necessary to plan, implement, and comply  
19 with the stewardship organization's chosen system for managing discarded  
20 covered household hazardous products.

1        (b) Limitations on antitrust activity. Subsection (a) of this section shall not  
2        apply to an agreement among producers, groups of manufacturers, retailers,  
3        wholesalers, or stewardship organizations affecting the price of covered  
4        household hazardous products or any agreement restricting the geographic area  
5        in which or customers to whom covered household hazardous products shall  
6        be sold.

7        § 7187. AGENCY RESPONSIBILITIES

8        (a) Review and approve collection plans. The Secretary shall review and  
9        approve or deny collection plans submitted under section 7183 of this title  
10       according to the public notice and comment requirements of section 7714 of  
11       this title within 90 days after receipt of a proposed stewardship plan, not  
12       including the time required for public comment under section 7714 of this title.

13       (b) Criteria for plan approval.

14       (1) The Secretary shall approve a collection plan if the Secretary finds  
15       that the collection plan:

16                (A) complies with the requirements of subsection 7183(b) of this  
17       title;

18                (B) provides adequate notice to the public of the collection  
19       opportunities available for covered household hazardous products;

1           (C) ensures that collection of covered household hazardous products  
2           will occur in an environmentally sound fashion that is consistent with the law  
3           or with any special handling requirements adopted by the Secretary;

4           (D) promotes the collection and disposal of covered household  
5           hazardous products;

6           (E) is reasonably expected to meet performance goals and  
7           convenience standards; and

8           (F) has received and considered input from the Household Hazardous  
9           Waste Stewardship Program Advisory Committee.

10           (2) If the manufacturer or stewardship organization fails to submit a plan  
11           that is acceptable to the Secretary because it does not meet the requirements of  
12           this chapter, the Secretary shall modify a submitted plan to make it conform to  
13           the requirements of this chapter and place the modified draft plan on notice  
14           pursuant to section 7714 of this title.

15           (c) Collection plan amendment. The Secretary, in the Secretary's  
16           discretion or at the request of a manufacturer or a stewardship organization,  
17           may require a stewardship organization to amend an approved collection plan.  
18           Collection plan amendments shall be subject to the public input provisions of  
19           section 7717 of this title.

20           (d) Registrations. The Secretary shall accept, review, and approve or deny  
21           registrations required by this chapter. The Secretary may revoke a registration

1 of a stewardship organization **when the actions of the stewardship organization**  
2 are unreasonable, unnecessary, or contrary to the requirements or the policy of  
3 this chapter.

4 (e) Supervisory capacity. The Secretary shall act in a supervisory capacity  
5 over the actions of a stewardship organization registered under this section. In  
6 acting in this capacity, the Secretary shall review the actions of the stewardship  
7 organization to ensure that they are reasonable, necessary, and limited to  
8 carrying out requirements of and policy established by this chapter.

9 (f) Special handling requirements. The Secretary may adopt by rule special  
10 handling requirements for the collection, transport, and disposal of covered  
11 household hazardous products.

12 (g) Identification of regulated pesticides. The Secretary annually shall  
13 confer with the Secretary of Agriculture, Food and Markets for the purpose of  
14 identifying those pesticides that are subject to regulation under this chapter due  
15 to registration with the Agency of Agriculture, Food and Markets as Class C  
16 pesticides.

17 § 7188. ADVISORY COMMITTEE

18 (a) Establishment. On or before January 1, 2024, the Secretary shall  
19 appoint the Household Hazardous Waste Stewardship Program Advisory  
20 Committee of seven members reflecting a balanced and equitable participation,  
21 including members from entities interested in the stewardship of covered

1 products and members representing different areas of the State and from  
2 communities of various sizes. Members of the Advisory Committee shall  
3 include:

4 (1) one individual who is a representative of manufacturers;

5 (2) one individual who is a representative of a hazardous waste  
6 management company;

7 (3) one individual who is a representative of a solid waste planning  
8 entity that offers household hazardous waste collection through a permanent  
9 collection facility;

10 (4) one individual who is a representative of a solid waste planning  
11 entity that offers household hazardous waste collection through collection  
12 events;

13 (5) one individual who is a representative of a statewide association  
14 representing retailers;

15 (6) one individual who is a representative of a statewide environmental  
16 organization; and

17 (7) one individual who is a representative of a community-based  
18 organization or an organization representing equity and underrepresented  
19 stakeholders.

20 (b) Duties. The Advisory Committee shall:

1           (1) review and comment on all stewardship plans during the plan  
2           development process prior to submission;

3           (2) recommend to the Secretary whether to approve submitted plans;

4           (3) review and comment on all stewardship organization annual reports  
5           prior to submission;

6           (4) recommend to the Secretary any plan amendments or other  
7           amendments or requirements based on submitted annual reports; and

8           (5) review and comment on draft rules proposed by the Secretary  
9           relevant to implementation of this chapter.

10          (c) Process. The Advisory Committee:

11           (1) shall meet at least quarterly until the initial round of stewardship  
12           plans have been approved and semi-annually thereafter;

13           (2) shall elect a chair from among the members of the Advisory  
14           Committee by a simple majority vote;

15           (3) may adopt bylaws and a charter for the operation of its business  
16           under this chapter; and

17           (4) shall include an opportunity for minority report on ?.

18          (d) Convening; staff. The Secretary shall convene the Advisory  
19          Committee. The Advisory Committee shall have the administrative, technical,

20          and legal assistance of the Agency of Natural Resources. The Advisory

1 Committee may request that the Department select and employ a third-party  
2 facilitator to facilitate operation of the Advisory Committee.

3 § 7189. OTHER DISPOSAL PROGRAMS

4 A municipality or other public agency shall not require covered entities to  
5 use public facilities to dispose of covered household hazardous products to the  
6 exclusion of other lawful programs available. A municipality and other public  
7 agencies are encouraged to work with manufacturers to assist them in meeting  
8 their collection and disposal obligations under this chapter. Nothing in this  
9 chapter prohibits or restricts the operation of any program collecting and  
10 disposing of covered household hazardous products in addition to those  
11 provided by manufacturers or prohibits or restricts any persons from receiving,  
12 collecting, transporting, or disposing of covered household hazardous products,  
13 provided that all other applicable laws are met.

14 § 7190. RULEMAKING

15 The Secretary of Natural Resources may adopt rules to implement the  
16 requirements of this chapter.

17 **Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF**  
18 **REGISTRATION FEE FOR COVERED HOUSEHOLD**  
19 **HAZARDOUS PRODUCTS**

20 On or before January 15, 2024, the Secretary of Natural Resources shall  
21 submit to the House Committees on Ways and Means and on Natural



1 Resources, Fish, and Wildlife and the Senate Committees on Finance and on  
2 Natural Resources and Energy a recommended fee for the registration of  
3 stewardship organizations under the covered household hazardous product  
4 program under 10 V.S.A. chapter 164B.

5 Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

6 (a) In accordance with the following schedule, no person shall knowingly  
7 dispose of the following materials in solid waste or in landfills:

8 \* \* \*

9 (12) Covered household hazardous products after January 1, 2025.

10 Sec. 5. 10 V.S.A. § 7714 is amended to read:

11 § 7714. TYPE 3 PROCEDURES

12 (a) Purpose; scope.

13 (1) The purpose of this section is to establish the public notice and  
14 comment requirements that the Department must follow when adopting general  
15 permits, except for general permits governed by section 7712 of this chapter,  
16 and when considering other permits listed in this section.

17 (2) The procedures under this section shall be known as Type 3  
18 Procedures. This section governs each of the following:

19 (A) Each general permit issued pursuant to the Secretary's authority  
20 under this title other than a general permit subject to section 7712 of this

1 chapter. However, this section does not apply to a notice of intent under a  
2 general permit.

3 (B) Issuance of a dam safety order under chapter 43 of this title,  
4 except for an unsafe dam order under section 1095 of this title.

5 (C) An application or request for approval of:

6 (i) an aquatic nuisance control permit under chapter 50 of this  
7 title;

8 (ii) a change in treatment for a public water supply under chapter  
9 56 of this title;

10 (iii) a collection plan for mercury-containing lamps under section  
11 7156 of this title;

12 (iv) an individual plan for the collection and recycling of  
13 electronic waste under section 7554 of this title; ~~and~~

14 (v) a primary battery stewardship plan under section 7586 of this  
15 title; and

16 (vi) a covered household hazardous waste collection plan under  
17 section 7183 of this title.

18 \* \* \*

1 Sec. 6. 10 V.S.A. § 8003 is amended to read:

2 § 8003. APPLICABILITY

3 (a) The Secretary may take action under this chapter to enforce the  
4 following statutes and rules, permits, assurances, or orders implementing the  
5 following statutes, and the Board may take such action with respect to  
6 subdivision (10) of this subsection:

7 \* \* \*

8 (30) 3 V.S.A. § 2810, relating to interim environmental media  
9 standards; ~~and~~

10 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
11 or products; and

12 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
13 covered household hazardous products.

14 \* \* \*

15 Sec. 7. 10 V.S.A. § 8503 is amended to read:

16 § 8503. APPLICABILITY

17 (a) This chapter shall govern all appeals of an act or decision of the  
18 Secretary, excluding enforcement actions under chapters 201 and 211 of this  
19 title and rulemaking, under the following authorities and under the rules  
20 adopted under those authorities:

21 (1) The following provisions of this title:

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\* \* \*

(V) chapter 124 (trade in covered animal parts or products); and  
(W) chapter 164B (collection and management of covered household hazardous products).

- (2) 29 V.S.A. chapter 11 (management of lakes and ponds).
- (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).
- (4) 3 V.S.A. § 2810 (interim environmental media standards).

\* \* \*

Sec. 8. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually; provided that products that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any

1 federal act providing for the registration of economic poisons and which has  
2 been duly registered under the provisions of this chapter, may, in the discretion  
3 of the Secretary, be exempted from registration under this chapter when sold or  
4 distributed in the unbroken immediate container in which it was originally  
5 shipped. The registrant shall file with the Secretary a statement including:

6 \* \* \*

7 (g) Products presented for registration that meet the criteria for  
8 classification by the Secretary as a Class C pesticide and are subject to the  
9 Household hazardous waste disposal requirement established under 10 V.S.A.  
10 chapter 164B shall provide proof of participation in a stewardship organization  
11 meeting the requirements of 10 V.S.A. § 7182.

12 Sec. 9. EFFECTIVE DATE

13 This act shall take effect on passage.

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20 (Committee vote: \_\_\_\_\_)

1

\_\_\_\_\_

2

Representative \_\_\_\_\_

3

FOR THE COMMITTEE