

1 Sec. 1. FINDINGS

2 The General Assembly finds that:

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

5 (2) Vermont's hazardous waste rules establish specific requirements for  
6 the management of hazardous waste, including a prohibition on disposal in  
7 landfills.

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

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

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

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

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

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

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

10           (10) To improve diversion of HHW from landfills, reduce the financial  
11           burden on SWMEs and taxpayers, reduce the cost of the overall system of  
12           managing HHW, and lessen the environmental and public health risk posed by  
13           improperly disposed of HHW, the State shall implement a program to require  
14           the manufacturers of household products containing a hazardous substance to  
15           implement a stewardship organization to collect household products containing  
16           a hazardous substance free of charge to the public.

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

18           CHAPTER 164B. COLLECTION AND MANAGEMENT OF

19                   HOUSEHOLD HAZARDOUS PRODUCTS

20           § 7181. DEFINITIONS

21           As used in this chapter:

22           (1) "Agency" means the Agency of Natural Resources.

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

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

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

12                   (i) the product or a component of the product is a hazardous waste  
13 under ~~§7-702~~subchapter 2 of the Vermont Hazardous Waste Management  
14 Regulations, regardless of the status of the generator of the hazardous waste;

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

16                   (iii) the product is a pesticide registered with the Agency of  
17 Agriculture, Food and Markets as a ~~Class A, B, or C~~ pesticide.

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

19                   (i) a primary battery;

20                   (ii) a lamp that contains mercury;

21                   (iii) a thermostat that contains mercury;

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

3                    (v) a covered electronic device as that term is defined in section  
4 7551 of this title;

5                    (vi) a pharmaceutical drug;

6                    (vii) citronella candles;

7                    (viii) flea and tick collars; or

8                    (ix) ~~Class A, B, or C pesticides sold in containers greater than 2.5~~  
9 ~~gallons~~ Products that are intended to be rubbed, poured, sprinkled on, sprayed  
10 on, introduced into, or otherwise applied to the human body or any part of a  
11 human for cleansing, moisturizing, sun protection, beautifying part of a human  
12 for cleansing, moisturizing, sun protection, beautifying, promoting  
13 attractiveness, or altering appearance, unless designated as a hazardous  
14 material or a hazardous waste by the Secretary of Natural Resources.

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15                    .

16                    (5) "Gas cylinder" means any nonrefillable ~~or refillable~~ cylinder and its  
17 contents supplied to a consumer for personal, family, or household use,  
18 including those containing flammable pressurized gas, spray foam insulating  
19 products, single-use and rechargeable handheld fire extinguishers, helium, or  
20 carbon dioxide, of any size not exceeding any cylinder with a water capacity of  
21 fifty pounds, including seamless cylinders and tubes, welded cylinders, and  
22 insulated cylinders intended to contain helium, carbon dioxide, or flammable

1 materials such as propane, butane, or other flammable compressed gasses.

2 “Gas cylinder” does not include any medical or industrial-grade cylinder.

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

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

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

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

10 (iv) imports into the United States for sale in the State a covered  
11 household hazardous product manufactured by a person without a presence in  
12 the United States;

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

15 (vi) assumes the responsibilities, obligations, and liabilities of a  
16 manufacturer as defined under subdivisions (i) through (v) of this subdivision  
17 (6)(A), provided that the Secretary may enforce the requirements of this  
18 chapter against a manufacturer defined under subdivisions (i) through (v) of  
19 this subdivision (6)(A) if a person who assumes the manufacturer’s  
20 responsibilities fails to comply with the requirements of this chapter; ~~or~~

21 (v) is a registrant of a Class C pesticide registered by the Vermont  
22 Agency of Agriculture, Food, and Markets.

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

5           (7) “Orphan covered product” means a covered [household hazardous](#)  
6           product for which no manufacturer [is participating in a stewardship](#)  
7           [organization pursuant to 7182 of this title can be identified.](#)

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

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

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

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

20           (12) “Stewardship organization” means a legal entity such as an  
21           organization, association, or entity that has developed a system, method, or  
22           other mechanism that assumes the responsibilities, obligations, and liabilities

1 under this chapter of multiple manufacturers of covered household hazardous  
2 products.

3 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

4 STEWARDSHIP ORGANIZATION REGISTRATION

5 (a) Sale prohibited. Beginning on January 1, 2025, a manufacturer of a  
6 covered household hazardous product shall not sell, offer for sale, or deliver to  
7 a retailer for subsequent sale a covered household hazardous product unless all  
8 the following have been met:

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

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

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

17 (4) The stewardship organization in which the manufacturer participates  
18 has conducted a plan audit consistent with the requirements of subsection  
19 7185(b) of this title.

20 (b) Stewardship organization registration requirements.

21 (1) Beginning on July 1, 2024 and annually thereafter, a stewardship  
22 organization shall file a registration form with the Secretary. The Secretary

1 shall provide the registration form to the stewardship organization. The  
2 registration form shall include:

3 (A) a list of the manufacturers participating in the stewardship  
4 organization;

5 (B) a list of the brands of each manufacturer participating in the  
6 stewardship organization;

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

9 (D) the name, address, and contact information of a person  
10 responsible for ensuring the manufacturer's compliance with this chapter;

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

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

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

1     § 7183. COLLECTION PLANS

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

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

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

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

1 collection event set-up fees, environmental service fees, insurance fees, and  
2 shipping containers and materials.

3 (3) Convenient collection location. The stewardship organization shall  
4 develop a collection program that allows all municipal household hazardous  
5 waste collection programs to opt to be a part of the collection plan, including  
6 collection events and facilities offered by solid waste planning entities.

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

1 a summary of their coordinated education and outreach efforts. The education  
2 and outreach program and website shall notify the public of the following:

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

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

7 (C) the special handling considerations associated with covered  
8 household hazardous products; and

9 (D) source reduction information for consumers to reduce leftover  
10 covered household products.

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

17 (6) Method of disposition. The collection plan shall describe how  
18 covered household hazardous products will be managed in the most  
19 environmentally and economically sound manner, including following the  
20 waste-management hierarchy. The management of covered household  
21 hazardous products under the collection plan shall use management activities  
22 in the following priority order: source reduction, reuse, recycling, energy

1 recovery, and disposal. Collected covered household hazardous products shall  
2 be recycled when technically and economically feasible. ~~The economic~~  
3 ~~feasibility of recycling shall be determined by the Secretary after consultation~~  
4 ~~with the stewardship organization and other interested stakeholders.~~

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

8 ~~(A) the name and location of the collection facilities accepting covered~~ ← **Formatted: Indent: First line: 0.4"**  
9 ~~household hazardous products under the collection plan and the address and~~  
10 ~~contact information for each facility:~~

11 ~~(B) the name and contact information of the contractor responsible for~~  
12 ~~transporting the covered household hazardous products; and~~

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

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

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

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

16           (C) Proposed goals for increasing public awareness of the program,  
17 including [meaningful participation for environmental justice focus populations](#)  
18 [as required by 3 V.S.A. chapter 72-subgoals applicable to public awareness of](#)  
19 [the program in vulnerable populations and overburdened communities](#)  
20 [identified by the Secretary.](#)

21           (98) Collection plan funding. The collection plan shall describe how the  
22 stewardship organization will fund the implementation of the collection plan

1 and collection activities under the plan, including the costs for education and  
2 outreach, collection, processing, and end-of-life management of the covered  
3 household hazardous product. Collection costs include facility costs,  
4 equipment costs, labor, supplies, maintenance, events costs, and event  
5 contractor costs, including ~~facility-collection event~~ set-up fees, environmental  
6 service fees, insurance fees, and shipping containers and materials. The  
7 collection plan shall include how municipalities will be compensated for all  
8 costs associated with collection of covered household hazardous products.

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

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

#### 15 § 7184. STEWARDSHIP ORGANIZATIONS

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

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

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

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

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

8 § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

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

13           (1) A description of the collection program.

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

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

1           (4) The weight or volume by hazard category of covered household  
2           hazardous products sold in the State in the previous calendar year by a  
3           manufacturer participating in a stewardship organization's collection plan.  
4           Sales data and other ~~confidential business information~~trade secrets provided  
5           under this section shall be exempt from public inspection and copying ~~under~~  
6           ~~the Public Records Act and shall be kept confidential~~if that information meets  
7           the requirements of 1 V.S.A. 317(c)(9). Confidential information shall be  
8           redacted from any final public report.

9           (5) A comparison of the collection plan's participation rate and public  
10           awareness goals compared to the actual participation rate and public awareness  
11           and how the program will be improved if the participation rate and public  
12           awareness goals are not met.

13           (6) A description of the methods used to reduce, reuse, collect, transport,  
14           recycle, and process the covered household hazardous products.

15           (7) The cost of implementing the collection plan, including the costs of  
16           administration, collection, transportation, recycling, disposal, and education  
17           and outreach.

18           (8) A description and evaluation of the success of the education and  
19           outreach materials. If multiple stewardship organizations are implementing  
20           plans approved by the Secretary, the stewardship organizations shall include a  
21           summary of their coordinated education and outreach efforts.

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

1        (b) Collection plan audit. On or before March 1, 2030 and every five years  
2        thereafter, a stewardship organization of manufacturers of covered household  
3        hazardous products shall hire an independent third party to audit the collection  
4        plan and the plan's operation. The auditor shall examine the effectiveness of  
5        the program in collecting and disposing of covered household hazardous  
6        products. The auditor shall examine the cost-effectiveness of the program and  
7        compare it to that of collection programs for covered household hazardous  
8        products in other jurisdictions. The auditor shall make recommendations to the  
9        Secretary on ways to increase the program's efficacy and cost-effectiveness.

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

12       § 7186. ANTITRUST; CONDUCT AUTHORIZED

13       (a) Activity authorized. A manufacturer, group of manufacturers, or  
14       stewardship organization implementing or participating in an approved  
15       collection plan under this chapter for the collection, transport, processing, and  
16       end-of-life management of covered household hazardous products is  
17       individually or jointly immune from liability for conduct under State laws  
18       relating to antitrust, restraint of trade, unfair trade practices, and other  
19       regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the  
20       extent that the conduct is reasonably necessary to plan, implement, and comply  
21       with the stewardship organization's chosen system for managing discarded  
22       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 in  
10 accordance with section 7714 of this title. within 90 days after receipt of a  
11 proposed stewardship plan, not including the time required for public comment  
12 under subsection (d) of this section. If the Secretary determines that a plan  
13 complies with the requirements of section 7183 of this title, the Secretary shall  
14 notify the applicant of the collection plan approval in writing. If the Secretary  
15 rejects a collection plan, the Secretary shall notify the applicant in writing of  
16 the reasons for rejecting the collection plan. An applicant whose collection  
17 plan is rejected by the Secretary shall submit a revised collection plan to the  
18 Secretary within 45 days after receiving notice of rejection. If the  
19 manufacturer or stewardship organization fails to submit a plan that is  
20 acceptable to the Secretary because it does not meet the requirements of this  
21 section, the Secretary shall modify a submitted plan to make it conform to the  
22 requirements of this section and approve it. On or before January 1, 2025,

1 each manufacturer shall be required to participate in an approved and  
2 implemented stewardship program. ~~A collection plan that is not approved or~~  
3 ~~rejected by the Secretary within 90 days, not including the time required for~~  
4 ~~public comment under subsection (d) of this section, after submission by a~~  
5 ~~manufacturer or stewardship organization shall be deemed approved.~~

6 (b) Criteria for plan approval.

7 (1) The Secretary shall approve a collection plan if the Secretary finds that  
8 the collection plan:

9 (4A) complies with the requirements of subsection 7183(b) of this title;

10 (2B) provides adequate notice to the public of the collection  
11 opportunities available for covered household hazardous products;

12 (3C) ensures that collection of covered household hazardous products  
13 will occur in an environmentally sound fashion that is consistent with the law  
14 or with any special handling requirements adopted by the Secretary;

15 (4D) promotes the collection and disposal of covered household  
16 hazardous products;

17 (5E) is reasonably expected to meet performance goals and convenience  
18 standards; and

19 (6F) has received and considered input from the Household Hazardous  
20 Waste Stewardship Program Advisory Committee.

21 (2) If the manufacturer or stewardship organization fails to submit a plan  
22 that is acceptable to the Secretary because it does not meet the requirements of

1 ~~this section~~chapter, the Secretary shall modify a submitted plan to make it  
2 conform to the requirements of this ~~section~~chapter and ~~place the modified draft~~  
3 ~~plan on notice pursuant to section 7714 of this title~~approve it.

4 (c) Collection plan amendment. The Secretary, in the Secretary's  
5 discretion or at the request of a manufacturer or a stewardship organization,  
6 may require a stewardship organization to amend an approved collection plan.  
7 Collection plan amendments shall be subject to- section 7717 of this title ~~the~~  
8 public input provisions of subsection (d) of this section.

9 ~~(d) Public input. The Secretary shall establish a process under which a~~  
10 ~~collection plan for covered household hazardous products is available for~~  
11 ~~public review and comment for 30 days prior to collection plan approval or~~  
12 ~~amendment. In establishing such a process, the Secretary shall consult with~~  
13 ~~interested persons, including the Household Hazardous Waste Stewardship~~  
14 ~~Program Advisory Committee established under section 7188 of this title.~~

15 (ed) Registrations. The Secretary shall accept, review, and approve or deny  
16 registrations required by this chapter. The Secretary may revoke a registration  
17 of a stewardship organization ~~when the stewardship organization's actions for~~  
18 ~~actions that~~ are unreasonable, unnecessary, or contrary to the requirements or  
19 the policy of this chapter.

20 (fe) Supervisory capacity. The Secretary shall act in a supervisory capacity  
21 over the actions of a stewardship organization registered under this section. In  
22 acting in this capacity, the Secretary shall review the actions of the stewardship

1 organization to ensure that they are reasonable, necessary, and limited to  
2 carrying out requirements of and policy established by this chapter.

3 (ef) Special handling requirements. The Secretary may adopt by rule  
4 special handling requirements for the collection, transport, and disposal of  
5 covered household hazardous products.

6 (hg) Identification of regulated pesticides. The Secretary annually shall  
7 confer with the Secretary of Agriculture, Food and Markets for the purpose of  
8 identifying those pesticides that are subject to regulation under this chapter due  
9 to registration with the Agency of Agriculture, Food and Markets as Class C  
10 pesticides.

11 ~~§ 7188. ADVISORY COMMITTEE~~

12 ~~(a) Establishment. On or before January 1, 2024, the Secretary shall~~  
13 ~~appoint the Household Hazardous Waste Stewardship Program Advisory~~  
14 ~~Committee of seven members reflecting a balanced and equitable participation,~~  
15 ~~including members from entities interested in the stewardship of covered~~  
16 ~~products and members representing different areas of the State and from~~  
17 ~~communities of various sizes. Members of the Advisory Committee shall~~  
18 ~~include:~~

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

20 ~~(2) one individual who is a representative of a hazardous waste~~  
21 ~~management company;~~

1 ~~(3) one individual who is a representative of a solid waste planning~~  
2 ~~entity that offers household hazardous waste collection through a permanent~~  
3 ~~collection facility;~~

4 ~~(4) one individual who is a representative of a solid waste planning~~  
5 ~~entity that offers household hazardous waste collection through collection~~  
6 ~~events;~~

7 ~~(5) one individual who is a representative of a statewide association~~  
8 ~~representing retailers;~~

9 ~~(6) one individual who is a representative of a statewide environmental~~  
10 ~~organization; and~~

11 ~~(7) one individual who is a representative of a community-based~~  
12 ~~organization or an organization representing equity and underrepresented~~  
13 ~~stakeholders;~~

14 ~~(b) Duties. The Advisory Committee shall:~~

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

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

18 ~~(3) review and comment on all stewardship organization annual reports~~  
19 ~~prior to submission;~~

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

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

3 ~~(c) Process. The Advisory Committee:~~

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

6 ~~(2) shall elect a chair from among the members of the Advisory~~  
7 ~~Committee by a simple majority vote;~~

8 ~~(3) may adopt bylaws and a charter for the operation of its business~~  
9 ~~under this chapter; and~~

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

11 ~~(d) Convening: staff. The Secretary shall convene the Advisory~~  
12 ~~Committee. The Advisory Committee shall have the administrative, technical,~~  
13 ~~and legal assistance of the Agency of Natural Resources. The Advisory~~  
14 ~~Committee may request that the Department select and employ a third-party~~  
15 ~~facilitator to facilitate operation of the Advisory Committee.~~

16 **§ 7189. OTHER DISPOSAL PROGRAMS**

17 A municipality or other public agency shall not require covered entities to  
18 use public facilities to dispose of covered household hazardous products to the  
19 exclusion of other lawful programs available. A municipality and other public  
20 agencies are encouraged to work with manufacturers to assist them in meeting  
21 their collection and disposal obligations under this chapter. Nothing in this  
22 chapter prohibits or restricts the operation of any program collecting and

1 disposing of covered household hazardous products in addition to those  
2 provided by manufacturers or prohibits or restricts any persons from receiving,  
3 collecting, transporting, or disposing of covered household hazardous products,  
4 provided that all other applicable laws are met.

5 § 7190. RULEMAKING

6 The Secretary of Natural Resources may adopt rules to implement the  
7 requirements of this chapter.

8 Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF  
9 REGISTRATION FEE FOR COVERED HOUSEHOLD  
10 HAZARDOUS PRODUCTS

11 On or before January 15, 2024, the Secretary of Natural Resources shall  
12 submit to the House Committees on Ways and Means and on Natural  
13 Resources, Fish, and Wildlife and the Senate Committees on Finance and on  
14 Natural Resources and Energy a recommended fee for the registration of  
15 stewardship organizations under the covered household hazardous product  
16 program under 10 V.S.A. chapter 164B.

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

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

20 \* \* \*

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

1 Sec. 5. [Sec. 5. 10 V.S.A. § 7714\(a\)\(2\) is amended to read:](#)

2 (2) The procedures under this section shall be known as Type 3 Procedures.

3 This section governs each of the following

4 \* \* \*

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

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

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

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

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

13  
14 (v) a primary battery stewardship plan under section 7586 of this title; and

15 [\(vi\) a covered household hazardous waste collection plan under section 7183](#)  
16 [of this title.](#)

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

18 § 8003. APPLICABILITY

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

1 \* \* \*

2 (30) 3 V.S.A. § 2810, relating to interim environmental media  
3 standards; ~~and~~

4 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
5 or products; and

6 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
7 covered household hazardous products.

8 \* \* \*

9 Sec. 67. 10 V.S.A. § 8503 is amended to read:

10 § 8503. APPLICABILITY

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

15 (1) The following provisions of this title:

16 \* \* \*

17 (V) chapter 124 (trade in covered animal parts or products); and

18 (W) chapter 164B (collection and management of covered household  
19 hazardous products).

20 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

21 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

22 (4) 3 V.S.A. § 2810 (interim environmental media standards).

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\* \* \*

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

§ 918. REGISTRATION

\* \* \*

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(g) Products presented for registration that meet the criteria for classification by the Agency as Class C pesticides, and are subject to the Household Hazardous Waste disposal requirements established in 10 V.S.A. § 7181-7187 shall provide proof of participation in a stewardship organization meeting the requirements of 10 V.S.A. § 7182.

Sec. 79. EFFECTIVE DATE

This act shall take effect on passage.