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H.756

Introduced by Representatives Sharpe of Bristol, Fisher of Lincoln, Jewett of
Ripton and Nuovo of Middlebury

Referred to Committee on

Date:

Subject: Conservation; waste management; recycled content in packaging

Statement of purpose: This bill proposes to prohibit the retail sale of a product
in a plastic container unless the container is composed of recycled material or
is capable of being recycled in Vermont.

An act relating to recycled content in plastic packaging

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6619a is added to read:

§ 6619a. RECYCLED CONTENT OF PLASTIC CONTAINERS

(a) As used in this section, “plastic container” means any package
composed primarily of plastic resin that is used to hold, protect, or display a
product intended for retail sale and that has a maximum capacity of five
gallons.

(b) Beginning January 1, 2012, no person may sell or offer for sale at retail
a product in a plastic container unless the plastic container:

(1) is composed of at least 25 percent recycled material; or

1 (2) is composed of plastic that has a recycling rate of at least 25 percent
2 in Vermont.

3 (c) Subsection (b) of this section shall not apply to a plastic container:

4 (1) holding, protecting, or displaying a food, beverage, cosmetic, or
5 medical device that is regulated under the Federal Food, Drug, and Cosmetic
6 Act and for which the U.S. Food and Drug Administration has not approved
7 the use of recycled material in the packaging;

8 (2) holding toxic or hazardous products regulated by the Federal
9 Insecticide, Fungicide, and Rodenticide Act; or

10 (3) manufactured for use in the shipment of hazardous materials and:

11 (A) that is prohibited from being manufactured with recycled or used
12 material by federal packaging specifications for plastic or composite packaging
13 set forth in 49 C.F.R. §§ 178.508, 178.517, and 178.522;

14 (B) that is subject to testing standards for hazardous materials
15 packaging under 49 C.F.R. §§ 178.600–178.609; or

16 (C) to which the recommendations of the United Nations on the
17 transport of dangerous goods are applicable.