

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 **household hazardous** product” does not mean any of  
8                    the following:

9                    (i) a primary battery;

10                    (ii) a lamp that contains mercury;

11                    (iii) a thermostat that contains mercury;

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

14                    (v) a covered electronic device as that term is defined in section  
15                    7551 of this title;

16                    (vi) a pharmaceutical drug;

17                    (vii) citronella candles;

18                    (viii) flea and tick collars;

19                    (ix) Class A or B pesticides; or

20                    (x) products that are intended to be rubbed, poured, sprinkled on,  
21                    sprayed on, introduced into, or otherwise applied to the human body or any

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

5 (5)(A) “Gas cylinder” means:

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

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

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

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

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

1                   (ii) sells in the State under its own brand or label a covered  
2 household hazardous product produced by another supplier;  
3                   (iii) owns a brand that it licenses or licensed to another person for  
4 use on a covered household hazardous product sold in the State;  
5                   (iv) imports into the United States for sale in the State a covered  
6 household hazardous product manufactured by a person without a presence in  
7 the United States;  
8                   (v) manufactures a covered household hazardous product for sale  
9 in the State without affixing a brand name; or  
10                  (vi) assumes the responsibilities, obligations, and liabilities of a  
11 manufacturer as defined under subdivisions (i) through (v) of this subdivision  
12 (6)(A), provided that the Secretary may enforce the requirements of this  
13 chapter against a manufacturer defined under subdivisions (i) through (v) of  
14 this subdivision (6)(A) if a person who assumes the manufacturer’s  
15 responsibilities fails to comply with the requirements of this chapter.  
16                  (B) “Manufacturer” does not mean a person set forth under  
17 subdivisions (A)(i)–(vi) of this subdivision (6) if the person manufactures,  
18 sells, licenses, or imports less than \$5,000.00 of covered household hazardous  
19 products in the United States in a program year and is registered with the  
20 Secretary.

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

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

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

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

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

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

21           § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

1                    STEWARDSHIP ORGANIZATION REGISTRATION

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

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

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

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

14                   (4) The stewardship organization in which the manufacturer participates  
15                   has conducted a plan audit consistent with the requirements of subsection  
16                   7185(b) of this title.

17                   (b) Stewardship organization registration requirements.

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



1           (A) a list of the manufacturers participating in the stewardship  
2           organization;

3           (B) a list of the brands of each manufacturer participating in the  
4           stewardship organization;

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

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

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

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

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

18          § 7183. COLLECTION PLANS

19          (a) Collection plan required. Prior to January 1, 2025, any stewardship  
20          organization registered with the Secretary as representing manufacturers of

1 covered household hazardous products shall coordinate and submit to the  
2 Secretary for review one collection plan for all manufacturers.

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

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

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

1 event set-up fees, environmental service fees, insurance fees, and shipping  
2 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

1 in the following priority order: source reduction, reuse, recycling, energy  
2 recovery, and disposal. Collected covered household hazardous products shall  
3 be recycled when technically and economically feasible.

4 (7) Performance goals. A collection plan shall include:

5 (A) A performance goal for covered household hazardous products  
6 determined by the number of total participants at collection events and  
7 facilities listed in the collection plan during a program year divided by the total  
8 number of households. The number of households shall include seasonal  
9 households. The calculation methodology for the number of households shall  
10 be included in the plan.

11 (B) At a minimum, the collection performance goal for the first year  
12 of a plan shall be a participation rate of five percent of the households for  
13 every collection program based on the number of households the collection  
14 program serves, provided that the required participation rate shall increase by  
15 one percent for every year of the initial plan. After the initial approved  
16 program plan, the stewardship organization shall propose performance goals  
17 for subsequent program plans. The Secretary shall approve the performance  
18 goals for the plan at least every five years. The Secretary shall use the results  
19 of the most recent waste composition study required under 6604 of this title  
20 and other relevant factors to establish the performance goals of the collection  
21 plan. If a stewardship organization does not meet its performance goals, the

1 Secretary may require the stewardship organization to revise the collection  
2 plan to provide for one or more of the following: additional public education  
3 and outreach, additional collection events, or additional hours of operation for  
4 collection sites. A stewardship organization is not authorized to reduce or  
5 cease collection, education and outreach, or other activities implemented under  
6 an approved plan on the basis of achievement of program performance goals.

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

10 (8) Collection plan funding. The collection plan shall describe how the  
11 stewardship organization will fund the implementation of the collection plan  
12 and collection activities under the plan, including the costs for education and  
13 outreach, collection, processing, and end-of-life management of the covered  
14 household hazardous product. Collection costs include facility costs,  
15 equipment costs, labor, supplies, maintenance, events costs, and event  
16 contractor costs, including collection event set-up fees, environmental service  
17 fees, insurance fees, and shipping containers and materials. The collection  
18 plan shall include how municipalities will be compensated for all costs  
19 associated with collection of covered household hazardous products.

20 (c) Term of collection plan. A collection plan approved by the Secretary  
21 under section 7187 of this title shall have a term not to exceed five years,

1 provided that the manufacturer remains in compliance with the requirements of  
2 this chapter and the terms of the approved collection plan.

3 (d) Collection plan implementation. Stewardship organizations shall  
4 implement the collection plan on or before July 1, 2025.

5 § 7184. STEWARDSHIP ORGANIZATIONS

6 (a) Participation in a stewardship organization. A manufacturer shall meet  
7 the requirements of this chapter by participating in a stewardship organization  
8 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this  
9 title.

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

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

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

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

19 § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

20 (a) Annual report. On or before September 1, 2026 and annually thereafter,  
21 a stewardship organization of manufacturers of covered household hazardous

1 products shall submit a report to the Secretary that contains all of the  
2 following:

3 (1) A description of the collection program.

4 (2) The volume or weight by hazard category, as defined by the  
5 Secretary, of covered household hazardous products collected, the disposition  
6 of the collected covered household hazardous products, and the number of  
7 covered entities participating at each collection facility or collection event  
8 from which the covered household hazardous products were collected.

9 (3) The name and address of all the recycling and disposal facilities  
10 where the covered household hazardous products are collected and delivered  
11 and deposited.

12 (4) The weight or volume by hazard category of covered household  
13 hazardous products sold in the State in the previous calendar year by a  
14 manufacturer participating in a stewardship organization's collection plan.  
15 Sales data provided under this section shall be exempt from public inspection  
16 and copying under the Public Records Act and shall be kept confidential.  
17 Confidential information shall be redacted from any final public report.

18 (5) A comparison of the collection plan's participation rate and public  
19 awareness goals compared to the actual participation rate and public awareness  
20 and how the program will be improved if the participation rate and public  
21 awareness goals are not met.



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

3           (7) The cost of implementing the collection plan, including the costs of  
4           administration, collection, transportation, recycling, disposal, and education  
5           and outreach.

6           (8) A description and evaluation of the success of the education and  
7           outreach materials. If multiple stewardship organizations are implementing the  
8           collection plan approved by the Secretary, the stewardship organizations shall  
9           include a summary of their coordinated education and outreach efforts.

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

11           (b) Collection plan audit. On or before September 1, 2030 and every five  
12           years thereafter, a stewardship organization of manufacturers of covered  
13           household hazardous products shall hire an independent third party to audit the  
14           collection plan and the plan's operation. The auditor shall examine the  
15           effectiveness of the program in collecting and disposing of covered household  
16           hazardous products. The auditor shall examine the cost-effectiveness of the  
17           program and compare it to that of collection programs for covered household  
18           hazardous products in other jurisdictions. The auditor shall make  
19           recommendations to the Secretary on ways to increase the program's efficacy  
20           and cost-effectiveness.

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

3        § 7186. ANTITRUST; CONDUCT AUTHORIZED

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

14       (b) Limitations on antitrust activity. Subsection (a) of this section shall not  
15       apply to an agreement among producers, groups of manufacturers, retailers,  
16       wholesalers, or stewardship organizations affecting the price of covered  
17       household hazardous products or any agreement restricting the geographic area  
18       in which or customers to whom covered household hazardous products shall  
19       be sold.

20       § 7187. AGENCY RESPONSIBILITIES

1        (a) Review and approve collection plans. The Secretary shall review and  
2        approve or deny collection plans submitted under section 7183 of this title  
3        according to the public notice and comment requirements of section 7714 of  
4        this title.

5        (b) Criteria for plan approval.

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

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

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

12          (C) 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          (D) promotes the collection and disposal of covered household  
16        hazardous products; and

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

19            (2) If a manufacturer or a stewardship organization fails to submit a plan  
20        that is acceptable to the Secretary because it does not meet the requirements of  
21        this chapter, the Secretary shall modify the submitted plan to make it conform

1 to the requirements of this chapter and place the modified draft plan on notice  
2 pursuant to section 7714 of this title.

3 (c) Collection plan amendment. The Secretary, in the Secretary’s  
4 discretion or at the request of a manufacturer or a stewardship organization,  
5 may require a stewardship organization to amend an approved collection plan.  
6 The Secretary shall amend the performance goals in the collection plan at least  
7 every five years. Collection plan amendments shall be subject to the public  
8 input provisions of section 7717 of this title.

9 (d) Registrations. The Secretary shall accept, review, and approve or deny  
10 registrations required by this chapter. The Secretary may revoke a registration  
11 of a stewardship organization when the actions of the stewardship organization  
12 are unreasonable, unnecessary, or contrary to the requirements or the policy of  
13 this chapter.

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

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

1        (g) Identification of regulated pesticides. The Secretary annually shall  
2        confer with the Secretary of Agriculture, Food and Markets for the purpose of  
3        identifying those pesticides that are subject to regulation under this chapter due  
4        to registration with the Agency of Agriculture, Food and Markets as Class C  
5        pesticides.

6        § 7188. OTHER DISPOSAL PROGRAMS

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

17       § 7189. RULEMAKING

18       The Secretary of Natural Resources may adopt rules to implement the  
19       requirements of this chapter.

1       Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF  
2                           REGISTRATION FEE FOR COVERED HOUSEHOLD  
3                           HAZARDOUS PRODUCTS

4           On or before January 15, 2024, the Secretary of Natural Resources shall  
5           submit to the House Committees on Ways and Means and on Environment and  
6           Energy and the Senate Committees on Finance and on Natural Resources and  
7           Energy a recommended fee for the registration of stewardship organizations  
8           under the covered household hazardous product program under 10 V.S.A.  
9           chapter 164B.

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

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

13   \* \* \*

14           (12) Covered household hazardous products after July 1, 2025.

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

16       § 7714. TYPE 3 PROCEDURES

17           (a) Purpose; scope.

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

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

3           (A) Each general permit issued pursuant to the Secretary’s authority  
4 under this title other than a general permit subject to section 7712 of this  
5 chapter. However, this section does not apply to a notice of intent under a  
6 general permit.

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

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

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

12           (ii) a change in treatment for a public water supply under chapter  
13 56 of this title;

14           (iii) a collection plan for mercury-containing lamps under section  
15 7156 of this title;

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

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

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

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\* \* \*

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

§ 8003. APPLICABILITY

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

\* \* \*

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

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

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

\* \* \*

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

§ 8503. APPLICABILITY

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



1 (1) The following provisions of this title:

2 \* \* \*

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

4 (W) chapter 164B (collection and management of covered household  
5 hazardous products).

6 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

7 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

8 (4) 3 V.S.A. § 2810 (interim environmental media standards).

9 \* \* \*

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

11 § 918. REGISTRATION

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

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

7 \* \* \*

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

13 Sec. 9. EFFECTIVE DATE

14 This act shall take effect on passage.

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21 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE