

# House Calendar

Thursday, January 22, 2015

16th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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**ORDERS OF THE DAY**

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**Action Postponed Until January 22, 2015**

**Action Under Rule 52**

**J.R.H. 1**

Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the company to negotiate in good faith to settle the current employee strike

**(For text see House Journal 1/20/2015)**

**Amendment to be offered by Reps. Davis of Washington and Donovan of Burlington to J.R.H. 1**

By striking out the title and inserting in lieu thereof the following: "Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the management of FairPoint Communications to settle the current employee strike in order to restore reliable telecommunications services in Vermont"

**Amendment to be offered by Rep. Donahue of Northfield to J.R.H. 1**

By striking out the resolution in its entirety and inserting in lieu thereof the following:

Joint resolution expressing support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urging the parties to negotiate to settle the current employee strike

Whereas, since 2008 FairPoint Communications (FairPoint) has been Vermont's primary provider of landline telecommunications services, and

Whereas, the company's post-2009 bankruptcy workforce is now 20 percent smaller than in 2008, and

Whereas, in August 2014 FairPoint made an offer to its unionized employees for a new contract that would have resulted in reduced benefits, but the unionized employees remained at work for two months and attempted further negotiations, and

Whereas, in October 2014 the employees' two unions, the International Brotherhood of Electrical Workers Local 2326 and Communications Workers of America Local 1400, authorized a strike against FairPoint, and

Whereas, since the strike started, consumer complaints have risen significantly, and

Whereas, on November 28, 2014, the State's E-911 system missed 83 calls, and

Whereas, at the request of the Department of Public Service, the Public Service Board, on December 9, 2014, established Docket 8390 to investigate the service problems FairPoint has encountered, and

Whereas, Governor Peter Shumlin, the congressional delegation, and the leadership of the General Assembly's Working Vermonters Caucus have written letters to FairPoint's CEO Paul Sunu calling on FairPoint to return to the negotiating table, and

Whereas, on January 4, 2015, in Washington, D.C., the Federal Mediation and Conciliation Service convened a meeting between the parties at which the Service assumed a more proactive role than in a prior session, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses support for the Public Service Board's establishment of a FairPoint Communications service investigation docket and urges the parties to negotiate to settle the current employee strike in order to restore reliable telecommunications services in Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to FairPoint Communications CEO Paul Sunu, FairPoint Vermont President Beth Fastiggi, Governor Peter Shumlin, the Public Service Department, and the Public Service Board.

## **ACTION CALENDAR**

### **Favorable**

#### **H. 10**

An act relating to approval of amendments to the charter of the Town of Barre

**Rep. Hubert of Milton**, for the Committee on **Government Operations**, recommends the bill ought to pass.

( **Committee Vote: 9-0-2**)

**NOTICE CALENDAR**  
**Favorable with Amendment**

**H. 4**

An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads

**Rep. McCullough of Williston**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) Microbeads are a synthetic alternative ingredient in personal care products and over-the-counter drugs that are used in place of natural materials such as ground almonds, oatmeal, and pumice.

(2) Microbeads are found in over 100 personal care products and over-the-counter drugs that are sold in the State and that ultimately are flushed down drains as part of the intended use of the product.

(3) Most municipal wastewater treatment plants in the State do not effectively filter microbeads from water discharged to rivers and lakes.

(4) Plastic microbeads are persistent organic compounds that attract other pollutants commonly present in the environment, many of which are recognized to have serious deleterious impacts on human health or the environment, including dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs), and flame-retardants.

(5) Chemicals from plastics, such as PCBs, polycyclic aromatic hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer to fish tissue during digestion, bioaccumulate, and result in liver damage.

(6) Fish consumed by humans have been found to have ingested plastic microbeads.

(7) There are economically feasible alternatives to plastic microbeads, as indicated by the current use of biodegradable, natural, and abrasive materials in many consumer personal care products.

(8) Updating municipal wastewater treatment plants so that they effectively filter microbeads likely would be costly and take many years.

(9) To prevent the continued harmful effects of microbeads on State waters without expending significant time and money to update wastewater treatment plants, synthetic microbeads should be banned from manufacture and sale in the State.

Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read:

Subchapter 5. Detergents ~~and~~, Household Cleansing Products, and Personal Care Products

§ 1381. DEFINITIONS

As used in this subchapter:

\* \* \*

(2) “Household cleansing product” means any product, including ~~but not limited to~~ soaps and detergents used for domestic or commercial cleaning purposes, including ~~but not limited to~~, the cleansing of fabric, dishes, food utensils, and household and commercial premises. Household cleansing product shall not mean:

(A) ~~Food~~ food, drugs, and cosmetics, including personal care items such as toothpaste, shampoo, and hand soap;

(B) ~~Products~~ products labeled, advertised, marketed, and distributed for use primarily as economic poisons as defined in 6 V.S.A. § 911(5).

\* \* \*

(7) “Biodegradable” means the capability of a substance to break down completely in the natural environment that the substance is likely to encounter within 24 months of its disposal, through a biological process of decomposition into elements or compounds commonly found in that environment.

(8) “Over-the-counter drug” means a compound, substance, or preparation that contains a label that identifies the product as a drug, as required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a statement of the active ingredient or ingredients contained in the compound, substance, or preparation.

(9)(A) “Personal care product” means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article.

(B) “Personal care product” shall not include any prescription drug, as that term is defined in 18 V.S.A. § 4201(41).

(10) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal.

(11) “Synthetic plastic microbead” means an intentionally added nonbiodegradable solid plastic particle less than five millimeters in size.

§ 1382. PROHIBITIONS; HOUSEHOLD CLEANING PRODUCTS

(a) No household cleansing products containing a phosphorus compound in concentrations in excess of a trace quantity may be distributed, sold, offered for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in a commercial establishment in this ~~state~~ State, except as set forth in subsections (b) and (c) of this section.

\* \* \*

§ 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS; OVER-THE-COUNTER DRUGS; MICROBEADS

(a) Manufacture of personal care products. Beginning on December 31, 2017, no person shall manufacture in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(b) Sale of personal care products. Beginning on December 31, 2018, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(c) Manufacture of over-the-counter drugs. Beginning on December 31, 2018, no person shall manufacture in the State an over-the-counter drug containing synthetic plastic microbeads.

(d) Sale of over-the-counter drugs. Beginning on December 31, 2019, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State an over-the-counter drug that contains synthetic plastic microbeads.

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

**( Committee Vote: 8-0-1)**

**Consent Calendar  
Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

**H.C.R. 7**

House concurrent resolution congratulating the 2014 Wendy's High School Heisman Awards' Vermont State winners Abigail Schmidt and John Winslow

**H.C.R. 8**

House concurrent resolution congratulating the 2014 Essex Union High School Hornets State championship boys' volleyball team

**H.C.R. 9**

House concurrent resolution congratulating Dr. Delores Barbeau on being named by the Vermont Academy of Family Physicians as the 2014 Physician of the Year

**H.C.R. 10**

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**H.C.R. 11**

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**H.C.R. 12**

House concurrent resolution designating January 2015 as National Mentoring Month in Vermont

**H.C.R. 13**

House concurrent resolution in memory of former Representative Marion Milne of Washington

**H.C.R. 14**

House concurrent resolution congratulating the Dolloff Acres Farm in Springfield on its winning the 2014 Vermont Dairy Farm of the Year Award



### **Public Hearings**

January 22, 2015 - Room 11 - 5:00-7:00 pm - Gas Pricing in Northwest Vermont - Commerce and Economic Development

### **Information Notice**

Distributed to the members' desks is a vote explanation tablet. Please use a sheet when explaining your vote after a roll call vote or send your explanation by email to [cathyc@leg.state.vt.us](mailto:cathyc@leg.state.vt.us) or [cditmeyer@leg.state.vt.us](mailto:cditmeyer@leg.state.vt.us). When writing your vote explanation, please write legibly. For guidance regarding vote explanations, please see House Rule 70.