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Jen Holliday, Chittenden Solid Waste District - suggested resolve/bill elements for Senate Natural Resources Consideration

RESOLVE TO DEVELOP  
EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING AND PRINTED MATERIAL LEGISLATION  
TO SUPPORT RECYCLING PROGRAMS AND MINIMIZE SINGLE USE PRODUCTS

Sec. 1 – Development of extended producer responsibility (EPR) legislation for packaging and printed materials: That the Department of Environmental Conservation, Agency of Natural Resources shall develop legislation for consideration establishing an EPR law for packaging and printed material in the State. The proposed legislation must include but is not limited to:

1. A definition of packaging to include at a minimum material used to market, contain, wrap, protect and deliver consumer goods, including food and beverages, personal care products, general consumer goods and food service ware.
2. A definition of printed material to include at a minimum newsprint and inserts, magazines and catalogs, direct mail, office paper, and telephone directories.
3. A definition of producer that clearly identifies the manufacturer ultimately financially responsible for collection and recycling or disposal of packaging and printed material.
4. Exemptions for small producers and for product packaging that is already covered under the Vermont beverage container redemption law and Vermont's other EPR laws.
5. A definition of covered entities that includes at a minimum all generators of printed material and packaging in the State.
6. Provisions for the establishment of a nonprofit stewardship organization(s) of producers of packaging and printed material to set, collect, and track fees for producers based on what they sell into the state that will be used to support the State's recycling programs to include:
  - a. 100% of the cost of collection, transport, and recycling of packaging and printed material sold into the State that is readably recyclable.
  - b. The cost of waste reduction and recycling education.
  - c. The cost of recycling infrastructure.
7. Requirement that fees established by the stewardship organization(s) encourage packaging design that reduces its environmental impact by requiring higher fees for packaging and printed material sold into the State that are more harmful to the environment and lower fees for those that cause less environmental harm. Environmental considerations may include but are not limited to recyclability, recycled content, greenhouse gas emissions and toxicity.
8. Provisions of a stewardship plan to be submitted by the stewardship organization(s) describing how producers will provide for the collection, transportation, and recycling of packaging and printed material using existing infrastructure.

9. Requirements for the stewardship organization(s) to obtain data from the producers to be submitted to the State including but not limited to the amount of packaging and printed material sold into the State, recovery rates of recyclables, fees collected, and the entire cost of the program in order that:
  - a. There is transparency and accountability in assessing the success of the program,
  - b. There is consistency with internationally accepted standards, and
  - c. There is sufficient information to evaluate the effectiveness of the program.
10. Performance goals to be set at or above existing recycling recovery rates, with penalties if the goals are not met.
11. Convenience provisions that at a minimum meet the requirements of Act 148.
12. Roles and responsibilities of the Agency of Natural Resources.
13. A method by which producers can protect themselves against producers that fail to register with a program. These methods may include private right of action, requirements that online retailers of packaging be responsible for paying into a fund in support of the program if the products they sell are from producers who are not part of the stewardship program, or other ways that ensure fairness and full compliance.

The draft bill shall not include proposed changes to the beverage container redemption law.

The Agency of Natural Resources shall submit proposed legislation pursuant to section 1 to the Senate Natural Resources and Energy Committee and the House Natural Resources, Fish and Wildlife Committee by January 15<sup>th</sup> 2021.