

1 **Single-Use Products Working Group: 2019 Acts & Resolves No. 69, Sec. 3**

2 Sec. 3. SINGLE-USE PRODUCTS WORKING GROUP; REPORT

3 (a) Creation; purpose. There is created the Single-Use Products Working
4 Group to:

5 (1) evaluate current State and municipal policy and requirements for the
6 management of single-use products; and

7 (2) recommend to the Vermont General Assembly policy or
8 requirements that the State should enact to:

9 (A) reduce the use of single-use products;

10 (B) reduce the environmental impact of single-use products;

11 (C) improve statewide management of single-use products;

12 (D) divert single-use products from disposal in landfills; and

13 (E) prevent contamination of natural resources by discarded single-
14 use products.

15 (b) Definitions. As used in this section:

16 (1) “Carryout bag” means a bag provided by a store or food service
17 establishment to a customer at the point of sale for the purpose of transporting
18 groceries or retail goods.

19 (2) “Disposable plastic food service ware” means containers, plates,
20 clamshells, serving trays, meat and vegetable trays, hot and cold beverage
21 cups, cutlery, and other utensils that are made of plastic or plastic-coated

1 paper, including products marketed as biodegradable products but a portion of
2 the product is not compostable.

3 (3) “Expanded polystyrene food service product” means a product made
4 of expanded polystyrene that is:

5 (A) used for selling or providing food or beverages to be used once
6 for eating or drinking; or

7 (B) generally recognized by the public as an item to be discarded
8 after one use.

9 (4) “Extended producer responsibility” means a requirement for a
10 producer of a product to provide for and finance the collection, transportation,
11 reuse, recycling, processing, and final management of the product.

12 (5) “Food service establishment” has the same meaning as in 18 V.S.A.
13 § 4301.

14 (6) “Packaging” means materials that are used for the containment,
15 protection, handling, delivery, and presentation of goods sold or delivered in
16 Vermont.

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

1 (8) “Point of sale” means a check-out stand, cash register, or other point
2 of departure from a store or food service establishment, including the location
3 where remotely ordered food or products are delivered to a purchaser.

4 (9) “Printed materials” means material that is not packaging, but is
5 printed with text or graphics as a medium for communicating information,
6 including telephone books but not including other bound reference books,
7 bound literary books, or bound textbooks.

8 (10) “Single use” means a product that is generally recognized by the
9 public as an item to be discarded after one use.

10 (11) “Single-use products” means single-use carryout bags, single-use
11 packaging, single-use disposable plastic food service ware, expanded
12 polystyrene food service products, plastic film, printed materials, and other
13 single-use plastics or single-use products that are provided to consumers by
14 stores, food service establishments, or other retailers.

15 (12) “Store” means a grocery store, supermarket, convenience store,
16 liquor store, pharmacy, drycleaner, drug store, or other retail establishment.

17 (13) “Unwanted” means when a person in possession of a product
18 intends to abandon or discard the product.

19 (c) Membership. The Single-Use Products Working Group shall be
20 composed of the following members:

21 (1) a member of the Senate appointed by the Committee on Committees;

1 (2) a member of the House of Representatives appointed by the Speaker
2 of the House;

3 (3) the Secretary of Natural Resources or designee;

4 (4) a representative of a single-stream materials recovery facility located
5 in Vermont appointed by the Governor;

6 (5) two representatives from solid waste management entities in the
7 State, one representing a rural district and one representing an urban district,
8 appointed by the Committee on Committees;

9 (6) one representative from the Vermont League of Cities and Towns
10 appointed by the Speaker of the House;

11 (7) one representative of an association or group representing
12 manufacturers or distributors of single-use products appointed by the
13 Governor;

14 (8) one representative of an environmental advocacy group located in
15 the State that advocates for the reduction of solid waste and the protection of
16 the environment appointed by the Speaker of the House;

17 (9) one representative of stores in the State, appointed by the Committee
18 on Committees; and

19 (10) one representative of food service establishments in the State,
20 appointed by the Speaker of the House.

1 (d) Powers and duties. The Single-Use Products Working Group shall:

2 (1) Evaluate the success of existing State and municipal requirements
3 for the management of unwanted single-use products, including a lifecycle
4 analysis of the management of single-use products from production to ultimate
5 disposition.

6 (2) Estimate the effects on landfill capacity of single-use products that
7 can be recycled but are currently being disposed.

8 (3) Summarize the effects on the environment and natural resources of
9 failure to manage single-use products appropriately, including the propensity
10 to create litter and the effects on human health from toxic substances that
11 originate in unwanted single-use products.

12 (4) Recommend methods or mechanisms to address the effects on
13 landfill capacity of single-use products that can be recycled, but are currently
14 being disposed, in order to improve the management of single-use products in
15 the State, including whether the State should establish extended producer
16 responsibility or similar requirements for manufacturers, distributors, or brand
17 owners of single-use products.

18 (5) If extended producer responsibility or similar requirements for
19 single-use products are recommended under subdivision (4) of this subsection,
20 recommend:

21 (A) The single-use products to be included under the requirements.

1 (B) A financial incentive for manufacturers, distributors, or brand
2 owners of single-use products to minimize the environmental impacts of the
3 products in Vermont. The environmental impacts considered shall include
4 review of the effect on climate change of the production, use, transport, and
5 recovery of single-use products.

6 (C) How to structure a requirement for manufacturers, distributors, or
7 brand owners to provide for or finance the collection, processing, and recycling
8 of single-use products using existing infrastructure in the collection,
9 processing, and recycling of products where feasible.

10 (6) Recommend methods or incentives for increasing the availability
11 and affordability of reusable carryout bags for all citizens in Vermont.

12 (7) An estimate of the costs and benefits of any recommended method
13 or mechanism for improving the management of single-use products in the
14 State.

15 (e) Assistance. The Single-Use Products Working Group shall have the
16 administrative, technical, financial, and legal assistance of the Agency of
17 Natural Resources, the Department of Health, the Office of Legislative
18 Council, and the Joint Fiscal Office.

19 (f) Report. On or before December 1, 2019, the Single-Use Products
20 Working Group shall submit to the Senate Committee on Natural Resources
21 and Energy and the House Committee on Natural Resources, Fish, and

1 Wildlife the findings and recommendations required under subsection (d) of
2 this section.

3 (g) Meetings.

4 (1) The Office of Legislative Council shall call the first meeting of the
5 Single-Use Products Working Group to occur on or before July 1, 2019.

6 (2) The Committee shall select a chair from among its members at the
7 first meeting.

8 (3) A majority of the membership shall constitute a quorum.

9 (4) The Working Group shall cease to exist on February 1, 2020.

10 (h) Compensation and reimbursement.

11 (1) For attendance at meetings during adjournment of the General
12 Assembly, a legislative member of the Working Group serving in his or her
13 capacity as a legislator shall be entitled to per diem compensation and
14 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than
15 six meetings.

16 (2) Other members of the Working Group shall be entitled to per diem
17 compensation and reimbursement of expenses as permitted under 32 V.S.A.
18 § 1010 for not more than six meetings.

19 (3) Payments to members of the Working Group authorized under this
20 subsection shall be made from monies appropriated to the General Assembly.