

1 H.142

2 Introduced by Representative Sheldon of Middlebury

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; extended producer responsibility;

6 packaging; paper products

7 Statement of purpose of bill as introduced: This bill proposes to require parties
8 responsible for the production or distribution of packaging and paper products
9 to implement or participate in a plan for the collection and management of
10 recyclable packaging and paper products.

11 An act relating to extended producer responsibility for packaging and paper
12 products

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

14 Sec. 1. 10 V.S.A. chapter 164B is added to read:

15 CHAPTER 164B. EXTENDED PRODUCER RESPONSIBILITY

16 PROGRAM FOR PACKAGING AND PAPER PRODUCTS

17 § 7181. DEFINITIONS

18 As used in this chapter:

19 (1) “Agency” means the Agency of Natural Resources.

1 (2) “Covered entity” means any person who presents for collection any
2 amount of covered materials to a stewardship organization implementing an
3 approved producer responsibility plan.

4 (3)(A) “Covered materials” means:

5 (i) packaging; and

6 (ii) printed material.

7 (B) “Covered material” does not mean packaging or paper products
8 that:

9 (i) could become unsafe or unsanitary to recycle by virtue of the
10 anticipated use of the material or design of the material;

11 (ii) has the effect of disrupting recycling processes; or

12 (iii) includes labels, inks, or adhesives containing heavy metals or
13 other hazardous materials that would contaminate the recycling process, as
14 defined or specified by the Secretary.

15 (4)(A) “Packaging” means any containers or materials used for the
16 containment, protection, handling, delivery, and presentation of goods.

17 (B) The term “packaging” includes:

18 (i) packaging intended for the consumer market;

19 (ii) service packaging designed and intended to be used or filled at
20 the point of sale, such as carry-out bags, bulk good bags, take-out bags, and
21 home delivery food service packaging;

1 (iii) secondary packaging used to group products for multiunit
2 sale;

3 (iv) tertiary packaging used for transportation or distribution
4 directly to a consumer; and

5 (v) ancillary elements hung or attached to a product and
6 performing a packaging or product display function.

7 (C) The term “packaging” does not include containers or materials:

8 (i)(I) used for the long-term protection or storage of a product; and

9 (II) with a life of not less than five years; or

10 (ii) a beverage container subject to regulation under chapter 53 of
11 this title.

12 (5)(A) “Paper product” means paper that is not packaging that is printed
13 with text or graphics or intended to be printed with text or graphics as a
14 medium for communicating information. “Paper product” includes:

15 (i) newsprint and inserts;

16 (ii) magazines and catalogs;

17 (iii) paper used for copying, writing, or other general use;

18 (iv) telephone directories;

19 (v) flyers;

20 (vi) brochures; and

21 (vii) booklets.

1 (B) “Printed material” does not include a bound book.

2 (6) “Plan” means a plan described in section 7184 of this title that
3 describes the manner in which an extended producer responsibility program
4 will be implemented and financed.

5 (7) “Post-consumer recycled content” means the content of a covered
6 material made of feed stock derived from post-consumer recycled materials.

7 (8) “Program” means a program plan implemented by a manufacturer
8 or stewardship organization.

9 (9) “Program year” means the period from July 1 through June 30.

10 (10) “Recyclable” means covered materials that can be sorted by entities
11 processing recyclables in Vermont and for which during the previous two
12 calendar years, there was a consistent market for the reclaimed or processed
13 material to be used in the production of materials or products.

14 (11) “Recycle” means the process of reclaiming or processing covered
15 materials to produce new materials or products.

16 (12) “Recycling rate” means the percentage of discarded covered
17 materials that are reused and recycled from the total amount of discarded
18 material, disposed, reused, or recycled.

19 (13) “Responsible party” means

20 (A) For packaging:

1 (i) a person who manufactures under the manufacturer's own
2 brand a consumer product that uses or is composed of packaging and the
3 consumer product is sold, offered for sale, or distributed in the State;

4 (ii) if subdivision (A)(i) of this subdivision (13) does not apply, a
5 person who is the owner or licensee of a trademark under which packaging is
6 used in a commercial enterprise, sold, offered for sale, or distributed in the
7 State, whether or not the trademark is registered; or

8 (iii) if subdivisions (A)(i) and (ii) of this subdivision (13) do not
9 apply, a person who imports packaging into the State for use in a commercial
10 enterprise, sale, offer for sale, or distribution in the State.

11 (B) For paper products:

12 (i) a person who manufactures paper products under the
13 manufacturer's own brand and the paper product is sold, offered for sale, or
14 distributed in the State;

15 (ii) if subdivision (B)(i) of this subdivision (13) does not apply, a
16 person who is the owner or licensee of a trademark under which a paper
17 product is used in a commercial enterprise, sold, offered for sale, or distributed
18 in the State, whether or not the trademark is registered; or

19 (iii) if subdivisions (B)(i) and (ii) of this subdivision (13) do not
20 apply, a person who imports a paper product into the State for sale, offer for
21 sale, or distribution in the State.

1 (14) “Reusable” means, with respect to covered materials, that the
2 covered material is:

3 (A) technically feasible to reuse for its original purpose by the
4 consumer, is capable of being refilled with materials available to the consumer,
5 or is collected and refilled by the producer; and

6 (B) is reusable or refillable for such number of cycles, but not less
7 than 100 cycles, as the Secretary determines to be appropriate for the covered
8 material.

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

10 (16) “Sell” or “sale” means any transfer for consideration of title or of
11 the right to use, by lease or sales contract, covered materials, including transfer
12 of covered materials into the State through sales catalogues, the telephone, or
13 the Internet. “Sell” or “sale” does not include the sale, resale, lease, or transfer
14 of used covered materials or a manufacturer’s wholesale transaction with a
15 distributor or a retailer.

16 (17) “Stewardship organization” means an organization, association, or
17 entity that assumes the responsibilities, obligations, and liabilities under this
18 chapter of multiple responsible parties of covered materials.

19 § 7182. SALE OR DISTRIBUTION OF COVERED MATERIALS;

20 EXCEPTIONS

1 (a) Prohibition. Beginning on July 1, 2023, a responsible party shall not
2 sell, offer for sale, distribute, or deliver to a consumer or retail establishment
3 for subsequent sale covered material unless all the following have been met:

4 (1) The responsible party is registered with the Secretary of Natural
5 Resources.

6 (2) The responsible party is participating in a stewardship organization
7 implementing an approved program plan.

8 (3) The name of the responsible party, the responsible party's brand, and
9 the name of the responsible party's covered materials are submitted to the
10 Agency of Natural Resources and listed on the stewardship organization's
11 website as covered by an approved program plan.

12 (4) The stewardship organization in which the responsible party
13 participates has submitted an annual report as required under section 7184 of
14 this title.

15 (5) The stewardship organization in which the responsible party
16 participates has conducted a plan audit as required under section 7184 of this
17 title.

18 (b) De minimis exception. A responsible party is exempt from the
19 requirements of this chapter if the responsible party:

20 (1) produces, sells, offers for sale, or distributes less than one ton of
21 covered material per year in the State; or

1 (2) has a gross annual revenue of less than \$1,000,000.00.

2 § 7183. STEWARDSHIP ORGANIZATION; REGISTRATION

3 (a) Participation in a stewardship organization. A responsible party shall
4 satisfy the requirements of this chapter by participating in a stewardship
5 organization implementing an approved program plan.

6 (b) Qualifications for a stewardship organization. To qualify as a
7 stewardship organization under this chapter, an organization, association, or
8 entity shall:

9 (1) commit to assume the responsibilities, obligations, and liabilities of
10 all responsible parties participating in the stewardship organization;

11 (2) not create unreasonable barriers for participation in the stewardship
12 organization;

13 (3) maintain a public website that lists all responsible parties and brands
14 and products covered by the stewardship organization's approved program
15 plan; and

16 (4) coordinate with all other stewardship organizations to submit one
17 stewardship plan.

18 (c) Stewardship organization registration requirements.

19 (1) Beginning on July 1, 2022 and annually thereafter, a stewardship
20 organization shall file a registration form with the Secretary. The Secretary

1 shall provide the registration form to a stewardship organization. The
2 registration form shall include:

3 (A) a list of the responsible parties participating in the stewardship
4 organization;

5 (B) a list of the brands of each responsible party participating in the
6 stewardship organization;

7 (C) a list of the covered materials of each responsible party
8 participating in the stewardship organization;

9 (D) the name, address, and contact information of a person
10 responsible for ensuring the stewardship organization and its member
11 responsible party's compliance with this chapter;

12 (E) a description of how the stewardship organization meets the
13 requirements of subsection (b) of this section, including any reasonable
14 requirements for participation in the stewardship organization; and

15 (F) the name, address, and contact information of a person for a
16 nonmember of the stewardship organization to contact regarding how to
17 participate in the stewardship organization to satisfy the requirements of this
18 chapter.

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

1 (d) Multiple stewardship organizations; implementation. If multiple
2 stewardship organizations register under this chapter, the stewardship
3 organizations shall coordinate and submit to the Secretary one program plan.
4 The multiple stewardship organizations may form a third-party entity to
5 implement the requirements of the chapter for all member stewardship
6 organizations.

7 § 7184. PROGRAM PLANS; REPORT; AUDIT

8 (a) Producer responsibility program; plan required. Prior to January 1,
9 2023, a stewardship organization representing responsible parties shall submit
10 a producer responsibility program plan to the Secretary for review in the
11 manner prescribed by the Secretary.

12 (b) Term. A program plan shall have a term of five years, and the
13 stewardship organization shall review and update the program plan every five
14 years following approval of the original program plan. The Secretary may
15 require the plan to be reviewed or revised prior to the termination of a plan
16 term if:

17 (1) the Secretary has cause to believe that the minimum post-consumer
18 recycled content rates, minimum recycling rates, fair and equitable payment to
19 collectors and processors, or other program plan factors are not being met or
20 followed by the stewardship organization; or

1 (2) the Secretary determines a change in circumstances warrants
2 revision of the plan.

3 (c) Program plan; minimum requirements. Each program plan shall
4 include, at a minimum, all of the following:

5 (1) List of participants. The program plan shall list all the responsible
6 parties, brands, and covered materials covered by the plan.

7 (2) Free collection of covered materials.

8 (A) The program plan shall provide for free collection of recyclable
9 covered material from covered entities, including covered material collected
10 through curbside collection services, at recycling centers and transfer stations,
11 or at public spaces.

12 (B) A stewardship organization shall accept all recyclable covered
13 material collected from a covered entity and shall not refuse the collection of
14 covered material based on the brand or responsible party for the covered
15 material.

16 (C) The program plan shall provide for the payment to collectors,
17 including curbside collection and recycling center and transfer station
18 collection, and material recovery facilities at a rate that covers the cost of
19 collection, transportation, processing, and marketing of recyclable covered
20 material. Costs include administration, facility and equipment, maintenance,
21 fuel, and labor. The program plan shall summarize how the stewardship

1 organization shall fulfill responsibility for costs, including the rates to be paid
2 under the plan to collectors as determined by the advisory council.

3 (D) The program plan shall include funding for infrastructure and
4 market development, including criteria for infrastructure investment.

5 (3) Convenient standard. The program plan shall:

6 (A) comply with State law for the collection of covered materials,
7 including existing requirements for the collection of mandated recyclables
8 under chapter 159 of this title;

9 (B) allow all public and privately owned collection locations to opt to
10 be a collection facility for covered materials;

11 (C) allow all curbside collection providers to opt to be a curbside
12 collection service provider for covered material; and

13 (D) utilize all recovery facilities in existence on July 1, 2021 at the
14 capacity of those facilities on that date.

15 (4) Funding mechanism.

16 (A) The program plan shall include details, including a percentage of
17 program funding, on how the stewardship organization shall fund each of the
18 following:

19 (i) implementation and administration of the program plan;

20 (ii) collection of covered materials for recycling;

21 (iii) processing of covered materials for recycling;

1 (iv) research and development for improvement of markets and
2 infrastructure; and

3 (v) education.

4 (B) The funding mechanism shall include:

5 (i) incentives for responsible parties based on the ability to reuse
6 covered material, post-consumer recycled content of covered material, and
7 recyclability of the covered material; and

8 (ii) penalties or increased fees for responsible parties for covered
9 materials that disrupt the solid waste or recycling system in the State, are a
10 common source of litter, or may only be managed through landfill disposal.

11 (C) The plan shall include how stewardship organizations will
12 equitably assign to member responsible parties the responsibility and costs of
13 implementation. A program plan submitted by a third-party entity shall assign
14 equitably among member stewardship organizations and member responsible
15 parties the responsibility and costs of implementing the program plan.

16 (D) The plan shall include funding to compensate and reimburse
17 members of the Packaging and Printed Paper Stewardship Organization.

18 (5) Performance standards. The program plan shall be designed to
19 manage covered materials according to the following of hierarchy from first
20 priority to lowest: source reduction, reuse, recycling, waste to energy,
21 landfilling, and incineration. The program plan shall be designed so that as the

1 program plan is implemented, the program achieves higher rates of reuse,
2 recovery, recyclability, and recycled content for covered materials in the State.
3 The program plan shall propose performance standards or goals for covered
4 materials subject to the plan that shall be designed to meet the State goals for
5 reuse of covered material, post-consumer recycled content in covered material,
6 and recyclability of covered material. The performance standards shall be
7 based on weight, material type, or other factors approved by the Secretary and
8 relevant to a covered material. Performance standards may be proposed based
9 on the incentives, penalties, or other modulated fees that the Secretary
10 approves under the funding mechanism for the program plan proposed by a
11 stewardship organization.

12 (6) Public education and outreach.

13 (A) The program plan shall include an education and outreach
14 program that may include media advertising, retail displays, articles in trade
15 and other journals and publications, and other public educational efforts. The
16 education and outreach program shall include a website and consistent
17 statewide messaging to notify the public of the following:

18 (i) that there is a free collection program for covered materials;

19 (ii) how the stewardship organization shall collect covered
20 materials and how a covered entity can access collection programs, including
21 collection services and the location and hours of operation of collection points;

1 (iii) what materials are recyclable and any special handling
2 considerations associated with covered materials;

3 (iv) how the stewardship organization will support and work with
4 solid waste planning entities and collectors to provide outreach and education
5 on recycling; and

6 (v) how labels will be used to educate consumers about proper
7 end-of-life management of covered materials and how labeling will improve
8 over time, including the creation of consistent labeling standards.

9 (B) The program plan shall include information on how the education
10 and outreach activities of the plan shall be evaluated for effectiveness.

11 (C) If upon review of implementation of a program plan the
12 Secretary determines that a stewardship organization is not sufficiently
13 meeting performance standards under a program plan, the Secretary may
14 require the stewardship organization to evaluate the existing education and
15 outreach program and implement additional education or outreach activities.

16 (7) Compliance with appropriate environmental standards. In
17 implementing a program plan, a stewardship organization shall comply with all
18 applicable laws related to the collection, transportation, and disposal of
19 covered materials. A stewardship organization shall comply with any special
20 handling or disposal standards established by the Secretary for covered
21 materials or for the program plan of the stewardship organization.

1 (8) Litter abatement. The program plan shall describe how it will
2 minimize litter and fund the cleanup of litter from covered materials.

3 (d) Annual report. At the end of each program year, a stewardship
4 organization implementing a program plan under this chapter shall submit an
5 annual report to the Secretary that contains the following:

6 (1) A summary of the implementation of the program plan.

7 (2) The means of collection, including the locations of any collection
8 facilities where covered materials were collected.

9 (3) The type and weight of covered materials collected and the method
10 of disposition.

11 (4) An estimate of the amount of covered materials listed under the
12 program plan that are available for collection by material type and the
13 methodology used to develop this amount. Sales data and other confidential
14 business information provided under this section shall be exempt from public
15 inspection and copying under the Public Records Act and shall be kept
16 confidential. Confidential information shall be redacted from any final public
17 report.

18 (5) The recycling rate by material type and how the achieved rate
19 compares to performance targets.

20 (6) A sample of education materials under the plan.

1 (7) The cost of the program, including cost for administration, collection
2 of covered material, processing of covered material, research and development
3 of markets, infrastructure improvement, and education.

4 (e) Plan audit. Once every five years, a stewardship organization shall hire
5 an independent third party to audit the stewardship organization's program
6 plan and implementation of the plan. The auditor shall examine the
7 effectiveness of the program plan in collecting and disposing of covered
8 materials. The auditor shall examine the cost-effectiveness of the program
9 plan and compare it to that of collection programs for covered materials in
10 other jurisdictions. The auditor shall make recommendations to the Secretary
11 on ways to increase the efficacy and cost-effectiveness of the program plan.

12 § 7185. PACKAGING AND PAPER PRODUCT STEWARDSHIP

13 PROGRAM ADVISORY COUNCIL

14 (a) The Secretary shall appoint the Packaging and Paper Product
15 Stewardship Program Advisory Council to provide advice to the Secretary and
16 responsible parties or stewardship organizations in the drafting or amendment
17 of a program plan and to oversee and provide recommendations for the
18 implementation of a program plan. The Advisory Council shall advise on and
19 review annual reports and shall provide recommendations to the Secretary
20 prior to any regulatory changes related to the stewardship program. The
21 Advisory Council shall advise the stewardship organization regarding rates to

1 compensate haulers, transfer stations and drop-off sites that accept covered
2 material, and payment terms.

3 (b) The Advisory Council shall be composed of 13 members appointed by
4 the Secretary, equitably representing all supply chain participants in the
5 recycling system. In making the appointments under this section, the Secretary
6 shall give consideration to representing all geographic regions of the State and
7 all sizes of communities. Members of the Advisory Council shall include the
8 following:

9 (1) two individuals representing national associations of packaging
10 producers;

11 (2) two individuals representing material recovery facilities;

12 (3) two individuals representing waste haulers;

13 (4) two individuals representing county or municipal government waste
14 management programs;

15 (5) one individual representing a statewide association representing
16 retailers;

17 (6) one individual representing a statewide environmental organization;

18 (7) one individual representing a community-based organization or an
19 organization representing equity and underrepresented stakeholders;

20 (8) one individual representing a privately owned transfer station or
21 drop-off center that collects recyclables from the public; and

1 (9) one individual representing a publicly owned transfer station or
2 drop-off center that collects recyclables from the public.

3 (c) A stewardship organization may appeal to the Secretary any
4 requirement adopted by the Council under subsection (a) of this section that
5 the stewardship organization believes is arbitrary or capricious or not cost
6 effective.

7 § 7186. ANTITRUST; CONDUCT AUTHORIZED

8 (a) Activity authorized. A responsible party, group of responsible parties,
9 or stewardship organization implementing or participating in an approved
10 program plan under this chapter is individually or jointly immune from liability
11 for conduct under State laws relating to antitrust, restraint of trade, unfair trade
12 practices, and other regulation of trade or commerce under 9 V.S.A. chapter
13 63, subchapter 1, to the extent that the conduct is reasonably necessary to plan,
14 implement, and comply with the responsible party's, group of responsible
15 parties', or stewardship organization's chosen system for managing discarded
16 covered materials. This subsection shall also apply to conduct of a wholesaler
17 participating in a responsible party's or stewardship organization's approved
18 program plan when the conduct is necessary to plan and implement the
19 responsible party's or stewardship organization's organized collection or
20 recycling system for discarded covered materials.

1 (b) Limitations on anti-trust activity. Subsection (a) of this section shall
2 not apply to an agreement among responsible parties, groups of responsible
3 parties, retailers, wholesalers, or stewardship organizations affecting the price
4 of covered materials or any agreement restricting the geographic area in which
5 or customers to whom covered materials shall be sold.

6 § 7187. AGENCY RESPONSIBILITIES

7 (a) Review and approve program plans. The Secretary shall review and
8 approve or deny program plans submitted under section 7184 of this title. The
9 Secretary shall approve a program plan if the Secretary finds that the plan:

10 (1) complies with the requirements of subsection 7184(a) of this title;

11 (2) provides adequate notice to the public of the collection opportunities
12 available for discarded covered materials;

13 (3) ensures that collection of discarded covered materials shall occur in
14 an environmentally sound fashion that is consistent with the law or with any
15 special handling requirements adopted by the Secretary; and

16 (4) promotes the collection and disposal of discarded covered materials.

17 (b) Plan amendment. The Secretary, in his or her discretion or at the
18 request of a responsible party or stewardship organization, may require a
19 stewardship organization to amend an approved program plan. Amendments
20 to program plans shall be subject to the public input provisions of
21 subsection (c) of this section.

1 (c) Public input. The Secretary shall establish a process under which a
2 program plan for discarded covered material is available for public review and
3 comment for 30 days prior to plan approval or amendment. In establishing
4 such a process, the Secretary shall consult with interested persons, including
5 responsible parties, environmental advocacy groups, wholesalers,
6 municipalities, and solid waste management entities.

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

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

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

1 § 7188. RULEMAKING

2 The Secretary of Natural Resources may adopt rules to implement the
3 requirements of this chapter, including rules addressing:

4 (1) the format, process for, or manner of submission of a program plan
5 or plan amendment for review;

6 (2) special handling or environmental requirements for specific covered
7 materials;

8 (3) contamination standards for specific covered material and the
9 appropriate manner of disposal for contaminated materials;

10 (4) additional materials subject to collection as mandated recyclables
11 under chapter 159 of this title; and

12 (5) reporting requirements for the collection of covered material by
13 entities that are not participating in a stewardship organization and whether
14 such collected covered material can be calculated toward the collection rates of
15 a stewardship organization.

16 § 7189. PRIVATE RIGHT OF ACTION

17 (a) Action against responsible party with no program plan. A stewardship
18 organization implementing an approved program plan in compliance with the
19 requirements of this chapter may bring a civil action against a responsible
20 party for damages when:

1 (1) the plaintiff stewardship organization incurs more than \$1,000.00 in
2 actual reimbursable costs collecting, handling, recycling, or properly disposing
3 of covered materials sold or offered for sale in the State by the responsible
4 party from whom damages are sought;

5 (2) the responsible party from whom damages are sought can be
6 identified as the responsible party for the materials from a brand or marking on
7 the materials or from other information available to the plaintiff stewardship
8 organization; and

9 (3) the responsible party from whom damages are sought does not
10 operate or participate in an approved stewardship organization or is not
11 otherwise in compliance with the requirements of this chapter.

12 (b) Action against responsible party implementing a program plan. A
13 stewardship organization in compliance with the requirements of this chapter
14 may bring a civil action for damages against a responsible party or another
15 stewardship organization that is in compliance with the requirements of this
16 chapter, provided that:

17 (1) a plaintiff stewardship organization submitted a reimbursement
18 demand to the responsible party or other stewardship organization; and

19 (2) the plaintiff stewardship organization does not receive
20 reimbursement within:

21 (A) 90 days of the reimbursement demand; or

1 (B) 60 days after completion of an audit if the responsible party or
2 stewardship organization subject to the reimbursement demand requests an
3 independent audit of the reimbursement demand and the audit confirms the
4 validity of the reimbursement demand.

5 (c) Action against individual responsible party. An action under this
6 section against a responsible party participating in a stewardship organization
7 shall be brought against the stewardship organization implementing the
8 program plan.

9 (d) Role of Agency. The Agency shall not be a party to or be required to
10 provide assistance or otherwise participate in a civil action authorized under
11 this section solely due to its regulatory requirements under this chapter unless
12 subject to subpoena before a court of jurisdiction.

13 (e) Damages; definitions. As used in this section, “damages” means the
14 actual, reimbursable costs a plaintiff stewardship organization incurs in
15 collecting, handling, recycling, or properly disposing of covered material
16 reasonably identified as having originated from another responsible party or
17 stewardship organization.

18 Sec. 2. 10 V.S.A. § 8003 is amended to read:

19 § 8003. APPLICABILITY

20 (a) The Secretary may take action under this chapter to enforce the
21 following statutes and rules, permits, assurances, or orders implementing the

1 following statutes, and the Board may take such action with respect to
2 subdivision (10) of this subsection:

3 * * *

4 (30) 3 V.S.A. § 2810, relating to interim environmental media
5 standards; ~~and~~

6 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts
7 or products; and

8 (32) 10 V.S.A. chapter 164B, relating to the Extended Producer
9 Responsibility Program for Packaging and Paper Products.

10 * * *

11 Sec. 3. 10 V.S.A. § 8503 is amended to read:

12 § 8503. APPLICABILITY

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

17 (1) The following provisions of this title:

18 * * *

19 (V) chapter 124 (trade in covered animal parts or products).

20 (W) chapter 164B (Extended Producer Responsibility Program for
21 Packaging and Paper Products).

1 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

2 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

3 * * *

4 Sec. 4. AGENCY OF NATURAL RESOURCES' RECOMMENDATION OF
5 REGISTRATION FEE FOR EXTENDED PRODUCER
6 RESPONSIBILITY PROGRAM FOR PACKAGING AND PAPER
7 PRODUCTS

8 On or before January 15, 2022, the Secretary of Natural Resources shall
9 recommend to the House Committees on Ways and Means and on Natural
10 Resources, Fish, and Wildlife and the Senate Committees on Finance and on
11 Natural Resources and Energy whether a fee for the registration of stewardship
12 organizations should be required under the Extended Producer Responsibility
13 Program for Packaging and Paper Products and under 10 V.S.A. chapter 164B,
14 including a recommended fee amount if applicable.

15 Sec. 5. EFFECTIVE DATE

16 This act shall take effect on passage.