

1 S.236

2 Introduced by Senators Bray, Lyons, Clarkson, Hardy, McCormack and  
3 Pearson

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; extended producer responsibility;  
7 packaging; paper products; single-use food service ware

8 Statement of purpose of bill as introduced: This bill proposes to require parties  
9 responsible for the production or distribution of packaging and paper products  
10 to implement or participate in a plan for the collection and recycling of  
11 specified packaging, paper products, and single-use food service ware.

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

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

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

16 CHAPTER 164B. EXTENDED PRODUCER RESPONSIBILITY

17 PROGRAM FOR PACKAGING AND PAPER PRODUCTS

18 § 7181. DEFINITIONS

19 As used in this chapter:

20 (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;

6                   (ii) printed material; and

7                   (iii) single-use food service ware.

8           (B) “Covered materials” do not mean packaging or paper products  
9           that could become unsafe or unsanitary to recycle by virtue of the anticipated  
10           use of the material or design of the material.

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

13           (B) The term “packaging” includes:

14                   (i) packaging intended for the consumer market;

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

18                   (iii) secondary packaging used to group products for multiunit  
19           sale;

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

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

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

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

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

6                   (bb) intended for reuse for the same or similar purpose; or

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

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

12                   (i) newsprint and inserts;

13                   (ii) magazines and catalogs;

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

15                   (iv) telephone directories;

16                   (v) flyers;

17                   (vi) brochures; and

18                   (vii) booklets.

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

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

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

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

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

9           (10) “Recyclable” means covered materials that can be sorted by entities  
10          processing recyclables to be used in the production of materials or products.

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

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

16          (13) “Responsible party” means:

17                (A)(i) For items sold in packaging at a physical retail location in this  
18                State:

19                        (I) if the item is sold in packaging under a manufacturer’s own  
20                        brand or is sold in packaging that lacks identification of a brand, the producer  
21                        of the packaging is the person that manufactures the packaged item;

1                   (II) if the item is manufactured by a person other than the brand  
2                   owner, the producer of the packaging is the person that is the licensee of a  
3                   brand or trademark under which a packaged item is used in a commercial  
4                   enterprise, sold, offered for sale or distributed in or into this State, whether or  
5                   not the trademark is registered in this State; or

6                   (III) if there is no person described in subdivisions (A)(i)(I) and  
7                   (II) of this subdivision (18) within the United States, the producer of the  
8                   packaging is the person that imports the packaged item into the United States  
9                   for use in a commercial enterprise that sells, offers for sale, or distributes the  
10                  item in this State.

11                  (ii) For items sold or distributed in packaging in or into this State  
12                  through remote sale or distribution:

13                   (I) The producer of packaging used to directly protect or  
14                   contain the item is the same as the producer for purposes of subdivision (A)(i)  
15                   of this subdivision (13).

16                   (II) The producer of packaging used to ship the item to a  
17                   consumer is the person that packages and ships the item to the consumer.

18                   (iii) For all other packaging that is a covered product, the producer  
19                   of the packaging is the person that first distributes the packaged item in or into  
20                   this State.

1           (B)(i) For printed material that is newsprint and inserts, a magazine, a  
2           catalog, a telephone directory, a flyer, a brochure, or a booklet, the producer is  
3           the publisher.

4           (ii) For printed material that is not described in subdivision (B)(i)  
5           of this subdivision, the producer is:

6                   (I) the person that manufactures the printing and writing paper  
7                   under the person’s own brand;

8                   (II) if the printed material is manufactured by a person other  
9                   than the brand owner, the person that the owner or licensee of a brand or  
10                  trademark under which the printing and writing paper is used in a commercial  
11                  enterprise, sold, offered for sale, or distributed in or into this State, whether or  
12                  not the trademark is registered in this State; or

13                  (III) if there is no person described in subdivisions (B)(ii)(I) or  
14                  (II) of this subdivision (13) within the United States, the person that imports  
15                  the printing and writing paper into the United States for use in a commercial  
16                  enterprise that sells, offers for sale, or distributes the printing and writing paper  
17                  in this State.

18           (C) The producer of single-use food service ware is the person that  
19           first sells or distributes the single-use food service ware in or into this State.

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

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

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

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

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

14           (17) “Single-use food service ware” means paper or plastic plates,  
15           wraps, cups, bowls, pizza boxes, cutlery, straws, lids, bags, aluminum foil or  
16           clamshells or similar containers that are:

17           (A) generally intended for single use; and

18           (B) sold to a retailer or a dine-in food establishment or a take-out  
19           food establishment, regardless of whether the item is used to prepackage food  
20           for resale, is filled on site for food ordered by a customer, or is resold as is.

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

4           § 7182. SALE OR DISTRIBUTION OF COVERED MATERIALS:

5                   EXCEPTIONS

6           (a) Prohibition. Beginning on January 1, 2025, a responsible party shall  
7           not sell, offer for sale, distribute, or deliver in or into the State to a consumer or  
8           retail establishment for subsequent sale covered material unless all the  
9           following have been met:

10                   (1) The responsible party is registered with the Secretary of Natural  
11                   Resources.

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

14                   (3) The name of the responsible party, the responsible party’s brand, and  
15                   the name of the responsible party’s covered materials are submitted to the  
16                   Agency of Natural Resources and listed on the stewardship organization’s  
17                   website as covered by an approved program plan.

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



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

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

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

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

9           § 7183. STEWARDSHIP ORGANIZATION; REGISTRATION

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

13          (b) Qualifications for a stewardship organization. To qualify as a  
14          stewardship organization under this chapter, an organization, association, or  
15          entity shall:

16          (1) commit to assume the responsibilities, obligations, and liabilities  
17          under a program plan of all responsible parties participating in the stewardship  
18          organization;

19          (2) not create unreasonable barriers for participation in the stewardship  
20          organization;

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

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

6           (c) Stewardship organization registration requirements.

7           (1) Beginning on July 1, 2023 and annually thereafter, a stewardship  
8           organization shall file a registration form with the Secretary. The Secretary  
9           shall provide the registration form to a stewardship organization. The  
10          registration form shall include:

11           (A) a list of the responsible parties participating in the stewardship  
12          organization;

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

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

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

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

4           (F) the name, address, and contact information of a person for a  
5           nonmember of the stewardship organization to contact regarding how to  
6           participate in the stewardship organization to satisfy the requirements of this  
7           chapter.

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

11          (d) Multiple stewardship organizations; implementation. If multiple  
12          stewardship organizations register under this chapter, the stewardship  
13          organizations shall coordinate and submit to the Secretary one program plan.  
14          The multiple stewardship organizations may form a third-party entity to  
15          implement the requirements of the chapter for all member stewardship  
16          organizations.

17          (e) Registration fee. A stewardship organization shall pay to the Secretary  
18          an annual registration fee of \$1,000.00.

19          § 7184. PROGRAM PLANS; REPORT; AUDIT

20          (a) Producer responsibility program; plan required. Prior to July 1, 2024, a  
21          stewardship organization representing responsible parties shall submit a

1 producer responsibility program plan to the Secretary for review in the manner  
2 prescribed by the Secretary.

3 (b) Term. A program plan shall have a term of five years, and the  
4 stewardship organization shall review and update the program plan every five  
5 years following approval of the original program plan. The Secretary may  
6 require the plan to be reviewed or revised prior to the termination of a plan  
7 term if:

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

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

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

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

18 (2) Collection of covered materials.

19 (A) The program plan shall provide a reasonable reimbursement rate  
20 for collection of recyclable covered materials from covered entities, including

1 covered materials collected through curbside collection services, at recycling  
2 centers and transfer stations, or at public spaces.

3 (B) A stewardship organization shall accept all recyclable covered  
4 material collected from a covered entity and shall not refuse the collection of  
5 covered material based on the brand or responsible party for the covered  
6 material.

7 (3) Rates. The program plan shall provide for payment of reasonable  
8 rates to all collectors that opt into the program plan, including a reasonable  
9 reimbursement rate for curbside collection and recycling center and transfer  
10 station collection, and material recovery facilities. The rates shall be  
11 calculated according to the needs assessment required under section 7190 of  
12 this title, provided that the rate may vary by market conditions, collector,  
13 facility, region, collection conditions, or other criteria established by the  
14 Secretary by rule. Rates shall be reviewed annually by the Secretary and the  
15 Advisory Council or at the request of the Advisory Council.

16 (4) Compliance. The program plan shall comply with State law for the  
17 collection of covered materials, including existing requirements for the  
18 collection of mandated recyclables under chapter 159 of this title;

1           (5) Funding mechanism.

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

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

6                   (ii) collection of covered materials for recycling;

7                   (iii) processing of covered materials for recycling;

8                   (iv) research and development for improvement of markets and  
9 infrastructure; and

10                   (v) education.

11           (B) The funding mechanism shall include:

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

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

18                   (iii) considerations based on a life-cycle analysis of covered  
19 materials; and

20                   (iv) other considerations relevant to establishing an equitable  
21 mechanism.

1           (C) The plan shall include how stewardship organizations will  
2           equitably assign to member responsible parties the responsibility and costs of  
3           implementation. A program plan submitted by a third-party entity shall assign  
4           equitably among member stewardship organizations and member responsible  
5           parties the responsibility and costs of implementing the program plan.

6           (D) The plan shall include the proposed amount the stewardship  
7           organization shall pay to the State for the first two years of the program to  
8           cover the State's costs. The proposed amount shall be based on the needs  
9           assessment required under section 7189 of this title. After the first two years  
10          of plan implementation, reimbursement to the State under the plan shall be  
11          based on the State's reported actual costs. The stewardship organization shall  
12          have six months to reimburse the State from the date of the State's reported  
13          actual costs.

14           (6) Performance standards.

15           (A) The program plan shall be designed to manage covered materials  
16           according to the following hierarchy from first priority to lowest: source  
17           reduction, reuse, recycling, waste to energy, landfilling, and incineration.

18           (B) The program plan shall be designed so that as the program plan is  
19           implemented, the program achieves higher rates of reuse, recovery,  
20           recyclability, and recycled content for covered materials in the State.

1           (C) The program plan shall establish performance goals for covered  
2           materials under the plan. The performance goals shall be designed for each  
3           covered material covered by the plan as appropriate and technologically  
4           feasible for each covered material type, including goals for:

5                   (i) postconsumer content goals;

6                   (ii) recovery rate goals for covered materials;

7                   (iii) recyclability and recycling rate goals;

8                   (iv) packaging reduction goals;

9                   (v) compost access or compost rate goals, if applicable and  
10           technologically and environmentally feasible;

11                   (vi) contamination reduction rate goals;

12                   (vii) greenhouse gas reduction goals;

13                   (viii) a goal for reusable packaging; and

14                   (ix) any other goal that demonstrates positive environmental  
15           improvement and is justified in the stewardship plan.

16           (D) Performance goals shall be based on weight, material type, or  
17           other factors approved by the Secretary and relevant to a covered material.

18           (E) Performance standards may be proposed based on the incentives,  
19           penalties, or other modulated fees that the Secretary approves under the  
20           funding mechanism for the program plan proposed by a stewardship  
21           organization.



1           (F) The plan shall require the stewardship organization and its  
2           members to reduce all covered material covered by the plan to the maximum  
3           extent practicable and by not less than 25 percent by January 2035, as  
4           determined from a baseline year established by the stewardship organization  
5           that takes into consideration current source reduction accomplishment by  
6           producers.

7           (7) Public education and outreach.

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

13                   (i) that there is a collection and recycling program for covered  
14           materials;

15                   (ii) how the stewardship organization shall collect and recycle  
16           covered materials and how a covered entity can access collection programs,  
17           including collection services and the location and hours of operation of  
18           collection points;

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

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

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

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

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

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

20                  (9) Recyclable materials. A proposed list of recyclable materials to be  
21                  collected under the plan.

1           (10) 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           (8) The reasonableness and adequacy of rates for collection and  
5           transportation under the program.

6           (9) Rates of achievement for all performance goals in the plan.

7           (10) Any changes to the proposed list of recyclable materials to be  
8           collected under the plan.

9           (e) Plan audit. Once every five years, a stewardship organization shall hire  
10          an independent third party to audit the stewardship organization's program  
11          plan and implementation of the plan. The auditor shall examine the  
12          effectiveness of the program plan in collecting and recycling of covered  
13          materials. The auditor shall make recommendations to the Secretary on ways  
14          to increase the efficacy and cost-effectiveness of the program plan.

15          § 7185. PACKAGING AND PAPER PRODUCT STEWARDSHIP

16                   PROGRAM ADVISORY COUNCIL

17          (a) The Secretary shall appoint the Packaging and Paper Product  
18          Stewardship Program Advisory Council to provide nonbinding advice to the  
19          Secretary and responsible parties or stewardship organizations in the drafting  
20          or amendment of a program plan and to oversee and provide recommendations  
21          for the implementation of a program plan, including development of

1 reasonable rate payments, annual reports, and needs assessments. The  
2 Advisory Council shall advise on and review annual reports and shall provide  
3 recommendations to the Secretary prior to any regulatory changes related to  
4 the stewardship program. The Advisory Council shall advise the stewardship  
5 organization regarding rates to compensate haulers, transfer stations and drop-  
6 off sites that accept covered material, and payment terms.

7 (b) The Advisory Council shall be composed of up to 21 members  
8 appointed by the Secretary, equitably representing all supply chain participants  
9 in the recycling system. In making the appointments under this section, the  
10 Secretary shall give consideration to representing all geographic regions of the  
11 State and all sizes of communities. Members of the Advisory Council shall  
12 include the following:

13 (1) one individual representing the PRO, who will represent a consumer  
14 brand or other responsible party;

15 (2) two individuals representing manufacturers of covered materials or  
16 national associations of packaging producers;

17 (3) two individuals representing manufacturers of post-consumer  
18 material or associations representing them;

19 (4) two individuals representing manufacturers of virgin covered  
20 materials or associations representing suppliers of substrates of covered  
21 materials;

1           (5) two individuals representing material recovery facilities in the State,  
2           one of whom shall represent public facilities and one of whom shall represent  
3           private facilities;

4           (6) two individuals representing waste haulers, one of whom shall  
5           represent large haulers and one of whom will represent small haulers;

6           (7) two individuals representing county or municipal government waste  
7           management programs;

8           (8) two individuals representing a retailer or statewide association  
9           representing retailers;

10           (9) one individual representing a statewide environmental organization;

11           (10) one individual representing a community-based organization or an  
12           organization representing equity and underrepresented stakeholders;

13           (11) one individual representing a privately owned transfer station or  
14           drop-off center that collects recyclables from the public;

15           (12) one individual representing a publicly owned transfer station or  
16           drop-off center that collects recyclables from the public; and

17           (13) at the discretion of the Secretary, two open seats, to which the  
18           Secretary may appoint additional, rotating advisory council members as  
19           needed.

20           (c) An individual appointed to the Council may be appointed to or  
21           represent only one of the positions on the Council.

1       (d) The Secretary shall call the first meeting of the Council. The Agency  
2       of Natural Resources shall provide administrative, technical, and legal support  
3       to the Council.

4       § 7186. ANTITRUST; CONDUCT AUTHORIZED

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

18       (b) Limitations on antitrust activity. Subsection (a) of this section shall not  
19       apply to an agreement among responsible parties, groups of responsible  
20       parties, retailers, wholesalers, or stewardship organizations affecting the price

1 of covered materials or any agreement restricting the geographic area in which  
2 or customers to whom covered materials shall be sold.

3 § 7187. AGENCY RESPONSIBILITIES

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

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

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

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

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

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

19 (c) Public input. The Secretary shall establish a process under which a  
20 program plan for discarded covered material is available for public review and  
21 comment for 30 days prior to plan approval or amendment. In establishing



1 such a process, the Secretary shall consult with interested persons, including  
2 responsible parties, environmental advocacy groups, wholesalers,  
3 municipalities, and solid waste management entities.

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

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

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

18 (g) Annual report of costs. On or before March 1, 2027, and annually  
19 thereafter, the Agency shall report to the General Assembly and stewardship  
20 organizations the Agency's actual costs of administering the requirements of  
21 this chapter for the previous calendar year.

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. NEEDS ASSESSMENT

17            (a) Prior to approval of a producer responsibility plan under this section, an  
18     independent third party approved by the Secretary shall conduct a needs  
19     assessment to evaluate:

20            (1) current funding needs for a plan, including operational and capital  
21     impacting recycling access and availability;

1           (2) existing State statutory provisions and funding sources for recycling,  
2           reuse, reduction, and recovery;

3           (3) the collection and hauling system for recyclable materials in the  
4           State;

5           (4) the processing capacity and infrastructure for recyclable materials in  
6           the State and regionally and identifying necessary capital investments to  
7           existing and future reuse and recycling infrastructure;

8           (5) the market conditions and opportunities for recyclable materials in  
9           the State and regionally;

10          (6) consumer education needs for recycling, reuse, and reduction of  
11          covered materials and products;

12          (7) current recovery and recycling rates in Vermont by material; and

13          (8) costs to the State to administer the requirements of this chapter,  
14          including costs of:

15               (A) oversight, including annual oversight;

16               (B) issuance of rules;

17               (C) planning;

18               (D) plan review;

19               (E) compliance actions;

20               (F) outreach and education;

21               (G) enforcement;



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

2 § 8503. APPLICABILITY

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

7 (1) The following provisions of this title:

8 \* \* \*

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

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

12 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

13 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

14 \* \* \*

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.