

1 H.115

2 Introduced by Representatives Stebbins of Burlington, Cordes of Lincoln, Ode  
3 of Burlington, Patt of Worcester, Squirrell of Underhill,  
4 Townsend of South Burlington, Walz of Barre City, White of  
5 Hartford, and Yantachka of Charlotte

6 Referred to Committee on

7 Date:

8 Subject: Conservation and development; hazardous waste; consumer products;  
9 household products containing hazardous substances

10 Statement of purpose of bill as introduced: This program would require that  
11 manufacturers of household products containing a hazardous substance  
12 participate in a stewardship organization and implement a plan to collect  
13 household products containing a hazardous substance free of charge to the  
14 public.

15 An act relating to household products containing hazardous substances

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

17 Sec. 1. FINDINGS

18 The General Assembly finds that:

19 (1) Thousands of household products sold in the State contain  
20 substances designated as hazardous under State or federal law.

1           (2) Vermont’s hazardous waste rules establish specific requirements for  
2           the management of hazardous waste, including a prohibition on disposal in  
3           landfills.

4           (3) Leftover household products, known as household hazardous waste  
5           (HHW), are regulated through a requirement that municipal solid waste  
6           management entities (SWMEs) include provisions in solid waste  
7           implementation plans for the management and diversion of unregulated  
8           hazardous waste. The State solid waste management plan also will require the  
9           SWMEs to each hold four HHW collection events every year.

10           (4) Many SWMEs already offer more than four HHW collection events  
11           each year, and five of the SWMEs have established permanent facilities for the  
12           regular collection of HHW.

13           (5) HHW collection events or permanent facilities are expensive to  
14           operate, and SWMEs spend approximately \$1.6 million a year to manage  
15           HHW, costs that are subsequently passed on to the residents of Vermont  
16           through taxes or disposal charges.

17           (6) As a result of the failure to divert HHW, it is estimated that 640 tons  
18           or more per year of HHW are being disposed of in landfills.

19           (7) There is general agreement among the SWMEs and the Agency of  
20           Natural Resources that additional collection sites and educational and

1 informational activities are necessary to capture more of the HHW being  
2 disposed of in landfills.

3 (8) Funding constraints are a current barrier to new collection sites and  
4 educational and informational activities.

5 (9) HHW released into the environment can contaminate air,  
6 groundwater, and surface waters, thereby posing a significant threat to the  
7 environment and public health.

8 (10) To improve diversion of HHW from landfills, reduce the financial  
9 burden on SWMEs and taxpayers, reduce the cost of the overall system of  
10 managing HHW, and lessen the environmental and public health risk posed by  
11 improperly disposed of HHW, the State shall implement a program to require  
12 the manufacturers of household products containing a hazardous substance to  
13 implement a stewardship organization to collect household products containing  
14 a hazardous substance free of charge to the public.

15 Sec. 2. 10 V.S.A. chapter 164B is added to read:

16 CHAPTER 164B. COLLECTION AND MANAGEMENT OF  
17 HOUSEHOLD HAZARDOUS PRODUCTS

18 § 7181. DEFINITIONS

19 As used in this chapter:

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

1           (2) “Consumer product” means any product that is regularly used or  
2           purchased to be used for personal, family, or household purposes.

3           (3) “Covered entity” means any person who presents to a collection  
4           facility that is included in an approved collection plan any number of covered  
5           household hazardous products.

6           (4)(A) “Covered household hazardous product” means a consumer  
7           product offered for retail sale that is contained in the receptacle in which the  
8           product is offered for retail sale, if the product has any of the following  
9           characteristics:

10           (i) The physical properties of the product meet the criteria for  
11           characteristic wastes under the federal Resource Conservation and Recovery  
12           Act of 1976, Pub. L. No. 94-580, as amended, including ignitability,  
13           corrosivity, reactivity, or toxicity as defined in 40 C.F.R. §§ 261.20–261.24.

14           (ii) The physical properties of the product meet the criteria for  
15           designation as a class 2, 3, 4, 5, 6, or 8 hazardous material, as defined in  
16           49 C.F.R. Part 173, by the U.S. Department of Transportation under the  
17           Hazardous Materials Transportation Act of 1975, 49 U.S.C. §§ 5101–5128, as  
18           amended.

19           (iii) The product is a marine pollutant as defined in 49 C.F.R.  
20           § 171.8.

1                   (iv) The product meets the criteria for hazardous waste code VT02  
2                   or VT08 as set forth in section 7-211 of the Vermont Hazardous Waste  
3                   Management Regulations.

4                   (v) The product is a propane cannister with a capacity of 20  
5                   gallons or less.

6                   (B) “Covered product” does not mean any of the following:

7                   (i) a primary battery or rechargeable battery;

8                   (ii) a lamp that contains mercury;

9                   (iii) a thermostat that contains mercury;

10                  (iv) architectural paint as that term is defined in section 6672 of  
11                  this chapter;

12                  (v) a covered electronic device as that term is defined in section  
13                  7551 of this title; or

14                  (vi) a pharmaceutical drug.

15                  (5)(A) “Manufacturer” means a person who:

16                  (i) manufactures or manufactured a covered household hazardous  
17                  product under its own brand or label for sale in the State;

18                  (ii) sells in the State under its own brand or label a covered  
19                  household hazardous product produced by another supplier;

20                  (iii) owns a brand that it licenses or licensed to another person for  
21                  use on a covered household hazardous product sold in the State;

1           (iv) imports into the United States for sale in the State a covered  
2           household hazardous product manufactured by a person without a presence in  
3           the United States;

4           (v) manufactures a covered household hazardous product for sale  
5           in the State without affixing a brand name; or

6           (vi) assumes the responsibilities, obligations, and liabilities of a  
7           manufacturer as defined under subdivisions (i) through (v) of this subdivision  
8           (5)(A), provided that the Secretary may enforce the requirements of this  
9           chapter against a manufacturer defined under subdivisions (i) through (v) of  
10           this subdivision (5)(A) if a person who assumes the manufacturer's  
11           responsibilities fails to comply with the requirements of this chapter.

12           (B) "Manufacturer" shall not mean a person set forth under  
13           subdivisions (i) through (vi) of subdivision (5)(A) of this section if the person  
14           manufacturers, sells, licenses, or imports less than \$5,000.00 of covered  
15           products in a program year.

16           (6) "Program year" means the period from January 1 through  
17           December 31.

18           (7) "Retailer" means a person who sells a covered household hazardous  
19           product in the State through any means, including a sales outlet, a catalogue,  
20           the telephone, the Internet, or any electronic means.

21           (8) "Secretary" means the Secretary of Natural Resources.

1           (9) “Sell” or “sale” means any transfer for consideration of title or of the  
2           right to use by lease or sales contract a covered household hazardous product  
3           to a person in the State of Vermont. “Sell” or “sale” does not include the sale,  
4           resale, lease, or transfer of a used covered household hazardous product or a  
5           manufacturer’s wholesale transaction with a distributor or a retailer.

6           (10) “Stewardship organization” means an organization, association, or  
7           entity that has developed a system, method, or other mechanism that assumes  
8           the responsibilities, obligations, and liabilities under this chapter of multiple  
9           manufacturers of covered household hazardous products.

10           § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCT;

11                   STEWARDSHIP ORGANIZATION REGISTRATION

12           (a) Sale prohibited. Beginning on January 1, 2024, except as set forth  
13           under section 7188 of this title, a manufacturer of a covered household  
14           hazardous product shall not sell, offer for sale, or deliver to a retailer for  
15           subsequent sale a covered household hazardous product unless all the  
16           following have been met:

17                   (1) The manufacturer is participating in a stewardship organization  
18                   implementing an approved collection plan.

19                   (2) The name of the manufacturer, the manufacturer’s brand, and the  
20                   name of the covered household hazardous product are submitted to the Agency

1 of Natural Resources by a stewardship organization and listed on the  
2 stewardship organization's website as covered by an approved collection plan.

3 (3) The stewardship organization in which the manufacturer participates  
4 has submitted an annual report under section 7185 of this title.

5 (4) The stewardship organization in which the manufacturer participates  
6 has conducted a plan audit consistent with the requirements of subsection  
7 7185(b) of this title.

8 (b) Stewardship organization registration requirements.

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

13 (A) a list of the manufacturers participating in the stewardship  
14 organization;

15 (B) a list of the brands of each manufacturer participating in the  
16 stewardship organization;

17 (C) a list of the covered household hazardous products of each  
18 manufacturer participating in the stewardship organization;

19 (D) the name, address, and contact information of a person  
20 responsible for ensuring the manufacturer's compliance with this chapter;



1           (E) a description of how the stewardship organization meets the  
2           requirements of subsection 7184(b) of this title, 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 manufacturer to contact regarding how to participate in the  
6           stewardship organization to satisfy the requirements of this chapter.

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

10       § 7183. COLLECTION PLANS

11       (a) Collection plan required. Prior to July 1, 2023, a stewardship  
12       organization representing manufacturers of covered household hazardous  
13       products shall submit a collection plan to the Secretary for review.

14       (b) Collection plan; minimum requirements. Each collection plan shall  
15       include, at a minimum, all of the following requirements:

16           (1) A list of the manufacturers, brands, and products participating in  
17           the collection plan and a methodology for adding and removing manufacturers  
18           and notifying the Agency of new participants.

19           (2) Free collection of covered household hazardous products. The  
20           collection program shall provide for free collection from covered entities of  
21           covered household hazardous products. A stewardship organization shall

1 accept all covered household hazardous products collected from a covered  
2 entity and shall not refuse the collection of a covered household hazardous  
3 product based on the brand or manufacturer of the covered household  
4 hazardous product. The collection program shall also provide for the payment  
5 of collection, processing, and end-of-life management of the covered  
6 household hazardous product. Collection costs include facility and equipment  
7 costs, facility set-up fees, facility maintenance, and labor.

8 (3) Convenient collection location. The stewardship organization shall  
9 develop a collection program that:

10 (A) allows all municipal collection programs and facilities to opt to  
11 be part of a collection plan; and

12 (B) maintains the current level of convenience, including hours and  
13 days available to the public, provided by programs in operation prior to July 1,  
14 2023.

15 (4) Public education and outreach. The collection plan shall include an  
16 education and outreach program that will include a website and may include  
17 media advertising, retail displays, articles in trade and other journals and  
18 publications, and other public educational efforts. The education and outreach  
19 program and website shall notify the public of the following:

20 (A) that there is a free collection program for covered household  
21 hazardous products;

1           (B) the location and hours of operation of collection points and how a  
2           covered entity can access this collection program;

3           (C) the special handling considerations associated with covered  
4           household hazardous products; and

5           (D) source reduction information for consumers to reduce leftover  
6           covered household products.

7           (5) Compliance with appropriate environmental standards. In  
8           implementing a collection plan, a stewardship organization shall comply with  
9           all applicable laws related to the collection, transportation, and disposal of  
10           hazardous waste. A stewardship organization shall comply with any special  
11           handling or disposal standards established by the Secretary for covered  
12           household hazardous products or for the collection plan of the manufacturer.

13           (6) Method of disposition. The collection plan shall describe how  
14           covered household hazardous products will be managed in the most  
15           environmentally and economically sound manner, including following the  
16           waste-management hierarchy. The management of covered household  
17           hazardous products under the collection plan shall use management activities  
18           that promote source reduction, reuse, recycling, energy recovery, and disposal.  
19           Collected covered household hazardous products shall be recycled when  
20           technically and economically feasible.

1           (7) Roles and responsibilities. A collection plan shall list all key  
2           participants in the covered household hazardous products collection chain,  
3           including:

4                   (A) the name and location of the collection facilities accepting  
5                   covered household hazardous products under the collection plan and the  
6                   address and contact information for each facility;

7                   (B) the name and contact information of the contractor responsible  
8                   for transporting the covered household hazardous products; and

9                   (C) the name and address of the recycling and disposal facilities  
10                  where the covered household hazardous products collected are deposited.

11           (8) Participation rate. A collection plan shall include a collection  
12           participation rate as a performance goal for covered household hazardous  
13           products based on the participation rate determined by the number of total  
14           participants in the collection plan during a program year divided by the total  
15           number of households in the State. At a minimum, the collection participation  
16           rate shall be participation by five percent of the population of each county in  
17           the State. If a stewardship organization does not meet its participation rate, the  
18           Secretary may require the stewardship organization to revise the collection  
19           plan to provide for one or more of the following: additional public education  
20           and outreach, additional collection events, or additional hours of operation for  
21           collection sites.

1           (9) Collection plan funding. The collection plan shall describe how the  
2           stewardship organization will fund the implementation of the collection plan  
3           and collection activities under the plan, including the costs for education and  
4           outreach, collection, processing, and end-of-life management of the covered  
5           household hazardous product. Collection costs include facility and equipment  
6           costs, maintenance, and labor. The collection plan must include how  
7           municipalities will be compensated for all costs associated with collection of  
8           covered household hazardous products.

9           (c) Term of collection plan. A collection plan approved by the Secretary  
10           under section 7187 of this title shall have a term not to exceed five years,  
11           provided that the manufacturer remains in compliance with the requirements of  
12           this chapter and the terms of the approved collection plan.

13           (d) Collection plan implementation. A stewardship organization shall  
14           implement a collection plan on or before January 1, 2024.

15           § 7184. STEWARDSHIP ORGANIZATIONS

16           (a) Participation in a stewardship organization. A manufacturer shall meet  
17           the requirements of this chapter by participating in a stewardship organization  
18           that undertakes the responsibilities under sections 7182, 7183, and 7185 of this  
19           title.

20           (b) Qualifications for a stewardship organization. To qualify as a  
21           stewardship organization under this chapter, an organization shall:

1           (1) commit to assume the responsibilities, obligations, and liabilities of  
2           all manufacturers participating in the stewardship organization;

3           (2) not create unreasonable barriers for participation in the stewardship  
4           organization; and

5           (3) maintain a public website that lists all manufacturers and  
6           manufacturers' brands and products covered by the stewardship organization's  
7           approved collection plan.

8           § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

9           (a) Annual report. On or before March 1, 2025 and annually thereafter, a  
10           stewardship organization of manufacturers of covered household hazardous  
11           products shall submit a report to the Secretary that contains all of the  
12           following:

13           (1) A description of the collection program.

14           (2) The volume or weight by hazard category of covered household  
15           hazardous products collected, the disposition of the collected covered  
16           household hazardous products, and the number of covered entities participating  
17           at each collection facility or collection event from which the covered  
18           household hazardous products were collected.

19           (3) An estimate of the weight or volume by hazard category of covered  
20           household hazardous products sold in the State in the previous calendar year  
21           by manufacturer participating in stewardship organization's collection plan.

1 Sales data and other confidential business information provided under this  
2 section shall be exempt from public inspection and copying under the Public  
3 Records Act and shall be kept confidential. Confidential information shall be  
4 redacted from any final public report.

5 (4) A comparison of the collection plan's participation rate compared to  
6 actual participation rate and how the program will be improved if the  
7 participation rate goal was not met.

8 (5) A description of the methods used to reduce, reuse, collect, transport,  
9 recycle, and process the covered household hazardous products.

10 (6) The cost of implementing the collection plan, including the costs of  
11 administration, collection, transportation, recycling, disposal, and education  
12 and outreach.

13 (7) A description and evaluation of the success of the education and  
14 outreach materials.

15 (8) Recommendations for any changes to the program.

16 (b) Collection plan audit. On or before March 1, 2029 and every five years  
17 thereafter, a stewardship organization of manufacturers of covered household  
18 hazardous products shall hire an independent third party to audit the collection  
19 plan and the plan's operation. The auditor shall examine the effectiveness of  
20 the program in collecting and disposing of covered household hazardous  
21 products. The auditor shall examine the cost-effectiveness of the program and

1 compare it to that of collection programs for covered household hazardous  
2 products in other jurisdictions. The auditor shall make recommendations to the  
3 Secretary on ways to increase the program's efficacy and cost-effectiveness.

4 (c) Public posting. A stewardship organizations shall post a report or audit  
5 required under this section to the website of the stewardship organization.

6 § 7186. ANTITRUST; CONDUCT AUTHORIZED

7 (a) Activity authorized. A manufacturer, group of manufacturers, or  
8 stewardship organization implementing or participating in an approved  
9 collection plan under this chapter for the collection, transport, processing, and  
10 end-of-life management of covered household hazardous products is  
11 individually or jointly immune from liability for conduct under State laws  
12 relating to antitrust, restraint of trade, unfair trade practices, and other  
13 regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1, to  
14 the extent that the conduct is reasonably necessary to plan, implement, and  
15 comply with the stewardship organization's chosen system for managing  
16 discarded covered household hazardous products.

17 (b) Limitations on antitrust activity. Subsection (a) of this section shall not  
18 apply to an agreement among producers, groups of manufacturers, retailers,  
19 wholesalers, or stewardship organizations affecting the price of covered  
20 household hazardous products or any agreement restricting the geographic area



1 in which or customers to whom covered household hazardous products shall  
2 be sold.

3 § 7187. AGENCY RESPONSIBILITIES

4 (a) Review and approve collection plans. The Secretary shall review and  
5 approve or deny collection plans submitted under section 7183 of this title.

6 The Secretary shall approve a collection plan if the Secretary finds that  
7 the collection plan:

8 (1) complies with the requirements of subsection 7183(a) of this title;

9 (2) provides adequate notice to the public of the collection opportunities  
10 available for covered household hazardous products;

11 (3) ensures that collection of covered household hazardous products will  
12 occur in an environmentally sound fashion that is consistent with the law or  
13 with any special handling requirements adopted by the Secretary; and

14 (4) promotes the collection and disposal of covered household  
15 hazardous products.

16 (b) Collection plan amendment. The Secretary, in his or her discretion or  
17 at the request of a manufacturer or a stewardship organization, may require a  
18 stewardship organization to amend an approved collection plan. Collection  
19 plan amendments shall be subject to the public input provisions of  
20 subsection (c) of this section.

1       (c) Public input. The Secretary shall establish a process under which a  
2       collection plan for covered household hazardous products is available for  
3       public review and comment for 30 days prior to collection plan approval or  
4       amendment. In establishing such a process, the Secretary shall consult with  
5       interested persons, including manufacturers, environmental groups,  
6       wholesalers, retailers, municipalities, and solid waste districts.

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 stewardship organization for actions that are unreasonable, unnecessary, or  
10       contrary to the requirements or the policy of this chapter.

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

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

19       § 7188. REIMBURSEMENT; AUTHORIZATION

20       (a) Reimbursement of stewardship organization.

1           (1) A manufacturer or stewardship organization operating an approved  
2           collection plan that collects covered household hazardous products that are not  
3           listed under its approved collection plan shall be entitled to reimbursement  
4           from the manufacturer of the covered household hazardous product of  
5           reimbursable costs per unit of weight incurred in collecting the covered  
6           household hazardous products.

7           (2) Reimbursement may be requested by a collecting manufacturer or  
8           stewardship organization only after the stewardship organization has achieved  
9           the collection rate performance goal approved by the Secretary under section  
10          7183 of this title.

11          (b) Reimbursable costs. Reimbursement shall be allowed only for those  
12          costs incurred in collecting the covered household hazardous products subject  
13          to the reimbursement request. Reimbursable costs include:

14           (1) costs of collection, transport, recycling, and other methods of  
15          disposition identified in a collection plan approved under section 7187 of this  
16          title; and

17           (2) reasonable educational, promotional, or administrative costs.

18          (c) Reimbursement request.

19           (1) A manufacturer or stewardship organization that incurs reimbursable  
20          costs under this section shall submit a request to the manufacturer of the

1 collected covered household hazardous product or the stewardship  
2 organization in which the manufacturer is participating.

3 (2) A manufacturer or stewardship organization that receives a request  
4 for reimbursement may, prior to payment and within 30 days of receipt of the  
5 request for reimbursement, request an independent audit of submitted  
6 reimbursement costs.

7 (3) The independent auditor shall be responsible for verifying the  
8 reasonableness of the reimbursement request, including the costs sought for  
9 reimbursement, the amount of reimbursement, and the reimbursable costs  
10 assessed by each of the two programs.

11 (4) If the independent audit confirms the reasonableness of the  
12 reimbursement request, the manufacturer or stewardship organization  
13 requesting the audit shall pay the cost of the audit and the amount of the  
14 reimbursement calculated by the independent auditor. If the independent audit  
15 indicates the reimbursement request was not reasonable, the manufacturer or  
16 stewardship organization that initiated the reimbursement request shall pay the  
17 cost of the audit and the amount of the reimbursement calculated by the  
18 independent auditor.

19 (d) Role of Agency. The Agency shall not be required to provide  
20 assistance or otherwise participate in a reimbursement request, audit, or other

1 action under this section, unless subject to subpoena before a court of  
2 jurisdiction.

3 § 7189. PRIVATE RIGHT OF ACTION

4 (a) Action against manufacturer with no collection plan. A manufacturer or  
5 stewardship organization in compliance with the requirements of this chapter  
6 may bring a civil action against another manufacturer or stewardship  
7 organization when:

8 (1) the plaintiff manufacturer or stewardship organization incurs more  
9 than \$1,000.00 in actual reimbursable costs collecting, handling, recycling, or  
10 properly disposing of covered household hazardous products sold or offered  
11 for sale in the State by the other manufacturer;

12 (2) the manufacturer from whom damages are sought:

13 (A) can be identified as the manufacturer of the collected covered  
14 household hazardous products from a brand or marking on the discarded  
15 covered household hazardous products or from other information available to  
16 the plaintiff manufacturer or stewardship organization; and

17 (B) does not operate or participate in an approved stewardship  
18 organization in the State or is not otherwise in compliance with the  
19 requirements of this chapter.

20 (b) Action against manufacturer participating in an approved stewardship  
21 organization. A manufacturer or stewardship organization in compliance with

1 the requirements of this chapter may bring a civil action for damages against a  
2 manufacturer or stewardship organization in the State that is in compliance  
3 with the requirements of this chapter, provided that the conditions of  
4 subsection (c) of this section have been met.

5 (c) Condition precedent to cause of action. Except as authorized under  
6 subsection (a) of this section, a cause of action under this section shall be  
7 allowed only if:

8 (1) a plaintiff manufacturer or stewardship organization submitted a  
9 reimbursement request to another manufacturer or stewardship organization  
10 under section 7188 of this title; and

11 (2) the manufacturer or stewardship organization does not receive  
12 reimbursement within:

13 (A) 90 days of the reimbursement request, if no independent audit is  
14 requested under section 7188 of this title; or

15 (B) 60 days after completion of an audit if an independent audit is  
16 requested under section 7188 of this title, and the audit confirms the validity of  
17 the reimbursement request.

18 (d) Action against individual manufacturer.

19 (1) A civil action under this section may be brought against an  
20 individual manufacturer only if the manufacturer is implementing its own

1 collection plan and the manufacturer has failed to register to participate in a  
2 stewardship organization.

3 (2) A manufacturer participating in an approved stewardship  
4 organization covering multiple manufacturers shall not be sued individually for  
5 reimbursement.

6 (3) An action against a manufacturer participating in a stewardship  
7 organization covering multiple manufacturers shall be brought against the  
8 stewardship organization implementing the collection plan.

9 (e) 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 (f) Damages; definition. As used in this section, “damages” means the  
14 actual, reimbursable costs a plaintiff manufacturer or stewardship organization  
15 incurs in collecting, handling, recycling, or properly disposing of covered  
16 household hazardous products identified as having originated from another  
17 manufacturer.

18 § 7190. OTHER DISPOSAL PROGRAMS

19 A municipality or other public agency shall not require covered entities to  
20 use public facilities to dispose of covered household hazardous products to the  
21 exclusion of other lawful programs available. A municipality and other public

1 agencies are encouraged to work with manufacturers to assist them in meeting  
2 their collection and disposal obligations under this chapter. Nothing in this  
3 chapter prohibits or restricts the operation of any program collecting and  
4 disposing of covered household hazardous products in addition to those  
5 provided by manufacturers or prohibits or restricts any persons from receiving,  
6 collecting, transporting, or disposing of covered household hazardous products,  
7 provided that all other applicable laws are met.

8 § 7191. RULEMAKING

9 The Secretary of Natural Resources may adopt rules to implement the  
10 requirements of this chapter.

11 Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF  
12 REGISTRATION FEE FOR COVERED HOUSEHOLD  
13 HAZARDOUS PRODUCTS

14 On or before January 15, 2024, the Secretary of Natural Resources shall  
15 submit to the House Committees on Ways and Means and on Natural  
16 Resources, Fish, and Wildlife and the Senate Committees on Finance and on  
17 Natural Resources and Energy a recommended fee for the registration of  
18 stewardship organizations under the covered household hazardous product  
19 program under 10 V.S.A. chapter 164B.



1 Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

2 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

3 (a) In accordance with the following schedule, no person shall knowingly  
4 dispose of the following materials in solid waste or in landfills:

5 \* \* \*

6 (12) Covered household hazardous products after January 1, 2024.

7 Sec. 5. 10 V.S.A. § 8003 is amended to read:

8 § 8003. APPLICABILITY

9 (a) The Secretary may take action under this chapter to enforce the  
10 following statutes and rules, permits, assurances, or orders implementing the  
11 following statutes, and the Board may take such action with respect to  
12 subdivision (10) of this subsection:

13 \* \* \*

14 (30) 3 V.S.A. § 2810, relating to interim environmental media  
15 standards; ~~and~~

16 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
17 or products; and

18 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
19 covered household hazardous products.

20 \* \* \*

1 Sec. 6. 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 (collection and management of covered household  
11 hazardous 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 (4) 3 V.S.A. § 2810 (interim environmental media standards).

15 \* \* \*

16 Sec. 7. EFFECTIVE DATE

17 This act shall take effect on passage.