

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred House Bill No. 115 entitled “An act relating to household products  
4 containing hazardous substances” respectfully reports that it has considered the  
5 same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

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

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

14 (3) Leftover household products, known as household hazardous waste  
15 (HHW), are regulated through a requirement that municipal solid waste  
16 management entities (SWMEs) include provisions in solid waste  
17 implementation plans for the management and diversion of unregulated  
18 hazardous waste. The State solid waste management plan also requires the  
19 SWMEs to each hold a minimum of two HHW collection events every year.

20 (4) Many SWMEs already offer more than two HHW collection events,  
21 and seven of the SWMEs have established permanent facilities for the regular  
22 collection of HHW.

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

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

7           (7) There is general agreement among the SWMEs and the Agency of  
8           Natural Resources that additional collection sites and educational and  
9           informational activities are necessary to capture more of the HHW being  
10           disposed of in landfills.

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

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

16           (10) To improve diversion of HHW from landfills, reduce the financial  
17           burden on SWMEs and taxpayers, reduce the cost of the overall system of  
18           managing HHW, and lessen the environmental and public health risk posed by  
19           improperly disposed of HHW, the State shall implement a program to require  
20           the manufacturers of household products containing a hazardous substance to  
21           implement a stewardship organization to collect household products containing  
22           a hazardous substance free of charge to the public.

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

2 CHAPTER 164B. COLLECTION AND MANAGEMENT OF  
3 HOUSEHOLD HAZARDOUS PRODUCTS

4 § 7181. DEFINITIONS

5 As used in this chapter:

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

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

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

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

16 (i) The product or a component of the product is a hazardous  
17 waste under the federal Resource Conservation and Recovery Act of 1976,  
18 Pub. L. No. 94-580, as amended, including due to characteristics of  
19 ignitability, corrosivity, reactivity, or toxicity as defined in 40 C.F.R.  
20 §§ 261.20–261.24, regardless of the status of the generator of the hazardous  
21 waste.

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

6                   (iii) The product is a marine pollutant as defined in 49 C.F.R.  
7 § 171.8.

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

11                   (v) The product is a nonrefillable propane cannister.

12                   (vi) The product is a pesticide registered with the Agency of  
13 Agriculture, Food and Markets as a Class C pesticide and identified by the  
14 Secretary of Natural Resources by rule as requiring regulation under this  
15 chapter.

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

17                   (i) a primary battery or rechargeable battery;

18                   (ii) a lamp that contains mercury;

19                   (iii) a thermostat that contains mercury;

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

1                   (v) a covered electronic device as that term is defined in section  
2                   7551 of this title; or

3                   (vi) a pharmaceutical drug.

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

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

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

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

11                  (iv) imports into the United States for sale in the State a covered  
12                  household hazardous product manufactured by a person without a presence in  
13                  the United States;

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

16                  (vi) assumes the responsibilities, obligations, and liabilities of a  
17                  manufacturer as defined under subdivisions (i) through (v) of this subdivision

18                  (5)(A), provided that the Secretary may enforce the requirements of this

19                  chapter against a manufacturer defined under subdivisions (i) through (v) of

20                  this subdivision (5)(A) if a person who assumes the manufacturer’s

21                  responsibilities fails to comply with the requirements of this chapter.

1           (B) “Manufacturer” shall not mean a person set forth under  
2           subdivisions (i) through (vi) of subdivision (5)(A) of this section if the person  
3           manufacturers, sells, licenses, or imports less than \$5,000.00 of covered  
4           products in a program year.

5           (6) “Program year” means the period from January 1 through  
6           December 31.

7           (7) “Retailer” means a person who sells a covered household hazardous  
8           product in the State through any means, including a sales outlet, a catalogue,  
9           the telephone, the Internet, or any electronic means.

10          (8) “Secretary” means the Secretary of Natural Resources.

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

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

1 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCT;

2 STEWARDSHIP ORGANIZATION REGISTRATION

3 (a) Sale prohibited. Beginning on January 1, 2025, except as set forth  
4 under section 7188 of this title, a manufacturer of a covered household  
5 hazardous product shall not sell, offer for sale, or deliver to a retailer for  
6 subsequent sale a covered household hazardous product unless all the  
7 following have been met:

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

10 (2) The name of the manufacturer, the manufacturer's brand, and the  
11 name of the covered household hazardous product are submitted to the Agency  
12 of Natural Resources by a stewardship organization and listed on the  
13 stewardship organization's website as covered by an approved collection plan.

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

16 (4) The stewardship organization in which the manufacturer participates  
17 has conducted a plan audit consistent with the requirements of subsection  
18 7185(b) of this title.

19 (b) Stewardship organization registration requirements.

20 (1) Beginning on January 1, 2024 and annually thereafter, a stewardship  
21 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 manufacturers participating in the stewardship  
4 organization;

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

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

9 (D) the name, address, and contact information of a person  
10 responsible for ensuring the manufacturer’s compliance with this chapter;

11 (E) a description of how the stewardship organization meets the  
12 requirements of subsection 7184(b) of this title, including any reasonable  
13 requirements for participation in the stewardship organization; and

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

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



1     § 7183. COLLECTION PLANS

2           (a) Collection plan required. Prior to July 1, 2024, a stewardship  
3     organization representing manufacturers of covered household hazardous  
4     products shall submit a collection plan to the Secretary for review.

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

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

10          (2) Free collection of covered household hazardous products. The  
11     collection program shall provide for free collection from covered entities of  
12     covered household hazardous products statewide. A stewardship organization  
13     shall accept all covered household hazardous products collected from a  
14     covered entity and shall not refuse the collection of a covered household  
15     hazardous product based on the brand or manufacturer of the covered  
16     household hazardous product. The collection program shall also provide for  
17     the payment of collection, processing, and end-of-life management of the  
18     covered household hazardous product. Collection costs include facility and  
19     equipment costs, event contractor or facility set-up fees, facility maintenance,  
20     and labor.

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

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

3           (B) maintains the current level of convenience, including hours and  
4           days available to the public, provided by programs in operation prior to July 1,  
5           2024.

6           (4) Public education and outreach. The collection plan shall include an  
7           education and outreach program that will include a website and may include  
8           media advertising, retail displays, articles in trade and other journals and  
9           publications, and other public educational efforts. The education and outreach  
10          program and website shall notify the public of the following:

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

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

15           (C) the special handling considerations associated with covered  
16          household hazardous products; and

17           (D) source reduction information for consumers to reduce leftover  
18          covered household products.

19           (5) Compliance with appropriate environmental standards. In  
20          implementing a collection plan, a stewardship organization shall comply with  
21          all applicable laws related to the collection, transportation, and disposal of  
22          hazardous waste. A stewardship organization shall comply with any special

1 handling or disposal standards established by the Secretary for covered  
2 household hazardous products or for the collection plan of the manufacturer.

3 (6) Method of disposition. The collection plan shall describe how  
4 covered household hazardous products will be managed in the most  
5 environmentally and economically sound manner, including following the  
6 waste-management hierarchy. The management of covered household  
7 hazardous products under the collection plan shall use management activities  
8 in the following priority order: source reduction, reuse, recycling, energy  
9 recovery, and disposal. Collected covered household hazardous products shall  
10 be recycled when technically and economically feasible.

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

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

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

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

21 (8) Participation rate. A collection plan shall include a collection  
22 participation rate as a performance goal for covered household hazardous

1 products based on the participation rate determined by the number of total  
2 participants in the collection plan during a program year divided by the total  
3 number of households in the State. At a minimum, the collection participation  
4 rate shall be participation by five percent of the population of each county in  
5 the State. If a stewardship organization does not meet its participation rate, the  
6 Secretary may require the stewardship organization to revise the collection  
7 plan to provide for one or more of the following: additional public education  
8 and outreach, additional collection events, or additional hours of operation for  
9 collection sites.

10 (9) Collection plan funding. The collection plan shall describe how the  
11 stewardship organization will fund the implementation of the collection plan  
12 and collection activities under the plan, including the costs for education and  
13 outreach, collection, processing, and end-of-life management of the covered  
14 household hazardous product. Collection costs include facility and event costs  
15 including equipment costs, maintenance, and labor. The collection plan must  
16 include how municipalities will be compensated for all costs associated with  
17 collection of covered household hazardous products.

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

1        (d) Collection plan implementation. A stewardship organization shall  
2        implement a collection plan on or before January 1, 2025.

3        § 7184. STEWARDSHIP ORGANIZATIONS

4        (a) Participation in a stewardship organization. A manufacturer shall meet  
5        the requirements of this chapter by participating in a stewardship organization  
6        that undertakes the responsibilities under sections 7182, 7183, and 7185 of this  
7        title.

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

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

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

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

17        § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

18        (a) Annual report. On or before March 1, 2026 and annually thereafter, a  
19        stewardship organization of manufacturers of covered household hazardous  
20        products shall submit a report to the Secretary that contains all of the  
21        following:

22        (1) A description of the collection program.

1           (2) The volume or weight by hazard category of covered household  
2           hazardous products collected, the disposition of the collected covered  
3           household hazardous products, and the number of covered entities participating  
4           at each collection facility or collection event from which the covered  
5           household hazardous products were collected.

6           (3) An estimate of the weight or volume by hazard category of covered  
7           household hazardous products sold in the State in the previous calendar year  
8           by manufacturer participating in stewardship organization’s collection plan.  
9           Sales data and other confidential business information provided under this  
10          section shall be exempt from public inspection and copying under the Public  
11          Records Act and shall be kept confidential. Confidential information shall be  
12          redacted from any final public report.

13          (4) A comparison of the collection plan’s participation rate compared to  
14          actual participation rate and how the program will be improved if the  
15          participation rate goal was not met.

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

18          (6) The cost of implementing the collection plan, including the costs of  
19          administration, collection, transportation, recycling, disposal, and education  
20          and outreach.

21          (7) A description and evaluation of the success of the education and  
22          outreach materials.

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

2           (b) Collection plan audit. On or before March 1, 2030 and every five years  
3           thereafter, a stewardship organization of manufacturers of covered household  
4           hazardous products shall hire an independent third party to audit the collection  
5           plan and the plan’s operation. The auditor shall examine the effectiveness of  
6           the program in collecting and disposing of covered household hazardous  
7           products. The auditor shall examine the cost-effectiveness of the program and  
8           compare it to that of collection programs for covered household hazardous  
9           products in other jurisdictions. The auditor shall make recommendations to the  
10          Secretary on ways to increase the program’s efficacy and cost-effectiveness.

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

13          § 7186. ANTITRUST; CONDUCT AUTHORIZED

14          (a) Activity authorized. A manufacturer, group of manufacturers, or  
15          stewardship organization implementing or participating in an approved  
16          collection plan under this chapter for the collection, transport, processing, and  
17          end-of-life management of covered household hazardous products is  
18          individually or jointly immune from liability for conduct under State laws  
19          relating to antitrust, restraint of trade, unfair trade practices, and other  
20          regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1, to  
21          the extent that the conduct is reasonably necessary to plan, implement, and

1 comply with the stewardship organization's chosen system for managing  
2 discarded covered household hazardous products.

3 (b) Limitations on antitrust activity. Subsection (a) of this section shall not  
4 apply to an agreement among producers, groups of manufacturers, retailers,  
5 wholesalers, or stewardship organizations affecting the price of covered  
6 household hazardous products or any agreement restricting the geographic area  
7 in which or customers to whom covered household hazardous products shall  
8 be sold.

9 § 7187. AGENCY RESPONSIBILITIES

10 (a) Review and approve collection plans. The Secretary shall review and  
11 approve or deny collection plans submitted under section 7183 of this title.  
12 The Secretary shall approve a collection plan if the Secretary finds that  
13 the collection plan:

14 (1) complies with the requirements of subsection 7183(b) of this title;

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

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

20 (4) promotes the collection and disposal of covered household  
21 hazardous products.



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

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

12       (d) Registrations. The Secretary shall accept, review, and approve or deny  
13       registrations required by this chapter. The Secretary may revoke a registration  
14       of a stewardship organization for actions that are unreasonable, unnecessary, or  
15       contrary to the requirements or the policy of this chapter.

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

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

4        (g) Identification of regulated pesticides. The Secretary, annually, shall  
5        confer with the Secretary of Agriculture, Food and Markets for the purpose of  
6        identifying those pesticides that are subject to regulation under this chapter due  
7        to registration with the Agency of Agriculture, Food and Markets as Class C  
8        pesticides.

9        § 7188. REIMBURSEMENT; AUTHORIZATION

10       (a) Reimbursement of stewardship organization.

11        (1) A manufacturer or stewardship organization operating an approved  
12        collection plan that collects covered household hazardous products that are not  
13        listed under its approved collection plan shall be entitled to reimbursement  
14        from the manufacturer of the covered household hazardous product of  
15        reimbursable costs per unit of weight incurred in collecting the covered  
16        household hazardous products.

17        (2) Reimbursement may be requested by a collecting manufacturer or  
18        stewardship organization only after the stewardship organization has achieved  
19        the collection rate performance goal approved by the Secretary under section  
20        7183 of this title.

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

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

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

8        (c) Reimbursement request.

9                (1) A manufacturer or stewardship organization that incurs reimbursable  
10       costs under this section shall submit a request to the manufacturer of the  
11       collected covered household hazardous product or the stewardship  
12       organization in which the manufacturer is participating.

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

17               (3) The independent auditor shall be responsible for verifying the  
18       reasonableness of the reimbursement request, including the costs sought for  
19       reimbursement, the amount of reimbursement, and the reimbursable costs  
20       assessed by each of the two programs.

21               (4) If the independent audit confirms the reasonableness of the  
22       reimbursement request, the manufacturer or stewardship organization

1 requesting the audit shall pay the cost of the audit and the amount of the  
2 reimbursement calculated by the independent auditor. If the independent audit  
3 indicates the reimbursement request was not reasonable, the manufacturer or  
4 stewardship organization that initiated the reimbursement request shall pay the  
5 cost of the audit and the amount of the reimbursement calculated by the  
6 independent auditor.

7 (d) Role of Agency. The Agency shall not be required to provide  
8 assistance or otherwise participate in a reimbursement request, audit, or other  
9 action under this section, unless subject to subpoena before a court of  
10 jurisdiction.

11 § 7189. PRIVATE RIGHT OF ACTION

12 (a) Action against manufacturer with no collection plan. A manufacturer or  
13 stewardship organization in compliance with the requirements of this chapter  
14 may bring a civil action against another manufacturer or stewardship  
15 organization when:

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

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

21 (A) can be identified as the manufacturer of the collected covered  
22 household hazardous products from a brand or marking on the discarded

1 covered household hazardous products or from other information available to  
2 the plaintiff manufacturer or stewardship organization; and

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

6 (b) Action against manufacturer participating in an approved stewardship  
7 organization. A manufacturer or stewardship organization in compliance with  
8 the requirements of this chapter may bring a civil action for damages against a  
9 manufacturer or stewardship organization in the State that is in compliance  
10 with the requirements of this chapter, provided that the conditions of  
11 subsection (c) of this section have been met.

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

15 (1) a plaintiff manufacturer or stewardship organization submitted a  
16 reimbursement request to another manufacturer or stewardship organization  
17 under section 7188 of this title; and

18 (2) the manufacturer or stewardship organization does not receive  
19 reimbursement within:

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

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

4           (d) Action against individual manufacturer.

5           (1) A civil action under this section may be brought against an  
6           individual manufacturer only if the manufacturer is implementing its own  
7           collection plan and the manufacturer has failed to register to participate in a  
8           stewardship organization.

9           (2) A manufacturer participating in an approved stewardship  
10           organization covering multiple manufacturers shall not be sued individually for  
11           reimbursement.

12           (3) An action against a manufacturer participating in a stewardship  
13           organization covering multiple manufacturers shall be brought against the  
14           stewardship organization implementing the collection plan.

15           (e) Role of Agency. The Agency shall not be a party to or be required to  
16           provide assistance or otherwise participate in a civil action authorized under  
17           this section solely due to its regulatory requirements under this chapter, unless  
18           subject to subpoena before a court of jurisdiction.

19           (f) Damages; definition. As used in this section, “damages” means the  
20           actual, reimbursable costs a plaintiff manufacturer or stewardship organization  
21           incurs in collecting, handling, recycling, or properly disposing of covered

1 household hazardous products identified as having originated from another  
2 manufacturer.

3 § 7190. OTHER DISPOSAL PROGRAMS

4 A municipality or other public agency shall not require covered entities to  
5 use public facilities to dispose of covered household hazardous products to the  
6 exclusion of other lawful programs available. A municipality and other public  
7 agencies are encouraged to work with manufacturers to assist them in meeting  
8 their collection and disposal obligations under this chapter. Nothing in this  
9 chapter prohibits or restricts the operation of any program collecting and  
10 disposing of covered household hazardous products in addition to those  
11 provided by manufacturers or prohibits or restricts any persons from receiving,  
12 collecting, transporting, or disposing of covered household hazardous products,  
13 provided that all other applicable laws are met.

14 § 7191. RULEMAKING

15 The Secretary of Natural Resources may adopt rules to implement the  
16 requirements of this chapter.

17 Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF  
18 REGISTRATION FEE FOR COVERED HOUSEHOLD  
19 HAZARDOUS PRODUCTS

20 On or before January 15, 2025, the Secretary of Natural Resources shall  
21 submit to the House Committees on Ways and Means and on Natural  
22 Resources, Fish, and Wildlife and the Senate Committees on Finance and on

1 Natural Resources and Energy a recommended fee for the registration of  
2 stewardship organizations under the covered household hazardous product  
3 program under 10 V.S.A. chapter 164B.

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

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

7 \* \* \*

8 (12) Covered household hazardous products after January 1, 2025.

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

10 § 8003. APPLICABILITY

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

15 \* \* \*

16 (30) 3 V.S.A. § 2810, relating to interim environmental media  
17 standards; ~~and~~

18 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts  
19 or products; and

20 (32) 10 V.S.A. chapter 164B, relating to collection and management of  
21 covered household hazardous products.

22 \* \* \*



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.

18

19

20

21 (Committee vote: \_\_\_\_\_)

1  
2  
3

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE