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Vermont House Natural Resources Fish and Wildlife Committee  
Jen Holliday, Director of Public Policy and Communications, Chittenden Solid Waste District (CSWD)  
H.115  
February 9, 2022

Madam Chair and Committee Members,

Thank you for inviting me to speak about H.115. For the record my name is Jen Holliday, I am the Director of Public Policy and Communications for the Chittenden Solid Waste District (CSWD).

At CSWD we provide programs and services to Chittenden County residents, businesses, schools and institutions helping them manage their waste and make less of it - our ultimate goal. I also serve as the Chair of the Vermont Product Stewardship Council (VTPSC) with membership that includes most of the Vermont Solid Waste Management Entities (SWMEs). The VTPSC formed in 2008 to work on Extended Producer Responsibility (EPR) initiatives in collaboration with the Product Stewardship Institute (PSI). PSI is a national organization that specializes in EPR policy. EPR for Household Hazardous Waste (HHW) has been a priority for the VTPSC for the past 8 years. This is because HHW is the most difficult and expensive waste stream to manage and the most harmful to the environment. The VTPSC and PSI have helped inform H.115 and other similar bills. CSWD and the VTPSC fully support H.115 and appreciate the committee's interest and work on this issue.

CSWD has been providing collection services for HHW for over 30 years. Our Board has always been extremely supportive of this program and committed to keep HHW from being improperly disposed in the landfill or down the drain. In the HHW collection industry, CSWD's level of service is considered a gold star program. Our program includes a permanent collection facility, the Environmental Depot located in South Burlington that is open year-round, 5-days a week and a mobile collection program, the Rover, that provides one day collection events throughout our community during the warmer months of the year.

CSWD's hazardous waste collection program is operated by our own staff consisting of four full-time and several seasonal part-time employees. Our staff collects, consolidates, and ships this waste for recycling or disposal while maintaining compliance with complex rules and regulations that protect worker safety and the environment. CSWD staff has collected and managed over 16 million pounds of hazardous waste since the program started in 1991. This is equal to approximately 40,000 - 55 gallon drums of hazardous waste. Clearly these collection programs are essential in keeping household hazardous waste out of the landfill and the environment.

The majority of the hazardous waste that we collect is ultimately shipped out of state for incineration, fuel blending, neutralization or landfilling as far away as Texas. There are no disposal facilities for hazardous waste located in Vermont.

Our public does a great job at properly managing their HHW as proven by the high level of participation. In the most recent years, we have been serving between 9,000 - 11,000 households in our community every year. This is approximately 13% of Chittenden County households which is considered a very high participation rate for HHW collection programs. Research shows that a household needs to dispose of HHW once every 7.4 years. Therefore, if a program serves 13% of the households every year for 7.4 years, it maintains about a 96% household participation rate. We attribute high participation with high convenience and no cost at the point of disposal for residents. These two factors, convenience, and no cost at the point of disposal, coupled with a good education and outreach program are key to high participation and successful collection of any material. Vermont has the highest collection rates with our EPR programs compared to others in the country. That is because the laws require a high level of convenience and no cost to the consumer at the point of disposal coupled with outreach and education.

At CSWD we are proud that our program has such a high level of participation and our residents are committed to keeping HHW out of the environment. But we face the same problem that John Leddy from the Northwest Solid Waste District and other SWMEs face. That problem is that our volume of the waste and the cost of waste disposal is going up. The volume of HHW that CSWD has collected has increased by 17% in the last 10 years and disposal costs have risen by 46% for that same time.

CSWD's total HHW program cost is approximately \$750,000 annually. We pay for it in several ways. In 2022 our budgeted revenue was:

\$106,000 from the State Solid Waste Implementation Grant

\$62,000 from EPR programs for batteries, mercury lamps, and e-waste (note: revenue from the ERP paint program is not included because paint is its own budget and breaks even with the EPR revenue)

\$90,000 – fees for businesses to drop off hazardous waste

That leaves us with approximately \$500,000 remaining in expenses that are paid for with our solid waste management fee. This is a fee of \$27 that we levy on every ton of trash generated in Chittenden County. The fee is paid by the haulers and transfer stations and passed down to their customers and generates \$3.2 million annually. CSWD uses these funds to pay for our administrative costs, education and communications, special projects and the HHW program. If you generate trash in Chittenden County, you are paying for CSWD's hazardous waste program whether you use it or not.

We think a better way to pay for the program is to require the producers of these products help pay for it. We recommend this is done not by a fee at the point of sale which puts the burden on the retailer but through cost internalization where the producer determines how to pay for their portion of the program. This is how H.115 is constructed.

If H.115 were to pass, CSWD would be able to focus more of the funds raised from our solid waste management fee in areas like waste reduction and prevention efforts by providing additional tools and services to our member towns, schools, businesses and institutions.

For other SWMEs H.115 will provide funding that will keep them from cutting back their HHW services due to rising costs and perhaps expand their services that will provide collection for HHW at a level of convenience that will be more effective at keeping this waste out of the trash and the environment.

Previous bills similar to H.115 that have been introduced in Vermont are H.75 and S.168 in 2019 and H.560 in 2018 which passed the House that year. The primary difference between H.560 and H.115 is H.560 required the producers to establish at least one permanent collection program in each county and H.115 does not include that requirement. The other significant difference for SWMES is that H.560 exempted pesticides from being included in the program. This was done because the Agency of Agriculture has provided funding to SWMEs for pesticide collection for many years. More recently the funds from the Agency have not been able to cover the costs. This is because of the increase in both volume and disposal costs for pesticides. CSWD anticipates the 5-year \$111,000 grant funding for our pesticide disposal will run out in a few months from now and at that point, none of our pesticide disposal costs will be covered through December 2023.

I want to assure the committee that H.115 is a good bill that will do what it is intended. EPR bills are formulaic and H.115 contains the same elements as all the successful EPR laws that are in place today in Vermont. I encourage the committee to look at the table in the report that Josh Kelly provided. The report was by the Product Stewardship Institute and produced for VTDEC called "Research on EPR Programs for HHW". There is a lot of great information specific to Vermont's HHW programs. Table 14 of that report provided below, provides information on existing Vermont EPR programs and how they are performing. In almost every product category, collection rates in Vermont are the highest per capita of any state in the United States. This means the laws are doing their job keeping these materials out of the landfill by providing free convenient access and education to the public to recover these waste streams.

This is what H.115 would do.

Thank you!

### **Recommended Change to H.115**

Page 10 line 7 "Collection costs include facility and equipment costs **facility set-up fees**, facility maintenance and labor." Facilities do not have set-up fees. Events that require contractors have set-up fees. Change the language to include costs covered would include event contractor set-up fees.

**Table 14. Performance of Existing Vermont EPR Programs<sup>xlvi</sup>**

Product Area	Starting Year of Program	Convenience	Impacts
Electronics	2011	Over 100 collection sites	<ul style="list-style-type: none"> <li>• Highest per capita collection rate nationally; considered one of the most convenient/effective electronics recycling programs in the country</li> <li>• In 1<sup>st</sup> program year, 4.8 million lbs. were collected, which exceeded the legislative goal of 3.4 million lbs/year</li> <li>• Despite challenges from volatile recycling markets, material recycled increased from 4.8 million to 4.9 million lbs from 2011-2016</li> <li>• Pounds declining due to fewer cathode ray tubes (CRTs) and smaller/lighter devices</li> </ul>
Mercury Lamps	2012	Over 150 collection sites	<ul style="list-style-type: none"> <li>• Highest recovery and per capita collection rates nationally</li> <li>• In the 1<sup>st</sup> program year, 37% of mercury lamps were recycled, significantly higher than the national average of less than 5%</li> <li>• Each year, from 2012 to 2016, the number of lamps collected increased, from approximately 125,000 lamps to 233,820 lamps.</li> </ul>
Mercury Thermostats	2010	Over 160 collection sites	<ul style="list-style-type: none"> <li>• Highest per capita collection rate nationally</li> <li>• 166.6 lbs mercury collected since program start</li> </ul>
Mercury Auto Switches	2007	70 participating collection sites	<ul style="list-style-type: none"> <li>• 5,606 switches and 12.34 lbs of mercury collected since program started in 2007</li> </ul>
Primary Batteries	2014	98% population within 10 miles of a collection site	<ul style="list-style-type: none"> <li>• Collection of primary batteries has increased by 2,300% since program started</li> <li>• Collection of rechargeable batteries has increased by 43% since program started</li> </ul>
Paint	2014	99.5% of the population within 15 miles of a collection site	<ul style="list-style-type: none"> <li>• Since program start, collection has increased by an average of 78% and 72 year-round collection sites have been established (and seasonal HHW events have supplemented convenience)</li> <li>• As of 2017, collected almost double the paint that was collected in VT prior to program start</li> <li>• Highest recovery rate of all state programs</li> </ul>

**The number of manufacturers and products likely to be covered by the bill are estimated to include:**

- Approximately 650 manufacturers, about 10 percent of whom manufacture an estimated 70 percent of the HHW coming into Vermont HHW facilities; and
- Approximately 1,800 products (including aerosols, hazardous cleaners, paint thinner, paint and varnish remover, pool cleaners, furniture stripper, automotive additives, adhesives, among others), based on recent data collected at Vermont's largest HHW facility.

**Resource: Product Stewardship Institute Report for Vermont DEC: EPR Programs for HHW.**