

## **Guidance on Eligibility to Qualify for the Retailer Exemption from Beverage Container Redemption under 10 V.S.A. § 1523b**

**November 20, 2018**

Under statute 10 V.S.A. §, 1523, retailers of beverages covered in Vermont's beverage redemption law must accept for redemption any containers of a kind, size, and brand sold by that retailer, unless they have prior approval from the Secretary exempting them from this requirement.

In accordance with 10 V.S.A. § 1523(b), for retailers to be exempt from this requirement to redeem beverage containers, the Secretary would need to make the following finding:

A redemption center or centers are established which serve the public need.  
[See, 10 V.S.A. § 1523b]

*The following are proposed criteria to be included in a new procedure that the Secretary would use to evaluate exemption requests:*

1. *Exemption may be granted if there is an alternative redemption location within 10 road miles of the retailer or demonstrably within the current shopping patterns of community members.*
2. *Program considerations when reviewing exemption requests include the following:*
  - i. *Type and capacity of proposed alternate redemption location – acceptable locations must be a certified redemption center or retailer served by TOMRA pick-up (or other third-party pick-up agent)*
  - ii. *Proximity of alternate redemption location to retailer*
  - iii. *Volume of retailer's sales and proximity to larger volume retailers*
3. *Retailers must apply for exemption—it is not automatic based on exemption criteria.*
4. *Retailers who have received exemption must post exemption status along with alternate redemption location address and contact information.*
5. *Exemption will remain in effect only so long as the designated alternate redemption location continues to operate as a certified redemption center or be served by TOMRA (or other third-party pick-up agent).*