

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 446 entitled “An act relating to miscellaneous natural resources  
4 and development subjects” respectfully reports that it has considered the same  
5 and recommends that the Senate propose to the House that the bill be amended  
6 as follows:

7 First: By striking out Sec. 4, Environmental Contingency Fund, and its  
8 reader assistance heading in their entirety and inserting in lieu thereof a new  
9 Sec. 4 and reader assistance to read as follows.

10 \* \* \* Waste Management Assistance \* \* \*

11 Sec. 4. [Deleted.]

12 Second: By striking out Sec. 24, effective date, and its reader assistance  
13 heading in their entirety and inserting in lieu thereof six new sections to be  
14 Secs. 24–29 and their reader assistance headings to read as follows:

15 \* \* \* Food Residuals Management \* \* \*

16 Sec. 24. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY  
17 CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES

18 Beginning on May 1, 2022, the Secretary of Natural Resources shall not,  
19 under 10 V.S.A. chapter 159, issue a new solid waste facility certification for a  
20 food depackaging facility or amend an existing solid waste facility certification  
21 that results in an increase of capacity at a currently certified food depackaging

1 facility until the rules required under Sec. 27 of this act are adopted and in  
2 effect.

3 Sec. 25. STAKEHOLDER GROUP ON THE ROLE OF DEPACKAGERS IN  
4 MANAGING FOOD WASTE

5 (a) On or before July 1, 2022, the Secretary of Natural Resources shall  
6 convene a collaborative stakeholder process to make recommendations on the  
7 proper management of packaged organic materials, including:

8 (1) recommendations on whether the organics management hierarchy in  
9 10 V.S.A. § 6605k should apply to each generator of organic waste;

10 (2) whether the Agency of Natural Resources should modify its existing  
11 policy surrounding the source separation of organic wastes; and

12 (3) any recommendations on the proper use of depackagers in the  
13 management of organic waste.

14 (b) The stakeholder process shall include the following participants  
15 appointed by the Secretary of Natural Resources:

16 (1) a representative of the Agency of Agriculture, Food and Markets;

17 (2) a food waste composter;

18 (3) a farm that allows animals to forage food waste;

19 (4) a representative of a company operating a depackaging facility;

20 (5) a representative from the Vermont Retailers and Grocers

21 Association;

1           (6) a representative from a company that anaerobically digests food  
2           waste; and

3           (7) a representative from a food product manufacturing company in  
4           Vermont.

5           (c) On or before January 15, 2023, the Secretary of Natural Resources shall  
6           submit the recommendations of the stakeholder process required by this  
7           section to the Senate Committee on Natural Resources and Energy and the  
8           House Committee on Natural Resources, Fish, and Wildlife.

9           Sec. 26. STUDY ON MICROPLASTICS AND PFAS IN FOOD

10                           PACKAGING AND FOOD WASTE

11           On or before January 15, 2024, the Secretary of Natural Resources, in  
12           consultation with the Secretary of Agriculture, Food and Markets, shall submit  
13           to the Senate Committee on Natural Resources and Energy and the House  
14           Committee on Natural Resources, Fish, and Wildlife a report regarding the  
15           prevalence of microplastics and per- and polyfluoroalkyl substances (PFAS) in  
16           food waste and food packaging in Vermont. The report shall include:

17                   (1) a list of the organics management facilities certified in the State  
18                   under 10 V.S.A. chapter 159;

19                   (2) a summary of the organics management system in Vermont that  
20                   includes the transportation of food processing residuals and postconsumer food

1 waste and the materials created by organics management facilities and how  
2 that material is managed after creation;

3 (3) a summary of existing data on the levels of microplastics and  
4 plastics in the material produced from organics management facilities in the  
5 State, including whether the materials have levels of PFAS above background  
6 levels;

7 (4) a summary of the methods used domestically and internationally by  
8 jurisdictions with physical contamination standards to evaluate the percentage  
9 by weight of physical contamination present in the material produced by  
10 depackaging facilities, residual waste, digestate, compost, and soil  
11 amendments;

12 (5) identification of data gaps to the effective management of  
13 microplastics and recommendations on how to close those data gaps; and

14 (6) recommendations on management changes that will reduce the levels  
15 of microplastics in the environment, including:

16 (A) special management requirements at facilities;

17 (B) bans of certain containers or packaging that pose greater  
18 management risks;

19 (C) restrictions on the location of managing materials that contain  
20 high levels of microplastics;

1           (D) implementation of the food residuals hierarchy set forth in  
2           10 V.S.A. § 6605k or the current requirements around source separation of  
3           organic material from waste material; and

4           (E) if possible in light of the data, a recommendation for a standard  
5           methodology for testing microplastics and a health-based standard for  
6           microplastics.

7           Sec. 27. RULEMAKING

8           (a) The Secretary of Natural Resources shall adopt by rule requirements for  
9           the operation of food waste management facilities certified to operate in the  
10           State. The rules may:

11           (1) establish management standards for the operation of a food waste  
12           management facility;

13           (2) prohibit certain containers and packaging from being managed in a  
14           food waste management facility;

15           (3) establish standards for hand source separation instead of mechanical  
16           depackaging;

17           (4) establish requirements for implementation of the food residuals  
18           hierarchy set forth in 10 V.S.A. § 6605k;

19           (5) place restrictions on the types of food waste that may be managed at  
20           a food waste management facility;

21           (6) adopt a testing methodology for microplastics;



1

2

3

4 (Committee vote: \_\_\_\_\_)

5

\_\_\_\_\_

6

Senator \_\_\_\_\_

7

FOR THE COMMITTEE