

Side by Side of H.501 Provisions As House Passed and Presumed Senate Proposal

House Passed (H.501)	Senate Proposal (H.446 §§ 24-29)
<p>Sec. 1. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES</p> <p>Beginning on March 1, 2022, the Secretary of Natural Resources shall not issue a new or amended solid waste facility certification under 10 V.S.A. chapter 159 for the operation of food depackaging equipment until the rules required under Sec. 3 of this act are adopted and in effect, provided that the Secretary of Natural Resources may issue an amended certification to a facility certified to conduct food depackaging on or before March 1, 2022 if the amendment authorized by the Secretary is intended to result in fewer contaminants in material produced from food depackaging and shall not allow for increased production of food depackaging materials at the facility.</p> <p>Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD DEPACKAGING FACILITIES</p> <p>(a) On or before January 15, 2023, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife a report regarding the management of materials produced by food depackaging facilities certified for operation in the State. The report shall be developed through a collaborative stakeholder process that shall include the Chair of the House Committee on Natural Resources, Fish, and Wildlife or designee; the Chair of the Senate Committee on Natural Resources, and Energy or designee; a representative of</p>	<p>Sec. 24. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES</p> <p>Beginning on May 1, 2022, the Secretary of Natural Resources shall not, under 10 V.S.A. chapter 159, issue a new solid waste facility certification for a food depackaging facility or amend an existing solid waste facility certification that results in an increase of capacity at a currently certified food depackaging facility until the rules required under Sec. 27 of this act are adopted and in effect.</p> <p>Sec. 25. STAKEHOLDER GROUP ON THE ROLE OF DEPACKAGERS IN MANAGING FOOD WASTE</p> <p>(a) On or before July 1, 2022, the Secretary of Natural Resources shall convene a collaborative stakeholder process to make recommendations on the proper management of packaged organic materials, including:</p> <ul style="list-style-type: none"> (1) recommendations on whether the organics management hierarchy in 10 V.S.A. § 6605k should apply to each generator of organic waste; (2) whether the Agency of Natural Resources should modify its existing policy surrounding the source separation of organic wastes; and

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<p>the Agency of Agriculture, Food, and Markets; and a representative from each of the following: composters, anaerobic digestors, producers of food residuals, municipalities, haulers, depackagers, and environmental organizations.</p> <p>(b) The report shall include:</p> <p>(1) a list of the food depackaging facilities certified in the State under 10 V.S.A. chapter 159;</p> <p>(2) a summary of the chain of custody of materials processed by food depackaging facilities, including the original supplier of food residuals and transporters of food residuals;</p> <p>(3) the sites or facilities of final disposition of the materials processed by food depackaging facilities, including whether the materials were disposed of in landfills; transferred to composting facilities, farms, or farm fields; or introduced into foods for animal or human consumption;</p> <p>(4) a summary of how the materials produced from food depackaging facilities or equipment may be used in the State, including any existing standards in statute or rule for the management of the materials;</p> <p>(5) the amount of microplastics, plastics, or other contamination present in the material produced from food depackaging facilities in the State, including whether the materials have detectable levels of perfluoroalkyl and polyfluoroalkyl substances;</p> <p>(6) a memorandum of understanding between the Agency of Natural Resources and the Agency of Agriculture, Food and Markets to coordinate and cooperate on the adoption</p>	<p>(3) any recommendations on the proper use of depackagers in the management of organic waste.</p> <p>(b) The stakeholder process shall include the following participants appointed by the Secretary of Natural Resources:</p> <p>(1) a representative of the Agency of Agriculture, Food and Markets;</p> <p>(2) a food waste composter;</p> <p>(3) a farm that allows animals to forage food waste;</p> <p>(4) a representative of a company operating a depackaging facility;</p> <p>(5) a representative from the Vermont Retailers and Grocers Association;</p> <p>(6) a representative from a company that anaerobically digests food waste; and</p> <p>(7) a representative from a food product manufacturing company in Vermont.</p> <p>(c) On or before January 15, 2023, the Secretary of Natural Resources shall submit the recommendations of the stakeholder process required by this section to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife.</p>

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<p>of standards or rules for the materials produced from food depackaging facilities in order to provide for consistency in regulation by the two agencies;</p> <p>(7) an evaluation of the practicability of implementing the food residuals hierarchy set forth in 10 V.S.A. § 6605k in a more stringent manner; and</p> <p>(8) the methods used domestically and internationally by jurisdictions with physical contamination standards to evaluate the percentage by weight of physical contamination present in the material produced by depackaging facilities, residual waste, digestate, compost, and soil amendments.</p>	<p>Sec. 26. STUDY ON MICROPLASTICS AND PFAS IN FOOD PACKAGING AND FOOD WASTE</p> <p>On or before January 15, 2024, the Secretary of Natural Resources, in consultation with the Secretary of Agriculture, Food and Markets, shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife a report regarding the prevalence of microplastics and per- and polyfluoroalkyl substances (PFAS) in food waste and food packaging in Vermont. The report shall include:</p> <p>(1) a list of the organics management facilities certified in the State under 10 V.S.A. chapter 159;</p> <p>(2) a summary of the organics management system in Vermont that includes the transportation of food processing residuals and postconsumer food waste and the materials created by organics management facilities and how that material is managed after creation;</p>

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	<p>(3) a summary of existing data on the levels of microplastics and plastics in the material produced from organics management facilities in the State, including whether the materials have levels of PFAS above background levels;</p> <p>(4) a summary of the methods used domestically and internationally by jurisdictions with physical contamination standards to evaluate the percentage by weight of physical contamination present in the material produced by depackaging facilities, residual waste, digestate, compost, and soil amendments;</p> <p>(5) identification of data gaps to the effective management of microplastics and recommendations on how to close those data gaps; and</p> <p>(6) recommendations on management changes that will reduce the levels of microplastics in the environment, including:</p> <ul style="list-style-type: none">(A) special management requirements at facilities;(B) bans of certain containers or packaging that pose greater management risks;(C) restrictions on the location of managing materials that contain high levels of microplastics;(D) implementation of the food residuals hierarchy set forth in 10 V.S.A. § 6605k or the current requirements around source separation of organic material from waste material; and(E) if possible in light of the data, a recommendation for a standard methodology for testing microplastics and a health-based standard for microplastics.

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<p>Sec. 3. RULEMAKING</p> <p>(a) The Secretary of Natural Resources shall adopt by rule requirements for the operation of food depackaging facilities certified to operate in the State. The rules shall establish standards for materials that may be accepted for depackaging and standards for the amount of contamination, including microplastics, allowed to be present in material produced by food depackaging facilities. The Secretary of Natural Resources shall not adopt rules under this section or authorize the issuance of permits under the rules adopted under this section that restrain agricultural activities without the consent of the Secretary of Agriculture, Food and Markets.</p>	<p>Sec. 27. RULEMAKING</p> <p>(a) The Secretary of Natural Resources shall adopt by rule requirements for the operation of food waste management facilities certified to operate in the State. The rules may:</p> <ol style="list-style-type: none"> (1) establish management standards for the operation of a food waste management facility; (2) prohibit certain containers and packaging from being managed in a food waste management facility; (3) establish standards for hand source separation instead of mechanical depackaging; (4) establish requirements for implementation of the food residuals hierarchy set forth in 10 V.S.A. § 6605k; (5) place restrictions on the types of food waste that may be managed at a food waste management facility; (6) adopt a testing methodology for microplastics; (7) adopt a standard for microplastics from food waste management facilities that protects human health or natural resources; or (8) at the recommendation of the Secretary of Agriculture, Food and Markets, adopt a standard for microplastics or per- and polyfluoroalkyl substances from food waste management facilities that protects animal health, agricultural soils, or other agricultural resources.

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<p><u>(b) The Secretary of Natural Resources shall not initiate rulemaking under this section until the report required by Sec. 2 of this act is submitted to the Vermont General Assembly.</u></p> <p>Sec. 4. REPEAL</p> <p><u>Sec. 1 (moratorium on food depackaging facilities) of this act shall be repealed on the date that the rules required under Sec. 3 of this act are adopted and in effect.</u></p> <p>Sec. 5. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>	<p><u>(b) The Secretary of Natural Resources shall not initiate rulemaking under this section until the recommendations required by Secs. 25 and 26 of this act are submitted to the Vermont General Assembly.</u></p> <p>Sec. 28. REPEAL</p> <p><u>Sec. 24 (moratorium on food depackaging facilities) of this act shall be repealed on the date that the rules required under Sec. 27 of this act are adopted and in effect.</u></p> <p style="text-align: center;">* * * Effective Dates * * *</p> <p>Sec. 29. EFFECTIVE DATES</p> <p><u>(a) This section and Secs. 24–28 (food residuals management) shall take effect on passage.</u></p> <p><u>(b) The remainder of the act shall take effect on July 1, 2022.</u></p>