

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred House Bill No. 501 entitled “An act relating to physical contaminant  
4 standards for residual waste, digestate, and soil amendments” respectfully  
5 reports that it has considered the same and recommends that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY  
9 CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES

10 Beginning on March 1, 2022, the Secretary of Natural Resources shall not  
11 issue a new or amended solid waste facility certification under 10 V.S.A.  
12 chapter 159 for the operation of food depackaging equipment until the rules  
13 required under Sec. 3 of this act are adopted and in effect.

14 Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD  
15 DEPACKAGING FACILITIES

16 (a) On or before January 15, 2023, the Secretary of Natural Resources shall  
17 submit to the Senate Committee on Natural Resources and Energy and the  
18 House Committee on Natural Resources, Fish, and Wildlife a report regarding  
19 the management of materials produced by food depackaging facilities certified  
20 for operation in the State. The report shall be developed through a  
21 collaborative stakeholder process that shall include composters, anerobic

1 digestors, producers of food residuals, municipalities, haulers, depackagers,  
2 and environmental organization.

3 (b) The report shall include:

4 (1) a list of the food depackaging facilities certified in the State under  
5 10 V.S.A. chapter 159;

6 (2) a summary of the chain of custody of materials processed by food  
7 depackaging facilities, including the original supplier of food residuals and  
8 transporters of food residuals;

9 (3) the sites or facilities of final disposition of the materials processed  
10 by food depackaging facilities, including whether the materials were disposed  
11 of in landfills; transferred to composting facilities, farms, or farm fields; or  
12 introduced into foods for animal or human consumption;

13 (4) a summary of how the materials produced from food depackaging  
14 facilities or equipment may be used in the State, including any existing  
15 standards in statute or rule for the management of the materials;

16 (5) the amount of microplastics, plastics, or other contamination present  
17 in the material produced from food depackaging facilities in the State,  
18 including whether the materials have detectable levels of perfluoroalkyl and  
19 polyfluoroalkyl substances;

20 (6) an evaluation of the practicability of implementing the food residuals  
21 hierarchy set forth in 10 V.S.A. § 6605k in a more stringent manner; and

1           (7) the methods used domestically and internationally by jurisdictions  
2           with physical contamination standards to evaluate the percentage by weight of  
3           physical contamination present in the material produced by depackaging  
4           facilities, residual waste, digestate, compost, and soil amendments..

5           Sec. 3. RULEMAKING

6           (a) The Secretary of Natural Resources shall adopt by rule requirements for  
7           the operation of food depackaging facilities certified to operate in the State.  
8           The rules shall establish standards for materials that may be accepted for  
9           depackaging and standards for the amount of contamination, including  
10           microplastics, allowed to be present in material produced by food depackaging  
11           facilities.

12           (b) The Secretary of Natural Resource shall not initiate rulemaking under  
13           this section until the report required by Sec. 2 of this act is submitted to the  
14           Vermont General Assembly.

15           Sec. 4. REPEAL

16           Sec. 1 (moratorium on food depackaging facilities) of this act shall be  
17           repealed on the date that the rules required under Sec. 3 of this act are adopted  
18           and in effect.

19           Sec. 5. EFFECTIVE DATE

20           This act shall take effect on passage.

1           and that after passage the title of the bill be amended to read: “An act  
2 relating to the regulation of food depackaging facilities”

3 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE