

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, provided that the
14 Secretary of Natural Resources may issue an amended certification to a facility
15 certified to conduct food depackaging on or before March 1, 2022 if the
16 amendment authorized by the Secretary is intended to result in less
17 contaminants in material produced from food depackaging and shall not allow
18 for increased production of food depackaging materials at the facility.

19 Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD
20 DEPACKAGING FACILITIES

21 (a) On or before January 15, 2023, the Secretary of Natural Resources shall
22 submit to the Senate Committee on Natural Resources and Energy and the

1 House Committee on Natural Resources, Fish, and Wildlife a report regarding
2 the management of materials produced by food depackaging facilities certified
3 for operation in the State. The report shall be developed through a
4 collaborative stakeholder process that shall include the Chair of the House
5 Committee on Natural Resources, Fish, and Wildlife; the Chair of the Senate
6 Committee on Natural Resources, and Energy; a representative of the Agency
7 of Agriculture, Food, and Markets; and a representative from composters,
8 anerobic digestors, producers of food residuals, municipalities, haulers,
9 depackers, and environmental organizations.

10 (b) The report shall include:

11 (1) a list of the food depackaging facilities certified in the State under
12 10 V.S.A. chapter 159;

13 (2) a summary of the chain of custody of materials processed by food
14 depackaging facilities, including the original supplier of food residuals and
15 transporters of food residuals;

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

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

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

5 (6) a memorandum of understanding between the Agency of Natural
6 Resources and the Agency of Agriculture, Food and Markets to coordinate and
7 cooperate on the adoption of standards or rules for the materials produced from
8 food depackaging facilities in order to provide for consistency in regulation by
9 the two agencies;

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

12 (8) the methods used domestically and internationally by jurisdictions
13 with physical contamination standards to evaluate the percentage by weight of
14 physical contamination present in the material produced by depackaging
15 facilities, residual waste, digestate, compost, and soil amendments.

16 Sec. 3. RULEMAKING

17 (a) The Secretary of Natural Resources shall adopt by rule requirements for
18 the operation of food depackaging facilities certified to operate in the State.

19 The rules shall establish standards for materials that may be accepted for
20 depackaging and standards for the amount of contamination, including
21 microplastics, allowed to be present in material produced by food depackaging
22 facilities.

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

4 Sec. 4. REPEAL

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

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on passage.

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

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17 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE