

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 fewer  
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 or designee; the Chair of  
6 the Senate Committee on Natural Resources, and Energy or designee; a  
7 representative of the Agency of Agriculture, Food, and Markets; and a  
8 representative from each of the following: composters, anerobic digestors,  
9 producers of food residuals, municipalities, haulers, depackagers, and  
10 environmental organizations.

11 (b) The report shall include:

12 (1) a list of the food depackaging facilities certified in the State under  
13 10 V.S.A. chapter 159;

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

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

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

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

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

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

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

19           Sec. 3. RULEMAKING

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

22           The rules shall establish standards for materials that may be accepted for

1 depackaging and standards for the amount of contamination, including  
2 microplastics, allowed to be present in material produced by food depackaging  
3 facilities. The Secretary of Natural Resources shall not adopt rules under this  
4 section or authorize the issuance of permits under the rules adopted under this  
5 section that restrain agricultural activities without the consent of the Secretary  
6 of Agriculture, Food and Markets.

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

10 Sec. 4. REPEAL

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

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on passage.

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

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

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Representative \_\_\_\_\_

FOR THE COMMITTEE