

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 (7) adopt a standard for microplastics from food waste management
2 facilities that protects human health or natural resources; or
3 (8) at the recommendation of the Secretary of Agriculture, Food and
4 Markets, adopt a standard for microplastics or per- and polyfluoroalkyl
5 substances from food waste management facilities that protects animal health,
6 agricultural soils, or other agricultural resources.

7 (b) The Secretary of Natural Resources shall not initiate rulemaking under
8 this section until the recommendations required by Secs. 25 and 26 of this act
9 are submitted to the Vermont General Assembly.

10 Sec. 28. REPEAL

11 Sec. 24 (moratorium on food depackaging facilities) of this act shall be
12 repealed on the date that the rules required under Sec. 27 of this act are
13 adopted and in effect.

14 * * * Effective Dates * * *

15 Sec. 29. EFFECTIVE DATES

16 (a) This section and Secs. 24–28 (food residuals management) shall take
17 effect on passage.

18 (b) The remainder of the act shall take effect on July 1, 2022.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE