

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 501 entitled “An act relating to the regulation of food
4 depackaging facilities” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

10 Beginning on May 1, 2022, the Secretary of Natural Resources shall not,
11 under 10 V.S.A. chapter 159, issue a new solid waste facility certification for a
12 food depackaging facility or amend an existing solid waste facility certification
13 that results in an increase of capacity at a currently certified food depackaging
14 facility until the rules required under Sec. 4 of this act are adopted and in
15 effect.

16 Sec. 2. STAKEHOLDER GROUP ON THE ROLE OF DEPACKAGERS IN
17 MANAGING FOOD WASTE

18 (a) On or before July 1, 2022, the Secretary of Natural Resources shall
19 convene a collaborative stakeholder process to make recommendations on the
20 proper management of packaged organic materials, including:

1 (1) recommendations on whether the organics management hierarchy in
2 10 V.S.A. § 6605k should apply to each generator of organic waste;

3 (2) whether the Agency of Natural Resources should modify its existing
4 policy surrounding the source separation of organic wastes; and

5 (3) any recommendations on the proper use of depackagers in the
6 management of organic waste.

7 (b) The stakeholder process shall include the following participants
8 appointed by the Secretary of Natural Resources:

9 (1) a representative of the Agency of Agriculture, Food and Markets;

10 (2) a food waste composter;

11 (3) a farm that allows animals to forage food waste;

12 (4) a representative of a company operating a depackaging facility;

13 (5) a representative from the Vermont Retailers and Grocers
14 Association; and

15 (6) a representative from a food product manufacturing company in
16 Vermont.

17 (c) On or before January 15, 2023, the Secretary of Natural Resources shall
18 submit the recommendations of the stakeholder process required by this
19 section to the Senate Committee on Natural Resources and Energy and the
20 House Committee on Natural Resources, Fish, and Wildlife.

21 Sec. 3. STUDY ON MICROPLASTICS AND PFAS IN FOOD

1 PACKAGING AND FOOD WASTE

2 On or before January 15, 2025, the Secretary of Natural Resources, in
3 consultation with the Secretary of Agriculture, Food and Markets, shall submit
4 to the Senate Committee on Natural Resources and Energy and the House
5 Committee on Natural Resources, Fish, and Wildlife a report regarding the
6 prevalence of microplastics and per- and polyfluoroalkyl substances (PFAS) in
7 food waste and food packaging in Vermont. The report shall include:

8 (1) a list of the organics management facilities certified in the State
9 under 10 V.S.A. chapter 159;

10 (2) a summary of the organics management system in Vermont that
11 includes the transportation of food processing residuals and postconsumer food
12 waste and the materials created by organics management facilities and how
13 that material is managed after creation;

14 (3) a summary of existing data on the levels of microplastics and
15 plastics in the material produced from organics management facilities in the
16 State, including whether the materials have levels of PFAS above background
17 levels;

18 (4) a summary of the methods used domestically and internationally by
19 jurisdictions with physical contamination standards to evaluate the percentage
20 by weight of physical contamination present in the material produced by

1 depackaging facilities, residual waste, digestate, compost, and soil
2 amendments;

3 (5) identification of data gaps to the effective management of
4 microplastics and recommendations on how to close those data gaps; and

5 (6) recommendations on management changes that will reduce the levels
6 of microplastics in the environment, including:

7 (A) special management requirements at facilities;

8 (B) bans of certain containers or packaging that pose greater
9 management risks;

10 (C) restrictions on the location of managing materials that contain
11 high levels of microplastics;

12 (D) implementation of the food residuals hierarchy set forth in
13 10 V.S.A. § 6605k or the current requirements around source separation of
14 organic material from waste material; and

15 (E) if possible in light of the data, a recommendation for a standard
16 methodology for testing microplastics and a health-based standard for
17 microplastics.

18 Sec. 4. RULEMAKING

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

21 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 Resources shall not initiate rulemaking under
8 this section until the recommendations required by Secs. 2 and 3 of this act are
9 submitted to the Vermont General Assembly.

10 Sec. 5. 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. 4 of this act are adopted
13 and in effect.

14 Sec. 6. EFFECTIVE DATE

15 This act shall take effect on passage.

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1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE