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H.67

Introduced by Representatives Dolan of Waitsfield, Ode of Burlington,
Sheldon of Middlebury, and Stebbins of Burlington

Referred to Committee on

Date:

Subject: Conservation and development; hazardous waste; consumer products;
household products containing hazardous substances

Statement of purpose of bill as introduced: This bill would require that
manufacturers of household products containing a hazardous substance
participate in a stewardship organization and implement a plan to collect
household products containing a hazardous substance free of charge to the
public.

13 An act relating to household products containing hazardous substances

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. FINDINGS

16 The General Assembly finds that:

17 (1) Thousands of household products sold in the State contain
18 substances designated as hazardous under State or federal law.

1 (2) Vermont’s hazardous waste rules establish specific requirements for
2 the management of hazardous waste, including a prohibition on disposal in
3 landfills.

4 (3) Leftover household products, known as household hazardous waste
5 (HHW), are regulated through a requirement that municipal solid waste
6 management entities (SWMEs) include provisions in solid waste
7 implementation plans for the management and diversion of unregulated
8 hazardous waste. The State solid waste management plan also requires the
9 SWMEs to each hold a minimum of two HHW collection events every year.

10 (4) Many SWMEs already offer more than two HHW collection events,
11 and seven of the SWMEs have established permanent facilities for the regular
12 collection of HHW.

13 (5) HHW collection events and permanent facilities are expensive to
14 operate, and SWMEs spend approximately \$1.6 million a year to manage
15 HHW, costs that are subsequently passed on to the residents of Vermont
16 through taxes, fees, or disposal charges.

17 (6) As a result of the failure to divert HHW, it is estimated that 640 tons
18 or more per year of HHW are being disposed of in landfills.

19 (7) There is general agreement among the SWMEs and the Agency of
20 Natural Resources that additional collection sites and educational and

1 informational activities are necessary to capture more of the HHW being
2 disposed of in landfills.

3 (8) Funding constraints are a current barrier to new collection sites and
4 educational and informational activities.

5 (9) HHW released into the environment can contaminate air,
6 groundwater, and surface waters, thereby posing a significant threat to the
7 environment and public health.

8 (10) To improve diversion of HHW from landfills, reduce the financial
9 burden on SWMEs and taxpayers, reduce the cost of the overall system of
10 managing HHW, and lessen the environmental and public health risk posed by
11 improperly disposed of HHW, the State shall implement a program to require
12 the manufacturers of household products containing a hazardous substance to
13 implement a stewardship organization to collect household products containing
14 a hazardous substance free of charge to the public.

15 Sec. 2. 10 V.S.A. chapter 164B is added to read:

16 CHAPTER 164B. COLLECTION AND MANAGEMENT OF
17 HOUSEHOLD HAZARDOUS PRODUCTS

18 § 7181. DEFINITIONS

19 As used in this chapter:

20 (1) “Agency” means the Agency of Natural Resources.

1 (2) “Consumer product” means any product that is regularly used or
2 purchased to be used for personal, family, or household purposes.

3 (3) “Covered entity” means any person who presents to a collection
4 facility or event that is included in an approved collection plan any number of
5 covered household hazardous products, with the exception of large quantity
6 generators or small quantity generators as those terms are defined in the
7 Agency of Natural Resources’ Vermont Hazardous Waste Regulations.

8 (4)(A) “Covered household hazardous product” means a consumer
9 product offered for retail sale that is contained in the receptacle in which the
10 product is offered for retail sale, if the product has any of the following
11 characteristics:

12 (i) the product or a component of the product is a hazardous waste
13 under §7-702 of the Vermont Hazardous Waste Management Regulations,
14 regardless of the status of the generator of the hazardous waste;

15 (ii) the product is a gas cylinder; or

16 (iii) the product is a pesticide registered with the Agency of
17 Agriculture, Food and Markets as a Class A, B, or C pesticide.

18 (B) “Covered product” does not mean any of the following:

19 (i) a primary battery;

20 (ii) a lamp that contains mercury;

21 (iii) a thermostat that contains mercury;

1 (iv) architectural paint as that term is defined in section 6672 of
2 this title;

3 (v) a covered electronic device as that term is defined in section
4 7551 of this title;

5 (vi) a pharmaceutical drug;

6 (vii) citronella candles;

7 (viii) flea and tick collars; or

8 (ix) Class A, B, or C pesticides sold in containers greater than 2.5
9 gallons.

10 (5) “Gas cylinder” means any nonrefillable or refillable cylinder and its
11 contents supplied to a consumer for personal, family, or household use,
12 including those containing flammable pressurized gas, spray foam insulating
13 products, single-use and rechargeable handheld fire extinguishers, helium, or
14 carbon dioxide, of any size not exceeding any cylinder with a water capacity of
15 fifty pounds, including seamless cylinders and tubes, welded cylinders, and
16 insulated cylinders intended to contain helium, carbon dioxide, or flammable
17 materials such as propane, butane, or other flammable compressed gasses.

18 “Gas cylinder” does not include any medical or industrial-grade cylinder.

19 (6)(A) “Manufacturer” means a person who:

20 (i) manufactures or manufactured a covered household hazardous
21 product under its own brand or label for sale in the State;

1 (ii) sells in the State under its own brand or label a covered
2 household hazardous product produced by another supplier;

3 (iii) owns a brand that it licenses or licensed to another person for
4 use on a covered household hazardous product sold in the State;

5 (iv) imports into the United States for sale in the State a covered
6 household hazardous product manufactured by a person without a presence in
7 the United States;

8 (v) manufactures a covered household hazardous product for sale
9 in the State without affixing a brand name; or

10 (vi) assumes the responsibilities, obligations, and liabilities of a
11 manufacturer as defined under subdivisions (i) through (v) of this subdivision
12 (6)(A), provided that the Secretary may enforce the requirements of this
13 chapter against a manufacturer defined under subdivisions (i) through (v) of
14 this subdivision (6)(A) if a person who assumes the manufacturer's
15 responsibilities fails to comply with the requirements of this chapter.

16 (B) “Manufacturer” does not mean a person set forth under
17 subdivisions (A)(i) through (vi) of this subdivision (6) if the person
18 manufacturers, sells, licenses, or imports less than \$5,000.00 of covered
19 products in a program year.

20 (7) “Orphan covered product” means a covered product for which no
21 manufacturer can be identified.

1 (8) “Program year” means the period from January 1 through
2 December 31.

3 (9) “Retailer” means a person who sells a covered household hazardous
4 product in the State through any means, including a sales outlet, a catalogue,
5 the telephone, the Internet, or any electronic means.

6 (10) “Secretary” means the Secretary of Natural Resources.

7 (11) “Sell” or “sale” means any transfer for consideration of title or of
8 the right to use by lease or sales contract a covered household hazardous
9 product to a person in the State of Vermont. “Sell” or “sale” does not include
10 the sale, resale, lease, or transfer of a used covered household hazardous
11 product or a manufacturer’s wholesale transaction with a distributor or a
12 retailer.

13 (12) “Stewardship organization” means a legal entity such as an
14 organization, association, or entity that has developed a system, method, or
15 other mechanism that assumes the responsibilities, obligations, and liabilities
16 under this chapter of multiple manufacturers of covered household hazardous
17 products.

18 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

19 STEWARDSHIP ORGANIZATION REGISTRATION

20 (a) Sale prohibited. Beginning on January 1, 2025, a manufacturer of a
21 covered household hazardous product shall not sell, offer for sale, or deliver to

1 a retailer for subsequent sale a covered household hazardous product unless all
2 the following have been met:

3 (1) The manufacturer is participating in a stewardship organization
4 implementing an approved collection plan.

5 (2) The name of the manufacturer, the manufacturer's brand, and the
6 name of the covered household hazardous product are submitted to the Agency
7 of Natural Resources by a stewardship organization and listed on the
8 stewardship organization's website as covered by an approved collection plan.

9 (3) The stewardship organization in which the manufacturer participates
10 has submitted an annual report under section 7185 of this title.

11 (4) The stewardship organization in which the manufacturer participates
12 has conducted a plan audit consistent with the requirements of subsection
13 7185(b) of this title.

14 (b) Stewardship organization registration requirements.

15 (1) Beginning on July 1, 2024 and annually thereafter, a stewardship
16 organization shall file a registration form with the Secretary. The Secretary
17 shall provide the registration form to the stewardship organization. The
18 registration form shall include:

19 (A) a list of the manufacturers participating in the stewardship
20 organization;

1 (B) a list of the brands of each manufacturer participating in the
2 stewardship organization;

3 (C) a list of the covered household hazardous products of each
4 manufacturer participating in the stewardship organization;

5 (D) the name, address, and contact information of a person
6 responsible for ensuring the manufacturer’s compliance with this chapter;

7 (E) a description of how the stewardship organization meets the
8 requirements of subsection 7184(b) of this title, including any reasonable
9 requirements for participation in the stewardship organization; and

10 (F) the name, address, and contact information of a person for a
11 nonmember manufacturer to contact regarding how to participate in the
12 stewardship organization to satisfy the requirements of this chapter.

13 (2) A renewal of a registration without changes may be accomplished
14 through notifying the Agency of Natural Resources on a form provided by the
15 Agency.

16 § 7183. COLLECTION PLANS

17 (a) Collection plan required. Prior to July 1, 2024, a stewardship
18 organization representing manufacturers of covered household hazardous
19 products shall submit a collection plan to the Secretary for review.

20 (b) Collection plan; minimum requirements. Each collection plan shall
21 include, at a minimum, all of the following requirements:

1 (1) List of participants. A list of the manufacturers, brands, and
2 products participating in the collection plan and a methodology for adding and
3 removing manufacturers and notifying the Agency of new participants.

4 (2) Free statewide collection of covered household hazardous products.
5 The collection program shall provide for free, convenient, and accessible
6 statewide opportunities for the collection from covered entities of covered
7 household hazardous products, including orphan covered products. A
8 stewardship organization shall accept all covered household hazardous
9 products collected from a covered entity and shall not refuse the collection of a
10 covered household hazardous product, including orphan covered household
11 products, based on the brand or manufacturer of the covered household
12 hazardous product unless specifically exempt from this requirement. The
13 collection program shall also provide for the payment of collection, processing,
14 and end-of-life management of the covered household hazardous products.
15 Collection costs include facility costs, equipment costs, labor, supplies,
16 maintenance, events costs, and event contractor costs, including facility set-up
17 fees, environmental service fees, insurance fees, and shipping containers and
18 materials.

19 (3) Convenient collection location. The stewardship organization shall
20 develop a collection program that allows all municipal household hazardous

1 waste collection programs to opt to be a part of the collection plan, including
2 collection events and facilities offered by solid waste planning entities.

3 (4) Public education and outreach. The collection plan shall include an
4 education and outreach program that shall include a website and may include
5 media advertising, retail displays, articles and publications, and other public
6 educational efforts. Outreach and education shall be suitable for the State's
7 diverse ethnic populations, through translated and culturally appropriate
8 materials, including in-language and targeted outreach. During the first year of
9 program implementation and every two years thereafter, each stewardship
10 organization shall carry out a survey of public awareness regarding the
11 requirements of the program established under this chapter that can identify
12 communities that have disparities in awareness and need more outreach. Each
13 stewardship organization shall share the results of the public awareness
14 surveys with the Secretary. If multiple stewardship organizations are
15 implementing plans approved by the Secretary, the stewardship organizations
16 shall coordinate in carrying out their education and outreach responsibilities
17 under this subdivision and shall include in their annual reports to the Secretary
18 a summary of their coordinated education and outreach efforts. The education
19 and outreach program and website shall notify the public of the following:

20 (A) that there is a free collection program for covered household
21 hazardous products;

1 (B) the location and hours of operation of collection points and how a
2 covered entity can access this collection program;

3 (C) the special handling considerations associated with covered
4 household hazardous products; and

5 (D) source reduction information for consumers to reduce leftover
6 covered household products.

7 (5) Compliance with appropriate environmental standards. In
8 implementing a collection plan, a stewardship organization shall comply with
9 all applicable laws related to the collection, transportation, and disposal of
10 hazardous waste. A stewardship organization shall comply with any special
11 handling or disposal standards established by the Secretary for covered
12 household hazardous products or for the collection plan of the manufacturer.

13 (6) Method of disposition. The collection plan shall describe how
14 covered household hazardous products will be managed in the most
15 environmentally and economically sound manner, including following the
16 waste-management hierarchy. The management of covered household
17 hazardous products under the collection plan shall use management activities
18 in the following priority order: source reduction, reuse, recycling, energy
19 recovery, and disposal. Collected covered household hazardous products shall
20 be recycled when technically and economically feasible. The economic

1 feasibility of recycling shall be determined by the Secretary after consultation
2 with the stewardship organization and other interested stakeholders.

3 (7) Roles and responsibilities. A collection plan shall list all key
4 participants in the covered household hazardous products collection chain,
5 including:

6 (A) the name and location of the collection facilities accepting
7 covered household hazardous products under the collection plan and the
8 address and contact information for each facility;

9 (B) the name and contact information of the contractor responsible
10 for transporting the covered household hazardous products; and

11 (C) the name and address of the recycling and disposal facilities
12 where the covered household hazardous products collected are deposited.

13 (8) Performance goals. A collection plan shall include:

14 (A) A participation rate for covered household hazardous products
15 determined by the number of total participants at collection events and
16 facilities listed in the collection plan during a program year divided by the total
17 number of households. The number of households shall include seasonal
18 households. The calculation methodology for the number of households shall
19 be included in the plan.

20 (B) At a minimum, the collection participation rate for the first five
21 years of a plan shall be a participation rate of five percent of the households for

1 every collection program based on the number of households the collection
2 program serves. After the initial approved program plan, the stewardship
3 organization shall propose participation rates for subsequent program plans.
4 The proposed participation rates shall be equal to or greater than the average
5 participation rates achieved in the previous program plan for each collection
6 program and not less than five percent of the households in each collection
7 program. If a stewardship organization does not meet its participation rate, the
8 Secretary may require the stewardship organization to revise the collection
9 plan to provide for one or more of the following: additional public education
10 and outreach, additional collection events, or additional hours of operation for
11 collection sites. A stewardship organization is not authorized to reduce or
12 cease collection, education and outreach, or other activities implemented under
13 an approved plan on the basis of achievement of program performance goals.

14 (C) Proposed goals for increasing public awareness of the program,
15 including subgoals applicable to public awareness of the program in vulnerable
16 populations and overburdened communities identified by the Secretary.

17 (9) Collection plan funding. The collection plan shall describe how the
18 stewardship organization will fund the implementation of the collection plan
19 and collection activities under the plan, including the costs for education and
20 outreach, collection, processing, and end-of-life management of the covered
21 household hazardous product. Collection costs include facility costs,

1 equipment costs, labor, supplies, maintenance, events costs, and event
2 contractor costs, including facility set-up fees, environmental service fees,
3 insurance fees, and shipping containers and materials. The collection plan
4 shall include how municipalities will be compensated for all costs associated
5 with collection of covered household hazardous products.

6 (c) Term of collection plan. A collection plan approved by the Secretary
7 under section 7187 of this title shall have a term not to exceed five years,
8 provided that the manufacturer remains in compliance with the requirements of
9 this chapter and the terms of the approved collection plan.

10 (d) Collection plan implementation. A stewardship organization shall
11 implement a collection plan on or before January 1, 2025.

12 § 7184. STEWARDSHIP ORGANIZATIONS

13 (a) Participation in a stewardship organization. A manufacturer shall meet
14 the requirements of this chapter by participating in a stewardship organization
15 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
16 title.

17 (b) Qualifications for a stewardship organization. To qualify as a
18 stewardship organization under this chapter, an organization shall:

19 (1) commit to assume the responsibilities, obligations, and liabilities of
20 all manufacturers participating in the stewardship organization;

1 (2) not create unreasonable barriers for participation in the stewardship
2 organization; and

3 (3) maintain a public website that lists all manufacturers and
4 manufacturers' brands and products covered by the stewardship organization's
5 approved collection plan.

6 § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

7 (a) Annual report. On or before March 1, 2026 and annually thereafter, a
8 stewardship organization of manufacturers of covered household hazardous
9 products shall submit a report to the Secretary that contains all of the
10 following:

11 (1) A description of the collection program.

12 (2) The volume or weight by hazard category of covered household
13 hazardous products collected, the disposition of the collected covered
14 household hazardous products, and the number of covered entities participating
15 at each collection facility or collection event from which the covered
16 household hazardous products were collected.

17 (3) The name and address of all the recycling and disposal facilities
18 where the covered household hazardous products are collected and delivered
19 and deposited.

20 (4) The weight or volume by hazard category of covered household
21 hazardous products sold in the State in the previous calendar year by a

1 manufacturer participating in a stewardship organization's collection plan.

2 Sales data and other confidential business information provided under this

3 section shall be exempt from public inspection and copying under the Public

4 Records Act and shall be kept confidential. Confidential information shall be

5 redacted from any final public report.

6 (5) A comparison of the collection plan's participation rate and public

7 awareness goals compared to the actual participation rate and public awareness

8 and how the program will be improved if the participation rate and public

9 awareness goals are not met.

10 (6) A description of the methods used to reduce, reuse, collect, transport,

11 recycle, and process the covered household hazardous products.

12 (7) The cost of implementing the collection plan, including the costs of

13 administration, collection, transportation, recycling, disposal, and education

14 and outreach.

15 (8) A description and evaluation of the success of the education and

16 outreach materials. If multiple stewardship organizations are implementing

17 plans approved by the Secretary, the stewardship organizations shall include a

18 summary of their coordinated education and outreach efforts.

19 (9) Recommendations for any changes to the program.

20 (b) Collection plan audit. On or before March 1, 2030 and every five years

21 thereafter, a stewardship organization of manufacturers of covered household

1 hazardous products shall hire an independent third party to audit the collection
2 plan and the plan's operation. The auditor shall examine the effectiveness of
3 the program in collecting and disposing of covered household hazardous
4 products. The auditor shall examine the cost-effectiveness of the program and
5 compare it to that of collection programs for covered household hazardous
6 products in other jurisdictions. The auditor shall make recommendations to the
7 Secretary on ways to increase the program's efficacy and cost-effectiveness.

8 (c) Public posting. A stewardship organization shall post a report or audit
9 required under this section to the website of the stewardship organization.

10 § 7186. ANTITRUST; CONDUCT AUTHORIZED

11 (a) Activity authorized. A manufacturer, group of manufacturers, or
12 stewardship organization implementing or participating in an approved
13 collection plan under this chapter for the collection, transport, processing, and
14 end-of-life management of covered household hazardous products is
15 individually or jointly immune from liability for conduct under State laws
16 relating to antitrust, restraint of trade, unfair trade practices, and other
17 regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the
18 extent that the conduct is reasonably necessary to plan, implement, and comply
19 with the stewardship organization's chosen system for managing discarded
20 covered household hazardous products.

1 (b) Limitations on antitrust activity. Subsection (a) of this section shall not
2 apply to an agreement among producers, groups of manufacturers, retailers,
3 wholesalers, or stewardship organizations affecting the price of covered
4 household hazardous products or any agreement restricting the geographic area
5 in which or customers to whom covered household hazardous products shall
6 be sold.

7 § 7187. AGENCY RESPONSIBILITIES

8 (a) Review and approve collection plans. The Secretary shall review and
9 approve or deny collection plans submitted under section 7183 of this title
10 within 90 days after receipt of a proposed stewardship plan, not including the
11 time required for public comment under subsection (d) of this section. If the
12 Secretary determines that a plan complies with the requirements of section
13 7183 of this title, the Secretary shall notify the applicant of the collection plan
14 approval in writing. If the Secretary rejects a collection plan, the Secretary
15 shall notify the applicant in writing of the reasons for rejecting the collection
16 plan. An applicant whose collection plan is rejected by the Secretary shall
17 submit a revised collection plan to the Secretary within 45 days after receiving
18 notice of rejection. If the manufacturer or stewardship organization fails to
19 submit a plan that is acceptable to the Secretary because it does not meet the
20 requirements of this section, the Secretary shall modify a submitted plan to
21 make it conform to the requirements of this section and approve it. On or

1 before January 1, 2025, each manufacturer shall be required to participate in an
2 approved and implemented stewardship program. A collection plan that is not
3 approved or rejected by the Secretary within 90 days, not including the time
4 required for public comment under subsection (d) of this section, after
5 submission by a manufacturer or stewardship organization shall be deemed
6 approved.

7 (b) Criteria for plan approval. The Secretary shall approve a collection
8 plan if the Secretary finds that the collection plan:

9 (1) complies with the requirements of subsection 7183(b) of this title;

10 (2) provides adequate notice to the public of the collection opportunities
11 available for covered household hazardous products;

12 (3) ensures that collection of covered household hazardous products will
13 occur in an environmentally sound fashion that is consistent with the law or
14 with any special handling requirements adopted by the Secretary;

15 (4) promotes the collection and disposal of covered household
16 hazardous products;

17 (5) is reasonably expected to meet performance goals and convenience
18 standards; and

19 (6) has received and considered input from the Household Hazardous
20 Waste Stewardship Program Advisory Committee.

1 (c) Collection plan amendment. The Secretary, in the Secretary's
2 discretion or at the request of a manufacturer or a stewardship organization,
3 may require a stewardship organization to amend an approved collection plan.
4 Collection plan amendments shall be subject to the public input provisions of
5 subsection (d) of this section.

6 (d) Public input. The Secretary shall establish a process under which a
7 collection plan for covered household hazardous products is available for
8 public review and comment for 30 days prior to collection plan approval or
9 amendment. In establishing such a process, the Secretary shall consult with
10 interested persons, including the Household Hazardous Waste Stewardship
11 Program Advisory Committee established under section 7188 of this title.

12 (e) Registrations. The Secretary shall accept, review, and approve or deny
13 registrations required by this chapter. The Secretary may revoke a registration
14 of a stewardship organization for actions that are unreasonable, unnecessary, or
15 contrary to the requirements or the policy of this chapter.

16 (f) Supervisory capacity. The Secretary shall act in a supervisory capacity
17 over the actions of a stewardship organization registered under this section. In
18 acting in this capacity, the Secretary shall review the actions of the stewardship
19 organization to ensure that they are reasonable, necessary, and limited to
20 carrying out requirements of and policy established by this chapter.

1 (g) Special handling requirements. The Secretary may adopt by rule
2 special handling requirements for the collection, transport, and disposal of
3 covered household hazardous products.

4 (h) Identification of regulated pesticides. The Secretary annually shall
5 confer with the Secretary of Agriculture, Food and Markets for the purpose of
6 identifying those pesticides that are subject to regulation under this chapter due
7 to registration with the Agency of Agriculture, Food and Markets as Class C
8 pesticides.

9 § 7188. ADVISORY COMMITTEE

10 (a) Establishment. On or before January 1, 2024, the Secretary shall
11 appoint the Household Hazardous Waste Stewardship Program Advisory
12 Committee of seven members reflecting a balanced and equitable participation,
13 including members from entities interested in the stewardship of covered
14 products and members representing different areas of the State and from
15 communities of various sizes. Members of the Advisory Committee shall
16 include:

17 (1) one individual who is a representative of manufacturers;

18 (2) one individual who is a representative of a hazardous waste
19 management company;

1 (3) one individual who is a representative of a solid waste planning
2 entity that offers household hazardous waste collection through a permanent
3 collection facility;

4 (4) one individual who is a representative of a solid waste planning
5 entity that offers household hazardous waste collection through collection
6 events;

7 (5) one individual who is a representative of a statewide association
8 representing retailers;

9 (6) one individual who is a representative of a statewide environmental
10 organization; and

11 (7) one individual who is a representative of a community-based
12 organization or an organization representing equity and underrepresented
13 stakeholders.

14 (b) Duties. The Advisory Committee shall:

15 (1) review and comment on all stewardship plans during the plan
16 development process prior to submission;

17 (2) recommend to the Secretary whether to approve submitted plans;

18 (3) review and comment on all stewardship organization annual reports
19 prior to submission;

20 (4) recommend to the Secretary any plan amendments or other
21 amendments or requirements based on submitted annual reports; and

1 (5) review and comment on draft rules proposed by the Secretary
2 relevant to implementation of this chapter.

3 (c) Process. The Advisory Committee:

4 (1) shall meet at least quarterly until the initial round of stewardship
5 plans have been approved and semi-annually thereafter;

6 (2) shall elect a chair from among the members of the Advisory
7 Committee by a simple majority vote;

8 (3) may adopt bylaws and a charter for the operation of its business
9 under this chapter; and

10 (4) shall include an opportunity for minority report on ?.

11 (d) Convening; staff. The Secretary shall convene the Advisory
12 Committee. The Advisory Committee shall have the administrative, technical,
13 and legal assistance of the Agency of Natural Resources. The Advisory
14 Committee may request that the Department select and employ a third-party
15 facilitator to facilitate operation of the Advisory Committee.

16 § 7189. OTHER DISPOSAL PROGRAMS

17 A municipality or other public agency shall not require covered entities to
18 use public facilities to dispose of covered household hazardous products to the
19 exclusion of other lawful programs available. A municipality and other public
20 agencies are encouraged to work with manufacturers to assist them in meeting
21 their collection and disposal obligations under this chapter. Nothing in this

1 chapter prohibits or restricts the operation of any program collecting and
2 disposing of covered household hazardous products in addition to those
3 provided by manufacturers or prohibits or restricts any persons from receiving,
4 collecting, transporting, or disposing of covered household hazardous products,
5 provided that all other applicable laws are met.

6 § 7190. RULEMAKING

7 The Secretary of Natural Resources may adopt rules to implement the
8 requirements of this chapter.

9 Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF
10 REGISTRATION FEE FOR COVERED HOUSEHOLD
11 HAZARDOUS PRODUCTS

12 On or before January 15, 2024, the Secretary of Natural Resources shall
13 submit to the House Committees on Ways and Means and on Natural
14 Resources, Fish, and Wildlife and the Senate Committees on Finance and on
15 Natural Resources and Energy a recommended fee for the registration of
16 stewardship organizations under the covered household hazardous product
17 program under 10 V.S.A. chapter 164B.

18 Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

19 (a) In accordance with the following schedule, no person shall knowingly
20 dispose of the following materials in solid waste or in landfills:

21 * * *

1 (12) Covered household hazardous products after January 1, 2025.

2 Sec. 5. 10 V.S.A. § 8003 is amended to read:

3 § 8003. APPLICABILITY

4 (a) The Secretary may take action under this chapter to enforce the
5 following statutes and rules, permits, assurances, or orders implementing the
6 following statutes, and the Board may take such action with respect to
7 subdivision (10) of this subsection:

8 * * *

9 (30) 3 V.S.A. § 2810, relating to interim environmental media
10 standards; ~~and~~

11 (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts
12 or products; and

13 (32) 10 V.S.A. chapter 164B, relating to collection and management of
14 covered household hazardous products.

15 * * *

16 Sec. 6. 10 V.S.A. § 8503 is amended to read:

17 § 8503. APPLICABILITY

18 (a) This chapter shall govern all appeals of an act or decision of the
19 Secretary, excluding enforcement actions under chapters 201 and 211 of this
20 title and rulemaking, under the following authorities and under the rules
21 adopted under those authorities:

1 (1) The following provisions of this title:

2 * * *

3 (V) chapter 124 (trade in covered animal parts or products); and

4 (W) chapter 164B (collection and management of covered household
5 hazardous products).

6 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

7 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

8 (4) 3 V.S.A. § 2810 (interim environmental media standards).

9 * * *

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on passage.