

1 H.67

2 Introduced by Representatives Dolan of Waitsfield, Ode of Burlington,

3 Sheldon of Middlebury, and Stebbins of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; hazardous waste; consumer products;

7 household products containing hazardous substances

8 Statement of purpose of bill as introduced: This bill would require that

9 manufacturers of household products containing a hazardous substance

10 participate in a stewardship organization and implement a plan to collect

11 household products containing a hazardous substance free of charge to the

12 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,
14 processing, and end-of-life management of the covered household hazardous
15 products. Collection costs include facility costs, equipment costs, labor,
16 supplies, maintenance, events costs, and event contractor costs, including
17 facility set-up fees, environmental service fees, insurance fees, and shipping
18 containers and 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
9 of 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~~
2 a 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
17 total 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

1 ~~for 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
9 of 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
15 participating at each collection facility or collection event from which the
16 covered 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

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

Sales data and other confidential business information provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report.

(5) A comparison of the collection plan's participation rate and public awareness goals compared to the actual participation rate and public awareness and how the program will be improved if the participation rate and public awareness goals are not met.

(6) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.

(7) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.

(8) A description and evaluation of the success of the education and outreach materials. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall include a summary of their coordinated education and outreach efforts.

(9) Recommendations for any changes to the program.

(b) Collection plan audit. On or before March 1, 2030 and every five years 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
7 the Secretary on ways to increase the program's efficacy and cost-
8 effectiveness.

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

11 § 7186. ANTITRUST; CONDUCT AUTHORIZED

12 (a) Activity authorized. A manufacturer, group of manufacturers, or
13 stewardship organization implementing or participating in an approved
14 collection plan under this chapter for the collection, transport, processing, and
15 end-of-life management of covered household hazardous products is
16 individually or jointly immune from liability for conduct under State laws
17 relating to antitrust, restraint of trade, unfair trade practices, and other
18 regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the
19 extent that the conduct is reasonably necessary to plan, implement, and comply
20 with the stewardship organization's chosen system for managing discarded
21 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~~
2 an approved and implemented stewardship program. A collection plan that is
3 not approved or rejected by the Secretary within 90 days, not including the
4 time 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 ~~(c) 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
5 products, 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) The following provisions of this title:

* * *

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

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

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

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

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

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

(3) Leftover household products, known as household hazardous waste (HHW), are regulated through a requirement that municipal solid waste management entities (MSWMEs) include provisions in solid waste

implementation plans for the management and diversion of unregulated hazardous waste. The State solid waste management plan also requires the SWMEs to each hold a minimum of two HHW collection events every year.

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

(5) HHW collection events and permanent facilities are expensive to operate, and SWMEs spend approximately \$2.2 million a year to manage HHW, costs that are subsequently passed on to the residents of Vermont through taxes, fees, or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 855 tons or more per year of HHW are being disposed of in landfills.

(7) There is general agreement among the SWMEs and the Agency of Natural Resources that additional collection sites and educational and informational activities are necessary to capture more of the HHW being disposed of in landfills.

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

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

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

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

CHAPTER 164B. COLLECTION AND MANAGEMENT OF
HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

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

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

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

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

~~(i) the product or a component of the product is a hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations, regardless of the status of the generator of the hazardous waste; or~~

~~(ii) the product is a gas cylinder.~~

~~(B) “Covered household hazardous product” does not mean any of the following:~~

~~(i) a primary battery;~~

~~(ii) a lamp that contains mercury;~~

~~(iii) a thermostat that contains mercury;~~

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

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

~~(vi) a pharmaceutical drug;~~

~~(vii) citronella candles;~~

~~(viii) flea and tick collars.~~

~~(ix) pesticides required to be registered with the Agency of Agriculture, Food and Markets; or~~

~~(x) products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources.~~

~~(5)(A) "Gas cylinder" means:~~

~~(i) any nonrefillable cylinder and its contents supplied to a consumer for personal, family, or household use and shall include those containing flammable pressurized gas, spray foam insulating products, single-use and rechargeable handheld fire extinguishers, helium, or carbon dioxide, of any size not exceeding any cylinder with a water capacity of 50 pounds, including seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or flammable materials such as propane, butane, or other flammable compressed gasses; or~~

~~(ii) refillable cylinders containing propane for personal, family, or household use not exceeding a water capacity of one pound.~~

~~(B) "Gas cylinder" does not include any medical or industrial-grade cylinder.~~

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

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

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

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

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

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

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

~~(B) “Manufacturer” does not mean a person set forth under subdivisions (A)(i)–(vi) of this subdivision (6) if the person manufactures, sells, licenses, or imports less than \$5,000.00 of covered household hazardous~~

~~products in the United States in a program year and is registered with the Secretary.~~

~~(7) "Orphan covered product" means a covered household hazardous product for which no manufacturer is participating in a stewardship organization pursuant to section 7182 of this title.~~

~~(8) "Program year" means the period from January 1 through December 31.~~

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

~~(10) "Secretary" means the Secretary of Natural Resources.~~

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

~~(12) "Stewardship organization" means a legal entity such as an organization, association, or entity that has developed a system, method, or other mechanism that assumes the responsibilities, obligations, and liabilities~~

~~under this chapter of multiple manufacturers of covered household hazardous products.~~

~~§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;~~

~~STEWARDSHIP ORGANIZATION REGISTRATION~~

~~(a) Sale prohibited. Beginning on July 1, 2025, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a retailer for subsequent sale a covered household hazardous product unless all the following have been met:~~

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

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

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

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

~~(b) Stewardship organization registration requirements.~~

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

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

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

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

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

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

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

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

§ 7182. COLLECTION PLANS

(a) Collection plan required. Prior to January 1, 2025, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review one collection plan for all manufacturers.

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

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

(2) Free statewide collection of covered household hazardous products. The collection program shall provide for free, convenient, and accessible statewide opportunities for the collection from covered entities of covered household hazardous products, including orphan covered products. A stewardship organization shall accept all covered household hazardous products collected from a covered entity and shall not refuse the collection of a covered household hazardous product, including orphan covered household products, based on the brand or manufacturer of the covered household hazardous product unless specifically exempt from this requirement. The collection program shall also provide for the payment of collection, processing, and end-of-life management of the covered household hazardous

~~products. Collection costs include facility costs, equipment costs, labor supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials.~~

~~(3) Convenient collection location. The stewardship organization shall develop a collection program that allows all municipal household hazardous waste collection programs to opt to be a part of the collection plan, including collection events and facilities offered by solid waste planning entities. The plan shall make efforts to site points of collection equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to collection facilities or collection events.~~

~~(4) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. During the first year of program implementation and every two years thereafter, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each~~

~~stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this subdivision and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach efforts. The education and outreach program and website shall notify the public of the following:~~

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

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

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

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

~~(5) Compliance with appropriate environmental standards. In implementing a collection plan, a stewardship organization shall comply with all applicable laws related to the collection, transportation, and disposal of hazardous waste. A stewardship organization shall comply with any special~~

~~handling or disposal standards established by the Secretary for covered household hazardous products or for the collection plan of the manufacturer.~~

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

~~(7) Performance goals. A collection plan shall include:~~

~~(A) A performance goal for covered household hazardous products determined by the number of total participants at collection events and facilities listed in the collection plan during a program year divided by the total number of households. The number of households shall include seasonal households. The calculation methodology for the number of households shall be included in the plan.~~

~~(B) At a minimum, the collection performance goal for the first year of a plan shall be a participation rate of five percent of the households for every collection program based on the number of households the collection program serves, provided that the required participation rate shall increase by~~

~~one percent for every year of the initial plan. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The Secretary shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to establish the performance goals of the collection plan. If a stewardship organization does not meet its performance goals, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites. A stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.~~

~~(C) Proposed goals for increasing public awareness of the program, including meaningful participation for environmental justice focus populations as required by 3 V.S.A. chapter 72.~~

~~(8) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered~~

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

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

~~(d) Collection plan implementation. Stewardship organizations shall implement the collection plan on or before July 1, 2025.~~

§ 7184. STEWARDSHIP ORGANIZATIONS

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

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

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

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

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

§ 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

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

(1) A description of the collection program.

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

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

~~(4) The weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by a manufacturer participating in a stewardship organization's collection plan. Sales data provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report.~~

~~(5) A comparison of the collection plan's participation rate and public awareness goals compared to the actual participation rate and public awareness and how the program will be improved if the participation rate and public awareness goals are not met.~~

~~(6) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.~~

~~(7) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.~~

~~(8) A description and evaluation of the success of the education and outreach materials. If multiple stewardship organizations are implementing the collection plan approved by the Secretary, the stewardship organizations shall include a summary of their coordinated education and outreach efforts.~~

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

~~(b) Collection plan audit. On or before September 1, 2020 and every five years thereafter, a stewardship organization of manufacturers of covered household hazardous products shall hire an independent third party to audit the collection plan and the plan's operation. The auditor shall examine the effectiveness of the program in collecting and disposing of covered household hazardous products. The auditor shall examine the cost-effectiveness of the program and compare it to that of collection programs for covered household hazardous products in other jurisdictions. The auditor shall examine the effectiveness of the plan in satisfying the requirement of this chapter that all Vermonters have convenient and reasonable access to collection facilities or collection events. The auditor shall make recommendations to the Secretary on ways to increase the program's efficacy and cost-effectiveness.~~

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

§ 7186. ANTITRUST; CONDUCT AUTHORIZED

~~(a) Activity authorized. A manufacturer, group of manufacturers, or stewardship organization implementing or participating in an approved collection plan under this chapter for the collection, transport, processing, and end-of-life management of covered household hazardous products is individually or jointly immune from liability for conduct under State laws relating to antitrust, restraint of trade, unfair trade practices, and other~~

regulation of trade or commerce under 9 V.S. 4, chapter 63, subchapter 1 to the extent that the conduct is reasonably necessary to plan, implement, and comply with the stewardship organization's chosen system for managing discarded covered household hazardous products.

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

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title according to the public notice and comment requirements of section 7714 of this title.

(b) Criteria for plan approval.

(1) The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

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

(B) provides adequate notice to the public of the collection

opportunities available for covered household hazardous products,

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

~~(D) promotes the collection and disposal of covered household hazardous products; and~~

~~(E) is reasonably expected to meet performance goals and convenience standards.~~

~~(2) If a manufacturer or a stewardship organization fails to submit a plan that is acceptable to the Secretary because it does not meet the requirements of this chapter, the Secretary shall modify the submitted plan to make it conform to the requirements of this chapter and place the modified draft plan on notice pursuant to section 7714 of this title.~~

~~(c) Collection plan amendment. The Secretary, in the Secretary's discretion or at the request of a manufacturer or a stewardship organization, may require a stewardship organization to amend an approved collection plan. The Secretary shall amend the performance goals in the collection plan at least every five years. Collection plan amendments shall be subject to the public input provisions of section 7717 of this title.~~

~~(d) Registrations. The Secretary shall accept, review, and approve or deny registrations required by this chapter. The Secretary may revoke a registration of a stewardship organization when the actions of the stewardship organization~~

~~are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter.~~

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

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

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

§ 7188. OTHER DISPOSAL PROGRAMS

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

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

~~§ 7189. RULEMAKING~~

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

~~Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF
REGISTRATION FEE FOR COVERED HOUSEHOLD
HAZARDOUS PRODUCTS~~

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

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

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

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

Sec. 5. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title,

~~(iii) a collection plan for mercury-containing lamps under section 7156 of this title;~~

~~(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; and~~

~~(v) a primary battery stewardship plan under section 7586 of this title; and~~

~~(vi) a covered household hazardous waste collection plan under section 7183 of this title.~~

~~***~~

~~Sec. 6. 10 V.S.A. § 8003 is amended to read:~~

~~§ 8003. APPLICABILITY~~

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

~~***~~

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

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

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

~~* * *~~

~~Sec. 7. 10 V.S.A. § 8503 is amended to read:~~

~~§ 8503. APPLICABILITY~~

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

~~(1) The following provisions of this title:~~

~~* * *~~

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

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

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

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

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

~~* * *~~

~~Sec. 8. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~

~~Sec. 1. FINDINGS~~

The General Assembly finds that:

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

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

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

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

(5) HHW collection events and permanent facilities are expensive to operate, and SWMEs spend approximately \$2.2 million a year to manage HHW, costs that are subsequently passed on to the residents of Vermont through taxes, fees, or disposal charges.

(6) As a result of the failure to divert HHW, it is estimated that 855 tons or more per year of HHW are being disposed of in landfills.

(7) There is general agreement among the SWMEs and the Agency of Natural Resources that additional collection sites and educational and informational activities are necessary to capture more of the HHW being disposed of in landfills.

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

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

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

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

CHAPTER 164B. COLLECTION AND MANAGEMENT OF

HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

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

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

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

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

(i) the product or a component of the product is a hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations, regardless of the status of the generator of the hazardous waste;
or

(ii) the product is a gas cylinder.

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

(i) a primary or rechargeable battery;

(ii) a lamp that contains mercury;

(iii) a thermostat that contains mercury;

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

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

(vi) a pharmaceutical drug;

(vii) citronella candles;

(viii) flea and tick collars;

(ix) pesticides required to be registered with the Agency of Agriculture, Food and Markets;

(x) products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources; or

(xi) gas cylinders determined by the Secretary by rule not to pose an unacceptable risk to human health, solid waste facility operation, or the environment, and which are not hazardous waste.

(5)(A) “Gas cylinder” means:

(i) any nonrefillable cylinder and its contents supplied to a

consumer for personal, family, or household use and shall include those containing flammable pressurized gas, spray foam insulating products, single-use and rechargeable handheld fire extinguishers, helium, or carbon dioxide, of any size not exceeding any cylinder with a water capacity of 50 pounds, including seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or flammable materials such as propane, butane, or other flammable compressed gasses; or

(ii) refillable cylinders containing propane for personal, family, or household use not exceeding a water capacity of one pound.

(B) “Gas cylinder” does not include any medical or industrial-grade cylinder.

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

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

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

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

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

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

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

(B) "Manufacturer" does not mean a person set forth under subdivisions (A)(i)–(vi) of this subdivision (6) if the person manufactures, sells, licenses, or imports less than \$5,000.00 of covered household hazardous products in the United States in a program year and is registered with the Secretary.

(7) "Orphan covered product" means a covered household hazardous product for which no manufacturer is participating in a stewardship organization pursuant to section 7182 of this title.

(8) "Program year" means the period from January 1 through December 31.

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

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

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

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

(A) exempt from taxation under 26 U.S.C. §501(c)(3) of the Internal Revenue Code; and

(B) created by a group of producers to implement a collection plan in accordance with section 7183 of this title.

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

STEWARDSHIP ORGANIZATION REGISTRATION

(a) Sale prohibited. Beginning six months after a final decision on the adequacy of a collection plan by the Secretary, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a

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

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

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

(3) The stewardship organization in which the manufacturer participates has submitted an annual report consistent with the requirements of section 7185 of this title.

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

(b) Stewardship organization registration requirements.

(1) On or before January 1, 2025 and annually thereafter, a stewardship organization shall file a registration form with the Secretary. The Secretary shall provide the registration form to the stewardship organization. The registration form shall include:

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

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

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

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

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

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

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

§ 7183. COLLECTION PLANS

(a) Collection plan required. Prior to July 1, 2025, any stewardship organization registered with the Secretary as representing manufacturers of covered household hazardous products shall coordinate and submit to the Secretary for review one collection plan for all manufacturers.

(b) Collection plan; minimum requirements. Each collection plan shall

include, at a minimum, all of the following requirements:

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

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

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

waste collection programs to opt to be a part of the collection plan, including collection events and facilities offered by solid waste planning entities. The plan shall make efforts to site points of collection equitably across all regions of the State to allow for convenient and reasonable access of all Vermonters to collection facilities or collection events.

(4) Public education and outreach. The collection plan shall include an education and outreach program that shall include a website and may include media advertising, retail displays, articles and publications, and other public educational efforts. Outreach and education shall be suitable for the State's diverse ethnic populations, through translated and culturally appropriate materials, including in-language and targeted outreach. Public education and outreach should include content to increase meaningful participation by environmental justice focus populations as required by 3 V.S.A. chapter 72. During the first year of program implementation and two years after adoption of the collection plan, each stewardship organization shall carry out a survey of public awareness regarding the requirements of the program established under this chapter that can identify communities that have disparities in awareness and need more outreach. Each stewardship organization shall share the results of the public awareness surveys with the Secretary. If multiple stewardship organizations are implementing plans approved by the Secretary, the stewardship organizations shall coordinate in carrying out their education

and outreach responsibilities under this subdivision and shall include in their annual reports to the Secretary a summary of their coordinated education and outreach efforts. The education and outreach program and website shall notify the public of the following:

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

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

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

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

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

(6) Method of disposition. The collection plan shall describe how covered household hazardous products will be managed in the most environmentally and economically sound manner, including following the

waste-management hierarchy. The management of covered household hazardous products under the collection plan shall use management activities in the following priority order: source reduction, reuse, recycling, energy recovery, and disposal. Collected covered household hazardous products shall be recycled when technically and economically feasible.

(7) Performance goals. A collection plan shall include:

(A) A performance goal for covered household hazardous products determined by the number of total participants at collection events and facilities listed in the collection plan during a program year divided by the total number of households. The number of households shall include seasonal households. The calculation methodology for the number of households shall be included in the plan.

(B) At a minimum, the collection performance goal for the first approved plan shall be an annual participation rate of five percent of the households for every collection program based on the number of households the collection program serves. After the initial approved program plan, the stewardship organization shall propose performance goals for subsequent program plans. The Secretary shall approve the performance goals for the plan at least every five years. The stewardship organization shall use the results of the most recent waste composition study required under 6604 of this title and other relevant factors to propose the performance goals of the

collection plan. If a stewardship organization does not meet its performance goals, the Secretary may require the stewardship organization to revise the collection plan to provide for one or more of the following: additional public education and outreach, additional collection events, or additional hours of operation for collection sites. A stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan on the basis of achievement of program performance goals.

(8) Collection plan funding. The collection plan shall describe how the stewardship organization will fund the implementation of the collection plan and collection activities under the plan, including the costs for education and outreach, collection, processing, and end-of-life management of the covered household hazardous product. Collection costs include facility costs, equipment costs, labor, supplies, maintenance, events costs, and event contractor costs, including collection event set-up fees, environmental service fees, insurance fees, and shipping containers and materials. The collection plan shall include how municipalities will be compensated for all costs attributed to collection of covered household hazardous products. The Secretary shall resolve disputes relating to compensation.

(c) Term of collection plan. A collection plan approved by the Secretary under section 7187 of this title shall have a term not to exceed five years,

provided that the stewardship organization remains in compliance with the requirements of this chapter and the terms of the approved collection plan.

(d) Collection plan implementation. Stewardship organizations shall implement the collection plan on or before six months after the date of a final decision by the Secretary on the adequacy of the collection plan.

§ 7184. STEWARDSHIP ORGANIZATIONS

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

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

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

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

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

§ 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

(a) Annual report. Not later than 18 months after the date a collection

plan has been implemented, and annually thereafter, a stewardship organization of manufacturers of covered household hazardous products shall submit a report to the Secretary that contains all of the following:

(1) A description of the collection program.

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

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

(4) The weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by a manufacturer participating in a stewardship organization's collection plan. Sales data provided under this section shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential. Confidential information shall be redacted from any final public report. If manufacturers can demonstrate that they do not have Vermont specific data,

the stewardship organization may use national data prorated to Vermont based upon Vermont's population.

(5) A comparison of the collection plan's performance goals, including participation rate, compared to the actual performance and how the program will be improved if the performance goals are not met.

(6) A description of the methods used to reduce, reuse, collect, transport, recycle, and process the covered household hazardous products.

(7) The cost of implementing the collection plan, including the costs of administration, collection, transportation, recycling, disposal, and education and outreach.

(8) A description and evaluation of the success of the education and outreach materials. If multiple stewardship organizations are implementing the collection plan approved by the Secretary, the stewardship organizations shall include a summary of their coordinated education and outreach efforts.

(9) Recommendations for any changes to the program.

(b) Collection plan audit. On or before September 1, 2030 and every five years thereafter, a stewardship organization of manufacturers of covered household hazardous products shall hire an independent third party to audit the collection plan and the plan's operation. The auditor shall examine the effectiveness of the program in collecting and disposing of covered household hazardous products. The auditor shall examine the cost-effectiveness of the

program and compare it to that of collection programs for covered household hazardous products in other jurisdictions. The auditor shall examine the effectiveness of the plan in satisfying the requirement of this chapter that all Vermonters have convenient and reasonable access to collection facilities or collection events. The auditor shall make recommendations to the Secretary on ways to increase the program's efficacy and cost-effectiveness.

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

§ 7186. ANTITRUST; CONDUCT AUTHORIZED

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

(b) Limitations on antitrust activity. Subsection (a) of this section shall not apply to an agreement among producers, groups of manufacturers, retailers,

wholesalers, or stewardship organizations affecting the price of covered household hazardous products or any agreement restricting the geographic area in which or customers to whom covered household hazardous products shall be sold.

§ 7187. AGENCY RESPONSIBILITIES

(a) Review and approve collection plans. The Secretary shall review and approve or deny collection plans submitted under section 7183 of this title according to the public notice and comment requirements of section 7714 of this title.

(b) Criteria for plan approval.

(1) The Secretary shall approve a collection plan if the Secretary finds that the collection plan:

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

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

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

(D) promotes the collection and disposal of covered household hazardous products; and

(E) is reasonably expected to meet performance goals and

convenience standards.

(2) If a manufacturer or a stewardship organization fails to submit a plan that is acceptable to the Secretary because it does not meet the requirements of this chapter, the Secretary shall modify the submitted plan to make it conform to the requirements of this chapter and place the modified draft plan on notice pursuant to section 7714 of this title.

(c) Collection plan amendment. The Secretary, in the Secretary's discretion or at the request of a manufacturer or a stewardship organization, may require a stewardship organization to amend an approved collection plan. Collection plan amendments shall be subject to the public input provisions of section 7717 of this title.

(d) Registrations. The Secretary shall accept, review, and approve or deny registrations required by this chapter. The Secretary may revoke a registration of a stewardship organization when the actions of the stewardship organization are unreasonable, unnecessary, or contrary to the requirements or the policy of this chapter. The Secretary shall only approve one stewardship organization for the first collection plan.

(e) Supervisory capacity. The Secretary shall act in a supervisory capacity over the actions of a stewardship organization registered under this section. In acting in this capacity, the Secretary shall review the actions of the stewardship organization to ensure that they are reasonable, necessary, and limited to

carrying out requirements of and policy established by this chapter.

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

§ 7188. OTHER DISPOSAL PROGRAMS

A municipality or other public agency shall not require covered entities to use public facilities to dispose of covered household hazardous products to the exclusion of other lawful programs available. A municipality and other public agencies are encouraged to work with manufacturers to assist them in meeting their collection and disposal obligations under this chapter. Nothing in this chapter prohibits or restricts the operation of any program collecting and disposing of covered household hazardous products in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or disposing of covered household hazardous products, provided that all other applicable laws are met.

§ 7189. RULEMAKING

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

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

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

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

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

* * *

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

Sec. 5. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

(1) The purpose of this section is to establish the public notice and comment requirements that the Department must follow when adopting general permits, except for general permits governed by section 7712 of this chapter, and when considering other permits listed in this section.

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

(A) Each general permit issued pursuant to the Secretary's authority

under this title other than a general permit subject to section 7712 of this chapter. However, this section does not apply to a notice of intent under a general permit.

(B) Issuance of a dam safety order under chapter 43 of this title, except for an unsafe dam order under section 1095 of this title.

(C) An application or request for approval of:

(i) an aquatic nuisance control permit under chapter 50 of this title;

(ii) a change in treatment for a public water supply under chapter 56 of this title;

(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; ~~and~~

(v) a primary battery stewardship plan under section 7586 of this title; and

(vi) a covered household hazardous products collection plan under section 7183 of this title.

* * *

Sec. 6. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

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

** * **

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

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

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

** * **

Sec. 7. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

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

(1) The following provisions of this title:

** * **

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

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

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

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

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

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.