

1 H.67

2 An act relating to household products containing hazardous substances

3 The Senate proposes to the House to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

5 Sec. 1. FINDINGS

6 The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

1 implement a stewardship organization to collect household products containing
2 a hazardous substance free of charge to the public.

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

4 CHAPTER 164B. COLLECTION AND MANAGEMENT OF
5 HOUSEHOLD HAZARDOUS PRODUCTS

6 § 7181. DEFINITIONS

7 As used in this chapter:

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

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

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

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

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

4 (ii) the product is a gas cylinder.

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

7 (i) a primary or rechargeable battery;

8 (ii) a lamp that contains mercury;

9 (iii) a thermostat that contains mercury;

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

12 (v) a covered electronic device as that term is defined in section
13 7551 of this title;

14 (vi) a pharmaceutical drug;

15 (vii) citronella candles;

16 (viii) flea and tick collars;

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

19 (x) products that are intended to be rubbed, poured, sprinkled on,
20 sprayed on, introduced into, or otherwise applied to the human body or any
21 part of a human for cleansing, moisturizing, sun protection, beautifying,

1 promoting attractiveness, or altering appearance, unless designated as a
2 hazardous material or a hazardous waste by the Secretary of Natural
3 Resources; or

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

7 (5)(A) “Gas cylinder” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 under this chapter of multiple manufacturers of covered household hazardous
2 products and that is:

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

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

7 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;
8 STEWARDSHIP ORGANIZATION REGISTRATION

9 (a) Sale prohibited. Beginning six months after a final decision on the
10 adequacy of a collection plan by the Secretary, a manufacturer of a covered
11 household hazardous product shall not sell, offer for sale, or deliver to a
12 retailer for subsequent sale a covered household hazardous product unless all
13 the following have been met:

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

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

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

4 (4) The stewardship organization in which the manufacturer participates
5 has conducted a plan audit consistent with the requirements of subsection
6 7185(b) of this title.

7 (b) Stewardship organization registration requirements.

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

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

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

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

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

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

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

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

10 § 7183. COLLECTION PLANS

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

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

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

20 (2) Free statewide collection of covered household hazardous products.
21 The collection program shall provide for free, convenient, and accessible

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

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

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

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

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

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

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

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

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

1 recovery, and disposal. Collected covered household hazardous products shall
2 be recycled when technically and economically feasible.

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

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

10 (B) At a minimum, the collection performance goal for the first
11 approved plan shall be an annual participation rate of five percent of the
12 households for every collection program based on the number of households
13 the collection program serves. After the initial approved program plan, the
14 stewardship organization shall propose performance goals for subsequent
15 program plans. The Secretary shall approve the performance goals for the plan
16 at least every five years. The stewardship organization shall use the results of
17 the most recent waste composition study required under 6604 of this title and
18 other relevant factors to propose the performance goals of the collection plan.
19 If a stewardship organization does not meet its performance goals, the
20 Secretary may require the stewardship organization to revise the collection
21 plan to provide for one or more of the following: additional public education

1 and outreach, additional collection events, or additional hours of operation for
2 collection sites. A stewardship organization is not authorized to reduce or
3 cease collection, education and outreach, or other activities implemented under
4 an approved plan on the basis of achievement of program performance goals.

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

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

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

4 § 7184. STEWARDSHIP ORGANIZATIONS

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

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

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

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

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

18 § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

19 (a) Annual report. Not later than 18 months after the date a collection plan
20 has been implemented, and annually thereafter, a stewardship organization of

1 manufacturers of covered household hazardous products shall submit a report
2 to the Secretary that contains all of the following:

3 (1) A description of the collection program.

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

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

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

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

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

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

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

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

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

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

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

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

9 § 7186. ANTITRUST; CONDUCT AUTHORIZED

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

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

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

5 § 7187. AGENCY RESPONSIBILITIES

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

10 (b) Criteria for plan approval.

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

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

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

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

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

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

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

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

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

19 (e) Supervisory capacity. The Secretary shall act in a supervisory capacity
20 over the actions of a stewardship organization registered under this section. In
21 acting in this capacity, the Secretary shall review the actions of the stewardship

1 organization to ensure that they are reasonable, necessary, and limited to
2 carrying out requirements of and policy established by this chapter.

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

6 § 7188. OTHER DISPOSAL PROGRAMS

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

17 § 7189. RULEMAKING

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

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1 (2) The procedures under this section shall be known as Type 3

2 Procedures. This section governs each of the following:

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

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

9 (C) An application or request for approval of:

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

12 (ii) a change in treatment for a public water supply under chapter
13 56 of this title;

14 (iii) a collection plan for mercury-containing lamps under section
15 7156 of this title;

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

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

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

1 * * *

2 Sec. 6. 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. 7. 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:

2 * * *

9 * * *

11 This act shall take effect on passage