

1 H.601

2 Introduced by Representative Satcowitz of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; toxic chemicals in
6 packaging

7 Statement of purpose of bill as introduced: This bill proposes to prohibit the
8 presence of certain high priority materials and high priority chemicals in
9 packaging or packaging components sold or distributed in the State.

10 An act relating to prohibiting the presence of toxic chemicals in plastic
11 packaging

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

13 Sec. 1. 10 V.S.A. § 6621 is added to read:

14 § 6621. TOXIC CHEMICALS IN PACKAGING

15 As used in this section:

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

17 (2) “High priority chemicals in packaging” means any of the following
18 chemicals or chemical classes:

19 (A) perfluoroalkyl and polyfluoroalkyl substances (PFAS);

20 (B) ortho-phthalates;

1 (C) bisphenols;

2 (D) non-detectable pigments including carbon black;

3 (E) oxo-degradable additives, including oxo-biodegradable additives;

4 (F) UV 328 [2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol];

5 (G) short chained, medium chained, and long chained chlorinated
6 paraffins;

7 (H) benzophenone and its derivatives;

8 (I) antimony trioxide when used as a processing aid in polyethylene
9 terephthalate plastic;

10 (J) formaldehyde; and

11 (K) perchlorate.

12 (3) “High priority material” means any of the following:

13 (A) polyvinyl chloride (PVC) including polyvinylidene chloride;

14 (B) polystyrene, including expanded polystyrene;

15 (C) polycarbonate;

16 (D) polyethylene terephthalate glycol when used in rigid packaging;

17 (E) opaque or pigmented polyethylene terephthalate (PET) plastic
18 bottles; and

19 (F) melamine.

20 (4) “Manufacturer” means the person that manufactures a product or

21 whose brand name is affixed to the product. In the case of a product imported

1 into the United States, “manufacturer” includes the importer or first domestic
2 distributor of the product if the person that manufactured or assembled the
3 product or whose brand name is affixed to the product does not have a
4 presence in the United States.

5 (5) “Packaging” means a container providing a means of marketing,
6 protecting, or handling a product and shall include a unit package, an
7 intermediate package, and a shipping container. “Packaging” also means
8 unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and
9 other trays, wrappers and wrapping films, bags, and tubs.

10 (6) “Packaging component” means an individual assembled part of a
11 package, including any interior or exterior blocking, bracing, cushioning,
12 weatherproofing, exterior strapping, coatings, closures, inks, and labels.

13 (7)(A) “Packaging material” means any part of a package or container,
14 regardless of recyclability or compostability, including such material types as
15 paper, plastic, glass, or metal, that is used for the containment, protection,
16 handling, delivery, transport, distribution, and presentation of a product that is
17 sold, offered for sale, or distributed in the State. Bags and secondary or
18 transport packaging are included within this definition.

19 (B) “Packaging material” does not include:

20 (i) medical devices and packaging are included with products
21 regulated as a drug, medical device or dietary supplement by the U.S. Food

1 and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21
2 U.S.C. § 321 et seq.; 21 C.F.R. § 3.2(e); or the Dietary Supplement Health and
3 Education Act, 21 U.S.C. chapter 9; or

4 (ii) animal biologics, including vaccines, bacterins, antisera,
5 diagnostic kits, and other products of biological origin, and other covered
6 materials regulated by the U.S. Department of Agriculture under the Virus,
7 Serum, Toxin Act, 21 U.S.C. §§ 151–159.

8 (8) “Reusable packaging” means packaging designed and manufactured
9 to maintain its shape and structure and to be materially durable for repeated
10 sanitizing and use.

11 Sec. 2. 10 V.S.A. § 6621d is added to read:

12 § 6621d. PROHIBITION OF HIGH PRIORITY CHEMICALS IN
13 PACKAGING

14 (a) No person, including a manufacturer, shall sell or distribute into
15 commerce any packaging, packaging component or reusable packaging that
16 contains any high priority material.

17 (b) No person, including a manufacturer, shall sell or distribute into
18 commerce any packaging, packaging component or reusable packaging that
19 contains high priority chemicals in packaging.

20 (c) The Agency may designate additional chemicals or chemical classes as
21 “high priority chemicals of concern in packaging” if that chemical or chemical

1 class has been identified by a state agency, federal agency, international
2 intergovernmental agency, accredited research university, or other scientific
3 evidence deemed authoritative by the Agency on the basis of scientific
4 evidence as being one or more of the following:

5 (1) a chemical or chemical class that is a carcinogen, mutagen,
6 reproductive toxicant, immunotoxicant, neurotoxicant, endocrine disruptor;

7 (2) a chemical or chemical class that is persistent, bioaccumulative, or
8 highly mobile;

9 (3) a chemical or chemical class that may harm the normal development
10 of a fetus or child or cause other developmental toxicity in humans or wildlife;

11 (4) a chemical or chemical class that may harm organs or cause other
12 systemic toxicity;

13 (5) a chemical or chemical class that may have adverse air quality
14 impacts, adverse ecological impacts, adverse soil quality impacts, or adverse
15 water quality impacts; or

16 (6) the Agency has determined a chemical or chemical class has
17 equivalent toxicity to the above criteria.

18 (d) The Agency shall have the authority to demand and receive information
19 from product manufacturers and packaging manufacturers on the chemical
20 composition of packaging materials and the identification of chemicals and
21 chemical classes used as processing aids or additives in packaging materials.

1 (e) The Agency shall issue rules and may establish a fee on manufacturers
2 to cover the Agency's reasonable costs in developing rules and administering
3 the requirements in this section.

4 (f) Any manufacturer found in violation of this section shall pay a fine to
5 the Agency in the amount of \$25,000.00 per violation.

6 Sec. 3. IMPLEMENTATION

7 The prohibitions under 10 V.S.A. § 6622(a) and (b) shall begin on or after
8 January 1, 2027.

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on July 1, 2025.