

To: Chair Amy Sheldon and Committee Members  
House Committee on Environment and Energy

From: Nicholas Georges  
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Household and Commercial Products Association

Date: January 31, 2023

Re: H.67 An Act Relating to Household Products Containing Hazardous Substances

Thank you, Chair Sheldon and Committee Members, for allowing me to provide comments on H.67. My name is Nicholas Georges and I'm the Senior Vice President of Scientific and International Affairs for the Household and Commercial Products Association. HCPA represents a wide range of trusted and familiar household and commercial products, which include disinfectants and sanitizers; and cleaning products for use throughout the home; air fresheners, room deodorizers and candles that eliminate malodors; pest management products for home, lawn and garden; floor and furniture maintenance and polish products; products used to protect and improve the performance and appearance of automobiles; and a host of other products used every day by consumers

Prior to joining HCPA, I worked in the research and development field of new and reformulated products, ensuring compliance with all applicable laws and regulations. It was my job to ensure that the products produced were safe and effective for consumers when used in accordance with label directions.

I'm here today to discuss H.67 which proposes to require manufacturers of household products to participate in a stewardship organization and implement a plan to collect household hazardous waste.

Understanding that solid waste districts within the state don't have enough resources to adequately manage household hazardous waste, the industry we represent recognizes the need to increase state and local revenue to bolster existing household hazardous waste collection programs. We want to work with the legislature and executive leadership to find a

solution. HCPA believes that additional funding could be collected through mechanisms similar to what Vermont already has as it relates to pesticide registrations. Before a company can sell a pesticide product in the state of Vermont, whether that's a disinfectant, sanitizer, insecticide, herbicide, or similarly regulated product the manufacturer must first pay a fee to the state. We believe that this model is a more streamlined approach to direct money into solid waste districts that have long administered collection programs.

HCPA is concerned that H. 67 would establish a far more complex and expensive program than is necessary for a portfolio of products that can be safely managed under existing collection programs administered by people experienced in handling these materials. The bill would establish a complex model based on product stewardship programs serving specific product categories. The bill's preamble cites the \$1.6 million it costs Vermont to manage household hazardous waste. That is not insignificant in relation to the state's population. In our estimation, the costs of standing up a stewardship organization and administering the compliance requirements mandated in the bill will be extraordinary and those monies would be better spent at the local level.

While the stewardship organization would be required to assume the obligations and liabilities of covered manufactures, the stewardship organization under H. 67 has little, if any, authority or flexibility to manage household hazardous waste under the weight of this bill. The stewardship organization would be supervised by the Secretary of the Agency Natural Resources who, in turn, would answer to the newly authorized Household Hazardous Waste Stewardship Program Advisory Committee. The Advisory Committee, is required to have administrative, technical, and legal assistance from the Agency. Moreover, the Advisory Committee is allowed to employ a third party facilitator to manage the operation of the Committee.

We counted almost 40 different requirements that would be set by law under the collection plans. These include administering the coordination of manufacturers, brands, and creating list maintenance methodologies. The organization would be required to develop methods and systems for payment collections, which must factor very specific costs defined within the bill. Moreover, if enacted, the statute would prescribe collection plan management activities in a priority-order set by law, not by the stewardship organization, not the Advisory Committee or even the Secretary. The bill requires performance goals through a new legal formula that would determine the public's participation rate. However, the proposal goes a step further by creating a mandatory participation rate that, if not achieved, triggers a revision of the entire collection plan. Unfortunately, the revisions would be restricted by key elements of the collection plan that would be set by law.

The Secretary of the Agency of Natural Resources will have nearly a dozen new responsibilities. From approving, denying, modifying collection plans to establishing new public review processes and adopting new regulations. Household hazardous waste will keep the state busy enough to convene staff dedicated to managing the management of HHW.

The stewardship organization has many other responsibilities, among them would be the handling of confidential business information, including the collection of sales data. The law would require reporting that is virtually impossible to collect, such as the weight and volume of hazard category of household hazardous products sold in the state in the previous calendar year by each manufacturer. These requirements do not consider the complexity of how products are manufactured, sold, and distributed in North America. The logistical and legal barriers to collecting accurate information for one manufacturer is difficult. Multiply that requirement across all manufacturers and it is an untenable task.

HCPA believes that improving household hazardous waste collection and management in Vermont can be achieved through additional resources directed at the local level. We want to work with all stakeholders to bolster funding for existing HHW programs. We believe there is an opportunity to work with the Agency of Natural Resources on an annual basis to ensure a funding mechanism can be developed that supports municipalities so that taxpayers aren't unreasonably burdened. Additionally, industry is always willing to provide guidance to ensure that commonly used household products are properly classified and disposed of to minimize landfilling.

With that, I'm happy to answer any questions that you may have.