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April 20, 2023

Senator Christopher Bray, Chair
Senator Anne Watson, Vice Chair
Senate Committee on Natural Resources and Energy
State of Vermont Senate
115 State Street
Montpelier, VT 05633-5301

RE: Support for H.67, An act relating to household products containing hazardous substances

Dear Chair Bray, Vice Chair Watson, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support** of **H.67**, which will create a statewide household hazardous waste (HHW) extended producer responsibility (EPR) program for Vermont, managed and sustainably funded by producers.

PSI is a policy advocate and consulting nonprofit that pioneered product stewardship in the United States along with a coalition of hundreds of state and local government officials, including those in Vermont. Since 2000, PSI has also worked with numerous others to develop EPR policies for many of the 131 EPR laws enacted for 16 industry sectors, including Vermont's EPR laws on paint, electronics, pharmaceuticals, mercury lamps, mercury thermostats, and batteries. Over the past decade, we have analyzed the operational feasibility of EPR for HHW programs in the U.S., as well as best practices and lessons learned from existing HHW EPR programs across Canada. HHW EPR programs have been operating successfully in Canada since the 1990s and, in the past few years, have expanded to two new provinces.

H.67 is consistent with current EPR best practices and contains key elements necessary for implementation of an effective HHW EPR law, including: 1) **performance goals** to measure progress; 2) **annual reporting** to provide transparency and monitor program implementation; and 3) **education and outreach** to raise public awareness about how to safely manage HHW and reduce leftover products. The law also includes requirements for educational resources targeted at overburdened and vulnerable communities. In addition, H.67 provides local governments with the opportunity to participate in the program and be compensated by producers for their reasonable costs of collection, as well as save money on the costs of transportation and processing of materials, which will be producer-funded. Furthermore, based on existing

studies of EPR for packaging that showed a lack of evidence that consumer costs will increase due to the compliance costs of producers, we expect similar results from enactment of HHW EPR.

The bill also contains other elements of successful stewardship programs, including allowing multiple stewardship organizations as well as requiring a stewardship plan and plan renewal to improve the program based on lessons learned as the program is implemented and matures. It also includes a multi-stakeholder advisory committee to ensure meaningful input into the program by Vermont hazardous waste management companies, manufacturers, retailers, local governments, and community-based organizations.

Household products that are toxic, corrosive, flammable, and chemically reactive pose human health and environmental risks when stored in the home and improperly disposed. These products, which include cleaning fluids, varnish, paint removers, fuel additives, pesticides, and gas cylinders, are also a significant cost for local governments to manage. Both nonrefillable and refillable gas cylinders have been included in H.67 to reduce consumer confusion and because local governments have continued to see them brought to transfer stations, abandoned, and illegally disposed. EPR legislation in Connecticut and Ontario, Canada includes both nonrefillable and refillable gas cylinders.

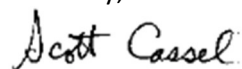
Although the U.S. Environmental Protection Agency sets stringent requirements for hazardous waste generated by businesses, it does not regulate products with the same hazardous materials generated in the home and does not prohibit trash disposal of HHW. In many communities, where there is a lack of collection facilities or events, or inconsistent HHW collection services due to the limited resources of local governments, significant quantities of these materials are disposed of in the trash or down the drain.

This bill uses existing regulatory standards to define the covered products, and it is a producer's responsibility, with government oversight, to determine which of its products are covered by the program. The definitions used in this bill for a covered product includes a product or product component that is a hazardous waste under Section 7-702 of the Vermont Hazardous Waste Management Regulations or is a pesticide registered with the Agency of Agriculture, Food and Markets as a Class A, B, or C pesticide. These are standards that the industry is already familiar with for their products, and use of a similar approach has worked successfully in Canadian programs in multiple provinces.

H.67 will provide consumers with a convenient program that safely manages household products containing hazardous substances, reducing environmental and human health impacts. Vermont already has experience passing and implementing programs required by EPR laws, including for leftover paint, used electronics, pharmaceuticals, lighting, mercury thermostats, and batteries. All these laws are based on the same principle of EPR as H.67. As a result of the effectiveness of these laws, Vermont has the highest per-capita collection and recycling rates in the nation for many of these products. This bill is expected to produce similar positive results.

I encourage you to support H.67 and reduce the health and environmental risks of household products containing hazardous substances and the tremendous financial burden placed on local governments for safely managing these products. If you have any questions, please feel free to contact me at (617) 236-4822, or Scott@ProductStewardship.US.

Sincerely,



Scott Cassel
Chief Executive Officer/Founder