

## **H.67 - Extended Producer Responsibility (EPR) for Household Hazardous Waste (HHW)**

**1/25/2023**

Jen Holliday, Chittenden Solid Waste District and the Vermont Product Stewardship Council

H.67 is modeled after other EPR laws in Vermont and designed to cover the cost of collecting and proper disposal of many hazardous products that Vermont Solid Waste Management Entities (SWMEs) are required to collect. The bill includes all hazardous products that are intended and packaged for household consumer use that are not already covered under existing Vermont EPR programs. It also covers gas cylinders, including propane canisters and fire extinguishers. Under this proposal these materials could be brought to any household hazardous waste (HHW) collection program by anyone other than regulated large quantity and small quantity hazardous waste generators for free disposal/recycling.

H.67 requires manufacturers of hazardous products to form a Stewardship Organization (SO) and submit a plan to ANR for approval on how they will recover their leftover products from Vermont consumers. The SO is required to include all HHW collection facilities and events in their proposed collection program and pay for all associated costs related to the collection of covered products. Manufacturers of covered products must register with ANR and list all the covered products they sell. If a manufacturer is not participating in a SO with an approved plan, they may not sell their product(s) in Vermont.

Most of the requirements of the Stewardship Organization are covered under section 7183 - Collection Plans. These are standard requirements included in other Vermont EPR laws. Under this section, the SO must submit a plan to ANR for approval that will describe how they will educate the public about opportunities to drop off leftover hazardous products and how they will collect and properly dispose of those leftover products and meet the performance goals. The performance goals in H.67 are based on current participation rates in existing Vermont HHW collection programs and on national data. To effectively keep hazardous products out of the environment, these standards must be reasonable and provide adequate convenience for consumers to participate.

The plan must explain how the SO will fund the implementation of the collection program including costs associated with collection. Like most EPR laws, the bill is silent on how the manufacturers will pay for the program, leaving it to the manufacturers and the SO to determine. The typical mechanism used to pay for EPR programs is for the SO to assign a portion of the program cost to manufacturers based on their market share of their covered products. The program is NOT paid for by a fee on products at retail and it is very unlikely that this program will result in price increases for consumers purchasing hazardous products in Vermont. Most products are sold nationally or even globally, making a price increase just for Vermont impossible or impractical under current distribution methods.

Solid Waste Management Entities and towns that provide HHW collection will likely have an agreement with the Stewardship Organization on how the SWME will meet the collection requirements and how they will be

compensated. Based on research done by the Product Stewardship Institute, it is estimated that approximately 25% of the products that HHW programs collect would be covered under this program. The remaining products are either already covered under different EPR programs (paint, batteries, and mercury-containing products), or do not enter the program contained in consumer packaging. Old gasoline being one example.

Retailers do not have any requirements under this proposal unless they are a brand owner, in which case they would have the same responsibilities as a manufacturer as described above. The diagram below outlines the flow of responsibilities and HHW products under H.67.

