



ADMINISTRATIVE OFFICE
1021 Redmond Road
Williston, VT 05495

EMAIL info@cswd.net
TEL (802) 872-8100

www.cswd.net

Vermont Senate Committee on Natural Resources & Energy

Jen Holliday, Director of Public Policy and Communications, Chittenden Solid Waste District (CSWD)

H.67

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Chairman Bray and Committee Members,

Thank you for your interest in Extended Producer Responsibility (EPR) for Household Hazardous Waste (HHW) and for inviting me to speak about H.67. For the record my name is Jen Holliday, I am the Director of Public Policy and Communications for the Chittenden Solid Waste District (CSWD). CSWD is in support of H.67.

I am also a founding member and Chair of the Vermont Product Stewardship Council (VTPSC) which includes most of the Vermont Solid Waste Management Entities (SWMEs) as members. The VTPSC formed in 2008 to work on Extended Producer Responsibility (EPR) policies including the EPR laws that have been enacted on paint, batteries, mercury-containing lamps and electronics. I am also a board member and past president of the Product Stewardship Institute (PSI). PSI is a national organization that specializes in EPR policy and has worked with us on H.67 and other EPR bills. EPR for HHW, has been a priority for the VTPSC and SWMEs for the past nine years with a bill introduced every biennium for the past three biennia. Two of these bills passed the House. H.67 is the fourth EPR bill for HHW.

I have provided a handout that gives an overview of H.67 and why it is needed and will go into a little more detail here.

Why EPR for HHW?

HHW is the most toxic part of our waste stream and is therefore critical to keep out of the landfill and the environment to protect human health and Vermont's surface and groundwater. It is also the most expensive and difficult waste stream to manage. It requires specially trained staff or contractors to collect HHW and it is shipped out of state as far away as Texas to be buried, burned, or destroyed which has its own negative impacts on the environment. SWMEs are struggling with the mandate to collect HHW.

SWMEs do their best with the limited resources they have to keep HHW out of the environment, but we need to do better, and we need help from the producers to do it. According to the 2018 State of Vermont Waste Characterization Study, consumers dispose of 855 tons of household hazardous waste in their trash every year. Additionally, we know that HHW is also dumped outside or down drains.

H. 67:

- Places the cost of managing these products on the producers who profit from them instead of on local government and taxpayers.
- Provides an incentive for manufacturers to reduce the toxicity of their products so they don't require collection and special treatment.
- Protects solid waste workers by keeping HHW out of the trash.
- Protects our ground and surface waters by keeping HHW out of the trash and from being disposed of through illegal dumping and down the drain.
- Bans HHW from landfill disposal.

Household and Business Hazardous Waste Collection Overview

When we refer to HHW collection programs it is important to understand that we are talking about business waste as well. ANR requires SWMEs to provide collection opportunities for hazardous waste generated by those businesses that generate small amounts of hazardous waste. These businesses are referred to as Very Small Quantity Generators (VSQGs). Examples of VSQGs are small manufacturers, contractors, property managers, schools, and municipalities. They use and dispose of similar consumer products that households have. SWMEs typically charge the businesses that bring hazardous waste to their programs. Under H.67 consumer products would be free for businesses to drop-off at HHW collection programs resulting in keeping more hazardous products out of the environment.

The Agency of Natural Resources requires SWMEs to provide a minimum of two HHW collection events per year. The requirement was previously four events per year, but it was reduced because of the high cost to hold events. Some SWMEs go beyond what is required and have permanent collection facilities that are open seasonally or year-round. There are 27 SWMEs including 4 independent towns. Seven of them have permanent collection facilities, the remaining 19 SWMEs hold two collection events per year (see the handout I provided - VT DEC Vermont Permanent HHW/CEG Facilities Map).

CSWD Program

CSWD has been providing collection services for HHW since 1991. Our Board has always been committed to keeping HHW out of the environment. Our level of service is well above the state's requirements and is considered nationally the gold standard for its convenience. We provide a permanent, year-round collection facility, the Environmental Depot, open five days a week for businesses and residents. We also have a Rover, a mobile collection service that provides one-day collection events throughout our community during the warmer months of the year. We charge businesses to drop-off hazardous waste at the Depot and our residential drop-off at the Depot and Rover is free.

The participation rate for our program is very high due to the level of convenience and low or no cost to drop off waste.

Participation rates

We serve between 8,000 and 11,000 households every year. This is approximately 13% of Chittenden County households, and among the highest participation rates in the U.S. for HHW collection. 100%

participation every year is not the goal or achievable. Research shows that on average consumers dispose of HHW once every 7.4 years. Therefore, if a program serves 13% of the households every year for 7.4 years, it has achieved about a 96% household participation rate.

Our program is staffed by our own employees who have collected and managed more than 16 million pounds of hazardous waste since we started our program over 30 years ago. This is equal to approximately 40,000 55-gallon drums of waste. Our specially trained staff maintain strict compliance with complex rules and regulations that protect workers, the public, and the environment.

There are no hazardous waste treatment or disposal facilities located in Vermont, so most hazardous waste collected in the state is shipped by hazardous waste transportation companies located out of state at a significant cost.

CSWD Costs

At CSWD we are proud of our residents' commitment to keeping HHW out of the environment through their high use of the Environmental Depot and the Rover. But it comes with a high price tag. CSWD's total HHW management costs in FY22 was \$784,000. This was partially offset by revenue generated from the EPR programs for batteries, mercury devices, and paint, and by a grant from ANR leaving us with a net cost of \$545,000.

FY22 disposal costs were \$220,000. We expect this expense to be over \$350,000 in FY24 as our hazardous waste disposal service provider, U.S. Ecology, has increased their pricing by 35%. At this price and rate of collection, our disposal costs are an estimated \$1,140/ton. To put this in perspective, it costs CSWD approximately \$125/ton to dispose of trash collected at our Drop-off Centers. There are very few hazardous management companies that provide service in Vermont, and we anticipate disposal costs will continue to rise due to consolidation of hazardous waste service providers and limited competition.

I encourage the committee to take testimony from other SWMEs that do not have permanent facilities as their costs to hold HHW collection events have risen even more drastically, and they have had challenges finding hazardous waste management companies to hold events.

H.67 is modeled after VT's successful and very effective EPR laws for other products--electronics, primary batteries, paint, mercury lamps and mercury thermostats. Like the programs for electronics, batteries, and mercury-containing products, this bill will not increase the cost of household hazardous products for Vermont consumers. There is no fee at the point of retail. The structure of the proposed program is not complicated. I have submitted a summary of how the program would work under H.67 that includes a diagram showing responsibilities of program stakeholders.

Changes to the Bill

I have spoken with George Kerchner from the Rechargeable Battery Association who would like rechargeable batteries exempt from H.67 because all rechargeable batteries would not be covered under this bill. The Rechargeable Battery Association has led a voluntary collection program for rechargeable batteries since the 1970s in Vermont and continues to do so. They have indicated that they would like to see EPR legislation specifically crafted for rechargeable batteries in Vermont. We support exempting rechargeable batteries in H.67.