

1 H.484

2 An act relating to miscellaneous agricultural subjects

3 The Senate proposes to the House to amend the bill by striking out all after  
4 the enacting clause and inserting in lieu thereof the following:

5 \* \* \* Beneficial Substances \* \* \*

6 Sec. 1. 6 V.S.A. chapter 28 is amended to read:

7 CHAPTER 28. FERTILIZER ~~AND~~, LIME, AND BENEFICIAL  
8 SUBSTANCES

9 § 361. TITLE

10 This chapter shall be known as the “Fertilizer, Lime, ~~Plant Amendment,~~  
11 ~~Plant Biostimulant, and Soil Amendment~~ and Beneficial Substances Law.”

12 § 362. ENFORCING OFFICIAL

13 This chapter shall be administered by the Secretary of Agriculture, Food  
14 and Markets or designee, hereafter referred to as the Secretary.

15 § 363. DEFINITIONS

16 As used in this chapter:

17 (1) “Agricultural lime” or “agricultural liming material” or “lime”

18 means one or more of the following:

19 (A) All products with calcium and magnesium compounds that are  
20 capable of neutralizing soil acidity and that are intended, sold, or offered for  
21 sale for agricultural or plant propagation purposes.

1 (B) Limestone consisting essentially of calcium carbonate or a  
2 combination of calcium carbonate with magnesium carbonate capable of  
3 neutralizing soil acidity.

4 (C) Industrial waste or industrial ~~by-products~~ byproducts that contain  
5 calcium; calcium and magnesium; or calcium, magnesium, and potassium in  
6 forms that are capable of neutralizing soil acidity and that are intended, sold, or  
7 offered for sale for agricultural purposes. For the purposes of this chapter, the  
8 terms “agricultural lime,” “lime,” and “agricultural liming material” ~~shall~~ have  
9 the same meaning.

10 (2) “Beneficial substance” means any substance or compound, other  
11 than primary, secondary, and micro plant nutrients (fertilizers), and excluding  
12 pesticides, that can be demonstrated by scientific research to be beneficial to  
13 one or more species of plants, soil, or media. Beneficial substances include  
14 plant amendments, plant biostimulants, plant inoculants, soil amendments, soil  
15 inoculants, and other chemical or biological substances beneficial to plants or  
16 their growing environment.

17 (3) “Brand” means a term, design, or trademark used in connection with  
18 one or more grades or formulas of fertilizer, ~~plant amendment, plant~~  
19 ~~biostimulant, soil amendment~~ beneficial substance, or lime.

20 (3)(4) “Distribute” means to import, consign, manufacture, produce,  
21 compound, mix, blend, offer for sale, sell, barter, or supply a fertilizer, ~~a plant~~

1 ~~amendment, a plant biostimulant, a soil amendment~~ a beneficial substance, or  
2 lime in this State through any means, including sales outlets, catalogues, the  
3 telephone, the internet, or any electronic means.

4 ~~(4)(5)~~ (5) “Distributor” means any person who distributes fertilizer, ~~plant~~  
5 ~~amendment, plant biostimulant, soil amendments~~ beneficial substance, or lime.

6 ~~(5)(6)~~ (6) “Exceptional quality biosolid” means a product derived in whole  
7 or in part from domestic wastes that have been subjected to and meet the  
8 requirements of the following:

9 (A) a pathogen reduction process established in 40 C.F.R.  
10 § 503.32(a)(3), (4), (7), or (8);

11 (B) one of the vector attraction reduction standards established in 40  
12 C.F.R. § 503.33;

13 (C) the contaminant concentration limits in Vermont Solid Waste  
14 Rules § 6-1303(a)(1); and

15 (D) if derived from a composting process, Vermont Solid Waste  
16 Rules § 6-1303(a)(5).

17 ~~(6)(7)~~ (7) “Fertilizer” means any substance containing one or more  
18 recognized plant nutrients that is used for its plant nutrient content and that is  
19 designed for use or claimed to have value in promoting plant growth or health,  
20 except unprocessed animal or vegetable manures and other products exempted  
21 by the Secretary.

1 (A) A fertilizer material is a substance that either:

2 (i) contains important quantities of at least one of the primary  
3 plant nutrients: nitrogen, phosphorus, or potassium;

4 (ii) has 85 percent or more of its plant nutrient content present in  
5 the form of a single chemical compound; or

6 (iii) is derived from a plant or chemical residue or ~~by-product~~  
7 byproduct or natural material deposit that has been processed in such a way  
8 that its content of plant nutrients has not been materially changed except by  
9 purification and concentration.

10 (B) A mixed fertilizer is a fertilizer containing any combination or  
11 mixture of fertilizer materials.

12 (C) A specialty fertilizer is a fertilizer distributed for nonfarm use.

13 (D) A bulk fertilizer is a fertilizer distributed in a nonpackaged form.

14 ~~(7)~~(8) “Formulation” means a material or mixture of materials prepared  
15 according to a particular formula.

16 ~~(8)~~(9) “Grade” means the percentage of total nitrogen, available  
17 phosphorus or phosphoric acid, and soluble potassium or potash stated in  
18 whole numbers in the same terms, order, or percentages as in the guaranteed  
19 analysis. Specialty fertilizers and fertilizer materials may be guaranteed in  
20 fractional terms. Any grade expressed in fractional terms that is not preceded  
21 by a whole number shall be preceded by zero.

1           ~~(9)~~(10) “Guaranteed analysis” means:

2           (A) in reference to fertilizer, the minimum percentages of plant  
3 nutrients claimed by the manufacturer or producer of the product in the  
4 following order and form: nitrogen, phosphorus, and potash; and

5           (B) in reference to agricultural lime or agricultural liming material,  
6 the minimum percentages of calcium oxide and magnesium oxide or calcium  
7 carbonate and the calcium carbonate equivalent, or both, as claimed by the  
8 manufacturer or producer of the product.

9           ~~(10)~~(11) “Label” means the display of all written, printed, or graphic  
10 matter upon the immediate container or a statement accompanying a fertilizer,  
11 ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or  
12 lime.

13           ~~(11)~~(12) “Labeling” means all written, printed, or graphic material upon  
14 or accompanying any fertilizer, ~~plant amendment, plant biostimulant, soil~~  
15 ~~amendment~~ beneficial substance, or lime, including advertisements, brochures,  
16 posters, and television and radio announcements used in promoting the sale of  
17 the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial  
18 substance, or lime.

19           ~~(12)~~(13) “Official sample” means any sample of fertilizer, ~~plant~~  
20 ~~amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime  
21 taken by the Secretary.

1           ~~(13)~~(14) “Plant amendment” means any substance applied to plants or  
2 seeds that is intended to improve growth, yield, product quality, reproduction,  
3 flavor, or other favorable characteristics of plants, except for fertilizer, soil  
4 amendments, agricultural liming materials, animal and vegetable manures,  
5 pesticides, plant regulators, and other materials exempted by rule adopted  
6 under this chapter.

7           ~~(14)~~(15) “Plant biostimulant” means a substance ~~or~~, microorganism, or  
8 mixtures thereof that, when applied to seeds, plants, ~~or~~ the rhizosphere,  
9 stimulates soil, or other growth media act to support a plant’s natural nutrition  
10 processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance  
11 to abiotic stress, or crop quality and yield, except for fertilizers, soil  
12 amendments, plant amendments, or pesticides independently of the  
13 biostimulant’s nutrient content. The plant biostimulant thereby improves  
14 nutrient availability, uptake, or use efficiency; tolerance to abiotic stress; and  
15 consequent growth development, quality, or yield. The Secretary may modify  
16 the definition of “plant biostimulant” by rule or procedure in order to maintain  
17 consistency with U.S. Department of Agriculture requirements.

18           (16) “Plant inoculant” means a product consisting of microorganisms to  
19 be applied to the plant or soil for the purpose of enhancing the availability or  
20 uptake of plant nutrients through the root system.

1           ~~(15)~~(17) “Percent” or “percentage” means the percentage by weight.

2           ~~(16)~~(18) “Primary nutrient” includes nitrogen, available phosphoric acid  
3 or phosphorus, and soluble potash or potassium.

4           ~~(17)~~(19) “Product” means the name of the fertilizer, ~~plant amendment,~~  
5 ~~plant biostimulant, soil amendment~~ beneficial substance, or lime that identifies  
6 it as to kind, class, or specific use.

7           ~~(18)~~(20) “Registrant” means the person who registers a fertilizer, ~~plant~~  
8 ~~amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime  
9 under the provisions of this chapter.

10           ~~(19)~~(21) “Soil amendment” means a substance or mixture of substance  
11 that is intended to improve the physical, chemical, biochemical, biological, or  
12 other characteristics of the soil or a distinct form of horticultural growing  
13 media used in lieu of soil. “Soil amendment” does not mean fertilizers,  
14 agricultural liming materials, unprocessed animal manures, unprocessed  
15 vegetable manures, pesticides, ~~plant biostimulants,~~ and other materials  
16 exempted by rule. A compost product from a facility under the jurisdiction of  
17 the Agency of Natural Resources’ Solid Waste Management Rules or  
18 exceptional quality biosolids shall not be regulated as a soil amendment under  
19 this chapter, unless marketed and distributed for the use in the production of an  
20 agricultural commodity.

1           (22) “Soil inoculant” means a microbial product that is applied to  
2 colonize the soil to benefit the soil chemistry, biology, or structure.

3           ~~(20)~~(23) “Ton” means a net weight of 2,000 pounds avoirdupois.

4           ~~(21)~~(24) “Use” includes all purposes for which a fertilizer, ~~plant~~  
5 ~~amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime  
6 is applied.

7           ~~(22)~~(25) “Weight” means the weight of undried material as offered for  
8 sale.

9   § 364. REGISTRATION

10       (a) Each brand or grade or formula of fertilizer, ~~plant amendment, plant~~  
11 ~~biostimulant, or soil amendment~~ beneficial substance shall be registered in the  
12 name of the person whose name appears upon the label before being  
13 distributed in this State. The application for registration shall be submitted to  
14 the Secretary on a form furnished by the Agency of Agriculture, Food and  
15 Markets and shall be accompanied by a fee of \$85.00 per grade or formulation  
16 registered. Upon approval by the Secretary, a copy of the registration shall be  
17 furnished to the applicant. All registrations expire on December 31 of each  
18 year. The application shall include the following information:

- 19           (1) the brand and grade or formulation;  
20           (2) the guaranteed analysis if applicable; and  
21           (3) the name and address of the registrant.

1 (b) A distributor shall not be required to register any fertilizer,~~plant~~  
2 ~~amendment, plant biostimulant, or soil amendment~~ or beneficial substance that  
3 is already registered under this chapter by another person, provided there is no  
4 change in the label for the fertilizer,~~plant amendment, plant biostimulant, or~~  
5 ~~soil amendment~~ or beneficial substance.

6 (c) Each beneficial substance brand shall refer to a specific formulation.  
7 Different brands may refer to the same specific formulation. Products for  
8 which formulations change, such as changes in the “Contains Beneficial  
9 Substances” analysis, statement of composition, or anything that implies a  
10 different product, must obtain a new registration with a brand that  
11 distinguishes it from the previous formulation.

12 (d) A distributor shall not be required to register each grade of fertilizer  
13 formulated or each formulation of soil amendment according to specifications  
14 that are furnished by a consumer prior to mixing but shall be required to label  
15 the fertilizer or soil amendment as provided in subsection 365(b) of this title.

16 ~~(d)~~(e) The Secretary may request additional proof of testing of products  
17 prior to registration for guaranteed analyses or adulterants.

18 ~~(e)~~(f) Each separately identified agricultural lime product shall be  
19 registered before being distributed in this State. Registration shall be  
20 performed in the same manner as fertilizer registration except that each  
21 application shall be accompanied by a fee of \$50.00 per product.

1       ~~(f)~~(g) The registration and tonnage fees, along with any deficiency  
2 penalties collected pursuant to sections 331 and 372 of this title, shall be  
3 deposited in a special fund. Funds deposited in this fund shall be restricted to  
4 implementing and administering the provisions of this title and any other  
5 provisions of law relating to feeds and seeds.

6       § 365. LABELS

7       (a)(1) Any fertilizer or agricultural lime distributed in this State in  
8 containers shall have placed on or affixed to the container a label setting forth  
9 in clearly legible and conspicuous form the following information:

10           (A) net weight;

11           (B) brand and grade, provided that grade shall not be required when  
12 no primary nutrients are claimed;

13           (C) guaranteed analysis; and

14           (D) name and address of the registrant.

15       (2) For bulk shipments, this information in written or printed form shall  
16 accompany delivery and be supplied to the purchaser at the time of delivery.

17       (b) A fertilizer or lime formulated according to specifications furnished by  
18 a consumer prior to mixing shall be labeled to show the net weight, the  
19 guaranteed analysis or name, analysis and weight of each ingredient used in the  
20 mixture, and the name and address of the distributor and purchaser.

1 (c) If the Secretary finds that a requirement for expressing calcium and  
2 magnesium in elemental form would not impose an economic hardship on  
3 distributors and users of agricultural liming materials by reason of conflicting  
4 label requirements among states, the Secretary may require by rule that the  
5 minimum percent of calcium oxide and magnesium oxide or calcium carbonate  
6 and magnesium carbonate, or both, shall be expressed in the following terms:

7 Total Calcium (Ca) ..... percent

8 Total Magnesium (Mg) ..... percent

9 (d)(1) Any ~~plant amendment, plant biostimulant, or soil amendment~~  
10 beneficial substance distributed in this State in containers shall have placed on  
11 or affixed to the container a label setting forth in clearly legible and  
12 conspicuous form the following information:

13 (A) net weight or volume;

14 (B) brand name;

15 (C) purpose statement identifying the purpose of the product;

16 (D) directions for application or use;

17 (E) ~~guaranteed analysis; and~~

18 ~~(F)~~ name and address of the registrant; and

19 (F) a statement of composition showing the amount of each  
20 ingredient, which is the agent in a product primarily responsible for the  
21 intended effects using the following format:

1           CONTAINS BENEFICIAL SUBSTANCE(S)

2           Name of beneficial substance \_\_\_\_\_ % (or acceptable  
3 units)

4           Genus and species of microorganism \_\_\_\_\_ % viable CFU/cm3, /ml,  
5 /g, or other acceptable units

6           (Identify and list all beneficial substances. Substances shall include  
7 ingredient source, if applicable. Ex. “humic acid from leonardite or saponin  
8 from Yucca schidigera”).

9           (2) For products that claim microorganisms, labels shall also include:

10           (A) the expiration date for use; and

11           (B) storage conditions.

12           (3) For bulk shipments of fertilizer, ~~plant amendment, plant~~  
13 biostimulant, soil amendment beneficial substances, or lime, the information  
14 required under this subsection shall accompany delivery in written or printed  
15 form and shall be supplied to the purchaser at the time of delivery.

16           (4) Efficacy data may be required to support beneficial substance  
17 ingredient claims if the ingredient is not presently defined by the Association  
18 of American Plant Food Control Officials’ Official Publication for the  
19 particular claim.

20           ~~(3)~~(5) Under a rule adopted under this subsection, an affected person  
21 shall be given a reasonable time to come into compliance.

1 § 366. TONNAGE FEES

2 (a) A person distributing fertilizer to a nonregistrant consumer in the State  
3 annually shall pay the following fees to the Secretary:

4 (1) a \$150.00 minimum tonnage fee;

5 (2) \$0.50 per ton of agricultural fertilizer distributed; and

6 (3) \$30.00 per ton of nonagricultural fertilizer distributed.

7 (b) Persons distributing fertilizer shall report annually on or before January  
8 15 for the previous year ending December 31 to the Secretary revealing the  
9 amounts of each grade of fertilizer and the form in which the fertilizer was  
10 distributed within this State. Each report shall be accompanied with payment  
11 and written permission allowing the Secretary to examine the person's books  
12 for the purpose of verifying tonnage reports.

13 (c) No information concerning tonnage sales furnished to the Secretary  
14 under this section shall be disclosed in such a way as to divulge the details of  
15 the business operation to any person unless it is necessary for the enforcement  
16 of the provisions of this chapter.

17 (d) Persons distributing a ~~plant amendment, plant biostimulant, or soil~~  
18 ~~amendment~~ beneficial substance in the State shall report annually on or before  
19 January 15 for the previous year ending December 31 to the Secretary  
20 revealing the amounts of each formulation of ~~plant amendment, plant~~  
21 ~~biostimulant, or soil amendment~~ beneficial substance and the form in which

1 the ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial  
2 substance was distributed within this State. Each report shall include a written  
3 authorization allowing the Secretary to examine the person's books for the  
4 purpose of verifying tonnage reports. ~~Plant amendments, plant biostimulants,~~  
5 ~~and soil amendments are~~ A beneficial substance is exempt from tonnage fees.

6 (e) Agricultural limes, including agricultural lime mixed with wood ash,  
7 are exempt from the tonnage fees required in this section.

8 (f) Lime and wood ash mixtures may be registered as agricultural liming  
9 materials and guaranteed for potassium or potash, provided that the wood ash  
10 totals less than 50 percent of the mixture.

11 (g)(1) All fees collected under subdivisions (a)(1) and (2) of this section  
12 shall be deposited in the special fund created by subsection 364(f) of this title  
13 and used in accordance with its provisions.

14 (2) All fees collected under subdivision (a)(3) of this section shall be  
15 deposited in the Agricultural Water Quality Special Fund created under section  
16 4803 of this title.

17 (h) [Repealed.]

18 § 367. INSPECTION; SAMPLING; ANALYSIS

19 For the purpose of enforcing this chapter and determining whether ~~or not~~  
20 fertilizers, ~~plant amendment, plant biostimulant, soil amendments~~ beneficial  
21 substances, and lime distributed in this State endanger the health and safety of

1 Vermont citizens, the Secretary upon presenting appropriate credentials is  
2 authorized:

3 (1) To enter any public or private premises except domiciles during  
4 regular business hours and stop and enter any vehicle being used to transport or  
5 hold fertilizer, ~~a plant amendment, a plant biostimulant, a soil amendment~~  
6 beneficial substances, or lime.

7 (2) To inspect blending plants, warehouses, establishments, vehicles,  
8 equipment, finished or unfinished materials, containers, labeling, and records  
9 relating to distribution, storage, or use.

10 (3) To sample and analyze any fertilizer, ~~plant amendment, plant~~  
11 ~~biostimulant, soil amendment~~ beneficial substance, or lime. The methods of  
12 sampling and analysis shall be those adopted by the Association of Official  
13 Analytical Chemists. In cases not covered by this method or in cases where  
14 methods are available in which improved applicability has been demonstrated,  
15 the Secretary may authorize and adopt methods that reflect sound analytical  
16 procedures.

17 (4) To develop any reasonable means necessary to monitor and adopt  
18 rules for the use of fertilizers, ~~plant amendments, plant biostimulants, soil~~  
19 ~~amendments~~ beneficial substances, and lime on Vermont soils where  
20 monitoring indicates environmental or health problems. In addition, the  
21 Secretary may develop and adopt rules for the proper storage of fertilizers,

1 ~~plant amendments, plant biostimulants, soil amendments~~ beneficial substances,  
2 and lime held for distribution or sale.

3 § 368. MISBRANDING

4 (a) No person shall distribute a misbranded fertilizer, ~~plant amendment,~~  
5 ~~plant biostimulant, soil amendment~~ beneficial substance, or agricultural lime.

6 A fertilizer, ~~plant amendment, plant biostimulant, or soil amendment~~ beneficial  
7 substance shall be deemed to be misbranded if the Secretary determines one or  
8 more of the following:

9 (1) The labeling is false or misleading in any particular.

10 (2) It is distributed under the name of another fertilizer product, ~~plant~~  
11 ~~amendment, plant biostimulant, or soil amendment~~ beneficial substance.

12 (3) It contains unsubstantiated claims.

13 (4) It is not labeled as required in section 365 of this title and in  
14 accordance with rules adopted under this chapter.

15 (5) It is labeled, or represented, to contain a plant nutrient that does not  
16 conform to the standard of identity established by rule. In adopting rules under  
17 this chapter, the Secretary shall ~~give consideration to~~ consider definitions  
18 recommended by the Association of American Plant Food Control Officials.

1 (b) An agricultural lime shall be deemed to be misbranded if:

2 (1) its labeling is false or misleading in any particular; or

3 (2) it is not labeled as required by section 365 of this title and in  
4 accordance with rules adopted under this chapter.

5 § 369. ADULTERATION

6 No person shall distribute an adulterated lime, ~~plant amendment, plant~~  
7 ~~biostimulant, soil amendment~~ beneficial substance, or fertilizer product. A  
8 fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial  
9 substance, or lime shall be deemed to be adulterated if:

10 (1) it contains any deleterious or harmful ingredient in an amount  
11 sufficient to render it injurious to beneficial plant life, animals, humans,  
12 aquatic life, soil, or water when applied in accordance with directions for use  
13 on the label, or if uses of the product may result in contamination or  
14 condemnation of a raw agricultural commodity by use, or if adequate warning  
15 statements or directions for use that may be necessary to protect plant life,  
16 animals, humans, aquatic life, soil, or water are not shown on the label;

17 (2) its composition falls below or differs from that which it is purported  
18 to possess by its labeling;

19 (3) it contains crop seed or weed seed; or

20 (4) it contains heavy metals, radioactive substances, or synthetic  
21 organics in amounts sufficient to render it injurious to livestock or human

1 health when applied in accordance with directions for use on the label, or if  
2 adequate warning statements or directions for use that may be necessary to  
3 protect livestock or human health are not shown on the label.

4 § 370. PUBLICATION; CONSUMER INFORMATION REGARDING USE  
5 ON NONAGRICULTURAL TURF OF FERTILIZER, ~~PLANT~~  
6 ~~AMENDMENTS, PLANT BIOSTIMULANTS, AND SOIL~~  
7 ~~AMENDMENTS~~ BENEFICIAL SUBSTANCES

8 (a) The Secretary shall publish on an annual basis:

9 (1) information concerning the distribution of fertilizers, ~~plant~~  
10 ~~amendments, plant biostimulants, soil amendments~~ beneficial substances, and  
11 limes; and

12 (2) results of analyses based on official samples of fertilizers, ~~plant~~  
13 ~~amendments, plant biostimulants, soil amendments~~ beneficial substances, and  
14 lime distributed within the State as compared with guaranteed analyses  
15 required pursuant to the terms of this chapter.

16 (b)(1) The Secretary, in consultation with the University of Vermont  
17 Extension, fertilizer industry representatives, lake groups, and other interested  
18 or affected parties, shall produce information for distribution to the general  
19 public with respect to the following:

20 (A) problems faced by the waters of the State because of discharges  
21 of phosphorus;



1 § 374. SHORT WEIGHT

2 (a) If any fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~  
3 beneficial substance, or agricultural liming material is found to be short in net  
4 weight, the registrant of the fertilizer, ~~plant amendment, plant biostimulant,~~  
5 ~~soil amendment~~ beneficial substance, or lime shall pay a penalty of three times  
6 the value of the actual shortage to the affected party.

7 (b) Each registrant shall be offered an opportunity for a hearing before the  
8 Secretary. Penalty payments shall be made within 30 days after notice of the  
9 Secretary's decision to assess a penalty. Proof of payment to the consumer  
10 shall be promptly forwarded to the Secretary by the registrant.

11 (c) If the consumer cannot be found, the amount of the penalty payments  
12 shall be paid to the Secretary who shall deposit the payment into the revolving  
13 account established by subsection 364(f) of this title.

14 (d) This section is not an exclusive cause of action, and persons affected  
15 may utilize any other right of action available under law.

16 § 375. CANCELLATION OF REGISTRATION

17 The Secretary is authorized to cancel or suspend the registration of any  
18 fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial  
19 substance, or lime or refuse a registration application if the provisions of this  
20 chapter or the rules adopted under this chapter have been violated, provided

1 that no registration shall be revoked or refused without a hearing before the  
2 Secretary.

3 § 376. DETAINED FERTILIZER, BENEFICIAL SUBSTANCE, AND LIME

4 (a) Withdrawal from distribution orders. When the Secretary has  
5 reasonable cause to believe any lot of fertilizer, ~~plant amendment, plant~~  
6 ~~biostimulant, soil amendment~~ beneficial substance, or lime is being distributed  
7 in violation of any of the provisions of this chapter or any of the rules under  
8 this chapter, the Secretary may issue and enforce a written or printed  
9 “withdrawal from distribution” order, warning the distributor not to dispose of  
10 the lot of fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~  
11 beneficial substance, or lime in any manner until written permission is given  
12 by the Secretary or the court. The Secretary shall release the lot of fertilizer,  
13 ~~plant amendment, plant biostimulant, soil amendment~~ beneficial substance, or  
14 lime withdrawn when this chapter and rules have been complied with. If  
15 compliance is not obtained within 30 days, the Secretary may begin, or upon  
16 request of the distributor or registrant shall begin, proceedings for  
17 condemnation.

18 (b) Condemnation and confiscation. Any lot of fertilizer, ~~plant~~  
19 ~~amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime  
20 not in compliance with this chapter and rules shall be subject to seizure on  
21 complaint of the Secretary to a court of competent jurisdiction in the area in

1 which the fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~  
2 beneficial substance, or lime is located. In the event the court finds the  
3 fertilizer, ~~plant amendment, plant biostimulant, soil amendment~~ beneficial  
4 substance, or lime to be in violation of this chapter and orders the  
5 condemnation of the fertilizer, ~~plant amendment, plant biostimulant, soil~~  
6 ~~amendment~~ beneficial substance, or lime, it shall be disposed of in any manner  
7 consistent with the quality of the fertilizer, ~~plant amendment, plant~~  
8 ~~biostimulant, soil amendment~~ beneficial substance, or lime and the laws of the  
9 State, provided that in no instance shall disposition of the fertilizer, ~~plant~~  
10 ~~amendment, plant biostimulant, soil amendment~~ beneficial substance, or lime  
11 be ordered by the court without first giving the claimant an opportunity to  
12 apply to the court for release of the fertilizer, ~~plant amendment, plant~~  
13 ~~biostimulant, soil amendment~~ beneficial substance, or lime or for permission to  
14 process or relabel the fertilizer, ~~plant amendment, plant biostimulant, soil~~  
15 ~~amendment~~ beneficial substance, or lime to bring it into compliance with this  
16 chapter.

17 \* \* \*

18 § 379. EXCHANGES BETWEEN MANUFACTURERS

19 Nothing in this chapter shall be construed to restrict or impair sales or  
20 exchanges of fertilizers, ~~plant amendments, plant biostimulants, or soil~~  
21 ~~amendments~~ or beneficial substances to each other by importers,

1 manufacturers, or manipulators who mix fertilizer materials, ~~plant~~  
2 ~~amendments, plant biostimulants, or soil amendments~~ or beneficial substances  
3 for sale or to prevent the free and unrestricted shipments of fertilizer, ~~plant~~  
4 ~~amendments, plant biostimulant, or soil amendments~~ or beneficial substances  
5 to manufacturers or manipulators who have registered their brands as required  
6 by provisions of this chapter.

7 § 380. ADMINISTRATIVE PENALTY

8 Consistent with chapter 1 of this title, the Secretary may assess an  
9 administrative penalty upon determining that a person has violated a rule  
10 issued under this chapter or has violated this chapter in the following manner:

11 (1) distributed a specialty fertilizer, ~~plant amendment, plant~~  
12 ~~biostimulant, soil amendment~~ beneficial substance, or lime without first  
13 obtaining the appropriate product registration;

14 (2) distributed a fertilizer, ~~plant amendment, plant biostimulant, soil~~  
15 ~~amendment~~ beneficial substance, or lime without appropriate and accurate  
16 labeling, including when a beneficial substance label does not reflect its  
17 composition;

18 (3) distributed any adulterated fertilizer, beneficial substance, or lime;

19 (4) failed to disclose on the label sources of potentially deleterious  
20 components;



1 regarding the effects of pesticides on pollinators and the methods or best  
2 management practices to reduce the impacts of pesticides on pollinators. The  
3 annual registration year shall be from December 1 to November 30 of the  
4 following year.

5 (2) In addition to the fee required under subdivision (1) of this  
6 subsection, a registrant shall pay a fee of \$50.00 per product registration that  
7 shall be deposited in the special fund created in section 929 of this title and  
8 used to meet the requirements of subdivision 929(a)(6) of this title. This  
9 additional fee shall be collected from registrants until such time as an extended  
10 producer responsibility program is implemented in the State that fully funds  
11 the collection of obsolete and unwanted pesticides.

12 \* \* \*

13 Sec. 3. PESTICIDE DISPOSAL FUNDING STUDY

14 (a)(1) The Secretary of Agriculture, Food and Markets, in consultation with  
15 the Commissioner of Environmental Conservation, shall study options for  
16 sustainable funding sources to reimburse solid waste management entities for  
17 all costs associated with the collection and disposal of unwanted or obsolete  
18 pesticides at municipal hazardous waste collection programs and events.

19 (2) The costs to be reimbursed shall include the prorated costs related to  
20 facilities, equipment, labor, supplies, maintenance, and collection events.  
21 Prorated costs associated with collection events shall include collection event

1 setup fees, environmental service fees, insurance fees, and shipping containers  
2 and materials related to the collection and disposal of unwanted or obsolete  
3 pesticides.

4 (3) The study shall include consideration of the viability of an extended  
5 producer responsibility program for pesticides among other options.

6 (4) The Secretary shall consult with stakeholders.

7 (b) On or before December 15, 2025, the Secretary of Agriculture, Food  
8 and Markets shall submit a written report on its findings to the House  
9 Committees on Agriculture, Food Resiliency, and Forestry and on  
10 Environment and the Senate Committees on Agriculture and on Natural  
11 Resources and Energy. The report shall include a recommended funding  
12 mechanism that will cover all costs associated with collecting unwanted  
13 pesticides through municipal collection programs.

14 \* \* \* Stormwater Permits \* \* \*

15 Sec. 4. STORMWATER PERMITTING; RUTLAND COUNTY

16 AGRICULTURAL SOCIETY, INC.

17 No stormwater impact fee or completion of an offset shall be required for  
18 the Rutland County Agricultural Society, Inc. under the three-acre stormwater  
19 permit required by 10 V.S.A. § 1264, provided that the Society is registered  
20 with the Agency of Agriculture, Food and Markets.



1 not yet of bearing age. As used in this section, the term “farm crops” also  
2 includes animal fiber, cider, wine, and cheese, produced on the enrolled land or  
3 on a housesite adjoining the enrolled land, from agricultural products grown on  
4 the enrolled land.

5 \* \* \* Heavy Cut Rule \* \* \*

6 Sec. 6. DEPARTMENT OF FORESTS, PARKS AND RECREATION;  
7 HEAVY CUT RULE; VALIDITY

8 (a) Notwithstanding 1 V.S.A. § 214 to the contrary:

9 (1) the provisions of 3 V.S.A. § 848(c) (repeal of rules not published in  
10 the Vermont Code of Rules as of July 1, 2018) shall be deemed not to have  
11 repealed the Department of Forests, Parks and Recreation rule entitled “Intent  
12 to Cut Notification Emergency Rules, Standards and Procedures”; and

13 (2) the provisions of the Department of Forests, Parks and Recreation  
14 rule entitled “Intent to Cut Notification Emergency Rules, Standards and  
15 Procedures” shall be deemed to have continued in full force and effect and  
16 remained valid on and after July 1, 2018.

17 (b)(1) All actions taken by the Department of Forests, Parks and Recreation  
18 from July 1, 2018 through July 1, 2025 to grant or deny an authorization to  
19 proceed with a heavy cut pursuant to the provisions of 10 V.S.A. § 2625 and  
20 the Department of Forests, Parks and Recreation rule entitled “Intent to Cut

1 Notification Emergency Rules, Standards and Procedures” are valid and  
2 enforceable.

3 (2) As used in this subsection, the term “heavy cut” has the same  
4 meaning as in 10 V.S.A. § 2625.

5 (c) On or before July 1, 2026, the Department of Forests, Parks and  
6 Recreation shall publish the rule entitled “Intent to Cut Notification  
7 Emergency Rules, Standards and Procedures” in the Vermont Code of Rules.

8 \* \* \* Household Hazardous Waste Extended Producer Responsibility \* \* \*

9 Sec. 7. 10 V.S.A. § 7181 is amended to read:

10 § 7181. DEFINITIONS

11 As used in this chapter:

12 \* \* \*

13 (4)(A) “Covered household hazardous product” means a consumer  
14 product offered for retail sale that is contained in the receptacle in which the  
15 product is offered for retail sale, if the product has any of the following  
16 characteristics:

17 (i) the product or a component of the product is a hazardous waste  
18 under subchapter 2 of the Vermont Hazardous Waste Management  
19 Regulations, regardless of the status of the generator of the hazardous waste; or

20 (ii) the product is a gas cylinder.

1 (B) “Covered household hazardous product” does not mean any of  
2 the following:

3 \* \* \*

4 (iv) ~~architectural paint~~ paint products as that term is defined in  
5 section 6672 of this title;

6 \* \* \*

7 Sec. 8. 10 V.S.A. § 7182 is amended to read:

8 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS;

9 STEWARDSHIP ORGANIZATION REGISTRATION;

10 MANUFACTURER REGISTRATION

11 (a) Sale prohibited.

12 (1) A manufacturer of a covered household hazardous product shall not  
13 sell, offer for sale, or deliver to a retailer for subsequent sale a covered  
14 household hazardous product without registering with the stewardship  
15 organization pursuant to subsection (c) of this section.

16 (2) Beginning six months after a final decision on the adequacy of a  
17 collection plan by the Secretary, a manufacturer of a covered household  
18 hazardous product shall not sell, offer for sale, or deliver to a retailer for  
19 subsequent sale a covered household hazardous product unless all the  
20 following have been met:

1           ~~(1)~~(A) The manufacturer is participating in a stewardship  
2 organization implementing an approved collection plan.

3           ~~(2)~~(B) The name of the manufacturer, the manufacturer's brand, and  
4 the name of the covered household hazardous product are submitted to the  
5 Agency of Natural Resources by a stewardship organization and listed on the  
6 stewardship organization's website as covered by an approved collection plan.

7           ~~(3)~~(C) The stewardship organization in which the manufacturer  
8 participates has submitted an annual report consistent with the requirements of  
9 section 7185 of this title.

10          ~~(4)~~(D) The stewardship organization in which the manufacturer  
11 participates has conducted a plan audit consistent with the requirements of  
12 subsection 7185(b) of this title.

13          (b) Stewardship organization registration requirements.

14           (1) On or before July 1, 2025 ~~and annually thereafter~~, a stewardship  
15 organization shall file a registration form with the Secretary. The Secretary  
16 shall provide the registration form to the stewardship organization. The  
17 registration form shall include:

18           (A) ~~a list of the manufacturers participating in the stewardship~~  
19 ~~organization;~~

20           ~~(B) a list of the brands of each manufacturer participating in the~~  
21 ~~stewardship organization;~~

1           ~~(C) a list of the covered household hazardous products of each~~  
2 ~~manufacturer participating in the stewardship organization;~~

3           ~~(D) the name, address, and contact information of a person~~  
4 ~~responsible for ensuring compliance with this chapter;~~

5           ~~(E)~~ a description of how the stewardship organization meets the  
6 requirements of subsection 7184(b) of this title, including any reasonable  
7 requirements for participation in the stewardship organization; and

8           ~~(F)~~(B) the name, address, and contact information of a person for a  
9 nonmember manufacturer to contact regarding how to participate in the  
10 stewardship organization to satisfy the requirements of this chapter.

11           (2) ~~A renewal of a registration without changes may be accomplished~~  
12 ~~through notifying the Agency of Natural Resources on a form provided by the~~  
13 Agency Beginning on July 1, 2026 and annually thereafter, a stewardship  
14 organization shall renew its registration with the Secretary. A renewal  
15 registration shall include the following:

16           (A) a list of the manufacturers participating in the stewardship  
17 organization;

18           (B) a list of the brands of each manufacturer participating in the  
19 stewardship organization;

20           (C) a list of the covered household hazardous products of each  
21 manufacturer participating in the stewardship organization;

1           (D) the name, address, and contact information of a person  
2 responsible for ensuring compliance with this chapter;

3           (E) a description of how the stewardship organization meets the  
4 requirements of subsection 7184(b) of this title, including any reasonable  
5 requirements for participation in the stewardship organization; and

6           (F) the name, address, and contact information of a person for a  
7 nonmember manufacturer to contact regarding how to participate in the  
8 stewardship organization to satisfy the requirements of this chapter.

9           (c) Manufacturer registration. On or before November 1, 2025, a  
10 manufacturer of a covered household hazardous product shall register with the  
11 stewardship organization in a manner proscribed by the stewardship  
12 organization.

13 Sec. 9. 10 V.S.A. § 7183 is amended to read:

14 § 7183. COLLECTION PLANS

15           (a) Collection plan required. ~~Prior to July 1, 2025~~ On or before July 1,  
16 2026, any stewardship organization registered with the Secretary as  
17 representing manufacturers of covered household hazardous products shall  
18 coordinate and submit to the Secretary for review one collection plan for all  
19 manufacturers.

20           (b) Collection plan; minimum requirements. ~~Each collection plan shall~~  
21 ~~include, at a minimum, all of the following requirements:~~

1           (1) Initial plan. The initial plan shall last for a period not to exceed  
2 three years and contain, at a minimum, the following requirements:

3           (A) List of participants. A list of the manufacturers, brands, and  
4 products participating in the collection plan and a methodology for adding and  
5 removing manufacturers and notifying the Agency of new participants.

6           ~~(2)(B)~~ Free statewide collection of covered household hazardous  
7 products. The collection program shall ~~provide~~ reimburse municipalities when  
8 a municipality provides for free, convenient, and accessible ~~statewide~~  
9 opportunities for the collection from covered entities of covered household  
10 hazardous products, including orphan covered products. ~~A stewardship~~  
11 ~~organization shall accept all covered household hazardous products collected~~  
12 ~~from a covered entity and shall not refuse the collection of a covered~~  
13 ~~household hazardous product, including orphan covered household products,~~  
14 ~~based on the brand or manufacturer of the covered household hazardous~~  
15 ~~product unless specifically exempt from this requirement.~~ The collection  
16 program shall also provide for the payment of collection, processing, and end-  
17 of-life management of the covered household hazardous products. Collection  
18 costs include facility costs, equipment costs, labor, supplies, maintenance,  
19 events costs, and event contractor costs, including collection event set-up fees,  
20 environmental service fees, insurance fees, and shipping containers and  
21 materials.

1           ~~(3) Convenient collection location. The stewardship organization shall~~  
2 ~~develop a collection program that allows all municipal household hazardous~~  
3 ~~waste collection programs to opt to be a part of the collection plan, including~~  
4 ~~collection events and facilities offered by solid waste planning entities. The~~  
5 ~~plan shall make efforts to site points of collection equitably across all regions~~  
6 ~~of the State to allow for convenient and reasonable access of all Vermonters to~~  
7 ~~collection facilities or collection events.~~

8           ~~(4) Public education and outreach. The collection plan shall include an~~  
9 ~~education and outreach program that shall include a website and may include~~  
10 ~~media advertising, retail displays, articles and publications, and other public~~  
11 ~~educational efforts. Outreach and education shall be suitable for the State's~~  
12 ~~diverse ethnic populations, through translated and culturally appropriate~~  
13 ~~materials, including in language and targeted outreach. Public education and~~  
14 ~~outreach should include content to increase meaningful participation by~~  
15 ~~environmental justice focus populations as required by 3 V.S.A. chapter 72.~~  
16 ~~During the first year of program implementation and two years after adoption~~  
17 ~~of the collection plan, each stewardship organization shall carry out a survey of~~  
18 ~~public awareness regarding the requirements of the program established under~~  
19 ~~this chapter that can identify communities that have disparities in awareness~~  
20 ~~and need more outreach. Each stewardship organization shall share the results~~  
21 ~~of the public awareness surveys with the Secretary. If multiple stewardship~~

1 ~~organizations are implementing plans approved by the Secretary, the~~  
2 ~~stewardship organizations shall coordinate in carrying out their education and~~  
3 ~~outreach responsibilities under this subdivision and shall include in their~~  
4 ~~annual reports to the Secretary a summary of their coordinated education and~~  
5 ~~outreach efforts. The education and outreach program and website shall notify~~  
6 ~~the public of the following:~~

7           ~~(A) that there is a free collection program for covered household~~  
8 ~~hazardous products;~~

9           ~~(B) the location and hours of operation of collection points and how a~~  
10 ~~covered entity can access this collection program;~~

11           ~~(C) the special handling considerations associated with covered~~  
12 ~~household hazardous products; and~~

13           ~~(D) source reduction information for consumers to reduce leftover~~  
14 ~~covered household products.~~

15           ~~(5) Compliance with appropriate environmental standards. In~~  
16 ~~implementing a collection plan, a stewardship organization shall comply with~~  
17 ~~all applicable laws related to the collection, transportation, and disposal of~~  
18 ~~hazardous waste. A stewardship organization shall comply with any special~~  
19 ~~handling or disposal standards established by the Secretary for covered~~  
20 ~~household hazardous products or for the collection plan of the manufacturer.~~

1           ~~(6) Method of disposition. The collection plan shall describe how~~  
2 ~~covered household hazardous products will be managed in the most~~  
3 ~~environmentally and economically sound manner, including following the~~  
4 ~~waste management hierarchy. The management of covered household~~  
5 ~~hazardous products under the collection plan shall use management activities~~  
6 ~~in the following priority order: source reduction, reuse, recycling, energy~~  
7 ~~recovery, and disposal. Collected covered household hazardous products shall~~  
8 ~~be recycled when technically and economically feasible.~~

9           ~~(7) Performance goals. A collection plan shall include:~~

10           ~~(A) A performance goal for covered household hazardous products~~  
11 ~~determined by the number of total participants at collection events and~~  
12 ~~facilities listed in the collection plan during a program year divided by the total~~  
13 ~~number of households. The number of households shall include seasonal~~  
14 ~~households. The calculation methodology for the number of households shall~~  
15 ~~be included in the plan.~~

16           ~~(B) At a minimum, the collection performance goal for the first~~  
17 ~~approved plan shall be an annual participation rate of five percent of the~~  
18 ~~households for every collection program based on the number of households~~  
19 ~~the collection program serves. After the initial approved program plan, the~~  
20 ~~stewardship organization shall propose performance goals for subsequent~~  
21 ~~program plans. The Secretary shall approve the performance goals for the plan~~

1 ~~at least every five years. The stewardship organization shall use the results of~~  
2 ~~the most recent waste composition study required under 6604 of this title and~~  
3 ~~other relevant factors to propose the performance goals of the collection plan.~~  
4 ~~If a stewardship organization does not meet its performance goals, the~~  
5 ~~Secretary may require the stewardship organization to revise the collection~~  
6 ~~plan to provide for one or more of the following: additional public education~~  
7 ~~and outreach, additional collection events, or additional hours of operation for~~  
8 ~~collection sites. A stewardship organization is not authorized to reduce or~~  
9 ~~cease collection, education and outreach, or other activities implemented under~~  
10 ~~an approved plan on the basis of achievement of program performance goals.~~

11 ~~(8)(C)~~ Collection plan funding. The collection plan shall describe how  
12 the stewardship organization will fund the implementation of ~~the collection~~  
13 ~~plan and collection activities under the plan, including the costs for education~~  
14 ~~and outreach, collection, processing, and end-of-life management of the~~  
15 ~~covered household hazardous product~~ all municipal collection offered to the  
16 public in a base program year. A base program year shall be based on the  
17 services provided in calendar year 2024 and any other collection facilities or  
18 events approved by the Secretary. Collection costs include facility costs,  
19 equipment costs, labor, supplies, maintenance, events costs, and event  
20 contractor costs, including collection event set-up fees, environmental service  
21 fees, insurance fees, and shipping containers and materials. The collection

1 plan shall include how municipalities will be compensated for all costs  
2 attributed to collection of covered household hazardous products. The  
3 Secretary shall resolve disputes relating to compensation.

4 (2) Subsequent plans. After the expiration of the initial plan approved  
5 by the Secretary, the collection plan shall include, at a minimum, the  
6 following:

7 (A) List of participants. A list of the manufacturers, brands, and  
8 products participating in the collection plan and a methodology for adding and  
9 removing manufacturers and notifying the Agency of new participants.

10 (B) Free statewide collection of covered household hazardous  
11 products. The collection program shall provide for free, convenient, and  
12 accessible statewide opportunities for the collection from covered entities of  
13 covered household hazardous products, including orphan covered products. A  
14 stewardship organization shall accept all covered household hazardous  
15 products collected from a covered entity and shall not refuse the collection of a  
16 covered household hazardous product, including orphan covered household  
17 products, based on the brand or manufacturer of the covered household  
18 hazardous product unless specifically exempt from this requirement. The  
19 collection program shall also provide for the payment of collection, processing,  
20 and end-of-life management of the covered household hazardous products.  
21 Collection costs include facility costs, equipment costs, labor, supplies,

1 maintenance, events costs, and event contractor costs, including collection  
2 event set-up fees, environmental service fees, insurance fees, and shipping  
3 containers and materials.

4           (C) Convenient collection location. The stewardship organization  
5 shall develop a collection program that allows all municipal household  
6 hazardous waste collection programs to opt to be a part of the collection plan,  
7 including collection events and facilities offered by solid waste planning  
8 entities. The plan shall make efforts to site points of collection equitably  
9 across all regions of the State to allow for convenient and reasonable access of  
10 all Vermonters to collection facilities or collection events.

11           (D) Public education and outreach. The collection plan shall include  
12 an education and outreach program that shall include a website and may  
13 include media advertising, retail displays, articles and publications, and other  
14 public educational efforts. Outreach and education shall be suitable for the  
15 State's diverse ethnic populations, through translated and culturally appropriate  
16 materials, including in-language and targeted outreach. Public education and  
17 outreach should include content to increase meaningful participation by  
18 environmental justice focus populations as required by 3 V.S.A. chapter 72.  
19 During the second approved plan, each stewardship organization shall carry  
20 out a survey of public awareness regarding the requirements of the program  
21 established under this chapter that can identify communities that have

1 disparities in awareness and need more outreach. Each stewardship  
2 organization shall share the results of the public awareness surveys with the  
3 Secretary. If multiple stewardship organizations are implementing plans  
4 approved by the Secretary, the stewardship organizations shall coordinate in  
5 carrying out their education and outreach responsibilities under this  
6 subdivision (D) and shall include in their annual reports to the Secretary a  
7 summary of their coordinated education and outreach efforts. The education  
8 and outreach program and website shall notify the public of the following:  
9           (i) that there is a free collection program for covered household  
10 hazardous products;  
11           (ii) the location and hours of operation of collection points and  
12 how a covered entity can access this collection program;  
13           (iii) the special handling considerations associated with covered  
14 household hazardous products; and  
15           (iv) source reduction information for consumers to reduce leftover  
16 covered household products.  
17           (E) Compliance with appropriate environmental standards. In  
18 implementing a collection plan, a stewardship organization shall comply with  
19 all applicable laws related to the collection, transportation, and disposal of  
20 hazardous waste. A stewardship organization shall comply with any special

1 handling or disposal standards established by the Secretary for covered  
2 household hazardous products or for the collection plan of the manufacturer.

3 (F) Method of management. The collection plan shall describe how  
4 covered household hazardous products will be managed in the most  
5 environmentally and economically sound manner, including following the  
6 waste-management hierarchy. The management of covered household  
7 hazardous products under the collection plan shall use management activities  
8 in the following priority order: source reduction, reuse, recycling, energy  
9 recovery, and disposal. Collected covered household hazardous products shall  
10 be recycled when technically and economically feasible.

11 (G) Performance goals. A collection plan shall include:

12 (i) A performance goal for covered household hazardous products  
13 determined by the number of total participants at collection events and  
14 facilities listed in the collection plan during a program year divided by the total  
15 number of households. The number of households shall include seasonal  
16 households. The calculation methodology for the number of households shall  
17 be included in the plan.

18 (ii) At a minimum, the collection performance goal for the initial  
19 plan approved pursuant to subdivision (1) of this subsection (b) shall be an  
20 annual participation rate of seven percent of the households for every  
21 collection program based on the number of households the collection program

1 serves. After the initial approved program plan, the stewardship organization  
2 shall propose performance goals for subsequent program plans. The Secretary  
3 shall approve the performance goals for the plan at least every five years. The  
4 stewardship organization shall use the results of the most recent waste  
5 composition study required under 6604 of this title and other relevant factors to  
6 propose the performance goals of the collection plan. If a stewardship  
7 organization does not meet its performance goals, the Secretary may require  
8 the stewardship organization to revise the collection plan to provide for one or  
9 more of the following: additional public education and outreach, additional  
10 collection events, or additional hours of operation for collection sites. A  
11 stewardship organization is not authorized to reduce or cease collection,  
12 education and outreach, or other activities implemented under an approved  
13 plan on the basis of achievement of program performance goals.

14 (H) Collection plan funding. The collection plan shall describe how  
15 the stewardship organization will fund the implementation of the collection  
16 plan and collection activities under the plan, including the costs for education  
17 and outreach, collection, processing, and end-of-life management of the  
18 covered household hazardous product. Collection costs include facility costs,  
19 equipment costs, labor, supplies, maintenance, events costs, and event  
20 contractor costs, including collection event set-up fees, environmental service  
21 fees, insurance fees, and shipping containers and materials. The collection

1 plan shall include how municipalities will be compensated for all costs  
2 attributed to collection of covered household hazardous products. The  
3 Secretary shall resolve disputes relating to compensation.

4 (c) Term of collection plan. A collection plan approved by the Secretary  
5 under section 7187 of this title shall have a term not to exceed five years,  
6 provided that the stewardship organization remains in compliance with the  
7 requirements of this chapter and the terms of the approved collection plan.

8 (d) Collection plan implementation. Stewardship organizations shall  
9 implement the collection plan on or before six months after the date of a final  
10 decision by the Secretary on the adequacy of the collection plan.

11 Sec. 10. 10 V.S.A. § 7184 is amended to read:

12 § 7184. STEWARDSHIP ORGANIZATIONS

13 (a) Participation in a stewardship organization. A manufacturer shall meet  
14 the requirements of this chapter by participating in a stewardship organization  
15 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this  
16 title.

17 (b) Qualifications for a stewardship organization. To qualify as a  
18 stewardship organization under this chapter, an organization shall:

19 (1) commit to assume the responsibilities, obligations, and liabilities of  
20 all manufacturers participating in the stewardship organization;

1 (2) not create unreasonable barriers for participation in the stewardship  
2 organization; and

3 (3) maintain a public website that lists all manufacturers and  
4 manufacturers' brands and products covered by the stewardship organization's  
5 approved collection plan.

6 (c) A stewardship organization is authorized to charge its members  
7 reasonable fees for the organization, administration, and implementation of the  
8 programs required by this chapter.

9 Sec. 11. 10 V.S.A. § 7187 is amended to read:

10 § 7187. AGENCY RESPONSIBILITIES

11 (a) Review and approve collection plans. The Secretary shall review and  
12 approve or deny collection plans submitted under section 7183 of this title  
13 according to the public notice and comment requirements of section 7714 of  
14 this title.

15 \* \* \*

16 (g) Agency collection plan. If no stewardship organization is formed on or  
17 before July 1, 2025 or the stewardship organization fails to submit a plan or  
18 submits a plan that does not meet the requirements of this chapter, the  
19 Secretary shall adopt and administer a plan that meets the requirements of  
20 section 7183 of this title. If the Secretary administers the plan adopted under  
21 section 7183, the Secretary shall charge each manufacturer the prorated costs

1 of plan administration, the Agency's oversight costs, and an additional  
2 hazardous waste reduction assessment of 10 percent of the plan's total cost to  
3 be deposited in the Solid Waste Management Assistance Account of the Waste  
4 Management Assistance Fund, for the purpose of providing grants to  
5 municipalities and small businesses to prevent pollution and reduce the  
6 generation of hazardous waste in the State. When determining a  
7 manufacturer's assessment under this section, the Agency may allocate costs to  
8 a manufacturer of covered household hazardous products based on the sales of  
9 covered household hazardous products nationally prorated to the population of  
10 Vermont.

11 Sec. 12. 10 V.S.A. § 6621a is amended to read:

12 § 6621a. LANDFILL DISPOSAL REQUIREMENTS

13 (a) In accordance with the following schedule, no person shall knowingly  
14 dispose of the following materials in solid waste or in landfills:

15 \* \* \*

16 (12) Covered household hazardous products after July 1, ~~2025~~ 2026.

17 \* \* \*

18 Sec. 13. SOLID WASTE PLAN; FLEXIBILITY

19 (a) Notwithstanding the municipal household hazardous waste (HHW)  
20 collection requirements under the State Solid Waste Plan adopted pursuant to  
21 10 V.S.A. § 6604, the Secretary of Natural Resources may grant a variance

1 from the requirement to conduct at least two household hazardous waste  
2 collection events in that municipality. The variance shall allow a municipality  
3 to meet its obligations, as follows:

4 (1) the municipality has partnered with another municipality to allow its  
5 residents the ability to access a permanent HHW facility in the same manner as  
6 the municipality that operates the permanent HHW facility;

7 (2) the municipality has partnered with a nearby municipality to offer  
8 collection events to members in both municipalities; or

9 (3) the municipality has demonstrated that it has made reasonable efforts  
10 to provide alternate collection opportunities identified under subdivisions (1)  
11 and (2) of this subsection and was unable and that the cost of a collection event  
12 is unreasonable. In such circumstances the Secretary of Natural Resources  
13 may reduce the required collection events to one per year.

14 (b) This section shall be repealed on July 1, 2027.

15 \* \* \* Paint Product Stewardship Program \* \* \*

16 Sec. 14. 10 V.S.A. chapter 159, subchapter 4 is amended to read:

17 Subchapter 4. Paint Product Stewardship Program

18 § 6671. PURPOSE

19 The purpose of this subchapter is to establish an environmentally sound,  
20 cost-effective Paint Product Stewardship Program in the State that will  
21 undertake responsibility for the development and implementation of strategies

1 to reduce the generation of postconsumer paint; promote the reuse of  
2 postconsumer paint; and collect, transport, and process postconsumer paint,  
3 including reuse, recycling, energy recovery, and disposal. The Paint Product  
4 Stewardship Program will follow the waste management hierarchy for  
5 managing and reducing postconsumer paint in the order as follows: reduce  
6 consumer generation of postconsumer paint, reuse, recycle, provide for energy  
7 recovery, and dispose. The Paint Product Stewardship Program will provide  
8 more opportunities for consumers to manage properly their postconsumer  
9 paint, provide fiscal relief for local government in managing postconsumer  
10 paint, keep paint out of the waste stream, and conserve natural resources.

11 § 6672. DEFINITIONS

12 As used in this subchapter:

13 (1) “Aerosol coating product” means a pressurized coating product  
14 containing pigments or resins dispensed by means of a propellant and  
15 packaged and sold in a disposable aerosol container for handheld application,  
16 or for use in specialized equipment for ground traffic or marking applications.

17 (2) “Architectural paint” means interior and exterior architectural  
18 coatings, including interior or exterior water- and oil-based coatings, primers,  
19 sealers, or wood coatings, that are sold in containers of five gallons or less.

20 “Architectural paint” does not mean industrial coatings, original equipment  
21 coatings, or specialty coatings.

1           (3) “Coating-related product” means a product used as a paint additive,  
2 paint thinner, paint colorant, paint remover, surface sealant, surface  
3 preparation, or surface adhesive, and sold for home improvement. “Coating-  
4 related product” does not mean original equipment manufacturer products or  
5 industrial products.

6           ~~(2)~~(4) “Distributor” means a company that has a contractual relationship  
7 with one or more producers to market and sell ~~architectural~~ paint to retailers in  
8 Vermont.

9           ~~(3)~~(5) “Energy recovery” means recovery in which all or a part of the  
10 solid waste materials are processed in order to use the heat content or other  
11 forms of energy of or from the material.

12           ~~(4)~~(6) “Environmentally sound management practices” means policies  
13 to be implemented by a producer or a stewardship organization to ensure  
14 compliance with all applicable laws and also addressing such issues as  
15 adequate record keeping, tracking and documenting the fate of materials within  
16 the State and beyond, and adequate environmental liability coverage for  
17 professional services and for the operations of the contractors working on  
18 behalf of the producer organization.

19           ~~(5)~~(7) “Municipality” means a city, town, or a village.

20           ~~(6) “Paint stewardship assessment” means a one-time charge that is:~~

1           ~~(A) added to the purchase price of architectural paint sold in~~  
2 ~~Vermont;~~

3           ~~(B) passed from the producer to the wholesale purchaser to the~~  
4 ~~retailer and then to a retail consumer; and~~

5           ~~(C) necessary to cover the cost of collecting, transporting, and~~  
6 ~~processing the postconsumer paint managed through the statewide Program.~~

7           (8) “Nonindustrial coating” means arts and crafts paint, automotive  
8 refinish paint, driveway sealer, faux finish or glaze, furniture oil, furniture  
9 paint, lime wash, lime paint, marine paint, antifouling paint, road and traffic  
10 marking paint, two-component paint, wood preservative, fire retardant paint,  
11 dry fog paint, chalkboard paint, and conductive paint, sold in containers of five  
12 gallons or less for commercial and homeowner use, but does not include  
13 coatings purchased for industrial or original equipment manufacturer use.

14           (9)(A) “Paint product” includes:

15                   (i) architectural paint;

16                   (ii) aerosol coating products;

17                   (iii) coating-related products; and

18                   (iv) nonindustrial coatings.

19           (B) “Paint product” does not include a health and beauty product.

20           ~~(7)~~(10) “Postconsumer paint” means architectural a paint product and its  
21 containers not used and no longer wanted by a purchaser.

1           ~~(8)~~(11) “Producer” means a manufacturer of ~~architectural~~ paint products  
2 who sells, offers for sale, or distributes that paint in Vermont under the  
3 producer’s own name or brand.

4           ~~(9)~~(12) “Recycling” means any process by which discarded products,  
5 components, and by-products are transformed into new usable or marketable  
6 materials in a manner in which the original products may lose their identity but  
7 does not include energy recovery or energy generation by means of  
8 combusting discarded products, components, and by-products with or without  
9 other waste products.

10           ~~(10)~~(13) “Retailer” means any person that offers ~~architectural~~ a paint  
11 product for sale at retail in Vermont.

12           ~~(11)~~(14) “Reuse” means the return of a product into the economic  
13 stream for use in the same kind of application as originally intended, without a  
14 change in the product’s identity.

15           ~~(12)~~(15) “Secretary” means the Secretary of Natural Resources.

16           ~~(13)~~(16) “Sell” or “sale” means any transfer of title for consideration,  
17 including remote sales conducted through sales outlets, catalogues, or the  
18 ~~Internet~~ internet or any other similar electronic means.

19           ~~(14)~~(17) “Stewardship organization” means a nonprofit corporation or  
20 nonprofit organization created by a producer or group of producers to

1 implement the Paint Product Stewardship Program required under this  
2 subchapter.

3 § 6673. PAINT PRODUCT STEWARDSHIP PROGRAM

4 (a) A producer or a stewardship organization representing producers shall  
5 submit a an amended plan for the establishment of a Paint Product Stewardship  
6 Program to the Secretary for approval ~~by December 1, 2013~~. The plan shall  
7 address the following:

8 (1) Provide a list of participating producers and brands covered by the  
9 Program.

10 (2) Provide specific information on the ~~architectural~~ paint products  
11 covered under the Program, such as interior or exterior water- and oil-based  
12 coatings, primers, sealers, or wood coatings.

13 (3) Describe how the Program proposed under the plan will collect,  
14 transport, recycle, and process postconsumer paint products for end-of-life  
15 management, including recycling, energy recovery, and disposal, using  
16 environmentally sound management practices.

17 (4) Describe the Program and how it will provide for convenient and  
18 available statewide collection of postconsumer ~~architectural~~ paint products in  
19 urban and rural areas of the State. The producer or stewardship organization  
20 shall use the existing household hazardous waste collection infrastructure when  
21 selecting collection points for postconsumer ~~architectural~~ paint products. A

1 paint retailer shall be authorized as a paint collection point of postconsumer  
2 architectural paint for a Paint Product Stewardship Program if the paint retailer  
3 volunteers to act as a ~~paint~~ collection point and complies with all applicable  
4 laws, rules, and regulations.

5 (5) Provide geographic information modeling to determine the number  
6 and distribution of sites for collection of postconsumer architectural paint  
7 based on the following criteria:

8 (A) at least 90 percent of Vermont residents shall have a permanent  
9 collection site within a 15-mile radius; and

10 (B) one additional permanent site will be established for every  
11 10,000 residents of a municipality and additional sites shall be distributed to  
12 provide convenient and reasonably equitable access for residents within each  
13 municipality, unless otherwise approved by the Secretary.

14 (6) Establish goals to reduce the generation of postconsumer paint  
15 products, to promote the reuse of postconsumer paint products, and for the  
16 proper management of postconsumer paint products as practical based on  
17 current household hazardous waste program information. The goals may be  
18 revised by the producer or stewardship organization based on the information  
19 collected for the annual report.

20 (7) Describe how postconsumer paint products will be managed in the  
21 most environmentally and economically sound manner, including following

1 the waste-management hierarchy. The management of paint under the  
2 Program shall use management activities that promote source reduction, reuse,  
3 recycling, energy recovery, and disposal.

4 (8) Describe education and outreach efforts to inform consumers of  
5 collection opportunities for postconsumer paint products and to promote the  
6 source reduction and recycling of ~~architectural~~ paint products for each of the  
7 following: consumers, contractors, and retailers.

8 (b) The producer or stewardship organization shall submit a budget for the  
9 Program proposed under subsection (a) of this section, and for any amendment  
10 to the plan that would affect the Program's costs. The budget shall include a  
11 funding mechanism under which each ~~architectural~~ paint product producer  
12 remits to a stewardship organization payment of a paint product stewardship  
13 assessment for each ~~container of architectural paint~~ product it sells in this  
14 State. Prior to submitting the proposed budget and assessment to the  
15 Secretary, the producer or stewardship organization shall provide the budget  
16 and assessment to a third-party auditor agreed upon by the Secretary. The  
17 third-party auditor shall provide a recommendation as to whether the proposed  
18 budget and assessment is cost-effective, reasonable, and limited to covering the  
19 cost of the Program. The paint product stewardship assessment shall be added  
20 to the cost of all ~~architectural~~ paint products sold in Vermont. To ensure that  
21 the funding mechanism is equitable and sustainable, a uniform paint product

1 stewardship assessment shall be established for all ~~architectural~~ paint products  
2 sold. The paint stewardship assessment shall be ~~approved by the Secretary and~~  
3 ~~shall be sufficient to recover, but not exceed, the costs of the Paint Stewardship~~  
4 ~~Program~~ the amount established in section 6681 of this title.

5 (c) ~~Beginning no later than July 1, 2014, or three~~ Six months after approval  
6 of the plan for a Paint Product Stewardship Program required under subsection  
7 (a) of this section, ~~whichever occurs later,~~ a producer of ~~architectural~~ paint  
8 products sold at retail or a stewardship organization of which a producer is a  
9 member shall implement the approved plan for a Paint Product Stewardship  
10 Program.

11 (d) A producer or a stewardship organization of which a producer is a  
12 member shall promote a Paint Product Stewardship Program and provide  
13 consumers with educational and informational materials describing collection  
14 opportunities for postconsumer paint products Statewide and promotion of  
15 waste prevention, reuse, and recycling. The educational and informational  
16 program shall make consumers aware that the funding for the operation of the  
17 Paint Product Stewardship Program has been added to the purchase price of all  
18 ~~architectural~~ paint products sold in the State.

19 (e) A plan approved under this section shall provide for collection of  
20 postconsumer ~~architectural~~ paint at no cost to the person from whom the  
21 ~~architectural~~ paint product is collected. The program plan also shall provide

1 for the payment of municipalities for collection, processing, and end-of-life  
2 management of aerosol coating products, coating-related products, and  
3 nonindustrial coatings contained in the receptacle in which the product is  
4 offered for retail sale. Collection costs include facility costs, equipment costs,  
5 labor, supplies, maintenance, events costs, and event contractor costs,  
6 including collection event set-up fees, environmental service fees, insurance  
7 fees, and shipping containers and materials.

8 (f) When a plan or amendment to an approved plan is submitted under this  
9 section, the Secretary shall make the proposed plan or amendment available for  
10 public review and comment for at least 30 days.

11 (g) A producer or paint stewardship organization shall submit to the  
12 Secretary for review, in the same manner as required under subsection 6675(a)  
13 of this title, an amendment to an approved plan when there is:

- 14 (1) ~~a change to a paint stewardship assessment under the plan;~~  
15 ~~(2)~~ an addition to or removal of a category of products covered under  
16 the Program; or  
17 ~~(3)~~(2) a revision of the product stewardship organization's goals.

18 (h) A plan approved by the Secretary under section 6675 of this title shall  
19 have a term not to exceed five years, provided that the producer remains in  
20 compliance with the requirements of this chapter and the terms of the approved  
21 plan.

1 (i) In addition to the requirements specified in subsection (a) of this  
2 section, a stewardship organization shall notify the Secretary in writing within  
3 30 days ~~of~~ after any change to:

4 (1) the number of collection sites for postconsumer ~~architectural~~ paint  
5 products identified under this section as part of the plan;

6 (2) the producers identified under this section as part of the plan;

7 (3) the brands of ~~architectural~~ paint products identified under this  
8 section as part of the plan; and

9 (4) the processors that manage postconsumer ~~architectural~~ paint  
10 products identified under this section as part of the plan.

11 (j) Upon submission of a plan to the Secretary under this section, a  
12 producer or a stewardship organization shall pay the fee required by 3 V.S.A.  
13 § 2822(j)(31). Thereafter, the producer or stewardship organization shall pay  
14 the fee required by 3 V.S.A. § 2822(j)(31) annually ~~by~~ on or before July 1 of  
15 each year.

16 § 6674. RETAILER RESPONSIBILITY

17 (a) A producer or retailer may not sell or offer for sale ~~architectural~~ a paint  
18 product to any person in Vermont unless the producer ~~of that architectural~~  
19 ~~paint brand~~ or a stewardship program ~~of which the producer of that~~  
20 ~~architectural paint brand is a member~~ that the producer is a member of is  
21 implementing an approved plan for a Paint Product Stewardship Program as

1 required by section 6673 of this title. A retailer complies with the  
2 requirements of this section if, on the date the ~~architectural~~ paint product was  
3 ordered from the producer or its agent, the producer or paint brand is listed on  
4 the Agency of Natural Resources' website as a producer or brand participating  
5 in an approved plan for a Paint Product Stewardship Program.

6 (b) At the time of sale to a consumer, a producer, a stewardship  
7 organization, or a retailer selling or offering ~~architectural~~ paint products for  
8 sale shall provide the consumer with information regarding available  
9 management options for postconsumer paint products collected through the  
10 Paint Product Stewardship Program or a brand of paint being sold under the  
11 Program.

12 § 6675. AGENCY RESPONSIBILITY

13 (a)(1) Within 90 days ~~of~~ after receipt of a plan submitted under section  
14 6673 of this title, the Secretary shall review the plan and make a determination  
15 whether or not to approve the plan. The Secretary shall issue a letter of  
16 approval for a submitted plan if:

17 (A) the submitted plan provides for the establishment of a Paint  
18 Product Stewardship Program that meets the requirements of subsection  
19 6673(a) of this subchapter; and

1 (B) the Secretary determines that the plan:

2 (i) achieves convenient collection for consumers;

3 (ii) educates the public on proper paint product management; and

4 (iii) manages waste paint products in a manner that is

5 environmentally safe and promotes reuse and recycling; ~~and~~

6 ~~(iv) is cost effective.~~

7 (2) If the Secretary does not approve a submitted plan, the Secretary  
8 shall issue to the paint product stewardship organization a letter listing the  
9 reasons for the disapproval of the plan. If the Secretary disapproves a plan, a  
10 paint product stewardship organization intending to sell or continue to sell  
11 ~~architectural~~ paint products in the State shall submit a new plan within 60 days  
12 ~~of~~ after receipt of the letter of disapproval.

13 ~~(b)(1) The Secretary shall review and approve the stewardship assessment~~  
14 ~~proposed by a producer pursuant to subsection 6673(b) of this title. The~~  
15 ~~Secretary shall only approve the Program budget and any assessment if the~~  
16 ~~applicant has demonstrated that the costs of the Program and any proposed~~  
17 ~~assessment are reasonable and the assessment does not exceed the costs of~~  
18 ~~implementing an approved plan.~~

19 ~~(2) If an amended plan is submitted under subsection 6673(g) of this~~  
20 ~~title that proposes to change the cost of the Program or proposes to change the~~  
21 ~~paint stewardship assessment under the plan, the disapproval of any proposed~~

1 ~~new assessment or the failure of an approved new assessment to cover the total~~  
2 ~~costs of the Program shall not relieve a producer or stewardship organization~~  
3 ~~of its obligation to continue to implement the approved plan under the~~  
4 ~~originally approved assessment.~~

5 (e) Facilities solely collecting paint products for the Paint Product  
6 Stewardship Program that would not otherwise be subject to solid waste  
7 certification requirements shall not be required to obtain a solid waste  
8 certification. Persons solely transporting paint for the Paint Product  
9 Stewardship Program that would not otherwise be subject to solid waste hauler  
10 permitting requirements shall not be required to obtain a solid waste hauler's  
11 permit.

12 § 6676. ANTICOMPETITIVE CONDUCT

13 (a) A producer or an organization of producers that manages postconsumer  
14 paint products, including collection, transport, recycling, and processing of  
15 postconsumer paint products, as required by this subchapter may engage in  
16 anticompetitive conduct to the extent necessary to implement the plan  
17 approved by the Secretary and is immune from liability for the conduct relating  
18 to antitrust, restraint of trade, unfair trade practices, and other regulation of  
19 trade or commerce.

1 (b) The activity authorized and the immunity afforded under subsection (a)  
2 of this section shall not apply to any agreement among producers or paint  
3 product stewardship organizations:

4 (1) establishing or affecting the price of paint products, ~~except for the~~  
5 ~~paint stewardship assessment approved under subsection 6675(b) of this title;~~

6 (2) setting or limiting the output or production of paint products;

7 (3) setting or limiting the volume of paint products sold in a geographic  
8 area;

9 (4) restricting the geographic area where paint products will be sold; or

10 (5) restricting the customers to whom paint products will be sold or the  
11 volume of paint products that will be sold.

12 § 6677. PRODUCER REPORTING REQUIREMENTS

13 ~~No later than October 15, 2015, and annually thereafter, Annually, a~~  
14 producer or a stewardship program of which the producer is a member shall  
15 submit to the Secretary a report describing the Paint Product Stewardship  
16 Program that the producer or Stewardship Program is implementing as  
17 required by section 6673 of this title. At a minimum, the report shall include:

18 (1) a description of the methods the producer or Stewardship Program  
19 used to reduce, reuse, collect, transport, recycle, and process postconsumer  
20 paint products statewide in Vermont;



1 (1) the postconsumer paint product is collected as a part of a  
2 stewardship plan approved under this subchapter; and

3 (2) the collected postconsumer paint product is or includes a paint  
4 product that is a hazardous waste as defined and regulated by the Vermont  
5 Hazardous Waste Management Rules.

6 (b) When postconsumer paint product is regulated as universal waste under  
7 subsection (a) of this section, small and large quantity handlers of the  
8 postconsumer paint shall manage the postconsumer paint products in a manner  
9 that prevents releases of any universal waste or component of the universal  
10 waste to the environment. Postconsumer paint products regulated as universal  
11 waste shall, at a minimum, be contained in one or more of the following:

12 (1) a container that remains closed, structurally sound, and compatible  
13 with the postconsumer paint products and that lacks evidence of leakage,  
14 spillage, or damage that could cause leakage under reasonably foreseeable  
15 conditions; or

16 (2) a container that does not meet the requirements of subdivision (1) of  
17 this subsection, provided that the unacceptable container is overpacked in a  
18 container that meets the requirements of subdivision (1).

19 (c) Containers holding postconsumer paint products that ~~is~~ are regulated as  
20 universal waste shall be clearly labeled to clearly identify the contents of the

1 container, such as “Paint-Related Waste,” “Universal Waste Paint,” “Used  
2 Paint,” or “Waste Paint.”

3 (d) Unless otherwise provided by statute, the definitions of the Vermont  
4 Hazardous Waste Management Rules shall apply to this section.

5 § 6681. PAINT CONSUMER FEES

6 (a) The paint product stewardship assessment shall be sufficient to  
7 implement and sustain the Paint Product Stewardship Program. If at any time  
8 the stewardship assessments established in this section are not sufficient to  
9 implement and sustain the Paint Product Stewardship Program, the Paint  
10 Product Stewardship Program shall propose new stewardship assessments that  
11 are sufficient to implement and sustain the Program.

12 (b) A retailer shall charge an assessment on paint products, based on  
13 current material management costs of the Paint Product Stewardship Program,  
14 in the following amounts for architectural paint:

15 (1) <u>Half pint or smaller:</u>	<u>No fee.</u>
16 (2) <u>Greater than a half pint to one gallon:</u>	<u>\$0.65.</u>
17 (3) <u>Greater than one gallon to two gallons:</u>	<u>\$1.35.</u>
18 (4) <u>Greater than two gallons to five gallons:</u>	<u>\$2.45.</u>

1 Sec. 15. IMPLEMENTATION; FEE REPORT

2 (a) The requirements for the sale of paint products under 10 V.S.A. § 6673  
3 shall apply to architectural paint beginning on July 1, 2013 and all paint  
4 products beginning on July 1, 2026.

5 (b) The requirement under 10 V.S.A. § 6673 for an architectural paint  
6 producer to submit a stewardship plan to the Secretary of Natural Resources  
7 currently applies to producers of architectural paint as required beginning on  
8 July 1, 2013 and shall also apply to producers of paint related products  
9 beginning on July 1, 2026.

10 (c) The requirement under 10 V.S.A. § 6677 that an architectural paint  
11 producer annually report to the Secretary of Natural Resources currently  
12 applies to producers of architectural paint as required beginning on July 1,  
13 2013 and shall also apply to producers of paint related products beginning on  
14 March 1, 2027.

15 (d) On or before December 15, 2025, the Secretary of Natural Resources  
16 shall submit to the Senate Committees on Natural Resources and Energy and  
17 on Finance and the House Committees on Environment and on Ways and  
18 Means a report recommending a paint consumer fee or fees to be charged for  
19 paint products that are not architectural paint.



1 (k) Collocation and efficiency requirements.

2 (1) The owner of the plant used to satisfy the baseload renewable power  
3 portfolio requirement shall cause the plant's overall efficiency to be increased  
4 by at least 50 percent relative to the 12-month period preceding July 1, 2022.  
5 In achieving this efficiency, the owner shall comply with the requirements of  
6 this subsection.

7 (2) On or before ~~July~~ October 1, 2023 2025, the owner of the plant shall  
8 submit to the Commission and the Department:

9 (A) A signed contract providing for the construction of a facility at  
10 the plant that utilizes the excess thermal heat generated at the plant for a  
11 beneficial purpose. As used in this subdivision (A), beneficial purpose may  
12 include the displacement of fossil fuel use for the sustainable production of a  
13 product or service or more efficient or less costly generation of electricity.

14 (B) A certification by a qualified professional engineer that the  
15 construction of the facility shall meet the requirement of subdivision (1) of this  
16 subsection (k).

17 (3) On or before October 1, ~~2025~~ 2026, the owner of the plant shall  
18 submit to the Commission and the Department a certification that the main  
19 components of the facility used to meet the requirement of subdivision (1) of  
20 this subsection have been manufactured and that the construction plans for the  
21 facility have been completed.

1           (4) If the contract and certification required under subdivision (2) of this  
2 subsection are not submitted to the Commission and Department on or before  
3 ~~July~~ October 1, 2023 2025 or if the certification required under subdivision (3)  
4 is not submitted to the Commission and Department on or before October 1,  
5 ~~2025~~ 2026, then the obligation under this section for each Vermont retail  
6 electricity provider to purchase a pro rata share of the baseload renewable  
7 power portfolio requirement shall cease on November 1, ~~2025~~ 2026, and the  
8 Commission is not required to conduct the rate determination provided for in  
9 subsection (d) of this section.

10           (5) On or before September 1, ~~2026~~ 2027, the Department shall  
11 investigate and submit a recommendation to the Commission on whether the  
12 plant has achieved the requirement of subdivision (1) of this subsection. If the  
13 Department recommends that the plant has not achieved the requirement of  
14 subdivision (1) of this subsection, the obligation under this section shall cease  
15 on November 1, ~~2026~~ 2027, and the Commission is not required to conduct the  
16 rate determination provided for in subsection (d) of this section.

17           (6) After November 1, ~~2027~~ 2028, the owner of the plant shall report  
18 annually to the Department and the Department shall verify the overall  
19 efficiency of the plant for the prior 12-month period. If the overall efficiency  
20 of the plant falls below the requirement of subdivision (1) of this subsection,

1 the report shall include a plan to return the plant to the required efficiency  
2 within one year.

3 (7) If, after implementing the plan in subdivision (6) of this subsection,  
4 the owner of the plant does not achieve the efficiency required in subdivision  
5 (1) of this subsection, the Department shall request that the Commission  
6 commence a proceeding to terminate the obligation under this section.

7 \* \* \*

8 \* \* \* Effective Dates \* \* \*

9 Sec. 17. EFFECTIVE DATES

10 (a) This section and Secs. 7–13 (covered household hazardous products),  
11 14–15 (paint products), and 16 (renewable power portfolio) shall take effect on  
12 passage.

13 (b) The remainder of this act shall take effect on July 1, 2025, except that  
14 Sec. 5 (use value appraisal) shall take effect on January 1, 2026.