

# FIRE EQUIPMENT MANUFACTURERS' ASSOCIATION



Saving Lives, Protecting Property.

## ***Vermont HHW Extended Producer Responsibility Program: Ensuring Fire Safety in Vermont***

### ***The Issue***

Vermont's Household Hazardous Waste Extended Producer Responsibility (HHW EPR) law requires manufacturers of covered household hazardous products to fund end-of-life management and consumer education. The Agency of Natural Resources (ANR) is implementing the program and anticipates full implementation will take effect after July 1, 2026.

ANR is applying the program to commercial and industrial portable fire extinguishers, even though they are not household products. This misclassification would add new fees and requirements that increase costs for the state and businesses. Statutory and regulatory definitions should be clarified so the law applies to true household hazardous products, not to commercial fire safety equipment that is already reused, serviced, and recycled under existing systems.

### ***Key Facts***

- **Commercial portable fire extinguishers are not consumer products**  
The Fire Equipment Manufacturers' Association (FEMA) is a national association of manufacturers of portable fire extinguishers that are installed in commercial and governmental buildings. FEMA members sell to Vermont-based fire equipment distributors (FEDs), who sell to Vermont businesses, governmental agencies, and other non-consumer customers. Although it is occasionally possible for a consumer to purchase one from a FED, commercial portable fire extinguishers are not a "consumer product" because they are not "regularly used or purchased to be used for personal, family or household purposes." (Title 10, Ch. 164B, §7181(2)).
- **VT building and fire safety codes keep commercial portable fire extinguishers out of the waste stream**  
Vermont's Fire and Building Safety Code, along with NFPA 1, Fire Code, requires portable fire extinguishers in schools, commercial buildings, government facilities and other commercial occupancies across the state. These codes mandate annual maintenance, a full inspection/teardown every six years, and 12-year hydrostatic testing to ensure safe operation. This work is performed by Vermont-based FEDs, allowing commercial portable fire extinguishers to be properly maintained and kept in service—often for decades—rather than entering the waste stream. When these extinguishers ultimately reach the end of their useful life, their steel or aluminum cylinders are recycled through established scrap metal markets, similar to refillable propane cylinders.
- **Portable fire extinguishers are not hazardous once discharged.**  
A discharged dry chemical fire extinguisher does not meet US DOT's definition of a hazardous material (UN 1044, Class 2.2). Once discharged, a portable fire extinguisher no longer contains compressed gas and poses none of the risks associated with pressurized gas cylinders. Additionally, portable dry chemical fire extinguishers utilize non-flammable, non-toxic gas—unlike covered household hazardous waste products outlined in the statute. At end of life, these units are managed as recyclable metal, consistent with existing service, reuse, and recycling practices, not as hazardous gas cylinders.
- **Portable fire extinguishers are not "gas cylinders"**  
A gas cylinder is a pressure container used to store and transport gases like oxygen, propane, and nitrogen, keeping them compressed as a gas, liquid, or dissolved state within the vessel for portable use. Portable fire extinguishers are containers that are regulated by Vermont's Fire and Building Safety Code, along with NFPA 10, *Standard for Portable Fire Extinguishers*. Those codes designate the containers as either stored pressure, cartridge-operated, or self-expelling extinguishers. Although the self-expelling category includes carbon dioxide extinguishers, they are not typical "gas cylinders" as they have special valves for use as extinguishers and are further regulated by Vermont's Fire and Building Safety Code to be continuously reused, serviced, and recycled, keeping them out of the waste stream.
- **Increased costs and reduced access raise public safety concerns**  
Portable fire extinguishers are a critical component of a layered fire protection strategy and are highly effective at stopping fires in their early stages. Policies that inadvertently increase costs or restrict availability of commercial portable extinguishers could have unintended consequences for public safety in workplaces, schools, healthcare facilities, and public buildings.

Amend 10VSA section 7181 (4)(B) and (5)(A) as follows:

§ 7181. Definitions

As used in this chapter:

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

(xi) gas cylinders determined by the Secretary by rule not to pose an unacceptable risk to human health, solid waste facility operation, or the environment, and which are not hazardous waste; **or**

(xii) portable fire extinguishers (a) sold, installed, inspected, or maintained pursuant to the Fire and Building Safety Code or (b) otherwise sold for industrial or commercial purposes.

(5)(A) “Gas cylinder” means:

(i) any nonrefillable cylinder and its contents supplied to a consumer for personal, family, or household use and shall include those containing flammable pressurized gas, spray foam insulating products, ~~single use and rechargeable handheld fire extinguishers~~, helium, or carbon dioxide, of any size not exceeding any cylinder with a water capacity of 50 pounds, including seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or flammable materials such as propane, butane, or other flammable compressed gasses; or