

H.915. An Act Relating to Establishing an Extended Producer Responsibility Program for Beverage Containers

Major Proposed Changes in Senate Proposal of Amendment

1. **Sec. 1, 10 V.S.A. § 1521(4):** Definition of “Deposit Initiator” moved to § 1521(4) from § 1530.
 - Applying the definition to the whole chapter clarifies which manufacturer or distributor is responsible for the container deposit.
2. **Sec.1, 10 V.S.A. § 1522(b):** Raises the handling fee paid by deposit initiators to redemption centers and retailers from 3.5 cents to 4.5 cents for co-mingled containers and from 4 cents to 5 cents for non-commingled containers.
 - The House had only increased the handling fee for non-commingled containers.
 - Senate also added language providing that beginning March 1, 2029, a retailer or redemption center shall be reimbursed under the PRO stewardship plan requirement for fair compensation.
3. **Sec. 1, 10 V.S.A. § 1523(b):** The Senate delayed implementation of the exceptions from redemption for small retailers or manufacturers selling directly to consumers from a retail location.
 - The exceptions will be effective under Sec. 2 of Senate proposal on March 1, 2029.
4. **Sec. 1, 10 V.S.A. § 1530:** This section was added to move the definition of “deposit initiator” to the definitions section for the entire chapter (see change 1).
5. **Sec. 1, 10 V.S.A. § 1531(e):** The Senate added a subsection authorizing the PRO to charge its members the costs of the administration and implementation of the stewardship plan.
 - Under most EPR programs, this authority is implied. Industry requested it be clearly stated here.
6. **Sec. 1, 10 V.S.A. § 1531(g):** Increased from 10% to 25% the penalty that ANR can charge deposit initiators if they fail to implement a stewardship plan and ANR must implement the plan.
7. **Sec. 1, 10 V.S.A. § 1532(a)(1)(A)(ii):** The Senate clarified that the PRO shall provide at least one collection location with an immediate return on deposit in municipalities with 7,000 or more persons, unless ANR determines that requiring immediate return in the municipality would create an impediment to effective redemption.
8. **Sec. 1, 10 V.S.A. § 1532(a)(1)(B):** Clarifies that the PRO may propose to remove a retail redemption location from the plan, but the PRO must show how the area of the retail location will be adequately served by other points of redemption.
 - Also, ANR cannot authorize a reduction in the number of redemption locations that would result in less than 3 locations per county or no locations in municipalities with 7,000 persons or more.
9. **Sec. 1, 10 V.S.A. § 1532(a)(1)(C):** Provides that a PRO cannot only use single feed reverse vending or mobile units to meet the convenience of collection requirement of three collection sites per county.
10. **Sec. 1, 10 V.S.A. § 1532(a)(1)(D):** Senate required each point of redemption to have operational capacity to redeem beverages, including equipment training and reasonable pick up times for redeemed containers.

- 11. Sec. 1, 10 V.S.A. § 1532(a)(2):** Provides the fair compensation requirements for each redemption location, including a handling fee of 4.5 cents per container.
 - The 4.5 cent handling fee sunsets July 1, 2030. After sunset, compensation to points of redemptions shall be through negotiated agreements between the PRO and the point of redemption.
 - Under 10 V.S.A. § 1532(a)(2)(F), if there are disputes between the PRO and points of redemption, the parties are required to use binding dispute resolution to resolve the dispute.
 - Under 10 V.S.A. § 1532(a)(2)(G), after two years of implementing the plan, the PRO reports to ANR on how the PRO adjusted compensation for points of redemption.
- 12. Sec. 1, 10 V.S.A. § 1532(4):** Adds to the collection location standards the requirement that points of redemption that are fixed locations shall be open at least 35 hours a week and six consecutive hours on Sunday. Points of redemption that are mobile, shall be open at least 15 hours per week., including 4 consecutive hours on Saturday.
- 13. Sec. 2, 10 V.S.A. § 1523:** Implements the exceptions for retail redemption for small retailers and manufacturers selling direct to retail. (See change 3 above)
- 14. Sec. 5 of Senate:** 10 V.S.A. § 6618(b)(11): Caps the maximum amount of the implementation grants to the PRO by fiscal year. This will avoid perception that revenue in the Solid Waste Management Assistance Account other than the Clean Water Fund transfers will be used for the grants.
- 15. Sec. 5 of House.** Senate removed Sec. 5 of House bill. Sec. 5 of House bill required manufacturers and distributors to report recycling information. ANR testified the requirement was no longer needed.
- 16. Sec. 6 of Senate:** The Senate added a requirement that ANR provide a status report on implementation of the stewardship plan to the General Assembly on or before January 1, 2030.
- 17. Secs. 9 to 12 of Senate:** Added technical changes to the Covered Household Hazardous Products (HHP) EPR program.
 - Sec. 9 delays from July 1, 2026, to July 1, 2028, the deadline for HHP stewardship organizations to register with ANR.
 - Sec. 10 allows more than one HHP collection plan to be submitted to ANR under the program. Previously, ANR only wanted one plan to be submitted. But groups of manufacturers argued that the program could be implemented easier with HHP collection plans targeted to specific classes of products.
 - Sec. 11 provides that ANR can seek reimbursement of its costs from the HHP stewardship organization through the State budgeting process (same process used under the bottle bill).
 - Sec. 12 allows a group of HHP manufacturers to register a new HHP stewardship organization for different classes of hazardous products.
- 18. Sec. 13 of Senate:** Provides the effective dates, including repeal of the capital implementation grants and repeal of the handling fees under the beverage container stewardship plan.