

FIRE EQUIPMENT MANUFACTURERS' ASSOCIATION



Saving Lives, Protecting Property.

Senate Committee on Finance
Vermont General Assembly
115 State Street
Montpelier, VT 05633

May 20, 2025

Re: H.319 Amendments for Portable Fire Extinguishers

Dear Chair Cummings, Vice Chair Chittenden, and Honorable Members of the Committee,

On behalf of the Fire Equipment Manufacturers' Association (FEMA) and its members, we appreciate the opportunity to submit testimony regarding H.319, *An act relating to miscellaneous environmental subjects*, and respectfully request your consideration of important amendments aimed at preventing unnecessary regulatory costs and new financial burdens for the state, businesses, and consumers. H. 319 requires the Agency of Natural Resources to operate the Household Hazardous Waste Program and assess fees on manufacturers if a stewardship organization fails to develop a statewide collection plan.

However, as currently drafted the Household Hazardous Waste program potentially erroneously includes commercial and industrial portable fire extinguishers. Though it appears commercial portable extinguishers are exempt from the definition of "gas cylinder" in Title 10, Chapter 164B, §7181(5), they could be considered a "rechargeable handheld fire extinguisher," which is currently included as part of the definition. Commercial and industrial portable fire extinguishers are very different than household consumer goods as the Vermont Building and Safety Code and NFPA 10 already keep refillable extinguishers out of the waste stream by the establishment of requirements for re-use of cylinders. Like 20- and 40-pound propane cylinders, these cylinders are reusable and intended to be kept in service and out of the waste stream. After sometimes decades of use, the metal is intended to be recycled in a similar fashion to propane cylinders.

Although refillable extinguishers are intended to be installed and maintained in industrial, public, and governmental buildings, it may be occasionally possible for consumers to purchase them on Amazon. However, this does not make refillable extinguishers a "consumer product," as that term is defined by the state's EPR program law. (See Title 10, Ch. 164B, §7181(2)). A refillable extinguisher is not a "consumer product" because it is not "*regularly* used or purchased to be used for personal, family or household purposes."

On the other hand, nonrefillable fire extinguishers are intended for one-time use and thus present more significant end-of-life management challenges.

Across Vermont, refillable extinguishers are supported by a robust network of service providers who ensure they are inspected, maintained, recharged, and eventually responsibly

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decommissioned. Overlaying a separate EPR requirement would duplicate existing disposal frameworks and create unnecessary costs without improving environmental outcomes.

Portable fire extinguishers are a vital component of an effective layered fire protection plan, are easy to use and highly effective in stopping fires in their early stages. Policies that inadvertently increase the cost or limit the availability of these products — particularly refillable units — could have unintended consequences for public safety. Recognizing the importance of access to portable fire extinguishers, Connecticut’s extended producer responsibility law for gas cylinders (CT Public Act 22-27) excludes fire extinguishers containing extinguishing agents other than carbon dioxide.

FEMA represents leading manufacturers of portable fire extinguishers in the United States. Our mission is to ensure that fire safety products remain accessible, affordable, and reliable for the public, while also promoting responsible end-of-life management.

We appreciate Vermont’s leadership in advancing environmental stewardship through EPR programs. However, we strongly recommend that refillable fire extinguishers be treated differently from disposable products and respectfully request that the legislation be amended to clarify that refillable portable fire extinguishers are not included in the definition of a “gas cylinder”, as is the case with refillable propane cylinders.

We urge the Committee to amend H.319, to clarify the definition of “gas cylinder” in Title 10, Chapter 164B, §7181(5)(A)(i) by deleting “single-use and rechargeable” and inserting in lieu “nonrefillable”. Clearly the scope of (5)(A)(i) is limited to *nonrefillable* cylinders and rechargeable portable fire extinguishers are, by definition, refillable cylinders. Amending this provision will eliminate this conflict, avoid unnecessary costs and ensure that existing refilling and recycling programs for refillable portable fire extinguishers continue to keep these refillable cylinders out of the waste stream. See Attachment A to this letter.

As you continue to refine the Household Hazardous Waste Program, we encourage you to consider the essential role of portable fire extinguishers in Vermont. We welcome the opportunity to assist the Committee further and stand ready to serve as a resource. Thank you for your attention to this important issue and for your leadership in advancing thoughtful environmental stewardship policies.

Respectfully submitted,

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About FEMA

Founded in 1930, FEMA is a trade association whose members employ thousands of American workers, dedicated to manufacturing commercial fire protection equipment to serve as the first line of defense against fire in its early stages. Members of FEMA formed the Government Relations Committee (GRC) in 2003 to address legislative and regulatory issues relating to portable fire extinguishers, pre-engineered systems, and other fire protection products. The

Committee aims to educate officials and legislators about the importance of comprehensive fire safety policies. By monitoring state fire code adoptions, as well as legislative and regulatory proposals at the state and federal levels, the GRC is able to engage in the conversation, providing both the industry's point of view and technical expertise in the debate on important public policy matters.