Vermont Department of Environmental Conservation
To be included in H. 928

Sec. X. 10 V.S.A. § 6634 is added to read:

§ 6634. UNAVOIDABLE USE OF PFAS; FLUORINE TREATED CONTAINERS

A person may apply to the Secretary to determine that the use of a fluorine treated container is unavoidable. The Secretary may determine that the use of a fluorine treated container for a particular sector is a currently unavoidable use. Any determination shall be for a period of time specified by the Secretary, not to exceed ten years. The Secretary shall proceed pursuant to 10 V.S.A. § 7714 (Type 3 Procedures). The Secretary shall only issue a determination upon finding that there is no alternative to the use of a fluorine treated container that presents less hazard to human health or the environment that serves a functionally similar purpose to use of the fluorinated container by that sector. A sector whose containers have been issued an unavoidable use determination shall not be subject to the requirements of 9 V.S.A. § 2494g for the specified use for the duration of the determination issued by the Secretary.