

1 S.44

2 Introduced by Senators Bray, Clarkson, MacDonald, McCormack, Watson and

3 White

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; hazardous waste; consumer products;

7 household products containing hazardous substances

8 Statement of purpose of bill as introduced: This bill would require that
9 manufacturers of household products containing a hazardous substance
10 participate in a stewardship organization and implement a plan to collect
11 household products containing a hazardous substance free of charge to the
12 public.

13 An act relating to household products containing hazardous substances

14 It is hereby enacted by the General Assembly of the State of Vermont

15 Sec. 1. FINDINGS

16 The General Assembly finds that:

17 (1) Thousands of household products sold in the State contain
18 substances designated as hazardous under State or federal law.

1 (2) Vermont’s hazardous waste rules establish specific requirements for
2 the management of hazardous waste, including a prohibition on disposal in
3 landfills.

4 (3) Leftover household products, known as household hazardous waste
5 (HHW), are regulated through a requirement that municipal solid waste
6 management entities (SWMEs) include provisions in solid waste
7 implementation plans for the management and diversion of unregulated
8 hazardous waste. The State solid waste management plan also requires the
9 SWMEs to each hold a minimum of two HHW collection events every year
10 and to ensure that each town in the SWME region has access to at least one
11 event within 20 miles or offers a permanent collection program.

12 (4) Many SWMEs already offer more than two HHW collection events,
13 and seven of the SWMEs have established permanent facilities for the regular
14 collection of HHW.

15 (5) HHW collection events and permanent facilities are expensive to
16 operate, and SWMEs spend approximately \$1.6 million a year to manage
17 HHW, costs that are subsequently passed on to the residents of Vermont
18 through taxes, fees, or disposal charges.

19 (6) As a result of the failure to divert HHW, it is estimated that 640 tons
20 or more per year of HHW are being disposed of in landfills.

1 (7) There is general agreement among the SWMEs and the Agency of
2 Natural Resources that additional collection sites and educational and
3 informational activities are necessary to capture more of the HHW being
4 disposed of in landfills.

5 (8) Funding constraints are a current barrier to new collection sites and
6 educational and informational activities.

7 (9) HHW released into the environment can contaminate air,
8 groundwater, and surface waters, thereby posing a significant threat to the
9 environment and public health.

10 (10) To improve diversion of HHW from landfills, reduce the financial
11 burden on SWMEs and taxpayers, reduce the cost of the overall system of
12 managing HHW, and lessen the environmental and public health risk posed by
13 improperly disposed of HHW, the State shall implement a program to require
14 the manufacturers of household products containing a hazardous substance to
15 implement a stewardship organization to collect household products containing
16 a hazardous substance free of charge to the public.

17 Sec. 2. 10 V.S.A. chapter 164B is added to read:

18 CHAPTER 164B. COLLECTION AND MANAGEMENT OF

19 HOUSEHOLD HAZARDOUS PRODUCTS

20 § 7181. DEFINITIONS

21 As used in this chapter:

1 (1) “Agency” means the Agency of Natural Resources.

2 (2) “Consumer product” means any product that is regularly used or
3 purchased to be used for personal, family, or household purposes.

4 (3) “Covered entity” means any person who presents to a collection
5 facility or event that is included in an approved collection plan any number of
6 covered household hazardous products, with the exception of large quantity
7 generators or small quantity generators as those terms are defined in the
8 Agency of Natural Resources’ Vermont Hazardous Waste Regulations.

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

13 (i) the product or a component of the product is a hazardous waste
14 under §7-702 of the Vermont Hazardous Waste Management Regulations,
15 regardless of the status of the generator of the hazardous waste;

16 (ii) the product is a gas cylinder; or

17 (iii) the product is a pesticide registered with the Agency of
18 Agriculture, Food and Markets as a Class A, B, or C pesticide.

19 (B) “Covered product” does not mean any of the following:

20 (i) a primary battery;

21 (ii) a lamp that contains mercury;

1 (iii) a thermostat that contains mercury;

2 (iv) architectural paint as that term is defined in section 6672 of
3 this title;

4 (v) a covered electronic device as that term is defined in section
5 7551 of this title;

6 (vi) a pharmaceutical drug;

7 (vii) citronella candles;

8 (viii) flea and tick collars; or

9 (ix) Class A, B, or C pesticides sold in containers greater than 2.5
10 gallons.

11 (5) “Gas cylinder” means any nonrefillable or refillable cylinder and its
12 contents supplied to a consumer for personal, family, or household use,
13 including those containing flammable pressurized gas, spray foam insulating
14 products, single-use and rechargeable handheld fire extinguishers, helium, or
15 carbon dioxide, of any size not exceeding any cylinder with a water capacity of
16 fifty pounds, including seamless cylinders and tubes, welded cylinders, and
17 insulated cylinders intended to contain helium, carbon dioxide, or flammable
18 materials such as propane, butane, or other flammable compressed gasses.

19 “Gas cylinder” does not include any medical or industrial-grade cylinder.

20 (6)(A) “Manufacturer” means a person who:

1 (i) manufactures or manufactured a covered household hazardous
2 product under its own brand or label for sale in the State;

3 (ii) sells in the State under its own brand or label a covered
4 household hazardous product produced by another supplier;

5 (iii) owns a brand that it licenses or licensed to another person for
6 use on a covered household hazardous product sold in the State;

7 (iv) imports into the United States for sale in the State a covered
8 household hazardous product manufactured by a person without a presence in
9 the United States;

10 (v) manufactures a covered household hazardous product for sale
11 in the State without affixing a brand name; or

12 (vi) assumes the responsibilities, obligations, and liabilities of a
13 manufacturer as defined under subdivisions (i) through (v) of this subdivision
14 (6)(A), provided that the Secretary may enforce the requirements of this
15 chapter against a manufacturer defined under subdivisions (i) through (v) of
16 this subdivision (6)(A) if a person who assumes the manufacturer's
17 responsibilities fails to comply with the requirements of this chapter.

18 (B) "Manufacturer" does not mean a person set forth under
19 subdivisions (A)(i) through (vi) of this subdivision (6) if the person
20 manufacturers, sells, licenses, or imports less than \$5,000.00 of covered

1 products in a program year and is registered with the Secretary as a de minimis
2 manufacturer.

3 (7) “Orphan covered product” means a covered product for which no
4 manufacturer can be identified.

5 (8) “Program year” means the period from January 1 through
6 December 31.

7 (9) “Retailer” means a person who sells a covered household hazardous
8 product in the State through any means, including a sales outlet, a catalogue,
9 the telephone, the Internet, or any electronic means.

10 (10) “Secretary” means the Secretary of Natural Resources.

11 (11) “Sell” or “sale” means any transfer for consideration of title or of
12 the right to use by lease or sales contract a covered household hazardous
13 product to a person in the State of Vermont. “Sell” or “sale” does not include
14 the sale, resale, lease, or transfer of a used covered household hazardous
15 product or a manufacturer’s wholesale transaction with a distributor or a
16 retailer.

17 (12) “Stewardship organization” means a legal entity such as an
18 organization, association, or entity that has developed a system, method, or
19 other mechanism that assumes the responsibilities, obligations, and liabilities
20 under this chapter of multiple manufacturers of covered household hazardous
21 products.

1 § 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCTS:

2 STEWARDSHIP ORGANIZATION REGISTRATION

3 (a) Sale prohibited. Beginning on January 1, 2025, a manufacturer of a
4 covered household hazardous product shall not sell, offer for sale, or deliver to
5 a retailer for subsequent sale a covered household hazardous product unless all
6 the following have been met:

7 (1) The manufacturer is participating in a stewardship organization
8 implementing an approved collection plan.

9 (2) The name of the manufacturer, the manufacturer's brand, and the
10 name of the covered household hazardous product are submitted to the Agency
11 of Natural Resources by a stewardship organization and listed on the
12 stewardship organization's website as covered by an approved collection plan.

13 (3) The stewardship organization in which the manufacturer participates
14 has submitted an annual report under section 7185 of this title.

15 (4) The stewardship organization in which the manufacturer participates
16 has conducted a plan audit consistent with the requirements of subsection
17 7185(b) of this title.

18 (b) Stewardship organization registration requirements.

19 (1) Beginning on July 1, 2024 and annually thereafter, a stewardship
20 organization shall file a registration form with the Secretary. The Secretary

1 shall provide the registration form to the stewardship organization. The
2 registration form shall include:

3 (A) a list of the manufacturers participating in the stewardship
4 organization;

5 (B) a list of the brands of each manufacturer participating in the
6 stewardship organization;

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

9 (D) the name, address, and contact information of a person
10 responsible for ensuring the manufacturer's compliance with this chapter;

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

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

17 (2) A renewal of a registration without changes may be accomplished
18 through notifying the Agency of Natural Resources on a form provided by the
19 Agency.

1 § 7183. COLLECTION PLANS

2 (a) Collection plan required. Prior to July 1, 2024, a stewardship
3 organization representing manufacturers of covered household hazardous
4 products shall submit a collection plan to the Secretary for review.

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

7 (1) 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 (2) Free statewide collection of covered household hazardous products.
11 The collection program shall provide for free, convenient, and accessible
12 statewide opportunities for the collection from covered entities of covered
13 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 facility set-up
2 fees, environmental service fees, insurance fees, and shipping containers and
3 materials.

4 (3) Convenient collection location. The stewardship organization shall
5 develop a collection program that allows all municipal household hazardous
6 waste collection programs to opt to be a part of the collection plan, including
7 collection events and facilities offered by solid waste planning entities.

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. During the first year of
14 program implementation and every two years thereafter, each stewardship
15 organization shall carry out a survey of public awareness regarding the
16 requirements of the program established under this chapter that can identify
17 communities that have disparities in awareness and need more outreach. Each
18 stewardship organization shall share the results of the public awareness
19 surveys with the Secretary. If multiple stewardship organizations are
20 implementing plans approved by the Secretary, the stewardship organizations
21 shall coordinate in carrying out their education and outreach responsibilities

1 under this subdivision and shall include in their annual reports to the Secretary
2 a summary of their coordinated education and outreach efforts. The education
3 and outreach program and website shall notify the public of the following:

4 (A) that there is a free collection program for covered household
5 hazardous products;

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

8 (C) the special handling considerations associated with covered
9 household hazardous products; and

10 (D) source reduction information for consumers to reduce leftover
11 covered household products.

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

18 (6) Method of disposition. The collection plan shall describe how
19 covered household hazardous products will be managed in the most
20 environmentally and economically sound manner, including following the
21 waste-management hierarchy. The management of covered household

1 hazardous products under the collection plan shall use management activities
2 in the following priority order: source reduction, reuse, recycling, energy
3 recovery, and disposal. Collected covered household hazardous products shall
4 be reused or recycled when technically and economically feasible. If the
5 stewardship organization determines that reuse or recycling of a covered
6 household hazardous waste is not economically feasible, the organization shall
7 provide documentation of both the costs of reuse or recycling and the costs of
8 energy recovery or disposal as part of the organization's plan.

9 (7) Roles and responsibilities. A collection plan shall list all key
10 participants in the covered household hazardous products collection chain,
11 including:

12 (A) the name and location of the collection facilities accepting
13 covered household hazardous products under the collection plan and the
14 address and contact information for each facility;

15 (B) the name and contact information of the contractor responsible
16 for transporting the covered household hazardous products; and

17 (C) the name and address of the recycling and disposal facilities
18 where the covered household hazardous products collected are deposited.

19 (8) Performance goals. A collection plan shall include:

20 (A) A participation rate for covered household hazardous products
21 determined by the number of total participants at collection events and

1 facilities listed in the collection plan during a program year divided by the total
2 number of households. The number of households shall include seasonal
3 households. The calculation methodology for the number of households shall
4 be included in the plan.

5 (B) At a minimum, the collection participation rate for the first five
6 years of a plan shall be a participation rate of five percent of the households for
7 every collection program based on the number of households the collection
8 program serves. After the initial approved program plan, the stewardship
9 organization shall propose participation rates for subsequent program plans.
10 The proposed participation rates shall be equal to or greater than the average
11 participation rates achieved in the previous program plan for each collection
12 program and not less than five percent of the households in each collection
13 program. If a stewardship organization does not meet its participation rate, the
14 Secretary may require the stewardship organization to revise the collection
15 plan to provide for one or more of the following: additional public education
16 and outreach, additional collection events, additional hours of operation for
17 collection sites, or additional permanent collection sites. A stewardship
18 organization is not authorized to reduce or cease collection, education and
19 outreach, or other activities implemented under an approved plan on the basis
20 of achievement of program performance goals.

1 (C) Proposed goals for increasing public awareness of the program,
2 including meaningful participation for environmental justice focus populations
3 as required by 3 V.S.A. chapter 72.

4 (9) Collection plan funding. The collection plan shall describe how the
5 stewardship organization will fund the implementation of the collection plan
6 and collection activities under the plan, including the costs for education and
7 outreach, collection, processing, and end-of-life management of the covered
8 household hazardous product. Collection costs include facility costs,
9 equipment costs, labor, supplies, maintenance, events costs, and event
10 contractor costs, including facility set-up fees, environmental service fees,
11 insurance fees, and shipping containers and materials. The collection plan
12 shall include how municipalities will be compensated for all costs associated
13 with collection of covered household hazardous products.

14 (c) Term of collection plan. A collection plan approved by the Secretary
15 under section 7187 of this title shall have a term not to exceed five years,
16 provided that the manufacturer remains in compliance with the requirements of
17 this chapter and the terms of the approved collection plan.

18 (d) Collection plan implementation. A stewardship organization shall
19 implement a collection plan on or before January 1, 2025.

1 § 7184. STEWARDSHIP ORGANIZATIONS

2 (a) Participation in a stewardship organization. A manufacturer shall meet
3 the requirements of this chapter by participating in a stewardship organization
4 that undertakes the responsibilities under sections 7182, 7183, and 7185 of this
5 title.

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

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

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

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

15 § 7185. ANNUAL REPORT; COLLECTION PLAN AUDIT

16 (a) Annual report. On or before March 1, 2026 and annually thereafter, a
17 stewardship organization of manufacturers of covered household hazardous
18 products shall submit a report to the Secretary that contains all of the
19 following:

20 (1) A description of the collection program.

1 (2) The volume or weight by of material type, as specified in the plan, of
2 covered household hazardous products collected, the disposition of the
3 collected covered household hazardous products, and the number of covered
4 entities participating at each collection facility or collection event from which
5 the covered household hazardous products were collected.

6 (3) The name and address of all the recycling and disposal facilities
7 where the covered household hazardous products are collected and delivered
8 and deposited.

9 (4) The weight or volume by hazard category of covered household
10 hazardous products sold in the State in the previous calendar year by a
11 manufacturer participating in a stewardship organization's collection plan.
12 Sales data and other trade secrets provided under this section shall be exempt
13 from public inspection and copying under the Public Records Act and shall be
14 kept confidential. Confidential information shall be redacted from any final
15 public report.

16 (5) A comparison of the collection plan's participation rate and public
17 awareness goals compared to the actual participation rate and public awareness
18 and how the program will be improved if the participation rate and public
19 awareness goals are not met.

20 (6) A description of the methods used to reduce, reuse, collect, transport,
21 recycle, and process the covered household hazardous products.

1 (7) The cost of implementing the collection plan, including the costs of
2 administration, collection, transportation, recycling, disposal, and education
3 and outreach.

4 (8) A description and evaluation of the success of the education and
5 outreach materials. If multiple stewardship organizations are implementing
6 plans approved by the Secretary, the stewardship organizations shall include a
7 summary of their coordinated education and outreach efforts.

8 (9) Recommendations for any changes to the program.

9 (b) Collection plan audit. On or before March 1, 2030 and every five years
10 thereafter, a stewardship organization of manufacturers of covered household
11 hazardous products shall hire an independent third party to audit the collection
12 plan and the plan's operation. The auditor shall examine the effectiveness of
13 the program in collecting and disposing of covered household hazardous
14 products. The auditor shall examine the cost-effectiveness of the program and
15 compare it to that of collection programs for covered household hazardous
16 products in other jurisdictions. The auditor shall make recommendations to the
17 Secretary on ways to increase the program's efficacy and cost-effectiveness.

18 (c) Public posting. A stewardship organization shall post a report or audit
19 required under this section to the website of the stewardship organization.

1 § 7186. ANTITRUST; CONDUCT AUTHORIZED

2 (a) Activity authorized. A manufacturer, group of manufacturers, or
3 stewardship organization implementing or participating in an approved
4 collection plan under this chapter for the collection, transport, processing, and
5 end-of-life management of covered household hazardous products is
6 individually or jointly immune from liability for conduct under State laws
7 relating to antitrust, restraint of trade, unfair trade practices, and other
8 regulation of trade or commerce under 9 V.S.A. chapter 63, subchapter 1 to the
9 extent that the conduct is reasonably necessary to plan, implement, and comply
10 with the stewardship organization's chosen system for managing discarded
11 covered household hazardous products.

12 (b) Limitations on antitrust activity. Subsection (a) of this section shall not
13 apply to an agreement among producers, groups of manufacturers, retailers,
14 wholesalers, or stewardship organizations affecting the price of covered
15 household hazardous products or any agreement restricting the geographic area
16 in which or customers to whom covered household hazardous products shall
17 be sold.

18 § 7187. AGENCY RESPONSIBILITIES

19 (a) Review and approve collection plans. The Secretary shall review and
20 approve or deny collection plans submitted under section 7183 of this title in
21 accordance with section 7714 of this title. On or before January 1, 2025, each

1 manufacturer shall be required to participate in an approved and implemented
2 stewardship program.

3 (b) Criteria for plan approval.

4 (1) The Secretary shall approve a collection plan if the Secretary finds
5 that the collection plan:

6 (A) complies with the requirements of subsection 7183(b) of this
7 title;

8 (B) provides adequate notice to the public of the collection
9 opportunities available for covered household hazardous products;

10 (C) ensures that collection of covered household hazardous products
11 will occur in an environmentally sound fashion that is consistent with the law,
12 is consistent with any special handling requirements adopted by the Secretary,
13 and is economically feasible;

14 (D) promotes the collection and disposal of covered household
15 hazardous products;

16 (E) is reasonably expected to meet performance goals and
17 convenience standards; and

18 (F) has received and considered input from the Household Hazardous
19 Waste Stewardship Program Advisory Committee.

20 (2) If the manufacturer or stewardship organization fails to submit a plan
21 that is acceptable to the Secretary because it does not meet the requirements of

1 this section, the Secretary shall modify the submitted plan and place the
2 modified draft plan on notice pursuant to the requirements of section 7714 of
3 this title.

4 (c) Collection plan amendment. The Secretary, in the Secretary's
5 discretion or at the request of a manufacturer or a stewardship organization,
6 may require a stewardship organization to amend an approved collection plan.
7 Collection plan amendments shall be processed consistent with the
8 requirements of section 7717 of this title.

9 (d) Registrations. The Secretary shall accept, review, and approve or deny
10 registrations required by this chapter. The Secretary may revoke a registration
11 of a stewardship organization when that stewardship organization's actions are
12 unreasonable, unnecessary, or contrary to the requirements or the policy of this
13 chapter.

14 (e) Supervisory capacity. The Secretary shall act in a supervisory capacity
15 over the actions of a stewardship organization registered under this section. In
16 acting in this capacity, the Secretary shall review the actions of the stewardship
17 organization to ensure that they are reasonable, necessary, and limited to
18 carrying out requirements of and policy established by this chapter.

19 (f) Special handling requirements. The Secretary may adopt by rule special
20 handling requirements for the collection, transport, and disposal of covered
21 household hazardous products.

1 (g) Identification of regulated pesticides. The Secretary annually shall
2 confer with the Secretary of Agriculture, Food and Markets for the purpose of
3 identifying those pesticides that are subject to regulation under this chapter due
4 to registration with the Agency of Agriculture, Food and Markets as Class C
5 pesticides.

6 § 7188. ADVISORY COMMITTEE

7 (a) Establishment. On or before January 1, 2024, the Secretary shall
8 appoint the Household Hazardous Waste Stewardship Program Advisory
9 Committee of seven members reflecting a balanced and equitable participation,
10 including members from entities interested in the stewardship of covered
11 products and members representing different areas of the State and from
12 communities of various sizes. Members of the Advisory Committee shall
13 include:

14 (1) one individual who is a representative of manufacturers;

15 (2) one individual who is a representative of a hazardous waste
16 management company;

17 (3) one individual who is a representative of a solid waste planning
18 entity that offers household hazardous waste collection through a permanent
19 collection facility;

1 (4) one individual who is a representative of a solid waste planning
2 entity that offers household hazardous waste collection through collection
3 events;

4 (5) one individual who is a representative of a statewide association
5 representing retailers;

6 (6) one individual who is a representative of a statewide environmental
7 organization; and

8 (7) one individual who is a representative of a community-based
9 organization or an organization representing equity and underrepresented
10 stakeholders.

11 (b) Duties. The Advisory Committee shall:

12 (1) review and comment on all stewardship plans during the plan
13 development process prior to submission;

14 (2) recommend to the Secretary whether to approve submitted plans;

15 (3) review and comment on all stewardship organization annual reports
16 prior to submission;

17 (4) recommend to the Secretary any plan amendments or other
18 amendments or requirements based on submitted annual reports; and

19 (5) review and comment on draft rules proposed by the Secretary
20 relevant to implementation of this chapter.

21 (c) Process. The Advisory Committee:

1 (1) shall meet at least quarterly until the initial round of stewardship
2 plans have been approved and semi-annually thereafter;

3 (2) shall elect a chair from among the members of the Advisory
4 Committee by a simple majority vote;

5 (3) may adopt bylaws and a charter for the operation of its business
6 under this chapter; and

7 (4) shall include an opportunity for a minority report.

8 (d) Convening; staff. The Secretary shall convene the Advisory
9 Committee. The Advisory Committee shall have the administrative, technical,
10 and legal assistance of the Agency of Natural Resources. The Advisory
11 Committee may request that the Department select and employ a third-party
12 facilitator to facilitate operation of the Advisory Committee.

13 § 7189. OTHER DISPOSAL PROGRAMS

14 A municipality or other public agency shall not require covered entities to
15 use public facilities to dispose of covered household hazardous products to the
16 exclusion of other lawful programs available. A municipality and other public
17 agencies are encouraged to work with manufacturers to assist them in meeting
18 their collection and disposal obligations under this chapter. Nothing in this
19 chapter prohibits or restricts the operation of any program collecting and
20 disposing of covered household hazardous products in addition to those
21 provided by manufacturers or prohibits or restricts any persons from receiving,

1 collecting, transporting, or disposing of covered household hazardous products,
2 provided that all other applicable laws are met.

3 § 7190. RULEMAKING

4 The Secretary of Natural Resources may adopt rules to implement the
5 requirements of this chapter.

6 Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF
7 REGISTRATION FEE FOR COVERED HOUSEHOLD
8 HAZARDOUS PRODUCTS

9 On or before January 15, 2024, the Secretary of Natural Resources shall
10 submit to the House Committees on Ways and Means and on Environment and
11 Energy and the Senate Committees on Finance and on Natural Resources and
12 Energy a recommended fee for the registration of stewardship organizations
13 under the covered household hazardous product program under 10 V.S.A.
14 chapter 164B.

15 Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

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

18 * * *

19 (12) Covered household hazardous products after January 1, 2025.

1 Sec. 5. 10 V.S.A. § 7714 is amended to read:

2 § 7714. TYPE 3 PROCEDURES

3 (a) Purpose; scope.

4 (1) The purpose of this section is to establish the public notice and
5 comment requirements that the Department must follow when adopting general
6 permits, except for general permits governed by section 7712 of this chapter,
7 and when considering other permits listed in this section.

8 (2) The procedures under this section shall be known as Type 3
9 Procedures. This section governs each of the following:

10 * * *

11 (C) An application or request for approval of:

12 (i) an aquatic nuisance control permit under chapter 50 of this
13 title;

14 (ii) a change in treatment for a public water supply under chapter
15 56 of this title;

16 (iii) a collection plan for mercury-containing lamps under section
17 7156 of this title;

18 (iv) an individual plan for the collection and recycling of
19 electronic waste under section 7554 of this title; ~~and~~

20 (v) a primary battery stewardship plan under section 7586 of this
21 title; and

1 (vi) a covered household hazardous waste collection plan under
2 section 7183 of this title.

3 (b) Notice of application. The Secretary shall provide notice of an
4 administratively complete application through the environmental notice
5 bulletin.

6 (c) Notice of draft decision; comment period. The Secretary shall provide
7 notice of the draft decision through the environmental notice bulletin and shall
8 post the draft decision to the bulletin. The Secretary shall provide a public
9 comment period.

10 (d) Public meeting. The Secretary shall hold a public meeting whenever
11 any person files a written request for such a meeting. The Secretary otherwise
12 may hold a public meeting at his or her discretion.

13 (e) Notice of final decision. The Secretary shall provide notice of the final
14 decision through the environmental notice bulletin and shall post the final
15 decision to the bulletin. The Secretary shall provide a response to comments.

16 Sec. 6. 10 V.S.A. § 8003 is amended to read:

17 § 8003. APPLICABILITY

18 (a) The Secretary may take action under this chapter to enforce the
19 following statutes and rules, permits, assurances, or orders implementing the
20 following statutes, and the Board may take such action with respect to
21 subdivision (10) of this subsection:

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(30) 3 V.S.A. § 2810, relating to interim environmental media standards; ~~and~~

(31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products; and

(32) 10 V.S.A. chapter 164B, relating to collection and management of covered household hazardous products.

* * *

Sec. 7. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(V) chapter 124 (trade in covered animal parts or products); and
(W) chapter 164B (collection and management of covered household hazardous products).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

