

To: Board of Commissioners
From: Jen Holliday
Date: 03/02/2023
RE: Legislative Update

Attached is a bill tracker that lists all solid waste related bills that have been introduced this year. Two of these bills, H.67 and H.158, have been taken up in the House.

[H.67](#) is a bill related to Extended Producer Responsibility for Household Hazardous Products and has been an initiative that CSWD has been leading for many years. This bill will require the manufacturers of certain household hazardous products to pay for the costs associated with collecting and disposal of those products. The bill applies to approximately 25-30% of what we collect at the Depot and Rover. I provided testimony in both the House Committee on Environment and Energy and the Committee on Ways and Means to explain the problem of increasing costs for Solid Waste Management Entities (SWMEs) to manage this material and how this bill will help. I also served as a conduit to the Committees on the SWMEs position on the bill and proposed changes. The bill passed unanimously in the House Committee on Environment and Energy and passed the Committee on Ways and Means 10-2-0. On 3/1 it was voted on the House floor on Second Reading with very little debate and very few no votes. It is up for a third reading today. If it passes, it will move on to the Senate in time for crossover which makes it viable to pass this year. Attached is a handout that CSWD helped develop and sent to our representatives.

[H.158](#), a bill that proposes changes to the bottle bill including:

- requiring manufacturers and distributors of beverages subject to the deposit system to participate in a producer responsibility organization (PRO) with an approved stewardship plan by 2025.
- Expanding the scope of beverages subject to the deposit system effective 1/1/2027 to include all liquid drinks for human consumption contained in glass, PET, HDPE, or metal except for milk, plant-based beverages, infant formula, meal replacement drinks or nonalcoholic cider.
- increasing the handling fee for non-commingled containers from \$.04 to \$.05.
- Requiring the PRO to achieve performance goals of redemption rates starting at 75% in 2026 and increasing every five years until 2040 with the goal of 90%.
- Requiring ANR to perform an impact analysis of the expansion on the current recycling system and MRFs (2025).
- Increasing the deposit by \$.05 not to exceed \$.10 if performance goals are not met.

- Moving unredeemed bottle deposit funds from the Clean Water Fund to the PRO for the first five years then in 2031 moving 50% of the funds to the Solid Waste Assistance fund and 50% back to Clean Water Fund.

I was asked to provide CSWD's perspective on the bill to the House Committee on Environment and Energy. My four main points were:

- H.158 will move recyclables from the recycling system to the redemption system and will not result in diverting a significant amount of additional material from the landfill.
- An expansion of containers subject to the deposit will have a negative financial impact on the MRFs resulting in increased costs for the public to recycle in Vermont.
- CSWD supports policies that divert glass from the landfill and the MRF and an expansion of the bottle bill on glass-only would be welcome.
- PET and aluminum marketed from CSWD's MRF is sold to the same markets as bottle bill material and can be turned back into the same products, including new beverage containers. This was to counter the claims from several witnesses and a primary reason why lawmakers want to expand the bottle bill, that single stream MRF commodities are too contaminated to be made into new beverage containers and are instead downcycled.

H.158 passed out of the House Committee on Environment and Energy on 3/1 with a 10-1-0 vote.

Vermont 2023/2024 Solid Waste Related Bills						
Year	Bill	Sponsors	Originating Committee	Bill Statement of Purpose	Status	Action
HOUSE						
2023	H.48	Rep. Katherine Sims; Rep. Woodman Page; Rep. Brian Smith; Rep. Carol Ode ; Rep. David Templeman; Rep. Heather Surprenant; Rep. Kristi Morris; Rep. Larry Labor; Rep. Leslie Goldman; Rep. Lisa Hango; Rep. R. Scott Campbell; Rep. Robert "Bobby" Farlice-Rubio; Rep. Scott Beck; Rep. Terri Williams	House Committee on Environment and Energy	An Act Related to Solid Waste Management: The bill proposes to establish a Landfill Siting Commission to evaluate and identify a new site for the location and operation of a landfill in the State. This bill also proposes to establish the Vermont Materials Management Council to assist the Secretary of Natural Resources in the long-term management of solid waste in the State. In addition, the bill proposes to ban from landfill disposal in the State landfill leachate, septage, or sludge that is generated by a facility that lacks a certification from the Secretary of Natural Resources or lacks approval from the Secretary of Natural Resources for disposal at a landfill. The bill also proposes to establish a Landfill Closure and Planning Account in the Waste Management Assistance Fund to be used by the Secretary of Natural Resources to close existing landfills, plan for new landfills, and remediate contamination caused by landfills in the State. The Landfill Closure and Planning Account would be funded by increases on the tax on solid waste facilities and an increase on the tax on hazardous waste.		
2023	H.50	Rep. Dane Whitman; Rep. Katherine "Kari" Dolan; Rep. Amy Sheldon; Rep. Carol Ode ; Rep. Trevor Squirrel	House Committee on Environment and Energy	An Act Relating To Prohibiting The Labeling Of Consumer Products That Contain Pfas As Compostable: This bill proposes to prohibit the sale, offer for sale, or distribution of a consumer product in the State that has a total organic fluorine concentration of greater than 100 parts per million.		
2023	H.67	Rep Kari Dolan; Rep. Carol Ode ; Rep Amy Sheldon; Rep Gabrielle Stebbins	House Committee on Environment and Energy	An act relating to household products containing hazardous substances: This bill would require that manufacturers of household products containing a hazardous substance participate in a stewardship organization and implement a plan to collect household products containing a hazardous substance free of charge to the public.		
2023	H.130	Rep Dolan, Rep Ode , Rep Roberts, Rep Taylor Small, Rep Squirrel , rep Whitman	House Committee on Environment and Energy	An Act relating to the management of biosolids: This bill would require the Secretary of Natural Resources to manage all biosolids and domestic septage generated or imported into the State as Class B biosolids. The Secretary of Natural Resources would be prohibited from managing biosolids and domestic septage as exceptional quality biosolids or Class A biosolids.		

Year	Bill	Sponsors	Originating Committee	Bill Statement of Purpose	Status	Action
2023	H.158	Rep Sheldon; Rep Bongarz, Rep Morris, Rep Satcowitz, Rep Torre	House Committee on Environment and Energy	An act relating to the beverage container redemption system: This bill proposes to expand the scope of beverages subject to the beverage container redemption system to include all drinks in liquid form and intended for human consumption, except for milk, dairy products, plant-based beverages, infant formula, meal replacement drinks, or nonalcoholic cider. The bill would also require all manufacturers and distributors of covered beverages to participate in a producer responsibility organization that shall manage the collection and disposition of beverage containers. In addition, the bill would increase from four cents a container to five cents a container the fee a manufacturer or distributor of a beverage container pays to a retailer or redemption center for redemption of a container of a beverage brand that is not part of a commingling program.		
2023	H.193	Rep. Dolan, Rep Ode, Rep Squirrel	House Committee on Environment and Energy	An act relating to increasing revenue for the Environmental Contingency Fund: This bill proposes to increase revenue for the Environmental Contingency Fund by increasing the solid waste franchise tax and increasing the tax on hazardous waste. All additional revenue from the increase in the taxes would be deposited into the Environmental Contingency Fund.		
SENATE						
2023	S.82	Sen. Lyons	Senate Committee on Natural Resources and Energy	An act relating to the development of a committee to study the impacts of PFAS in leachate from landfills in the State: This bill proposes to create a study committee to evaluate the impacts of PFAS in leachate from landfills in the State.		
2023	S.44	Se. Bray, Sen Clarkson, Sen MacDonald, Sen McCormack, Sen Watson, Sen White	Senate Committee on Natural Resources and Energy	An act relating to household products containing hazardous substances: This bill would require that manufacturers of household products containing a hazardous substance participate in a stewardship organization and implement a plan to collect household products containing a hazardous substance free of charge to the public.		

VOTE YES FOR HOUSE BILL 67:

Extended Producer Responsibility for Household Hazardous Waste in Vermont

Household Hazardous Waste (HHW) includes any household products that are toxic, poisonous, reactive, corrosive, or flammable. Because these products are so common and easy to purchase, many people forget that HHW can be extremely harmful to their health and the environment. Vermont municipalities are required by law to keep HHW out of landfill-bound trash **to protect Vermont's water quality and human health**. Municipalities do this by operating special collection events or facilities around the state, paid for by towns and Solid Waste Management Entities (SWMEs).

Problems with the Current System

1. Costs of collecting HHW are increasing dramatically. HHW collection costs have increased more than 50% for some municipalities due to a limited number of service providers, and labor and supply chain shortages. In 2022, municipalities spent more than \$2.2 million on these vital services with some Vermont towns spending between \$100-\$400 to manage a single carload of household chemicals. These cost increases are not sustainable. Municipalities face increased pressure to charge collection fees at events, which can drive residents to store dangerous chemicals at home, hide chemicals in their trash, pour them down the drain, or dump them illegally on Vermont's landscape and waterways.

2. Producers of hazardous products are not invested in Vermont's environment. Vermont municipalities have no influence on how products are made but are responsible for managing them when they become waste. HHW is the most

toxic portion of the waste stream and the most expensive to manage, but producers have no stake in their end-of-life management. Those who profit from their products should be responsible for minimizing their environmental impact.

3. Vermont municipalities are doing a good job, but much more needs to be done. Despite our efforts, it's estimated that 855 tons of HHW is still being disposed into Vermont's

landfill each year. Cost-cutting measures have resulted in fewer collection events. Without producer support, public participation and collection rates will begin to fall. Municipalities require a reliable funding source to increase collection and keep toxic chemicals out of the environment.

The Solution: Extended Producer Responsibility for HHW (H.67)

H. 67 establishes an EPR program for HHW in which producers of hazardous products form a Stewardship Organization (SO) that will assume responsibility for the cost of collection and disposal of their unwanted leftover products. The SO will use existing HHW programs in Vermont and add additional collections if necessary to meet specific performance goals.

Above: A Busy HHW Collection Event in Lamoille County

(continued on back)



WHAT EPR FOR HHW WILL DO

- ▲ Cost of collection and disposal will be covered for municipalities resulting in an annual savings to Vermont residents and businesses of approximately \$2.2 million. This will allow Vermont municipalities to direct more resources toward residential recycling and food scrap diversion to save diminishing landfill capacity.
- ▲ The EPR program also includes increased education and outreach, which will bolster HHW collections and keep more of these toxic chemicals out of Vermont's environment.
- ▲ Small businesses that currently pay for disposal of leftover chemicals will have these costs eliminated under this program.
- ▲ EPR for HHW brings producers to the table to develop a plan that creates cleaner land and water for all Vermonters. Producers of these products will now have a stake in making Vermont a healthier place to live, and this incentivizes the manufacturers to develop less toxic products.

***Vermont retailers would not have any responsibility under this EPR program.
There will be no fee on products at retail locations.***

Extended Producer Responsibility is Successful in Vermont

Extended Producer Responsibility (EPR) is a proven solution in Vermont for the sustainable end-of-life management of materials that are difficult or expensive to divert from the waste stream. **Vermont's existing EPR programs for electronics, mercury lamps and thermostats, paint, and batteries are tremendously successful.** These programs are popular with Vermonters who enjoy the increased collection convenience at no cost, resulting in some of the highest collection rates for these materials in the US.

What Products are Covered in H.67?

Any hazardous product that isn't already collected as part of a EPR program in Vermont would be covered by H. 67, including the following:

✓ Adhesives	✓ Lubricants/degreasers
✓ Aerosols	✓ Mineral Spirits
✓ Automotive chemicals	✓ Non-refillable propane cylinders
✓ Cleaning solutions	✓ Paint thinners/removers
✓ Furniture strippers	✓ Pool/hot tub chemicals
✓ Hobby/craft supplies	✓ Rust remover
✓ Acids	✓ Tar and bug remover
✓ Lighter fluid	✓ Turpentine

Questions? Contact your local solid waste representative: <https://dec.vermont.gov/waste-management/solid/local-districts>