

The Vermont Household Hazardous Waste (HHW) Extended Producer Responsibility (EPR) Law ([Act 58 of 2023](#)) requires manufacturers of “covered household hazardous products” to provide free statewide collection of covered household hazardous products.

## Frequently Asked Questions

Produced by the Vermont Agency of Natural Resources (ANR), Department of Environmental Conservation, Solid Waste Management Program, 802-828-1138, [www.VTrecycles.com](http://www.VTrecycles.com).

### 1. Q: What is a covered household hazardous product?

A: A “covered household hazardous product” means a consumer product offered for retail sale in Vermont that meets the following characteristics:

- a. The product must be a consumer product (defined as products regularly used or purchased to be used for personal, family or household purposes), **and**
- b. The product must be contained in the receptacle in which the product is offered for retail sale; **and** the product must meet either of the following:
  - I. The product or a component of the product is a hazardous waste under subchapter 2 of the [Vermont Hazardous Waste Management Regulations](#) regardless of the status of the generator (generator is the person who generates the covered product waste brought for collection, it is not the manufacturer of the product in this instance) of the hazardous waste; **or**
  - II. The product is a gas cylinder. (see Question 2 below for details on gas cylinders).

Covered products do not include:

- a) any product sold only for industrial or business to business use (i.e., no retail sale in Vermont);
- b) a product not contained in the receptacle in which the product is offered for retail sale;
- c) a primary or rechargeable battery;
- d) mercury-containing lamps and thermostats;
- e) architectural paint and primers;
- f) a covered electronic device as that term is defined in 10 V.S.A. §7551;
- g) a pharmaceutical drug;
- h) citronella candles;
- i) flea and tick collars;
- j) any [pesticide required to be registered](#) with the VT Agency of Agriculture, Food and Markets, such as pesticides, pool and hot tub cleaner, insect repellents, turf products, and cleaning products containing bleach with antimicrobial claims; and
- k) products that are intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources.

### 2. Q: When is a product considered a “hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations” and therefore a “covered household hazardous product” under Vermont’s HHW EPR law?

A: If your product meets hazardous waste characteristics (toxic, ignitable, reactive, and/or corrosive) or listings (under the [Vermont Hazardous Waste Management Rules](#)), then it will be considered a “covered household

hazardous product” that must participate and pay into Vermont’s HHW EPR stewardship organization and program.

**3. Q: When does a hazardous “component” of a product make it a “covered household hazardous product” under Vermont’s HHW EPR law?**

A: ANR takes a narrow interpretation of when a hazardous waste component of a product makes the entire product “covered” under Vermont’s HHW EPR law. Simply put, if the hazardous component of the product makes the product a hazardous waste due to specific characteristics (i.e., ignitability, corrosivity, reactivity, and toxicity), then it is considered “covered” under Vermont’s HHW EPR law.

**4. Q: What types of gas cylinders are “covered” and included in this EPR law?**

A: Covered cylinders include:

- A. All nonrefillable cylinders sold to a consumer for personal or household use with a water capacity not exceeding 50lbs, including:
  - spray foam insulating products,
  - cylinders containing flammable pressurized gas, helium, or carbon dioxide.
- B. Single use and rechargeable handheld fire extinguishers up to 50 pounds water capacity,
- C. Refillable propane cylinders not exceeding a water capacity of one pound.

**Note** that medical or industrial-grade cylinders are not covered.

**5. Q: Are empty product containers of covered household hazardous products collected through this HHW EPR Program?**

A: No, empty product containers are not collected by municipal HHW programs, nor are they required to be collected by collection sites under this HHW EPR Program. However, any empty pressurized gas cylinders as outlined above are covered and must be collected.

**6. Q: Am I required to participate in the stewardship organization even though my product gets used up by the consumer?**

A: All manufacturers of covered household hazardous products are required to participate in a stewardship organization. Data demonstrates that leftover covered household hazardous products are collected by municipal HHW collection programs annually. It is very common for HHW programs to collect unused or leftover products in their original container, such as motor oil, automotive products, chemical cleaners, and paint stripper and thinner. Therefore, all of these products are covered and must participate in the VT HHW EPR program.

**7. Q: Are nicotine vaping devices covered products?**

A: Nicotine vaping devices are covered products under the HHW EPR law. Nicotine is a P-Listed hazardous waste under subchapter 2 of the Vermont Hazardous Waste Management Regulations, and when contained in a vaping device, is a consumer product in Vermont.

**8. Q: Who is a covered entity that can use this HHW EPR Program’s services?**

A: A covered entity is any person who presents to a collection event or facility any number of covered household hazardous products, including households and Very Small Quantity Generator (VSQG) businesses, as Vermont municipal Solid Waste Management Entities (SWMEs) are required by state law to collect from these entities. The products they present must be covered, unless the manufacturer can demonstrate the product is sold only to industry and has no consumer facing retail sale in Vermont. Large Quantity Generators or Small Quantity Generators as defined in the [Vermont Hazardous Waste Management Regulations](#) are not covered entities.

**9. Q: When will the HHW EPR Program begin?**

A: [Refer to the [HHW EPR Timeline](#) for full details]

**Collection Plan Implementation:** 6 months after ANR approval, Stewardship Organization must implement the Collection Plan (potentially March 1, 2026, assuming plan approval is complete by October 1, 2025).

**Sale Prohibited of Household Hazardous Products that Don't Participate:** 6 months after ANR approval of Collection Plan, manufacturers which are not registered with the Product Stewardship Organization cannot sell covered household hazardous products in Vermont.

**10. Q: When will the ANR fee come into effect?**

A: On January 15, 2024, the Secretary of ANR submitted a memo to the Vermont Legislature recommending that the Stewardship Organization(s) reimburse the Secretary for the costs of overseeing the administration of the program. If approved, this fee would be due from the stewardship organization when it registers on July 1, 2025.

**11. Q: When are manufacturers required to be registered with the stewardship organization and pay fees?**

A: State statute does not specify a date by which manufacturers must participate in a stewardship organization. However, statute does specify that, on or before July 1, 2025, a stewardship organization must register with ANR and provide a list of manufacturers, brands, and covered products of each manufacturer participating in the stewardship organization. The stewardship organization must submit a collection plan by July 1, 2025. Only one collection plan for all manufacturers will be accepted and approved for the first collection plan. Six months after approval, sales are prohibited in Vermont for covered products from manufacturers who are not participating (online retail sales and traditional brick and mortar retail). In order to meet the requirements of the statute, manufacturers should consider collaborating and forming a stewardship organization well in advance of the July 1, 2025, stewardship organization registration and collection plan deadlines.

**12. Q: The Stewardship organization may not create “unreasonable barriers for participation” for manufacturers of covered household hazardous products. What is an example of an “unreasonable barrier”?**

A: An example of an unreasonable barrier could be if a stewardship organization were to charge excessive fees on company competitors or fees that were not reasonable. An example of reasonable costs would be costs based on market share or toxicity of product.

**13. Q: What is the process if more than one stewardship organization registers, or if no stewardship organization registers by January 1, 2025?**

A: Act 58 requires that there be only one stewardship organization for the first plan period. If ANR receives multiple stewardship organization registrations or no collection plan, the Agency will notify manufacturers that they have failed to meet their obligations under Act 58, provide a limited period to come into compliance, and take appropriate action to ensure appropriate compliance outcomes if there is a failure to meet the requirements of Act 58.

**14. Q: When will municipal Solid Waste Management Entities (SWMEs) receive reimbursement for HHW collection from the product stewardship organization?**

A: The stewardship organization will be responsible for funding program implementation 6-months after ANR approves the Collection Plan. Assuming the program begins approximately March 2026, SWMEs will begin to see reimbursement funding around 2027 for costs they incurred since program implementation began. ANR will help facilitate a conversation between the stewardship organization and SWMEs about program implementation for covered products collected at HHW collection programs.

**15. Q: What is an orphan covered product?**

A: “Orphan covered product” means a covered household hazardous product for which no manufacturer is participating in a stewardship organization. Examples of orphaned covered products could be a product which is no longer being manufactured and there is no manufacturer to hold responsible to participate in the stewardship organization, or a covered product contained in its original container, but the label is missing or too damaged to

read the manufacturer. However, if the product is not in the receptacle in which it was offered for retail sale, it would not be considered an “orphan covered product”. The Stewardship organization’s collection program must provide free statewide collection for all orphan covered products.

**15a. Q: What orphan covered products will the stewardship organization be responsible for?**

A: The stewardship organization will be responsible for any covered product for which there is no manufacturer to hold responsible, whether due to manufacture non-compliance in participating in stewardship organization, or there is no longer a manufacturer as the product is no longer manufactured.

**15b. Q: How much orphaned covered product waste is there in VT HHW collections?**

A: Anecdotal information from SWMEs with HHW facilities suggests that orphaned covered products which are no longer manufactured are a relatively small portion of their HHW collections. However, since orphaned covered product is defined as products which no manufacturer is registered with the product stewardship organization, this estimation can only be made after ANR registers a stewardship organization and manufacturers participate in stewardship organization.

**16. Q: How will the Agency enforce against non-compliant manufacturers of covered products?**

A: The Agency has a proven track record of working with Stewardship Organizations to pursue compliance for manufacturers that are found to be selling covered products into Vermont without participating in an approved Stewardship Organization or collection plan/program. The Agency has issued successful “stop sales” of products at both online and brick and mortar retailers and Notices of Alleged Violation (NOAV) to manufacturers of these products. This work has helped compel noncompliant manufacturers to join the Stewardship Organization and pay their representative fees. Penalties for non-complaint manufacturers are evaluated on a case-by-case basis, but in at least one instance a manufacturer paid a fine of approximately \$20,000 for continually selling a product into the state that was not covered under an approved Stewardship Organization Collection Plan.

**17. Q: Are all manufacturers of covered products required to participate in the HHW EPR Law?**

A: Yes. The only exception is if a manufacturer manufactures, sells, licenses, or imports less than \$5,000 worth of covered household hazardous product material in the United States in a program year, and they register with the Secretary, then they are not required to participate.

**18. Q: Is there data or information on municipal sites accepting HHW materials (e.g., addresses) and events (frequency, length, etc.)?**

A: There are eight permanent HHW facilities operated by SWMEs in Addison County, Chittenden County, Northeast Kingdom (seasonal), Northwestern Vermont, Windham County, Windsor County (seasonal) Bennington County, and Rutland County, and one more proposed to be established in Washington County in 2024. Two independent towns (Canaan and Whitingham) have HHW facilities that serve only the town’s residents on two days per year. The remainder of the State is served by approximately 31 single-day HHW collection events operated by a hazardous waste contractor hired by the SWME. ANR will share direct contact information for all municipal Solid Waste Management Entities (SWME) collecting HHW in VT and arrange a meeting(s) with manufacturers and the stewardship organization. See [SWME map](#) and [Map of HHW facilities](#) for overview of these facilities.

**19. Q: What types of HHW materials are commonly accepted at municipal facilities or events?**

A: HHW events and collection facilities accept all covered household hazardous products, materials from other EPR programs, and landfill banned materials that are not covered by any other program. Common examples include acids, aerosols, bases, fire extinguishers, flammables, solvents, automotive fluids, propane tanks, pool chemicals, photo chemicals. ANR has created a [Covered Household Hazardous Product List](#) to help stakeholders determine what will be covered in the HHW EPR program.

**20. Q: What types of limitations, if any, do municipal sites have on who they accept materials from (e.g., only residential) or on the amounts of HHW they can receive?**

A: SWMEs are required by the State's [Materials Management Plan](#) to offer regular collection of HHW and Very Small Quantity Generator (VSQG) hazardous waste (such as schools and small businesses). If SWMEs opt to participate in the Vermont HHW EPR collection program, then they will need to accept all covered products from any Vermont household and Very Small Quantity Generators with no limits for region boundaries. SWMEs with facilities will need to adhere to certification requirements for allowable storage capacity. Annual information on the amounts of certain HHW and VSQG wastes that SWMEs collected can be found in the State's [Diversion and Disposal Reports](#) in the last tables at the back of the report that focus on HHW.

**21. Q: Is there data on the amount collected annually by HHW type and any information related to seasonality?**

A: Statewide Diversion and Disposal Reports provide an annual HHW/VSQG hazardous waste collection total. SWME facilities that are open year-round have more specific details related to seasonality, quantities shipped and/or lab packs. The HHW data is on the last pages of the [2021 Diversion and Disposal Report \(TABLES and FIGURES ONLY\)](#). Older information can be found in the [Archive of Historic D&D Reports](#).

**22. Q: Is there data on how municipal costs are broken out, such as by HHW material type? How will program costs be determined?**

A: SWMEs have specific cost data from their HHW facility and collection event invoices. ANR is working with SWMEs to gather more data on the estimated amounts of covered household hazardous products that are collected by SWME HHW collection programs. SWMEs and the manufacturers' Stewardship Organization will need to come to an agreement on the appropriate reimbursement for all costs as outlined in statute for the collection of covered household hazardous products.

**23. Q: Can ANR provide an estimate of what the cost would be for Vermont's HHW EPR collection services?**

A: Annually, ANR collects statewide SWME HHW collection cost data, which totaled \$2.4 million for calendar year 2023. This most recent survey includes some new costs covered under Vermont's HHW EPR law, such as staff time and facility overhead costs. The estimate of \$2.4 million for 2023 represents costs for both Act 58 HHW EPR covered products and products that are not covered by Act 58 or by other EPR programs (i.e., does not include costs for paint, electronics, batteries, mercury containing lamps and thermostats). Based on individual SWME data, it is estimated that 40% of what is collected would be covered under the HHW EPR law. Thus, it is estimated that 40% of eligible costs would be associated with the collection and safe management of covered household hazardous products.

**24. Q: What information is available on how municipalities are currently contracting for services (collection and processing), or data on the types of designated HHW materials accepted at municipal facilities or events?**

A: The Agency is currently aware of about 5 Hazardous waste contractors serving Vermont SWMEs including (but not limited to); Heritage, Republic Services (ENPRO & US Ecology), Clean Harbors, Tradebe, Triumvirate Environmental.

**25. Q: What does a disposal ban entail?**

A: On July 1, 2025, the disposal ban on "covered household hazardous products" goes into effect, which states that "No person shall knowingly dispose of...covered household hazardous products." ANR will conduct outreach to facilities, haulers and the public on the disposal ban and provide information on local collection locations for proper disposal. The addition of this disposal ban gives ANR authority to take enforcement actions for any person that knowingly disposes of "covered household hazardous products."

**26. Q: Will the annual participation rate be measured statewide or for each SWME?**

A: Annual participation rate will be determined statewide. The average annual statewide participation rate for 2021 was 8%. The stewardship organization is required to maintain at least a 5% statewide participation rate for the first approved collection plan term (maximum of 5 years).

**27. Q: What are ANR's expectations for public outreach requirements for the stewardship organization?**

A: Like other Vermont EPR programs, the stewardship organization shall submit an education and outreach plan as part of the collection plan they submit to the Agency for review and approval. ANR commonly connects and assists with coordination amongst EPR stewardship organizations and SWMEs to conduct cost effective statewide public education and outreach to raise public awareness. According to statute, messaging must include proper handling and disposal options for covered products and source reduction information for consumers to reduce leftover covered household products, such as using less toxic alternatives when possible. All public outreach requirements are outlined in the statute under the collection plan section under 10 V.S.A. §7183 and may include media advertising, retail displays, articles, and other outreach efforts.

**28. Q: In the Annual Report, it must contain information on "the volume and weight by hazard category, as defined by the Secretary..." will ANR use standard hazardous waste management hazard categories for this information?**

A: Yes, ANR will use the same hazard categories that SWMEs and Hazardous waste contractors currently use such as flammables, acids, bases, etc.

**29. Q: In the Annual Report, it must contain "the weight or volume by hazard category of covered household hazardous products sold in the State in the previous calendar year by a manufacturer participating in a stewardship organization's collection plan." Does ANR want this information aggregated, or will there be more specificity in the reporting?**

A: Total material sold by weight or volume under the appropriate hazard category will be sufficient.

**30. Q: Beginning September 1, 2030, and every 5 years thereafter, the stewardship organization must hire a third-party contractor to audit the collection plan. Does ANR expect this to be completed by a financial auditor or by an environmental consultant?**

A: The third-party auditor shall examine the effectiveness of the program in collection and disposal of covered products, convenience and accessibility and the cost effectiveness of the program and make comparisons to other similar programs in other jurisdictions. The Agency anticipates that this work would be best completed by an environmental consultant or another party with experience evaluating EPR programs.

**31. Q: Does the definition of gas cylinders in part 7181(5)(A) include all consumer aerosol products, including those that are non-flammable and non-hazardous?**

A: No, aerosols are not covered under the gas cylinder definition. Nor would non-hazardous or non-flammable aerosols meet the definition of covered product.

Aerosols that meet hazardous waste specific characteristics (i.e., ignitability, corrosivity, reactivity, and toxicity) under subchapter 2 of the VT Hazardous Waste Regulations are covered products.

Spray foam, fire extinguishers, helium, or carbon dioxide gas cylinders are defined as covered products under the gas cylinder definition.

**32. Q: What definition will ANR use for "pharmaceutical drug" per the exemption in part 7181(4)(B)(vi)?**

A: Neither Vermont [Title 10](#) nor the [Solid Waste Management Rules](#) define this term. Generally, the intent of most of the HHW EPR law exemptions was to not "cover" products or materials that already have a collection system or are otherwise not hazardous to human health and the environment. Thus, while the Agency does not currently have a definition for "pharmaceutical drug" either in statute or rule, the Agency's present practice is to interpret "a pharmaceutical drug" exempt from the HHW EPR law to include any materials accepted by the

[Vermont Department of Health prescription drug disposal program](#). Note, that this program currently covers and accepts prescription medications, over-the-counter medications, medicated ointments and lotions, and pet medications, all of which would be considered exempt under the HHW EPR law.

**33. Q: Can ANR provide any additional clarity or examples on the types of personal care products covered under the law?**

A: Any personal care product that meets hazardous waste characteristics (toxic, ignitable, reactive, and/or corrosive) or listings (under the Vermont Hazardous Waste Management Rules) would be considered a “covered household hazardous product” that must participate in Vermont’s HHW EPR stewardship organization and program. Examples include flammable hair spray or nail polish remover.

**34. Can you please clarify for purposes of the HHW EPR law if the following aerosol products would be considered a covered product: suntan lotion, facial sprays, cooking spray, whipped cream, and dessert topping?**

A: If any of these products or its components meet hazardous waste characteristics or listings (under the [Vermont Hazardous Waste Management Rules](#)), then it will be considered a “covered household hazardous product” that must participate and pay into Vermont’s HHW EPR stewardship organization and program. ANR takes a narrow interpretation of when a hazardous waste component of a product makes the entire product “covered” under Vermont’s HHW EPR law. Simply put, if the hazardous component of the product makes the product a hazardous waste due to specific characteristics (i.e. ignitability, corrosivity, reactivity, and toxicity), then it is considered “covered” under Vermont’s HHW EPR law.

**35. Q: How would ANR view a product sold via an ecommerce site such as Amazon that is listed and marketed as strictly for industrial use but could potentially be purchased by a consumer? Would this be considered a “consumer product offered for retail sale” as described in part 7181(4)(A)?**

A: The Manufacturer would need to demonstrate to ANR why their industrial use product is not a “consumer product offered for retail sale.” Amazon, and other online retailers, sell thousands of “consumer product[s]” that Vermont residents can buy and therefore could easily become household hazardous waste.

**36. Can ANR clarify the hierarchy of who is an obligated manufacturer in section 7181(6)(A) of the law? For example, is the producer preferentially the entity described in section 7181(6)(A)(i) and 7181(6)(A)(ii) is only obligated if no person exists as described in 7181(6)(A)(i) and so forth?**

A: The brand manufacturer is the entity that the Agency primarily looks to for compliance with the requirements of the HHW EPR law. The Agency would look to that manufacturer to ensuring that HHW product is not sold, offered for sale, or delivered to a retailer for subsequent sale unless the conditions of the stewardship organization are met under 10 V.S.A. §7182 for the covered HHW. 10 V.S.A. s.7181(6)(A) does not contain a responsibility hierarchy.

**37. Can ANR confirm that for private label products, the obligated party would generally be the retailer per 7181(6)(a)(ii)?**

A: See response above. That said, if the private label products retailer, as defined in 10 V.S.A. s.7181(6)(A)(ii), is the only entity involved in the sale or offer for sale of the covered HHW product, then the retailer would be the obligated party.

**38. ANR has indicated that U.S. census data should be used for a population factor when estimating sales into Vermont. The U.S. Census bureau does decennial surveys and estimates population change annually. Can you please confirm that the most recent available annual Census estimate is the number that should be used?**

A: The Secretary of ANR is directed by statute (10 V.S.A. S7187(e)) to act in a “...supervisory capacity over the actions of a stewardship organization...” and it seems reasonable to ANR that a stewardship organization utilizes

the most recent available annual U.S. Census estimates of Vermont population for manufacturers looking to estimate their Vermont sales figures using national sales data.

**39. Very Small Quantity (VSQ) Generators are allowed to participate in HHW collection in Vermont, meaning products that are not covered by the HHW law or a part of another stewardship program/fee may need to be managed by municipalities and the Stewardship Organization along with covered products. How will ANR ensure cost fairness for participating manufacturers?**

A: Generally, since they are buying the same products, most of the waste that VSQGs bring to HHW facilities and events are the same products used for personal or household use. SWMEs are required to track VSQG Hazardous Waste separate from HHW, and the data shows that facilities and events serve a very limited number of VSQG businesses. Note state law is clear that products are only covered by the HHW law if they are contained in the receptacle in which the product was offered for retail sale. This would exclude 55-gallon collection drums of VSQG waste, for example. Most SWMEs do not have the ability to accept larger quantities from VSQGs due to limits on their storage capacity and logistics of collecting larger containers. For example, most will not be able to accept a 55-gallon drum from a VSQG business and will direct the business to work directly with a Hazardous Waste service provider, which would not be covered under the Vermont HHW EPR Program. The Stewardship organization could consider conducting a regular audit of materials to determine the number of VSQG businesses served and quantities of material.

ANR will continually help determine what are considered “covered household hazardous product[s]” under the law and some VSQG waste materials may not be covered (if demonstrated to not be sold as “consumer products”) and therefore will not be required to be collected nor paid for by these product manufacturers.

**40. Is the landfill ban on covered household hazardous products limited to residential disposals? For example, a manufacturer may not currently dispose of products in landfills in Vermont, but what if a distribution facility or retail store disposed of obsolete/unused hazardous product inventory in the original consumer packaging? Would this waste be required to utilize a collection center/not go to landfill, or would this be considered industrial waste for disposal at landfill as, for example, VT06 waste?**

A: A distribution facility or retail store who is disposing of these hazardous products is considered a regulated hazardous waste generator and these waste hazardous products would be considered hazardous waste and would need proper management. They would not be able to dispose of these in a landfill or waste incinerator as solid waste regardless of the landfill ban in the HHW EPR law.

**41. Can you provide clarity on the VT06 state specific waste code (pesticidal waste)? Is this in reference to pesticide contaminated wastes (*i.e.*, equipment wash waters) generated by commercial and industrial users? Or does this include any residential use products?**

A: Pesticide waste is not covered by the HHW EPR law since pesticide products are exempt.

**Additional Resources:**

- A. [VT HHW EPR web page](#)
- B. [HHW EPR Timeline](#)
- C. [Resources for determining Pesticide Registration Status](#)
- D. [VT Hazardous Waste Management Regulations](#)

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