

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.

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:

- The product must be a consumer product (defined as products regularly used or purchased to be used for personal, family or household purposes), **and**
- 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:
 - 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**
 - The product is a gas cylinder. (see Question 2 below for details on gas cylinders).

Covered products do not include:

- any product sold only for industrial or business to business use (i.e., no retail sale in Vermont);
- a product not contained in the receptacle in which the product is offered for retail sale;
- an empty container which once contained a covered household hazardous product (with the exception of gas cylinders);
- a primary or rechargeable battery;
- Mercury-Containing lamps and thermostats;
- architectural paint and primers;
- a covered electronic device as that term is defined in 10 V.S.A. §7551;
- a pharmaceutical drug;
- citronella candles;
- flea and tick collars;
- 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 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: 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.

3. Q: Are empty product containers of covered household hazardous products considered covered products that must be collected through this HHW EPR Program?

A: No, empty product containers are not required to be collected under this HHW EPR Program by collection sites. However, any empty gas cylinders as outlined above are covered and must be collected.

4. 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 facility or collection event any number of covered household hazardous products. This includes 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.

5. 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.

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

A: ANR will submit a recommended annual registration fee to the Legislature no later than January 15, 2024. If approved, this fee would be due from the stewardship organization when it registers on January 1, 2025.

7. 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 January 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 prior to the January 1, 2025, deadline.

8. 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.

9. 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.

10. 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.

11. 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.

11a. 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.

11b. Q: How much orphaned covered product waste is there in VT HHW collections?

A: Anecdotal information from SWMEs collecting HHW suggests that orphaned covered products that are no longer manufactured is a relatively small portion of their regular Vermont 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. 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.

11c. Q: How will the Agency enforce against non-compliant manufacturers of covered products?

A: The Agency has experience taking compliance action against manufacturers that sell covered products into Vermont but are not participating in an approved Stewardship Organization or Collection Plan as required by state EPR laws. This includes issuing 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.

12. 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.

See [SWME map](#) and [Map of HHW facilities](#) for overview of these facilities.

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.

13. 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 along with 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 is creating a Covered Household Hazardous Product Category list to share publicly soon. Look for it on ANR's HHW webpage here: <https://dec.vermont.gov/waste-management/solid/product-stewardship/hhw-epr>.

14. 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.

15. 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 waste collection totals and the SWME facilities that are open year-round have more specific details related to seasonality and/or lab packs. The HHW data is on the last pages of the [2021 Diversion and Disposal Report](#). Here's a link to [2021 Diversion and Disposal Report - TABLES and FIGURES ONLY](#) or try this link to the [Archive of Historic D&D Reports](#).

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

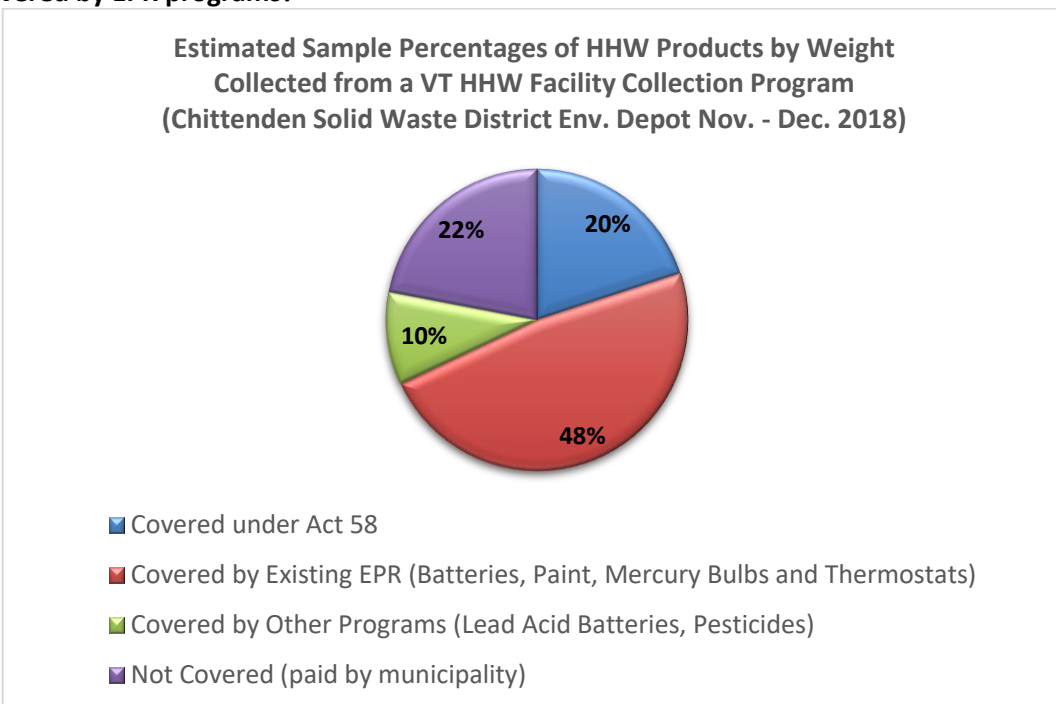
A: SWMEs have this specific cost data from their HHW facility and collection event invoices.

In addition, 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.

It is estimated that the Vermont HHW EPR law will cover less than 20% of the material—by weight—collected by HHW collection programs. While the weight-based proportion of HHW that would be "covered" is estimated at 20% or less, the proportional cost allocation could be higher given that some HHW has higher costs to safely

manage than other HHW. SWMEs and the manufacturers' Stewardship organization will need to come to an agreement on costs that will be covered.

- 17. Q: ANR currently provides an estimate that 20% of products collected at HHW collection events and facilities will be covered under HHW EPR. What other products are collected at HHW events and are they currently covered by EPR programs?**



ANR has annually collected and tabulated annual, statewide, SWME HHW collection cost data that totaled \$1.6 million for calendar year 2016, and \$2.2 million for calendar year 2022. These total costs represent both HHW products covered under Act 58 (blue above) and those not covered by an EPR programs (purple above), totaling approximately 42% in the above pie chart. ANR is working to gather annual SWME HHW collection cost data for 2023.

- 18. 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 4-5 Hazardous waste contractors serving Vermont SWMEs including (but not limited to); Heritage, Republic Services (ENPRO & US Ecology), Clean Harbors, Triumvirate Environmental.

- 19. 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."

- 20. 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).

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

A: Like other Vermont Extended Producer Responsibility (EPR) programs, the stewardship organization shall submit an education and outreach program 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 that raises public awareness. According to statute, messaging must include not only proper handling and disposal options for covered products but also 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.

22. 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.

23. 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.

24. 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.

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](#)
- E. [Covered Household Hazardous Product Categories List](#)

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