

1 S.201

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Conservation; waste management; recycled content in packaging

6 Statement of purpose: This bill proposes to prohibit the retail sale of a product  
7 in a plastic container unless the container is composed of recycled material or  
8 is capable of being recycled in Vermont.

9 An act relating to recycled content in plastic packaging

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. § 6619a is added to read:

12 § 6619a. RECYCLED CONTENT OF PLASTIC CONTAINERS

13 (a) As used in this section, “plastic container” means any package  
14 composed primarily of plastic resin that is used to hold, protect, or display a  
15 product intended for retail sale and that has a maximum capacity of five  
16 gallons.

17 (b) Beginning January 1, 2012, no person may sell or offer for sale at retail  
18 a product in a plastic container unless the plastic container:

19 (1) is composed of at least 25 percent recycled material; or

1           (2) is composed of plastic that has a recycling rate of at least 25 percent  
2 in Vermont.

3           (c) Subsection (b) of this section shall not apply to a plastic container:

4           (1) holding, protecting, or displaying a food, beverage, cosmetic, or  
5 medical device that is regulated under the Federal Food, Drug, and Cosmetic  
6 Act and for which the U.S. Food and Drug Administration has not approved  
7 the use of recycled material in the packaging;

8           (2) holding toxic or hazardous products regulated by the Federal  
9 Insecticide, Fungicide, and Rodenticide Act; or

10           (3) manufactured for use in the shipment of hazardous materials and:

11           (A) that is prohibited from being manufactured with recycled or used  
12 material by federal packaging specifications for plastic or composite packaging  
13 set forth in 49 C.F.R. §§ 178.508, 178.517, and 178.522;

14           (B) that is subject to testing standards for hazardous materials  
15 packaging under 49 C.F.R. §§ 178.600–178.609; or

16           (C) to which the recommendations of the United Nations on the  
17 transport of dangerous goods are applicable.