

1 S.282

2 Introduced by Committee on Natural Resources and Energy

3 Date:

4 Subject: Conservation and development; solid waste; food depackaging
5 facilities; rulemaking

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 moratorium on the certification by the Secretary of Natural Resources of food
8 depackaging facilities until the Secretary reports to the Vermont General
9 Assembly regarding the operation of food depackaging facilities and adopts
10 rules for the operation of the facilities.

11 An act relating to the regulation of food depackaging facilities

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

13 Sec. 1. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY

14 CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES

15 Beginning March 1, 2022, the Secretary of Agriculture, Food and Markets
16 shall not issue a new or amended solid waste facility certification under
17 10 V.S.A. chapter 159 for the operation of food depackaging equipment until
18 the rules required under Sec. 3 of this act are adopted and in effect.

1 Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD
2 DEPACKAGING FACILITIES

3 On or before January 15, 2023, the Secretary of Natural Resources shall
4 submit to the Senate Committee on Natural Resources and Energy and the
5 House Committee on Natural Resources, Fish, and Wildlife a report regarding
6 the management of materials produced by food depackaging facilities certified
7 for operation in the State. The report shall include:

8 (1) a list of the food depackaging facilities certified in the State under
9 10 V.S.A. chapter 159;

10 (2) a summary of the chain of custody of materials processed by food
11 depackaging facilities, including the original supplier of food residuals and
12 transporters of food residuals;

13 (3) the sites or facilities of final disposition of the materials processed
14 by food depackaging facilities, including whether the materials were disposed
15 of in landfills; transferred to composting facilities, farms, or farm fields; or
16 introduced into foods for animal or human consumption;

17 (4) a summary of how the materials produced from food depackaging
18 facilities or equipment may be used in the State, including any existing
19 standards in statute or rule for the management of the materials;

20 (5) the amount of microplastics, plastics, or other contamination present
21 in the material produced from food depackaging facilities in the State,

1 including whether the materials have detectable levels of perfluoroalkyl and
2 polyfluoroalkyl substances; and

3 (6) an evaluation of the practicability of implementing the food residuals
4 hierarchy set forth in 10 V.S.A. § 6605k in a more stringent manner.

5 Sec. 3. RULEMAKING

6 (a) The Secretary of Natural Resources shall adopt by rule requirements for
7 the operation of food depackaging facilities certified to operate in the State.

8 The rules shall establish standards for materials that may be accepted for
9 depackaging and standards for the amount of contamination, including
10 microplastics, allowed to be present in material produced by food depackaging
11 facilities.

12 (b) The Secretary of Natural Resource may not initiate rulemaking under
13 this section until the report required by Sec. 2 of this act is submitted to the
14 Vermont General Assembly.

15 Sec. 4. REPEAL

16 Sec. 1 (moratorium on food depackaging facilities) of this act shall be
17 repealed on the date that the rules required under Sec. 3 of this act are adopted
18 and in effect.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.