

February 9, 2022

Honorable Amy Sheldon, Chair
House Committee on Natural Resources, Fish & Wildlife
115 State Street
Montpelier, VT 05633-5301

RE: H. 115 - An act relating to household products containing hazardous substances

Dear Chair Sheldon and Members of the House Committee on Natural Resources, Fish & Wildlife:

On behalf of the Household & Commercial Products Association (HCPA), I write to respectfully oppose House Bill 115, which would establish a state-run collection and reporting program for products containing Household Hazardous Waste (HHW).

HCPA members manufacture a variety of products including household cleaning products, air care products, aerosol products, floor polishes and waxes, automotive maintenance and appearance products, and consumer pesticides. These products are essential tools for wide a variety of functions necessary to maintain clean and healthy homes and institutional facilities. Many of these products (e.g., disinfectants, sanitizers) are products registered under The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) because they provide significant public health benefits, including COVID-19 response.

Much has changed since HHW was first addressed at the federal level. Federal and state standards for sanitary landfills have been strengthened to ensure material containment and treatment of leachate, recycling has increased, packaging has been reduced, and the formulas for many consumer products have been modified. Mandatory and voluntary collection programs have diverted high risk materials (e.g., batteries, motor oil and other used automotive fluids, thermostats with mercury, oil-based paints) from landfills.

Household waste, as designated in this legislation, has been continually exempted from being designated as hazardous through the Resource Conservation Recovery Act (RCRA). These products should not be placed in secure hazardous waste sites, as these sites are needed for RCRA hazardous wastes. The overwhelming majority of consumer products are designed to be used in and around the house and in institutions and do not pose a significant enough risk to the environment to be regulated in this manner.

As written, the bill would classify an incredibly wide range of consumer products as hazardous waste. The reference to the Hazardous Materials Transportation Act under “covered household product” will include the bulk of consumer products offered for sale in the state of Vermont into the stewardship program. The federal government has routinely determined that these products do

not qualify as hazardous waste under RCRA. This is because the federal government recognizes that these products do not pose a threat to human or environmental health when properly used and disposed by consumers. For example, the draft of the legislation would appear to include many glass cleaners into a hazardous waste designation. This is significant because many product formulations of glass cleaners are composed of greater than 96% water. That is only one of many examples of products that would be inappropriate to include in hazardous waste collection programs.

Despite the fact that federal and most state regulations allow all household wastes to be disposed in RCRA Subtitle D compliant facilities (i.e., landfills, incinerators or composting operations), careful study and risk assessment of the performance of those facilities do not suggest significant risks deriving from this practice. Waste characterization studies conducted by federal, state, or local agencies indicate that, even given a liberal definition of what product wastes should be considered HHW, the amount of HHW entering the solid waste stream is extremely low (0.2 to 0.4 percent).¹²³

Further, manufacturers invest significant resources into ensuring their products are sold in the appropriate size and volume for consumer uses. These products are intended to be disposed of through their use and not through the waste stream. Therefore, any fees levied to support disposal programs for HHW should not be incumbent upon the manufacturer.

Public policy governing the appropriate designation of HHW from normal household waste is an important fiscal and environmental protection consideration that should be based on objective and reliable criteria derived from the application of generally accepted scientific risk-assessment practice. Limited resources for HHW collection should be directed toward materials of significant concern. H. 115 simply does not meet that standard, and it is for that reason HCPA respectfully requests you oppose the measure.

We welcome any opportunity to discuss H. 115 and its impact on our industry and consumers. Thank you in advance for your consideration of the points set forth in this letter, and for your leadership on this important matter.

Sincerely,

Michelle L. Kopa

Michelle L. Kopa

Director, State Government Relations & Public Policy - Eastern Region

Cc: House Committee on Natural Resources, Fish, and Wildlife

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¹ American City and County (1983) How hazardous are municipal wastes? March: 41-42

² Anonymous (1990) Stop hazwaste at the landfill. World Wastes February: 18-19

³ Bertrand H, Oliver D, Tormey M, Cearley D, Beck RW (1995) Household hazardous waste characterization study for Pam Beach County, Florida: a MITE program evaluation. EPA/600/R-95/140. National Risk Management Research Laboratory, Office of Research and Development, USEPA, Cincinnati, OH.