

to the bill in the House.

<http://www.leg.state.vt.us/docs/2010/bills/Senate/S-077.pdf>

Mercury Containing Lamps

Senator Lyons, Chair of the Natural Resources and Energy Committee, has introduced a new bill that requires manufacturers of mercury-added lamps to establish a program for or to pay for the collection and recycling of mercury-added lamps.

<http://www.leg.state.vt.us/docs/2010/bills/Intro/S-232.pdf> This is NOT the same bill that was introduced in the House Fish and Wildlife Committee last year.

Paint

Senator Diane Snelling of the Natural Resources and Energy Committee introduced S. 224 <http://www.leg.state.vt.us/docs/2010/bills/Intro/S-224.pdf> This bill would require the manufacturers of architectural paint to establish a paint stewardship plan for the collection, reuse, and recycling of architectural paint in Vermont. Each plan would include a funding mechanism for the collection of a paint stewardship assessment, which would be added to the cost of all architectural paint sold to Vermont retailers and distributors. The bill would prohibit the retail sale of architectural paint if the manufacturer of the paint is not implementing an approved paint stewardship program plan.

PRODUCT STEWARDSHIP - NOT A NEW CONCEPT IN VERMONT!

By Mary O'Brien, Recycling Coordinator, SW/WCSWMD

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Product Stewardship is not a new concept in Vermont. In fact, Vermont has been a national leader in Product Stewardship legislation. Vermont, New Jersey, and Minnesota passed the first extended producer responsibility (EPR) legislation in 1991; all of these efforts dealt with batteries. Over the past fifteen years, the State of Vermont has enacted a total of three product stewardship laws. Only Maryland with four, and Maine with six, have more of these laws than Vermont. Advocates for paint and electronic waste EPR are hoping that the Vermont legislature will consider laws during the 2010 session. If they are successful, Vermont would become the twenty-first state with an e-waste EPR law and the second (after Oregon) with a paint EPR law.

For working models of product stewardship, Vermont can tout its corporate-run rechargeable battery and mercury thermostat programs. The Rechargeable Battery Recycling Corporation has provided no-cost shipping labels and boxes to program participants for years. Transfer stations, for example, accept rechargeable batteries from residents and place the batteries in RBRC boxes. When full, the boxes are mailed to RBRC which subsequently ships empty replacement boxes back to the transfer stations.

The Thermostat Recycling Corporation (TRC) runs a similar program, with the addition of an economic incentive for participants. Both programs, however, are poorly advertised; they fulfill the letter of the law but not its highest intent. Mandatory performance goals written into EPR/Product Stewardship laws would help solve the underachiever problem.

Obviously, paint and electronic waste will not be mailed back to manufacturers-a different model will prevail for these products. The Product Stewardship idea is the

same, however, for all products: manufacturers must plan for the end-of-life of their wares when they design and create them.

OUTCOME OF NY E-WASTE LAWSUIT COULD UNDERMINE EPR LEGISLATION NATIONWIDE

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Unfortunately, the lawsuit by the electronics industry against New York City's e-waste recycling law, could reverse all of our progress on Extended Producer Responsibility (EPR). At issue is the New York law's requirement that manufacturer's provide convenient collection for the city's residents, leading the Consumer Electronics Association (CEA) and Information Technology Industry Council (ITI) to file a lawsuit challenging the constitutionality of New York's e-waste take-back law.

Read this excellent article in the December issue of *Recycling Today* for more information on the lawsuit and its potential chilling implications for all Product Stewardship legislation.

[http://www.recyclingtoday.com/electronics\\_lawsuit\\_january-2010.aspx](http://www.recyclingtoday.com/electronics_lawsuit_january-2010.aspx)

## **NEW LEGISLATION IN QUEBEC AND ONTARIO REQUIRES INDUSTRY TO BE FULLY RESPONSIBLE FOR RECYCLING AND WASTE DISPOSAL**

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Quebec and Ontario are making tremendous headway on the product stewardship front. As we noted in the November VTPSC Newsletter, both Ontario and Quebec released plans this fall **to make manufacturers fully responsible for responsible for recycling and waste disposal, paying 100 per cent of costs of end-of-life management of products and packaging.** Quebec's plan allows the government to impose stewardship on products, beginning with electronics, batteries, fluorescent and mercury lamps, with the addition of one new product per year in the coming years. Ontario's plan begins mostly with printed paper and packaging, but it goes beyond EPR and makes individual companies, not just collectives, legally responsible for the end-of-life management of their products. Both provinces plans include landfill bans and increases in disposal surcharges to facilitate these efforts.

In the words of Guy Crittenden, *Solid Waste and Recycling's* editor: "Basically, the two provinces in central Canada with the largest populations and largest economies are adopting the very strategies advocated by the Product Policy Institute where industry (individual companies, actually this is IPR) pays for product waste and municipalities primarily deal with organics, which they are required to compost."

It is unclear yet what potential ripple effects of such wide-scale change for our neighbors to the north could hold for EPR in the U.S.. A recent article in Canada's *Solid Waste and Recycling* gives more details on the two provinces' proposed plans.

<http://www.solidwastemag.com/issues/ISarticle.asp?aid=1000352633&PC>

MASSACHUSETTS EXPANDS PRODUCER RESPONSIBILITY EFFORTS TO SUPPORT MORATORIUM

ON INCINERATION

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Massachusetts announced it will maintain the existing moratorium on new facilities for incineration of municipal solid waste. As part of a push to reduce the amount of waste sent to landfills and incinerators, Energy and Environmental Affairs Secretary Ian Bowles outlined Governor Patrick's priorities for expanding the recycling of key products like water bottles and consumer electronics. To complement the incinerator moratorium, the Patrick-Murray Administration is committed to an aggressive agenda of recycling and waste reduction that gives cities and towns assistance to expand and improve their recycling efforts and requires greater responsibility from manufacturers for products - ranging from water bottles to televisions - that end up in our waste stream. In particular, the Administration calls for passage of comprehensive producer responsibility legislation for discarded electronics, and urges approval of an expanded bottle bill to cover water and sports drink bottles.

[http://www.mass.gov/?pageID=eoeepressrelease&L=1&L0=Home&sid=Eoeea&b=pressrelease&f=091211\\_pr\\_incinerator\\_moratorium\\_expand\\_recycle&csid=Eoeea](http://www.mass.gov/?pageID=eoeepressrelease&L=1&L0=Home&sid=Eoeea&b=pressrelease&f=091211_pr_incinerator_moratorium_expand_recycle&csid=Eoeea)

**GETTING NORTHEAST STATES OFF THE BOTTLE: REPORT RELEASED ON GOVERNMENT SPENDING ON BOTTLED WATER**

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States in the Northeast have set aside or spent between \$228,874 and \$527,107 a year for **bottled water**, according to a new report **Getting States Off the Bottle** released today by Corporate Accountability International. The states surveyed include four Northeastern states: Massachusetts, Connecticut, Vermont and Pennsylvania - **all known for their high quality tap water**. [...] "Not only is the spending patently wasteful at a time when states can not afford unnecessary expenses, but it broadcasts the absolute wrong message about our high quality tap water," said Connecticut State Representative Richard Roy, Chair of the House Environmental Committee. Source: <http://www.stopcorporateabuse.org/millions-taxpayer-dollars-flow-bottled-water>

AND THE AWARD FOR THE NEXT PRODUCT DESIGN NIGHTMARE IS.....

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Packaging reform is clearly on the horizon for product stewardship advocates. This new packaging concept of a shaving gel that uses 2 to 3 AAA batteries and an LED light in the bottle - just to draw customer's eyes to the product on the shelf - reminds us why we do what we do! <http://www.storyofstuff.com/blog/?p=16>

**MASSACHUSETTS DEP SEEKING COMMENTS ON RECYCLING METHODOLOGY FOR FLUORESCENT LAMPS.**

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The Massachusetts Department of Environmental Protection is seeking comments on the latest version of the National Electrical Manufacturers' Association's (NEMA) recycling rate methodology for fluorescent lamps. The proposed methodology for 2008 is on the DEP website at <http://www.mass.gov/dep/toxics/stypes/lmprate08.pdf>.

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## EVENTS AND OPPORTUNITIES

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HEIDI SANBORN TO GIVE KEYNOTE ON PRODUCT STEWARDSHIP at SWANA

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Heidi Sanborn, National Outreach Director of the [Product Policy Institute](#) will be giving the keynote address at this year's [Solid Waste Association of North America](#) (SWANA) annual meeting February 8-9 in Charlotte, N.C. Heidi is also the Executive Director of the [California Product Stewardship Council](#) (CPSC). She speaks nationally on the transition to Product Stewardship and public policy.

#### For more info:

<http://www.thinkingoutsidethebluebox.org/>

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