

**Recommendations for Changes to Toxic Use Reduction and Hazardous Waste Reduction Act
under 10 V.S.A. Chapter 159, Subchapter 2**

EO Provision (III)(A)(4)	Current Requirement	Recommendation	Rationale	Mechanism
a. List of chemicals	<ul style="list-style-type: none"> US EPA Toxics Release Inventory List and Hazardous Wastes identified in VHWMR 	<ul style="list-style-type: none"> US EPA Toxics Release Inventory List, VHWMR Hazardous Wastes, Chemicals of High Concern to Children (18 VSA §1773), and additions through either rulemaking or newly established process possibly modeled on the process used under the Massachusetts Toxics Use Reduction Act to add or remove chemicals regulated under that Act. 	<ul style="list-style-type: none"> Expanding list of chemicals of concern will result in their reduction through planning, leading to increased environmental/occupational and public health protection. 	<ul style="list-style-type: none"> Statutory Change; Either rulemaking or newly established process to add chemicals in the future
b. Threshold amounts	<ul style="list-style-type: none"> Thresholds set in 10 V.S.A. § 6624(4) 	<ul style="list-style-type: none"> 10 V.S.A. § 6624 and Subset of chemicals with lower thresholds (i.e., Persistent Bioaccumulative Toxic chemicals – identified in Toxics Release Inventory chemical list with lower thresholds) 	<ul style="list-style-type: none"> Facilities that use Persistent, Bioaccumulative Toxic chemicals and other chemicals that pose higher risks should be required to plan when these chemicals are present at lower thresholds due to an increased potential for these chemicals to harm public health and the environment. 	<ul style="list-style-type: none"> Statutory change
c. Persons/entities reporting	<ul style="list-style-type: none"> Set in 10 V.S.A. § 6624: Large toxic substance users, 10 FTEs or more, Listed SIC codes - or- Large & Small-quantity generators of HW under VHWMR 	<ul style="list-style-type: none"> Existing thresholds and waste generator status but use NAICS codes instead of SIC codes Amend to 10 FTEs onsite or 500 corporate total 	<ul style="list-style-type: none"> NAICs – more commonly used today; more descriptive of facility type. Adding corporate employee number would bring in additional planners that are likely to have resources because they are part of a larger corporate entity but that have 9 or less employees onsite. (VDOL data indicates ~3% more entities would be required to plan) 	<ul style="list-style-type: none"> Statutory change
d. Reduction planning requirements, conditions and criteria	<ul style="list-style-type: none"> Annual performance reports must be certified by responsible corporate official or P.E. - 10 V.S.A. § 6630. No certification requirement for plans under 10 V.S.A. § 6629 	<ul style="list-style-type: none"> Specify that persons who certify plan must have minimum required training on hazardous waste and toxics use reduction techniques (8 hours per 3-year planning cycle). 	<ul style="list-style-type: none"> Required training and additional resources and educational opportunities will help planners to achieve stated policy goals (reduction of toxics use or hazardous waste generation) through development of more meaningful plans for reducing toxics and waste. 	<ul style="list-style-type: none"> Statutory change, followed by rulemaking to further describe training program
e. Streamline; modernize program	<ul style="list-style-type: none"> Paper/PDF submissions, Access database, One on one/limited assistance 	<ul style="list-style-type: none"> Upgrade database/electronic reporting system improvements (in the short-term) that could be integrated into ICCM uniform system) <ul style="list-style-type: none"> Automatic fee system Offer targeted technical assistance and training Update planners on statutory and regulatory changes/ FAQs Modify plan and report substantive requirements (what is required to be reported) Allow for alternative resource/environmental impact planning 	<ul style="list-style-type: none"> <u>Reporting system</u> – Facilitate easier reporting and fee payment; allow for compilation of, access to, review and analysis of data; facilitate coordination among agencies and programs. <u>Targeted assistance</u> – Improve compliance and reduction of chemicals used (see d. above); and will provide State with real-time information on use of newly-listed chemicals. <u>Alternate planning</u> – Allow planners that have met reduction goals based on current feasibility, technology, etc., (where additional planning may not lead to further reductions) to implement programs focused on efficiencies re: other processes (e.g., greenhouse gas reduction, water use reduction) that they may have more of an incentive to implement and that will also have a positive environmental benefit. (Alternative planners would still report toxics use/waste generation over thresholds, so the State could still track use/generation). 	<ul style="list-style-type: none"> No statutory changes for trainings and assistance (implement 6626); maybe regulatory changes. No statutory change required to improve database and reporting system. Changes to allow alternative plans will require statutory change and rulemaking
f. Staffing/funding	<ul style="list-style-type: none"> ½ FTE 	<ul style="list-style-type: none"> 1 FTE 	<ul style="list-style-type: none"> 1 FTE is based on need for organizational coordination, content development, expanded reporting, increase in number of Planners, and implementation of required training. There would be efficiencies from electronic reporting system; and budget increase for staff/labor/materials. Modest resources will allow the State to identify facilities that should be planners – this will increase compliance and provide additional data to State and public re: toxics use in the State. Additional resources would help 	<ul style="list-style-type: none"> Internal ANR staffing and budgeting process

			State to be proactive/monitor what facilities are using what chemicals to be able to respond to emergencies or identify risks based on usage throughout the State (i.e., PFOA/PFOS).	
g. Other state programs		<ul style="list-style-type: none"> • Continue work within ICCM technical team to facilitate coordination between VT TUR program and other state programs related to chemicals management. • Enhance relationship b/w DOL VOSHA/WorksSafe and ANR 	<ul style="list-style-type: none"> • DOL/ANR relationship: Enhanced partnership will maximize resources among agencies and enhance interagency cooperation. 	No statutory changes needed