



# PFAS-related Law and Regulatory Provisions

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## Vermont

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- PFAS in Ski Wax (*repealed as of Jan. 1, 2026 by Consumer Protection - Subchapter 12A PFAS in Consumer Products - 9 Vt. Stat. Ann. §§ 2494e - 2494o above*)
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§ 2810. Interim environmental media standards, VT ST T. 3 § 2810

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West's Vermont Statutes Annotated  
Title Three. Executive  
Part 2. Executive Reorganization  
Chapter 51. Natural Resources  
Subchapter 1. Generally

3 V.S.A. § 2810

§ 2810. Interim environmental media standards

Effective: May 15, 2019

[Currentness](#)

The Secretary of Natural Resources may require any entity permitted by the Agency of Natural Resources to monitor the operation of a facility, discharge, emission, or release for any constituent for which the Department of Health has established a health advisory. The Secretary may impose conditions on a permitted entity based on the health advisory if the Secretary determines that the operation of the facility, discharge, emission, or release may result in an imminent and substantial endangerment to human health or the natural environment. The authority granted to the Secretary under this section shall last not longer than two years from the date the health advisory was adopted.

**Credits**

2019, No. 21, § 7, eff. May 15, 2019.

3 V.S.A. § 2810, VT ST T. 3 § 2810

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 2494a. Definitions, VT ST T. 9 § 2494a

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12. Chemicals in Cosmetic and Menstrual Products

9 V.S.A. § 2494a

§ 2494a. Definitions

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

As used in this subchapter:

- (1) “Bisphenols” means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.
- (2) “Cosmetic product” means articles or a component of articles intended to be rubbed, poured, sprinkled, or sprayed on; introduced into; or otherwise applied to the human body or any part thereof for cleansing, promoting attractiveness, or improving or altering appearance, including those intended for use by professionals. “Cosmetic product” does not mean soap, dietary supplements, or food and drugs approved by the U.S. Food and Drug Administration.
- (3) “Formaldehyde-releasing agent” means a chemical that releases formaldehyde.
- (4) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (5) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.
- (6) “Menstrual product” means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.
- (7) “Ortho-phthalates” means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.

§ 2494a. Definitions, VT ST T. 9 § 2494a

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(8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(9) “Professional” means a person granted a license pursuant to 26 V.S.A. chapter 6 to practice in the field of barbering, cosmetology, manicuring, or esthetics.

**Credits**

2023, Adj. Sess., No. 131, § 1, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494a, VT ST T. 9 § 2494a

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494b. Prohibited chemicals in cosmetic and menstrual products, VT ST T. 9 § 2494b

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12. Chemicals in Cosmetic and Menstrual Products

9 V.S.A. § 2494b

§ 2494b. Prohibited chemicals in cosmetic and menstrual products

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product to which the following chemicals or chemical classes have been intentionally added in any amount:

- (1) ortho-phthalates;
- (2) PFAS;
- (3) formaldehyde (CAS 50-00-0);
- (4) methylene glycol (CAS 463-57-0);
- (5) mercury and mercury compounds (CAS 7439-97-6);
- (6) 1, 4-dioxane (CAS 123-91-1);
- (7) isopropylparaben (CAS 4191-73-5);
- (8) isobutylparaben (CAS 4247-02-3);
- (9) lead and lead compounds (CAS 7439-92-1);
- (10) asbestos;

§ 2494b. Prohibited chemicals in cosmetic and menstrual products, VT ST T. 9 § 2494b

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(11) triclosan (CAS 3380-34-5);

(12) m-phenylenediamine and its salts (CAS 108-42-5);

<Text of subdiv. (a)(13) effective until July 1, 2027.>

(13) o-phenylenediamine and its salts (CAS 95-54-5); and

<Text of subdiv. (a)(13) effective July 1, 2027.>

(13) o-phenylenediamine and its salts (CAS 95-54-5);

<Text of subdiv. (a)(14) effective until July 1, 2027.>

(14) quaternium-15 (CAS 51229-78-8).

<Text of subdiv. (a)(14) effective July 1, 2027.>

(14) quaternium-15 (CAS 51229-78-8);

<Text of subdiv. (a)(15) effective July 1, 2027.>

(15) styrene (CAS 100-42-5);

<Text of subdiv. (a)(16) effective July 1, 2027.>

(16) octamethylcyclotetrasiloxane (CAS 556-67-2); and

<Text of subdiv. (a)(17) effective July 1, 2027.>

(17) toluene (CAS 108-88-3).

(b) A cosmetic or menstrual product made through manufacturing processes intended to comply with this subchapter and containing a technically unavoidable trace quantity of a chemical or chemical class listed in subsection (a) of this section shall not be in violation of this subchapter on account of the trace quantity where it is caused by impurities of:

(1) natural or synthetic ingredients;

§ 2494b. Prohibited chemicals in cosmetic and menstrual products, VT ST T. 9 § 2494b

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(2) the manufacturing process;

(3) storage; or

(4) migration from packaging.

(c) A manufacturer shall not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State any cosmetic or menstrual product that contains 1,4, dioxane at or exceeding 10 parts per million.

(d)(1) Pursuant to 3 V.S.A. chapter 25, the Department of Health may adopt rules prohibiting a manufacturer from selling, offering for sale, distributing for sale, or distributing for use a cosmetic or menstrual product to which formaldehyde releasing agents have been intentionally added and are present in any amount.

(2) The Department may only prohibit a manufacturer from selling, offering for sale, distributing for sale, or distributing for use a cosmetic or menstrual product in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at comparable cost and that the safer alternative performs as well as or better than formaldehyde releasing agents in a specific application of formaldehyde releasing agents to a cosmetic or menstrual product.

(3) Any rule adopted by the Department pursuant to this subsection may restrict formaldehyde releasing agents as individual chemicals or as a class of chemicals.

**Credits**

2023, Adj. Sess., No. 131, §§ 1, 2, eff. Jan. 1, 2026, July 1, 2027.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494b, VT ST T. 9 § 2494b

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494c. Violations, VT ST T. 9 § 2494c

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12. Chemicals in Cosmetic and Menstrual Products

9 V.S.A. § 2494c

§ 2494c. Violations

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A violation of this subchapter is deemed to be a violation of [section 2453](#) of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under subchapter 1 of this chapter.

**Credits**

[2023, Adj. Sess., No. 131](#), § 1, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494c, VT ST T. 9 § 2494c

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494e. Definitions, VT ST T. 9 § 2494e

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494e

§ 2494e. Definitions

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

As used in this subchapter:

- (1) “Adult mattress” means a mattress other than a crib or toddler mattress.
  
- (2) “Aftermarket stain and water resistant treatments” means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance, but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.

<Text of subsec. (3) effective until July 1, 2028.>

- (3) “Apparel” means any of the following:
  - (A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do not include clothing items for exclusive use by the U.S. Armed Forces, outdoor apparel for severe wet conditions, and personal protective equipment.

(B) Outdoor apparel.

<Text of subsec. (3) effective July 1, 2028.>

- (3) “Apparel” means any of the following:
  - (A) Clothing items intended for regular wear or formal occasions, including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic

§ 2494e. Definitions, VT ST T. 9 § 2494e

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wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, reusable diapers, footwear, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions do not include clothing items for exclusive use by the U.S. Armed Forces and personal protective equipment.

(B) Outdoor apparel.

(C) Outdoor apparel for severe wet conditions.

(4) “Artificial turf” means a surface of synthetic fibers that is used in place of natural grass in recreational, residential, or commercial applications.

(5) “Cookware” means durable houseware items used to prepare, dispense, or store food, foodstuffs, or beverages and that are intended for direct food contact, including pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

(6) “Incontinency protection product” means a disposable, absorbent hygiene product designed to absorb bodily waste for use by individuals 12 years of age and older.

(7) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.

(8) “Juvenile product” means a product designed or marketed for use by infants and children under 12 years of age:

(A) including a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable hook-in chair; soft-sided portable crib; stroller; toddler mattress; and disposable, single-use diaper; and

(B) excluding a children's electronic product, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; a medical device; or an adult mattress.

(9) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.

(10) “Medical device” has the same meaning given to “device” in [21 U.S.C. § 321](#).

§ 2494e. Definitions, VT ST T. 9 § 2494e

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(11) “Outdoor apparel” means clothing items intended primarily for outdoor activities, including hiking, camping, skiing, climbing, bicycling, and fishing.

(12) “Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

(13) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(14) “Personal protective equipment” has the same meaning as in [section 2494p](#) of this title.

(15) “Regulated perfluoroalkyl and polyfluoroalkyl substances” or “regulated PFAS” means:

(A) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

<Text of subdiv. (15)(B) effective until July 1, 2027.>

(B) the presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.

<Text of subdiv. (15)(B) effective July 1, 2027.>

(B) the presence of PFAS in a product or product component at or above 50 parts per million, as measured in total organic fluorine.

(16) “Rug or carpet” means a fabric marketed or intended for use as a floor covering.

(17) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

(18) “Textile” means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. “Textile” does not include single-use paper hygiene products, including toilet paper, paper towels, tissues, or single-use absorbent hygiene products.

§ 2494e. Definitions, VT ST T. 9 § 2494e

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(19) “Textile articles” means textile goods of a type customarily and ordinarily used in households and businesses, and includes apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins, and table cloths. “Textile articles” does not include:

(A) a vehicle, as defined in [1 U.S.C. § 4](#), or its component parts;

(B) a vessel, as defined in [1 U.S.C. § 3](#), or its component parts;

(C) an aircraft, as defined in [49 U.S.C. § 40102\(a\)\(6\)](#), or its component parts;

(D) filtration media and filter products used in industrial applications, including chemical or pharmaceutical manufacturing and environmental control technologies;

(E) textile articles used for laboratory analysis and testing; and

(F) rugs or carpets.

**Credits**

[2023, Adj. Sess., No. 131, §§ 3, 4, 5](#), eff. Jan. 1, 2026, July 1, 2027, and July 1, 2028.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494e, VT ST T. 9 § 2494e

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494f. Aftermarket stain and water-resistant treatments, VT ST T. 9 § 2494f

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494f

§ 2494f. Aftermarket stain and water-resistant treatments

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State aftermarket stain and water-resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494f, VT ST T. 9 § 2494f

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494g. Artificial turf, VT ST T. 9 § 2494g

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494g

§ 2494g. Artificial turf

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State artificial turf to which:

- (1) PFAS have been intentionally added in any amount; or
- (2) PFAS have entered the product from the manufacturing or processing of that product, the addition of which is known or reasonably ascertainable by the manufacturer.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494g, VT ST T. 9 § 2494g

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494h. Cookware, VT ST T. 9 § 2494h

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494h

§ 2494h. Cookware

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State cookware to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494h, VT ST T. 9 § 2494h

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494i. Incontinency protection product, VT ST T. 9 § 2494i

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494i

§ 2494i. Incontinency protection product

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State an incontinency protection product to which PFAS have been intentionally added in any amount.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494i, VT ST T. 9 § 2494i

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494j. Juvenile products, VT ST T. 9 § 2494j

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West's Vermont Statutes Annotated  
Title Nine. Commerce and Trade  
Part 3. Sales, Assignments and Secured Transactions  
Chapter 63. Consumer Protection ([Refs & Annos](#))  
Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494j

§ 2494j. Juvenile products

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State juvenile products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494j, VT ST T. 9 § 2494j

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494k. Rugs and carpets, VT ST T. 9 § 2494k

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9 V.S.A. § 2494k

§ 2494k. Rugs and carpets

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494k, VT ST T. 9 § 2494k

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494I. Ski wax, VT ST T. 9 § 2494I

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9 V.S.A. § 2494I

§ 2494I. Ski wax

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494I, VT ST T. 9 § 2494I

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494m. Textiles, VT ST T. 9 § 2494m

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9 V.S.A. § 2494m

§ 2494m. Textiles

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a textile or textile article to which regulated PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494m, VT ST T. 9 § 2494m

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494n. Certificate of compliance, VT ST T. 9 § 2494n

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Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494n

§ 2494n. Certificate of compliance

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) The Attorney General may request a certificate of compliance from a manufacturer of a consumer product regulated under this subchapter. Within 60 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this subchapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this subchapter and submit to the Attorney General a list of the names and addresses of those persons notified.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494n, VT ST T. 9 § 2494n

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494n. Certificate of compliance, VT ST T. 9 § 2494n

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§ 2494o. Violations, VT ST T. 9 § 2494o

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Subchapter 12A. Pfas in Consumer Products

9 V.S.A. § 2494o

§ 2494o. Violations

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A violation of this subchapter is deemed to be a violation of [section 2453](#) of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under subchapter 1 of this chapter.

**Credits**

[2023, Adj. Sess., No. 131](#), § 3, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494o, VT ST T. 9 § 2494o

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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9 V.S.A. § 2494p

§ 2494p. Definitions

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

As used in this subchapter:

- (1) “Class B firefighting foam” means chemical foams designed for flammable liquid fires.
- (2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (3) “Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.
- (4) “Municipality” means any city, town, incorporated village, town fire district, or other political subdivision that provides firefighting services pursuant to general law or municipal charter.
- (5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- (6) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.
- (7) “Terminal” means an establishment primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities.

§ 2494p. Definitions, VT ST T. 9 § 2494p

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**Credits**

2023, Adj. Sess., No. 131, § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494p, VT ST T. 9 § 2494p

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494q. Prohibition of certain class B firefighting foam, VT ST T. 9 § 2494q

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9 V.S.A. § 2494q

§ 2494q. Prohibition of certain class B firefighting foam

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

A person, municipality, or State agency shall not discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally added PFAS.

**Credits**

[2023, Adj. Sess., No. 131](#), § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494q, VT ST T. 9 § 2494q

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494r. Restriction on manufacture, sale, and distribution; exceptions, VT ST T. 9 § 2494r

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9 V.S.A. § 2494r

§ 2494r. Restriction on manufacture, sale, and distribution; exceptions

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

(b) A person operating a terminal who seeks to purchase class B firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class B fires may apply to the Department of Environmental Conservation for a temporary exemption from the restrictions on the manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal. An exemption shall not exceed one year. The Department of Environmental Conservation, in consultation with the Department of Health, may grant an exemption under this subsection if the applicant provides:

(1) clear and convincing evidence that there is not a commercially available alternative that:

(A) does not contain intentionally added PFAS; and

(B) is capable of suppressing a large atmospheric tank fire or emergency class B fire at the terminal;

(2) information on the amount of class B firefighting foam containing intentionally added PFAS that is annually stored, used, or released at the terminal;

(3) a report on the progress being made by the applicant to transition at the terminal to class B firefighting foam that does not contain intentionally added PFAS; and

(4) an explanation of how:

(A) all releases of class B firefighting foam containing intentionally added PFAS shall be fully contained at the terminal; and

§ 2494r. Restriction on manufacture, sale, and distribution; exceptions, VT ST T. 9 § 2494r

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(B) existing containment measures prevent firewater, wastewater, runoff, and other wastes from being released into the environment, including into soil, groundwater, waterways, and stormwater.

(c) Nothing in this section shall prohibit a terminal from providing class B firefighting foam in the form of aid to another terminal in the event of a class B fire.

**Credits**

2023, Adj. Sess., No. 131, § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494r, VT ST T. 9 § 2494r

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494s. Sale of personal protective equipment containing PFAS, VT ST T. 9 § 2494s

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9 V.S.A. § 2494s

§ 2494s. Sale of personal protective equipment containing PFAS

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this subchapter, if the personal protective equipment contains PFAS. The written notice shall include a statement that the personal protective equipment contains PFAS and the reason PFAS are added to the equipment.

(b) The manufacturer or person selling personal protective equipment and the purchaser of the personal protective equipment shall retain the notice for at least three years from the date of the transaction.

**Credits**

[2023, Adj. Sess., No. 131](#), § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494s, VT ST T. 9 § 2494s

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494t. Notification; recall of prohibited products, VT ST T. 9 § 2494t

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9 V.S.A. § 2494t

§ 2494t. Notification; recall of prohibited products

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer of class B firefighting foam containing intentionally added PFAS shall provide written notice to persons that sell the manufacturer's products in this State about the restrictions imposed by this subchapter not less than one year prior to the effective date of the restrictions.

(b) Unless a class B firefighting foam containing intentionally added PFAS is intended for use at a terminal and the person operating a terminal holds a temporary exemption pursuant to subsection 2494r(b) of this title, a manufacturer that produces, sells, or distributes a class B firefighting foam containing intentionally added PFAS shall:

- (1) recall the product and reimburse the retailer or any other purchaser for the product; and
- (2) issue either a press release or notice on the manufacturer's website describing the product recall and reimbursement requirement established in this subsection.

**Credits**

[2023, Adj. Sess., No. 131](#), § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494t, VT ST T. 9 § 2494t

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494u. Certificate of compliance, VT ST T. 9 § 2494u

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9 V.S.A. § 2494u

§ 2494u. Certificate of compliance

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) The Attorney General may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. Within 60 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this subchapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this subchapter and submit to the Attorney General a list of the names and addresses of those persons notified.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

**Credits**

[2023, Adj. Sess., No. 131](#), § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494u, VT ST T. 9 § 2494u

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494u. Certificate of compliance, VT ST T. 9 § 2494u

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§ 2494v. Violations, VT ST T. 9 § 2494v

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9 V.S.A. § 2494v

§ 2494v. Violations

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A violation of this subchapter is deemed to be a violation of [section 2453](#) of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under subchapter 1 of this chapter.

**Credits**

[2023, Adj. Sess., No. 131](#), § 6, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494v, VT ST T. 9 § 2494v

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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Subchapter 12C. Chemicals of Concern in Food Packaging

9 V.S.A. § 2494w

§ 2494w. Definitions

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

As used in this subchapter:

- (1) “Bisphenols” means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.
- (2) “Department” means the Department of Health.
- (3) “Food package” or “food packaging” means a package or packaging component that is intended for direct food contact.
- (4) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (5) “Ortho-phthalates” means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.
- (6) “Package” means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. “Package” also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.
- (7) “Packaging component” means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.
- (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

§ 2494w. Definitions, VT ST T. 9 § 2494w

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**Credits**

2023, Adj. Sess., No. 131, § 7, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494w, VT ST T. 9 § 2494w

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494x. Food packaging, VT ST T. 9 § 2494x

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Subchapter 12C. Chemicals of Concern in Food Packaging

9 V.S.A. § 2494x

§ 2494x. Food packaging

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added and are present in any amount.

(b)(1) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added and are present in any amount. The Department may exempt specific chemicals within the bisphenol class when clear and convincing evidence suggests they are not endocrine-active or otherwise toxic.

(2) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(3) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection, the prohibition shall not take effect until two years after the Department adopts the rules.

(c) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which ortho-phthalates have been intentionally added and are present in any amount.

(d) This section shall not apply to the sale or resale of used products.

**Credits**

2023, Adj. Sess., No. 131, § 7, eff. Jan. 1, 2026.

**§ 2494x. Food packaging, VT ST T. 9 § 2494x**

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<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494x, VT ST T. 9 § 2494x

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2494y. Certificate of compliance, VT ST T. 9 § 2494y

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Subchapter 12C. Chemicals of Concern in Food Packaging

9 V.S.A. § 2494y

§ 2494y. Certificate of compliance

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) The Attorney General may request a certificate of compliance from a manufacturer of food packaging. Within 60 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

(1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this subchapter; or

(2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this subchapter and submit to the Attorney General a list of the names and addresses of those persons notified.

(b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer's reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer's compliance with this section.

**Credits**

[2023, Adj. Sess., No. 131](#), § 7, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494y, VT ST T. 9 § 2494y

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

§ 2494z. Violations, VT ST T. 9 § 2494z

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9 V.S.A. § 2494z

§ 2494z. Violations

[Currentness](#)

<Text of section effective Jan. 1, 2026.>

(a) A violation of this subchapter is deemed to be a violation of [section 2453](#) of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under subchapter 1 of this chapter.

**Credits**

[2023, Adj. Sess., No. 131](#), § 7, eff. Jan. 1, 2026.

<Subchapter effective Jan. 1, 2026.>

9 V.S.A. § 2494z, VT ST T. 9 § 2494z

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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§ 2453. Practices prohibited; antitrust and consumer protection, VT ST T. 9 § 2453

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Subchapter 1. General Provisions (Refs & Annos)

9 V.S.A. § 2453

§ 2453. Practices prohibited; antitrust and consumer protection

Currentness

- (a) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.
- (b) It is the intent of the Legislature that in construing subsection (a) of this section, the courts of this State will be guided by the construction of similar terms contained in Section 5(a)(1) of the Federal Trade Commission Act <sup>1</sup> as from time to time amended by the Federal Trade Commission and the courts of the United States.
- (c) The Attorney General shall adopt rules, when necessary and proper to carry out the purposes of this chapter, relating to unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce. The rules shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission and the federal courts interpreting the Federal Trade Commission Act.
- (d) Violation of a rule adopted by the Attorney General is prima facie proof of the commission of an unfair or deceptive act in commerce.
- (e) The provisions of subsections (a), (c), and (d) of this section shall also be applicable to real estate transactions.

**Credits**

1967, No. 132, § 1; 1969, No. 45, § 8; 1969, Adj. Sess., No. 278; 1973, Adj. Sess., No. 221, § 1; 1999, Adj. Sess., No. 65, § 2; 2011, Adj. Sess., No. 109, § 2, eff. May 8, 2012; 2011, Adj. Sess., No. 136, § 1a, eff. May 18, 2012; 2017, No. 74, § 13, eff. July 1, 2017.

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**Footnotes**

**§ 2453. Practices prohibited; antitrust and consumer protection, VT ST T. 9 § 2453**

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1 15 U.S.C.A. § 45.

9 V.S.A. § 2453, VT ST T. 9 § 2453

Current through the 2024 general election. The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of June 9, 2025. Some sections might be more current; see effective date in individual sections.

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**End of Document**

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§ 1392. Duties; powers of Secretary, VT ST T. 10 § 1392

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 2. Soil and Water Conservation; Flood Control  
Chapter 48. Groundwater Protection (Refs & Annos)  
Subchapter 2. General

10 V.S.A. § 1392

§ 1392. Duties; powers of Secretary

Effective: June 8, 2021

[Currentness](#)

(a) The Secretary shall develop a comprehensive groundwater management program to protect the quality of groundwater resources by:

- (1) developing a strategy for the management and protection of the State's groundwater resources;
- (2) continuing studies and investigations of groundwater in the State;
- (3) cooperating with other government agencies in collecting and compiling data on the quantity and quality of groundwater and location of aquifers;
- (4) identifying and mapping groundwater currently used as public water supply sources and groundwater determined by the Secretary as potential future public water supply sources;
- (5) providing technical assistance to municipal officials and other public bodies in the development of regional or municipal plans or bylaws, the purpose of which is the protection of groundwater resources;
- (6) classifying groundwater resources according to the provisions of this chapter and adopting technical criteria and standards for the management of activities that may pose a risk to their beneficial uses;
- (7) integrating the groundwater management strategy with other regulatory programs administered by the Secretary;
- (8) developing public information and education materials; and
- (9) cooperating with federal agencies in the development of programs for protecting the quality and quantity of the groundwater resources.

§ 1392. Duties; powers of Secretary, VT ST T. 10 § 1392

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(b) The Secretary is authorized to accept and administer grants for groundwater management purposes in accord with the administrative procedures of the State.

(c)(1) The Secretary shall establish a groundwater coordinating committee, with representation from the Division of Drinking Water and Groundwater Protection within the Department, the Division of Geology and Mineral Resources within the Department, the Agency of Agriculture, Food and Markets, and the Departments of Forests, Parks and Recreation and of Health to provide advice in the development of the program and its implementation, on issues concerning groundwater quality and quantity, and on groundwater issues relevant to well-drilling activities.

(2) In carrying out his or her duties under this subchapter, the Secretary shall give due consideration to the recommendations of the Groundwater Coordinating Committee.

(3) The Secretary may request representatives of other agencies and the private sector, including licensed well drillers, to serve on the Groundwater Coordinating Committee.

(d) The groundwater management strategy, including groundwater classification and associated technical criteria and standards, shall be adopted as a rule in accordance with the provisions of 3 V.S.A. chapter 25.

(e) Repealed by 1995, Adj. Sess., No. 189, § 3, eff. July 1, 1996.

**Credits**

1985, No. 53, § 1; 1989, Adj. Sess., No. 256, § 10(a); 1995, Adj. Sess., No. 189, § 3; 2003, Adj. Sess., No. 115, § 32; 2017, No. 55, § 7, eff. June 2, 2017; 2017, Adj. Sess., Sp. Sess., No. 2, § 1, eff. July 1, 2018; 2021, No. 69, § 9, eff. June 8, 2021.

10 V.S.A. § 1392, VT ST T. 10 § 1392

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1394. Classification of groundwater, VT ST T. 10 § 1394

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 2. Soil and Water Conservation; Flood Control  
Chapter 48. Groundwater Protection (Refs & Annos)  
Subchapter 2. General

10 V.S.A. § 1394

§ 1394. Classification of groundwater

Effective: April 30, 2019

[Currentness](#)

- (a) The State adopts, for purposes of classifying its groundwater, the following classes and definitions thereof:
- (1) Class I. Suitable for public water supply. Character uniformly excellent. No exposure to activities that pose a risk to its current or potential use as a public water supply.
  - (2) Class II. Suitable for public water supply. Character uniformly excellent but exposed to activities that may pose a risk to its current or potential use as a public water supply.
  - (3) Class III. Suitable as a source of water for individual domestic water supply, irrigation, agricultural use, and general industrial and commercial use.
  - (4) Class IV. Not suitable as a source of potable water but suitable for some agricultural, industrial, and commercial use, provided that the Secretary may authorize, subject to conditions, use as a source of potable water supply or other use under a reclassification order issued for the aquifer.
- (b) All groundwater of the State is hereby classified as Class III water unless reclassified by the Secretary.
- (c) Any hearing on a classification or reclassification shall be held in a location convenient to the users or potential users of the groundwater which is the subject of the hearing.
- (d) Class I or II classification shall apply to aquifers in use as a public water supply source or that in the opinion of the Secretary have a high probability for such use.
- (e) In determining the appropriate classification of groundwater, the Secretary shall consider:

§ 1394. Classification of groundwater, VT ST T. 10 § 1394

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- (1) its use or potential future use as a public water supply source;
  - (2) the extent of activity which poses a risk to the groundwater;
  - (3) its current water quality;
  - (4) its availability in quantities needed for beneficial use;
  - (5) the consequences of its potential contamination and the availability of alternate sources of water;
  - (6) the classification of adjacent surface waters; and
  - (7) other factors relevant to determine the maximum beneficial use of the aquifer.
- (f) It is the policy of the State to protect permanently Class I aquifers. The Secretary pursuant to subsection (h) of this section shall establish by rule activities that pose risks to Class I aquifers and which activities shall be prohibited in Class I aquifers. Any classification of Class I waters involving privately owned lands or reclassification of Class I waters by the Secretary shall become effective only when approved by act of the General Assembly.
- (g) The Secretary's classifications shall be presumed correct if, in establishing the geographical limits of each class of groundwater, he or she uses generally accepted methods of determining aquifers based on existing knowledge of surficial and bedrock geology and available hydrological data.
- (h) The Secretary by rule may establish technical criteria and standards to define the classes of groundwater and manage activities that may pose risks to groundwater classes. The criteria and standards shall include the identification of activities which constitute risks to the groundwater and which may be precluded. In adopting criteria and standards, the Secretary shall consider:
- (1) drinking water standards adopted by the Department of Health and U.S. Environmental Protection Agency;
  - (2) the nature and quantity of groundwater at risk;
  - (3) the availability, cost, and effectiveness of measures to mitigate risks;
  - (4) the nature and quantity of risks that activities may generate;
  - (5) the expense and effectiveness of correcting the damage the risks may cause;

§ 1394. Classification of groundwater, VT ST T. 10 § 1394

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- (6) the consequences to the public interest should damage occur and be irreparable;
  - (7) the economic, social, and environmental value of existing activities;
  - (8) the surface water quality standards, including the classification of surface waters; and
  - (9) other factors relevant to designating appropriate groundwater classes or managing risks to groundwater quality.
- (i) The Secretary shall not adopt criteria and standards to manage activities that restrict agricultural activities or those activities under the jurisdiction of the Secretary of Agriculture, Food and Markets without the Secretary of Agriculture, Food and Markets' consent. Nor shall the Secretary adopt criteria and standards that restrict forestry management activities without consultation with the Commissioner of Forests, Parks and Recreation.

**Credits**

1985, No. 53, § 1; 2003, No. 42, § 2; 2017, No. 55, § 8, eff. June 2, 2017; 2019, No. 14, § 34, eff. April 30, 2019.

10 V.S.A. § 1394, VT ST T. 10 § 1394

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 5. Land Use and Development  
Chapter 159. Waste Management (Refs & Annos)  
Subchapter 1. General Provisions

10 V.S.A. § 6602

§ 6602. Definitions

Effective: July 1, 2023

[Currentness](#)

As used in this chapter:

- (1) “Secretary” means the Secretary of Natural Resources or his or her duly authorized representative.
  
- (2) “Solid waste” means any discarded garbage; refuse; septage; sludge from a waste treatment plant, water supply plant, or pollution control facility; and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Water Pollution Control Act, chapter 47 of this title.
  
- (3) “Generator” means any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
  
- (4) “Hazardous waste” means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including those that are toxic, corrosive, ignitable, reactive, strong sensitizers, or that generate pressure through decomposition, heat, or other means, that in the judgment of the Secretary may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter that may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 as subsequently amended and codified in 42 U.S.C. § 2014, is specifically excluded from this definition.
  
- (5) “Hazardous waste management” means the systematic and comprehensive management of the generation; storage; transport; treatment, including recycling and recovery; or disposal of hazardous waste materials.

§ 6602. Definitions, VT ST T. 10 § 6602

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(6) “Person” means any individual; partnership; company; corporation; association; unincorporated association; joint venture; trust; municipality; the State of Vermont or any agency, department, or subdivision of the State; federal agency; or any other legal or commercial entity.

(7) “Storage” means the actual or intended containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

(8) “Transport” or “transportation” means the movement of wastes by air, rail, highway, or water.

(9) “Treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous or solid waste, so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste safer for transport, amenable for recovery, amenable for storage, or reduced in volume, or for hazardous wastes, so as to render such waste nonhazardous.

(10) “Facility” means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of waste. A facility may consist of several treatment, storage, or disposal operational units.

(11) “Sanitary landfill” means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

(12) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.

(13) “Waste” means a material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

(14) “Economic poison” means:

(A) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant; and

(B) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living human or other animals, which the Commissioner shall declare to be a pest.

(15) Deleted by 2003, Adj. Sess., No. 115, § 60, eff. Jan. 31, 2005.

§ 6602. Definitions, VT ST T. 10 § 6602

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(16)(A) “Hazardous material” means all petroleum and toxic, corrosive, or other chemicals and related sludge included in any of the following:

(i) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;<sup>1</sup>

(ii) petroleum, including crude oil or any fraction thereof;

(iii) hazardous wastes, as determined under subdivision (4) of this section; or

(iv) a chemical or substance that, when released, poses a risk to human health or other living organisms and that is listed by the Secretary by rule.

(B) “Hazardous material” does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, State, and local laws, rules, and regulations and according to manufacturer's instructions. Nothing in this subdivision shall affect the authority granted and the limitations imposed by [section 6608a](#) of this title.

(17) “Release” means any intentional or unintentional action or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, dumping, or disposing of hazardous materials into the surface or groundwaters, or onto the lands in the State, or into waters outside the jurisdiction of the State when damage may result to the public health, lands, waters, or natural resources within the jurisdiction of the State. “Release” also means the intentional or unintentional action or omission resulting in the spilling, leaking, emission, or disposal of polychlorinated biphenyls (PCBs) from building materials in public schools and approved and recognized independent schools, as those terms are defined in [16 V.S.A. § 11](#), that were constructed or renovated before 1980.

(18) “Administrative costs” mean those additional costs incurred by an applicant to directly manage the specific planning or implementation project approved in the assistance application.

(19) “Implementation plan” means that plan that is adopted to be consistent with the State solid waste management plan. This plan must include all the elements required for consistency with the State plan and an applicable regional plan and shall be approved by the Secretary. This implementation plan is the basis for State certification of facilities under subsection 6605(c) of this title.

(20) “Regional plan” means that plan that is prepared and adopted in accordance with the provisions of [24 V.S.A. § 4348](#).

(21) “Municipal plan” means that plan that is prepared and adopted in accordance with the provisions of [24 V.S.A. § 4385](#).

§ 6602. Definitions, VT ST T. 10 § 6602

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(22) Deleted by 2003, Adj. Sess., No. 115, § 60, eff. Jan. 31, 2005.

(23) “Secured lender” means a person who holds indicia of ownership in a facility, furnished by the owner or person in lawful possession, primarily to ensure the repayment of a financial obligation. Such indicia include interests in real or personal property that are held as security or collateral for repayment of a financial obligation, such as a mortgage, lien, security interest, assignment, pledge, surety bond, or guarantee, and include participation rights, held by a financial institution solely for legitimate commercial purposes, in making or servicing loans. The term “secured lender” includes a person who acquires indicia of ownership by assignment from another secured lender.

(24) “Municipal solid waste” means combined household, commercial, and industrial waste materials generated in a given area.

(25) “Compost” means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management but shall not mean sewage, septage, or materials derived from sewage or septage.

(26) “Household hazardous waste” means any waste from households that would be subject to regulation as hazardous wastes if it were not from households.

(27) “Closed-loop recycling” means a system in which a product made from one type of material is reclaimed and reused in the production process or the manufacturing of a new or separate product.

(28) “Commercial hauler” means any person that transports:

(A) regulated quantities of hazardous waste; or

(B) solid waste for compensation in a motor vehicle.

(29) “Mandated recyclable” means the following source-separated materials: aluminum and steel cans, aluminum foil and aluminum pie plates, glass bottles and jars from foods and beverages, polyethylene terephthalate (PET) plastic bottles or jugs, high density polyethylene (HDPE) plastic bottles and jugs, corrugated cardboard, white and colored paper, newspaper, magazines, catalogues, paper mail and envelopes, boxboard, and paper bags.

(30) “Leaf and yard residual” means source-separated, compostable untreated vegetative matter, including grass clippings, leaves, kraft paper bags, and brush, that is free from noncompostable materials. It does not include such materials as pre- and postconsumer food residuals, food processing residuals, or soiled paper.

(31) “Food residual” means source-separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with [section 6605k](#) of this title. Food residual may include preconsumer

§ 6602. Definitions, VT ST T. 10 § 6602

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and postconsumer food scraps. “Food residual” does not mean meat and meat-related products when the food residuals are composted by a resident on site.

(32) “Source-separated” or “source separation” means the separation of compostable and recyclable materials from noncompostable, nonrecyclable materials at the point of generation.

(33) “Wood waste” means trees, untreated wood, and other natural woody debris, including tree stumps, brush and limbs, root mats, and logs.

(34) “Participation in management” means, for the purpose of subsection 6615(g) of this title, a secured lender's or fiduciary's actual participation in the management or operational affairs of a facility. It does not mean a secured lender's or fiduciary's mere capacity to influence, or unexercised right to control, facility operations. A secured lender or fiduciary shall be considered to have participated in management if the secured lender or fiduciary:

(A) exercises decision-making control over environmental compliance related to the facility, such that the secured lender or fiduciary has undertaken responsibility for hazardous materials handling or disposal practices related to the facility; or

(B) exercises control at a level comparable to that of a manager of the facility, such that the secured lender or fiduciary has assumed or manifested responsibility:

(i) for the overall management of the facility encompassing day-to-day decision making with respect to environmental compliance; or

(ii) over all or substantially all of the operational functions, as distinguished from financial or administrative functions, of the facility other than the function of environmental compliance.

(35) “Regional development corporation” means a nonprofit corporation organized in this State whose principal purpose is to promote, organize, or accomplish economic development, including providing planning and resource development services to local communities, supporting existing industry, assisting the growth and development of new and existing small businesses, and attracting industry or commerce to a particular economic region of the State.

(36) “Regional planning commission” means a planning commission created for a region established under 24 V.S.A. chapter 117, subchapter 3.

(37) “Background concentration level” means the concentration level of PAHs, arsenic, or lead in soils, expressed in units of mass per mass, that is attributable to site contamination caused by atmospheric deposition or is naturally occurring and determined to be representative of statewide or regional concentrations through a scientifically valid means as determined by the Secretary.

§ 6602. Definitions, VT ST T. 10 § 6602

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(38) “Commencement of construction” means the construction of the first improvement on the land or to any structure or facility located on the land. “Commencement of construction” shall not mean soil testing or other work necessary for assessment of the environmental conditions of the land and subsurface of the land.

(39) “Development soils” means unconsolidated mineral and organic matter overlying bedrock that contains PAHs, arsenic, or lead in concentrations that:

(A) exceed the relevant soil screening level for residential soil;

(B) when managed in compliance with [section 6604c](#), [6605](#), or [6605c](#) of this title:

(i) pose no greater risk than the Agency-established soil screening value for the intended reuse of the property; and

(ii) pose no unreasonable risk to human health through a dermal, inhalation, or ingestion exposure pathway;

(C) do not leach compounds at concentrations that exceed groundwater enforcement standards; and

(D) do not result in an exceedance of Vermont groundwater enforcement standards.

(40) “Development soils concentration level” means those levels of PAHs, arsenic, or lead expressed in units of mass per mass, contained in the development soils.

(41) “Downtown development district” shall have the meaning stated in [24 V.S.A. § 2791\(4\)](#).

(42) “Growth center” shall have the meaning stated in [24 V.S.A. § 2793c](#).

(43) “Neighborhood development area” shall have the meaning stated in [24 V.S.A. § 2793e](#).

(44) “Origin site” means a location where development soils originate.

(45) “PAHs” means polycyclic aromatic hydrocarbons.

(46) “Receiving site” means a location where development soils are deposited.

§ 6602. Definitions, VT ST T. 10 § 6602

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(47) “Receiving site concentration level” means those levels of PAHs, arsenic, or lead, expressed in units of mass per mass, that exist in soils at a receiving site.

(48) “TIF district” means a Tax Increment Financing District created by a municipality pursuant to 24 V.S.A. § 1892.

(49) “Village center” shall have the meaning stated in 24 V.S.A. § 2791(10).

**Credits**

1977, No. 106, § 1; 1979, Adj. Sess., No. 195, § 3; 1981, No. 102, § 2; 1983, Adj. Sess., No. 148, § 1; 1985, No. 70, § 3; 1985, Adj. Sess., No. 231, § 3; 1987, No. 76, § 18; 1989, No. 30, § 1; 1989, Adj. Sess., No. 281, § 1; 1989, Adj. Sess., No. 282, § 9; 1993, No. 29, § 2; 2003, Adj. Sess., No. 115, § 60; 2005, No. 65, § 2; 2007, Adj. Sess., No. 130, § 9, eff. May 12, 2008; 2009, No. 41, § 1, eff. July 1, 2009; 2009, Adj. Sess., No. 146, § F10, eff. July 1, 2010; 2011, Adj. Sess., No. 148, § 1, eff. July 1, 2012; 2013, No. 55, § 11, eff. July 1, 2013; 2015, No. 52, § 2, eff. June 5, 2015; 2017, No. 55, §§ 3, 4, eff. June 2, 2017; 2017, Adj. Sess., No. 113, § 46, eff. July 1, 2018; 2019, Adj. Sess., No. 131, § 24, eff. July 1, 2020; 2021, No. 74, § E.709.3, eff. July 1, 2021; 2021, Adj. Sess., No. 170, § 6, eff. July 1, 2022; 2021, Adj. Sess., No. 185, § E.709.1, eff. July 1, 2021; 2023, No. 6, § 81, eff. July 1, 2023.

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**Footnotes**

1 42 U.S.C.A. § 9601

10 V.S.A. § 6602, VT ST T. 10 § 6602

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 6615. Liability, VT ST T. 10 § 6615

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 5. Land Use and Development  
Chapter 159. Waste Management (Refs & Annos)  
Subchapter 1. General Provisions

10 V.S.A. § 6615

§ 6615. Liability

Effective: July 1, 2023

[Currentness](#)

(a) Subject only to the defenses set forth in subsections (d) and (e) of this section, the following persons shall be liable for abating a release or threatened release of hazardous material and the costs of investigation, removal, and remedial actions incurred by the State that are necessary to protect the public health or the environment:

(1) the owner or operator of a facility, or both;

(2) any person who at the time of release or threatened release of any hazardous material owned or operated any facility at which such hazardous materials were disposed of;

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous materials owned or possessed by such person, by any other person or entity, at any facility owned or operated by another person or entity and containing such hazardous materials;

(4) any person who accepts or accepted any hazardous materials for transport to disposal or treatment facilities selected by such persons, from which there is a release or a threatened release of hazardous materials; and

(5) any person who manufactured for commercial sale a hazardous material and who knew or should have known that the material presented a threat of harm to human health or the natural environment.

(b) In the event that the responsible person or persons fails to act in a timely manner to take the necessary removal and remedial actions, the Secretary may take such actions, order the responsible person or persons to act, or seek a court order requiring such actions. Any responsible person who fails to comply with such a court order shall be liable in an amount equal to three times the cost of such removal. Funds recovered under this section shall be deposited in the Environmental Contingency Fund established under [section 1283](#) of this title.

(c) In any suit to enforce claims of the State under this section, it is not necessary for the State to plead or prove negligence in any form or manner on the part of the person specified in subsection (a) of this section. The State need only plead and prove

§ 6615. Liability, VT ST T. 10 § 6615

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the fact of the release or threatened release and that the person in question was as specified in subsection (a) of this section, or that the release or threatened release occurred at or involved any real property, structure, equipment, or conveyance under the control of that person. Any person who has released hazardous material as specified under subsection (a) of this section or is in any way responsible for any hazardous materials that the Agency of Natural Resources has removed or is removing pursuant to subsection 1283(b) of this title shall be strictly liable, jointly and severally, without regard to fault, for all cleanup, removal, and remedial costs. Where hazardous materials released by one person are or may be mixed with those released by another, the strict liability established under this section shall be with respect to the cleanup, removal, and remedial costs of all the materials involved; provided, however, it shall be a defense to joint and several liability under this section if the responsible person establishes by a preponderance of the evidence that he or she is responsible for only a certain portion of the costs of the cleanup, removal, and remedial action, considering such factors as the volume and toxicity of the material contributed by the person to the release, then that person's liability shall be limited to the amount so established. Operators of municipal landfills or persons operating landfills on behalf of municipalities shall not be jointly and severally liable under this section to the extent that they are acting as landfill operator. Generators of household waste, as defined by rule of the Secretary, shall not be liable under this section.

(d)(1) There shall be no liability under this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous material and the resulting damages were caused solely by any of the following:

(A) An act of God.

(B) An act of war.

(C) An act or omission of a third party other than an employee or agent of the defendant, or other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant. If the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, for purposes of this section, there shall be considered to be no contractual relationship at all. This subdivision (d)(1)(C) shall only serve as a defense if the defendant establishes by a preponderance of the evidence:

(i) that the defendant exercised due care with respect to the hazardous material concerned, taking into consideration the characteristics of that hazardous material, in light of all relevant facts and circumstances; and

(ii) that the defendant took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from those acts or omissions.

(D) Any combination of subdivisions (A)-(C) of this subdivision (1).

(2) There shall be no liability under subdivision (a)(1) of this section, regarding a particular facility, for a person otherwise liable who can establish all of the following by a preponderance of the evidence:

§ 6615. Liability, VT ST T. 10 § 6615

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(A) the release or threat of release of hazardous material on, under, or from that person's property and the resulting damages were caused solely by the migration of a release of hazardous materials that did not originate on that person's property;

(B) the release or threat of release of hazardous material and the resulting damages were caused solely by a third party who is not an employee or agent of the person and whose action was not associated with a contractual relationship with the person;

(C) the hazardous substance was not deposited, intentionally contained, or disposed of on a facility while the facility was owned or operated by the person;

(D) the person, at the time of any transfer of the property from the person, disclosed any knowledge or information the person had concerning the nature and extent of any such release;

(E) the person has not caused or contributed to a release, such as through activities that knowingly exacerbated the existing contamination, and has not knowingly affected the release in such a way as to require additional remediation; and

(F) the owner or operator of the facility provides access for, and does not interfere with, remediation activities.

(3) A municipality shall not be liable under subdivision (a)(1) of this section as an owner, provided that the municipality can show all the following:

(A) Repealed by 2021, Adj. Sess., No. 170, § 8, eff. July 1, 2022.

(B) The municipality did not cause, contribute to, or worsen a release or threatened release of a hazardous material at the property.

(C)(i) The municipality has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the municipality to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the municipality's marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.

(iii) The municipality may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement with the Secretary to market the property.

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(iv) In developing an agreement regarding site investigation, the Secretary shall consider the degree and extent of the known releases of hazardous materials at the property, the financial ability of the municipality, and the availability of State and federal funding when determining what is required by the agreement for the investigation of the site.

(4) A regional development corporation or regional planning commission shall not be liable under subdivision (a)(1) of this section as an owner, provided that the regional development corporation or regional planning commission can show all the following:

(A) The regional development corporation or regional planning commission did not cause, contribute to, or worsen a release or threat of release at the property.

(B) The regional development corporation received, in the 12 months preceding the acquisition of the property, a performance contract for economic development pursuant to 24 V.S.A. chapter 76. The requirement of this subdivision (d)(4)(B) shall not apply to regional planning commissions.

(C)(i) The regional development corporation or regional planning commission has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the regional development corporation or regional planning commission to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the regional development corporation's or regional planning commission's marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of Commerce and Community Development on the plan related to the marketing of the property.

(iii) The regional development corporation or regional planning commission may assert a defense to liability only after implementing a site investigation at the property acquired and taking reasonable steps defined by the agreement to market the property.

(iv) In developing an agreement regarding site investigation, the Secretary shall consider the degree and extent of the known releases of hazardous materials at the property, the financial ability of the regional development corporation or the regional planning commission, and the availability of State and federal funding when determining what is required by the agreement for the investigation of the site.

(5) A person shall not be liable under subdivision (a)(5) of this section, provided that the person demonstrates that he or she provided an adequate warning of the harm posed by the hazardous material known or that should have been known at the time the hazardous material was manufactured.

(e) Any person who is the owner or operator of a facility where a release or threatened release existed at the time that person became owner or operator shall be liable unless he or she can establish by a preponderance of the evidence, based upon a diligent

§ 6615. Liability, VT ST T. 10 § 6615

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and appropriate investigation of the facility in conformance with the requirements of [section 6615a](#) of this title, that he or she had no knowledge or reason to know that the release or threatened release was located on the facility.

(f) Except insofar as expressly provided in this section, nothing in this chapter shall be deemed to preclude the pursuit of any other civil or injunctive remedy by any person. The remedies in this chapter are in addition to those provided by existing statutory or common law.

(g)(1) A secured lender or a fiduciary, as the term fiduciary is defined in [14 V.S.A. § 204\(2\)](#), shall not, absent other circumstances resulting in liability under this section, be liable as either an owner or operator under this section merely because of any one or any combination of more than one of the following:

(A) in the case of a secured lender, holding indicia of ownership in a facility primarily to ensure the repayment of a financial obligation;

(B) in the case of a fiduciary, acquiring ownership status when that status arises by law upon appointment or requiring or conducting any activity that is necessary to carry out the fiduciary's duties and falls within the scope of the fiduciary's authority;

(C) requiring or conducting financial or environmental assessments of a facility or any portion thereof;

(D) monitoring the operations conducted at a facility;

(E) requiring, through financial documents or otherwise, the management of hazardous materials at a facility in compliance with the requirements of this chapter and the rules adopted under this chapter;

(F) giving advice, information, guidance, or direction concerning the general business and financial aspects of a borrower's operations;

(G) providing general information concerning federal, State, or local laws governing the transportation, storage, treatment, and disposal of hazardous waste or hazardous materials;

(H) engaging in financial workouts, restructuring, or refinancing of a borrower's obligations;

(I) extending or denying credit to a person owning or in lawful possession of a facility;

(J) in an emergency, requiring or undertaking activities to prevent exposure of persons to hazardous materials or to contain a release;

§ 6615. Liability, VT ST T. 10 § 6615

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(K) requiring or conducting abatement, investigation, remediation, or removal activities in response to a release or threatened release, provided that:

(i) prior notice of intent to do any such activity is given to the Secretary in writing, and, unless previously waived in writing by the Secretary, no such activity is undertaken for 30 days after receipt of such notice by the Secretary;

(ii) a workplan is prepared by a qualified consultant prior to the commencement of any such activity;

(iii) if the Secretary, within 30 days of receiving notice as provided in subdivision (i) of this subdivision (K), elects to undertake a workplan review and gives written notice to the secured lender or fiduciary of such election, no such activity is undertaken without prior workplan approval by the Secretary;

(iv) appropriate investigation is undertaken prior to any abatement, remediation, or removal activity;

(v) regular progress reports and a final report are produced during the course of any such activity;

(vi) all plans, reports, observations, data, and other information related to the activity are preserved for a period of 10 years and, except for privileged materials, produced to the Secretary upon request;

(vii) persons likely to be at or near the facility are not exposed to unacceptable health risk; and

(viii) such activity complies with all rules, procedures, and orders of the Secretary; or

(L) foreclosing on the facility and after foreclosure selling; winding up operations; undertaking an investigation or corrective action under the direction of the State or federal government with respect to the facility; or taking any other measure to preserve, protect, or prepare the facility prior to sale or disposition, provided that:

(i) a secured lender shall be liable as an operator if the secured lender participated in the management of the facility; and

(ii) a secured lender shall be liable as an owner if during the course of any transaction of the property, the secured lender fails to disclose any known release or threat of release.

(2) There shall be no protection from liability for a secured lender or a fiduciary under this subsection if the secured lender or fiduciary causes, worsens, or contributes to a release or threat of release of hazardous material. A secured lender or fiduciary who relies on subdivision (1)(K) of this subsection shall bear the burden of proving compliance with this subsection.

§ 6615. Liability, VT ST T. 10 § 6615

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(h) Repealed.

(i) In an action brought by the Secretary under this section, a responsible person may implead, or in a separate action a responsible person may sue, another responsible person or persons and may obtain contribution or indemnification, except that a person who is solely liable pursuant to subdivision (a)(5) of this section shall not be able to implead or to sue a person pursuant to this subsection. A responsible person who has resolved its liability to the State under this section through a judicially approved settlement and a secured lender or fiduciary with whom the Secretary has entered into an agreement under subsection (h) of this section shall not be liable for claims for contribution or indemnification regarding matters addressed in the judicially approved settlement or in the agreement. Likewise, a person who has obtained a certificate of completion pursuant to subchapter 3 of this chapter shall not be liable for claims for contribution or indemnification regarding releases or threatened releases described in the approved corrective action plan, as amended. Such a settlement or agreement or certificate of completion does not discharge any other potentially responsible person unless its terms so provide, but it reduces the potential liability of other potentially responsible persons by the relief agreed upon. A secured lender or fiduciary with whom the Secretary has entered into an agreement under subsection (h) of this section may not seek contribution or indemnification on the basis of such agreement from any other potentially responsible person. In any action for contribution or indemnification, the rights of any person who has resolved its liability to the State shall be subordinate to the rights of the State.

**Credits**

1985, No. 70, § 4; 1993, No. 29, §§ 3, 4; 1995, No. 44, § 2; 1997, Adj. Sess., No. 80, § 12; 2003, Adj. Sess., No. 164, § 1; 2007, Adj. Sess., No. 147, § 8, eff. July 1, 2008; 2013, No. 55, § 12, eff. July 1, 2013; 2015, Adj. Sess., No. 97, § 39, eff. July 1, 2016; 2017, No. 74, § 19, eff. July 1, 2017; 2019, Adj. Sess., No. 131, § 34, eff. July 1, 2020; 2021, Adj. Sess., No. 93, § 2, eff. July 1, 2022; 2021, Adj. Sess., No. 170, § 8, eff. July 1, 2022; 2023, No. 6, § 82, eff. July 1, 2023.

10 V.S.A. § 6615, VT ST T. 10 § 6615

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 6615e. Relief for contaminated potable water supplies, VT ST T. 10 § 6615e

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 5. Land Use and Development  
Chapter 159. Waste Management (Refs & Annos)  
Subchapter 1. General Provisions

10 V.S.A. § 6615e

§ 6615e. Relief for contaminated potable water supplies

Currentness

(a) Definitions. As used in this section:

(1) “Public water system” means any system or combination of systems owned or controlled by a person that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. A “public water system” includes all collection, treatment, storage, and distribution facilities under the control of the water supplier and used primarily in connection with the system, and any collection or pretreatment storage facilities not under the control of the water supplier that are used primarily in connection with the system. “Public water system” shall also mean any part of a system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. “Public water system” shall also mean a system that bottles drinking water for public distribution and sale.

(2) “Public community water system” means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(b) Extension of public community water system.

(1) The Secretary, after due consideration of cost, may initiate a proceeding under this section to determine whether a person that released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is liable for the costs of extending the water supply of a public water system to an impacted property. A person who released perfluorooctanoic acid shall be liable for the extension of a municipal water line when:

(A) the property is served by a potable water supply regulated under chapter 64 of this title;

(B) the Secretary has determined that the potable water supply on the property:

(i) is a failed supply under chapter 64 of this title due to perfluorooctanoic acid contamination; or

§ 6615e. Relief for contaminated potable water supplies, VT ST T. 10 § 6615e

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(ii) is likely to fail due to contamination by perfluorooctanoic acid due to the proximity of the potable water supply to other potable water supplies contaminated by perfluorooctanoic acid or due to other relevant factors; and

(C) the person the Secretary determined released perfluorooctanoic acid into the air, groundwater, surface water, or onto the land is a cause of or contributor to the perfluorooctanoic acid contamination or likely contamination of the potable water supply.

(2) A person liable for the extension of a public water system under this section shall be strictly, jointly, and severally liable for all costs associated with that public water system extension. The remedy under this section is in addition to those provided by existing statutory or common law.

(c) Liability payment.

(1) Following notification of liability by the Secretary, a person liable under subsection (b) of this section for the extension of the water supply of a public water system shall pay the owner of the public water system for the extension of the water supply within 30 days of receipt of a final engineering design or within an alternate time frame ordered by the Secretary.

(2) If the person liable for the extension of the water supply does not pay the owner within the time frame required under subdivision (1) of this subsection, the person shall be liable for interest on the assessed cost of the extension of the water supply.

(d) Available defenses; rights. All defenses to liability and all rights to contribution or indemnification available to a person under [section 6615](#) of this title are available to a person subject to liability under this section.

**Credits**

2017, No. 55, § 1, eff. June 2, 2017.

10 V.S.A. § 6615e, VT ST T. 10 § 6615e

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 5. Land Use and Development  
Chapter 159. Waste Management (Refs & Annos)  
Subchapter 3. Brownfields Reuse and Environmental Liability Limitations (Refs & Annos)

10 V.S.A. § 6652

§ 6652. Certificate of completion

Currentness

(a) After completion of all activities required by the corrective action plan, the applicant shall file a completion report with the Secretary. The completion report shall include all the following:

- (1) description of the activities performed under the corrective action plan and any amendments to the plan;
- (2) description of any problems encountered;
- (3) certification by the applicant that the activities were performed in accordance with the corrective action plan.

(b) Upon receipt of the completion report, the Secretary shall determine whether additional work is required in order to complete the plan. The applicant shall perform any additional activities necessary to complete the corrective action plan as required by the Secretary and shall submit a new completion report. When the Secretary determines that the applicant has successfully completed the corrective action plan and paid all fees and costs due under this subchapter, the Secretary shall issue a certificate of completion, which certifies that the work is completed. The certificate of completion shall include a description of any land use restrictions and other conditions required by the corrective action plan. The Secretary may establish land use restrictions in the certificate of completion for a property, but the Secretary shall not acquire interests in the property in order to establish a land use restriction.

(c) If, on request of the applicant, the Secretary determines that no further investigation, abatement, removal, remediation, or monitoring activities are required, the Secretary shall issue a certificate of completion that includes a description of any required land use restrictions.

(d) The Secretary may determine that a corrective action plan and any amendments of an applicant who participated in the program prior to acquiring an ownership interest in the property and is not otherwise liable pursuant to [section 6615](#) of this title have been substantially completed and that all fees and costs due under this subchapter have been paid and issue a certificate of completion. The certificate of completion shall certify that the work is completed and may include conditions for operation and monitoring in addition to the requirements pursuant to [section 6653](#) of this title.

§ 6652. Certificate of completion, VT ST T. 10 § 6652

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(e) A certificate of completion issued pursuant to this section shall contain a statement that the protection from liability pursuant to subsection 6653(a) of this title is in effect. The person receiving the certificate of completion shall file it in the land records for the municipality in which the property is located.

**Credits**

2007, Adj. Sess., No. 147, § 7, eff. July 1, 2008; 2017, No. 55, § 5, eff. June 2, 2017.

10 V.S.A. § 6652, VT ST T. 10 § 6652

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 6653. Release from liability; personal release from liability, VT ST T. 10 § 6653

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 5. Land Use and Development  
Chapter 159. Waste Management (Refs & Annos)  
Subchapter 3. Brownfields Reuse and Environmental Liability Limitations (Refs & Annos)

10 V.S.A. § 6653

§ 6653. Release from liability; personal release from liability

Currentness

(a) An applicant who has obtained a certificate of completion pursuant to [section 6652](#) of this title and successor owners of the property included in the certificate of completion who are not otherwise liable under [section 6615](#) for the release or threatened release of a hazardous material at the property shall not be liable under subdivision 6615(a)(1) of this title for any of the following:

(1) A release or threatened release that existed at the property at the time of the approval of the corrective action plan and complies with one or both of the following:

(A) was discovered after the approval of the corrective action plan by means that were not recognized standard methods at the time of approval of the corrective action plan;

(B) the material was not regulated as hazardous material until after approval of the corrective action plan.

(2) Cleanup after approval of the corrective action plan was done pursuant to more stringent cleanup standards effective after approval of the corrective action plan.

(3) Natural resource damages pursuant to [section 6615d](#) of this title, provided that the applicant did not cause the release that resulted in the damages to natural resources.

(b) A person who meets the requirements of subsection 6650(b) of this title shall not be liable under subdivision 6615(a)(1) of this title for the release of a hazardous material that is addressed in a corrective action plan approved by the Secretary. A release from liability under this subsection is personal and does not run with the property or apply to successors in interest to the property.

(c) A release from liability under this section or forbearance from action provided by [section 6646](#) of this title does not extend to any of the following:

§ 6653. Release from liability; personal release from liability, VT ST T. 10 § 6653

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- (1) A release or threatened release of a hazardous material that was not present at the time the applicant submitted an application pursuant to this subchapter where the release or threatened release:
- (A) has not been addressed under an amended corrective action plan approved by the Secretary; or
  - (B) was caused by intentional or reckless conduct by the applicant or agents of the applicant.
- (2) Failure to comply with the general obligations established in [section 6644](#) of this title.
- (3) A release that occurs subsequent to the issuance of a certificate of completion.
- (4) Failure to comply with the use restrictions contained within the certificate of completion for the site issued pursuant to subsection 6652(b) of this title.
- (d) There shall be no protection from liability under this section or forbearance under [section 6646](#) of this title for a successor if that successor or any of its principals, owners, directors, affiliates, or subsidiaries:
- (1) ever held an ownership interest in the property or in any related fixtures or appurtenances, excluding a secured lender who holds indicia of ownership in the property primarily to assure repayment of a financial obligation, except in the case of an innocent owner;
  - (2) directly or indirectly caused or contributed to any release or threatened release of hazardous materials at the property;
  - (3) currently operates or controls or ever operated or controlled the operation on the property of a facility for the storage, treatment, or disposal of hazardous materials from which there was a release or threatened release of hazardous materials;
  - (4) disposed of or arranged for the disposal of hazardous materials at the property;
  - (5) generated hazardous materials that were disposed of at the property.

**Credits**

[2007, Adj. Sess., No. 147, § 7, eff. July 1, 2008; 2017, No. 55, § 6, eff. June 2, 2017.](#)

10 V.S.A. § 6653, VT ST T. 10 § 6653

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 6653. Release from liability; personal release from liability, VT ST T. 10 § 6653

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§ 8003. Applicability, VT ST T. 10 § 8003

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 6. Uniform Environmental Law Enforcement  
Chapter 201. Administrative Environmental Law Enforcement (Refs & Annos)  
Subchapter 2. Enforcement Authority of the Secretary and the Board

10 V.S.A. § 8003

§ 8003. Applicability

Effective: July 1, 2024

[Currentness](#)

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

- (1) 10 V.S.A. chapter 23, relating to air quality;
- (2) 10 V.S.A. chapter 32, relating to flood hazard areas;
- (3) 10 V.S.A. chapters 47 and 56, relating to water pollution control, water quality standards, public water supply, and lakes in crisis;
- (4) 10 V.S.A. chapters 41 and 43, relating to dams, surface water withdrawals, interbasin transfers, and stream alterations;
- (5) 10 V.S.A. chapter 37, relating to wetlands protection and water resources management;
- (6) 10 V.S.A. chapter 48, relating to well drillers and groundwater withdrawal;
- (7) 10 V.S.A. chapter 53, relating to beverage containers, provided that the Secretary may not take action to enforce the provisions of [section 1530](#) of this title that are enforceable by the Commissioner of Taxes;
- (8) 10 V.S.A. chapter 59, relating to underground storage tanks and aboveground storage tanks;
- (9) 10 V.S.A. chapter 64, relating to potable water supplies and wastewater systems;
- (10) 10 V.S.A. chapter 151, relating to land use, and including findings and conclusions issued under [section 6086b](#) of this title;

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- (11) Deleted by [2001, Adj. Sess., No. 133, § 6](#)
- (12) 10 V.S.A. chapter 159, relating to solid waste, hazardous waste, and hazardous materials;
- (13) 10 V.S.A. chapter 161, relating to low-level radioactive waste;
- (14) Deleted by [2001, Adj. Sess., No. 133, § 6](#)
- (15) 29 V.S.A. chapter 11, relating to lands under public waters;
- (16) 10 V.S.A. chapter 162, relating to the Texas Low-Level Radioactive Waste Disposal Compact;
- (17) [10 V.S.A. § 2625](#), relating to heavy cutting of timber;
- (18) 10 V.S.A. chapter 164, relating to comprehensive mercury management;
- (19) 24 V.S.A. chapter 61, subchapter 10, relating to salvage yards;
- (20) 10 V.S.A. chapter 50, relating to the control of aquatic species and introduction of algicides, pesticides, and herbicides;
- (21) 10 V.S.A. chapter 166, relating to collection and recycling of electronic waste;
- (22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps;
- (23) [24 V.S.A. § 2202a](#), relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan;
- (24) 10 V.S.A. chapter 49A, relating to lake shoreland protection standards;
- (25) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of firewood;
- (26) 10 V.S.A. chapter 168, relating to the collection and disposal of primary batteries;

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- (27) 10 V.S.A. chapter 123, relating to threatened and endangered species;
  - (28) 30 V.S.A. § 255, relating to regional coordination to reduce greenhouse gases;
  - (29) 10 V.S.A. § 1420, relating to abandoned vessels;
  - (30) 3 V.S.A. § 2810, relating to interim environmental media standards;
  - (31) 10 V.S.A. chapter 124, relating to the trade in covered animal parts or products;
  - (32) 10 V.S.A. chapter 164B, relating to collection and management of covered household hazardous products; and
  - (33) 10 V.S.A. chapter 24A relating to the Climate Superfund Cost Recovery Program.
- (b) The Secretary's administrative enforcement authority established by this chapter shall supplement any authority of the Secretary established by the chapters set forth in subsection (a) of this section to initiate criminal proceedings or civil proceedings under chapters 47, 56, 59, 123, and 159 of this title.
- (c) The authority established by this chapter shall not be construed as negating any constitutional, common law, or statutory rights of persons.
- (d) Upon the request of the Secretary of Agriculture, Food and Markets, the Secretary may take action under this chapter to enforce the agricultural water quality requirements of, rules adopted under, and permits and certifications issued under 6 V.S.A. chapter 215. The Secretary of Natural Resources and the Secretary of Agriculture, Food and Markets shall enter into a memorandum of understanding to implement this subsection.

**Credits**

1989, No. 98, § 1; 1989, Adj. Sess., No. 296, § 10; 1991, No. 71, § 3; 1993, Adj. Sess., No. 137, § 3; 1997, No. 15, § 4; 2001, Adj. Sess., No. 133, § 6; 2005, No. 13, § 3; 2005, Adj. Sess., No. 144, § 6; 2009, No. 31, § 8; 2009, No. 46, § 2, eff. July 1, 2010; 2009, No. 56, § 20, eff. July 1, 2009; 2009, Adj. Sess., No. 79, § 5, eff. April 19, 2010; 2009, Adj. Sess., No. 146, § F14, eff. July 1, 2010; 2011, No. 36, § 3, eff. May 19, 2011; 2011, Adj. Sess., No. 138, § 34, eff. July 1, 2013; 2011, Adj. Sess., No. 148, § 19, eff. July 1, 2012; 2013, Adj. Sess., No. 112, § 2, eff. July 1, 2014; 2013, Adj. Sess., No. 139, § 3, eff. May 22, 2014; 2013, Adj. Sess., No. 147, § 7, eff. June 1, 2014; 2013, Adj. Sess., No. 172, § 3, eff. July 1, 2014; 2015, No. 61, § 9, eff. June 17, 2015; 2015, No. 64, § 21, eff. July 1, 2015; 2015, Adj. Sess., No. 75, § 5, eff. July 1, 2016; 2015, Adj. Sess., No. 76, § 3, eff. July 1, 2016; 2017, Adj. Sess., No. 158, § 12, eff. July 1, 2018; 2017, Adj. Sess., No. 168, § 7, eff. May 22, 2018; 2019, No. 21, § 8, eff. May 15, 2019; 2019, No. 62, § 9, eff. June 17, 2019; 2019, Adj. Sess., No. 169, § 3, eff. Jan. 1, 2022; 2021, Adj. Sess., No. 135, § 3, eff. July 1, 2022; 2023, No. 58, § 6, eff. June 12, 2023; 2023, Adj. Sess., No. 122, § 6, eff. July 1, 2024.

§ 8003. Applicability, VT ST T. 10 § 8003

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10 V.S.A. § 8003, VT ST T. 10 § 8003

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 8503. Applicability, VT ST T. 10 § 8503

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West's Vermont Statutes Annotated  
Title Ten. Conservation and Development  
Part 6. Uniform Environmental Law Enforcement  
Chapter 220. Consolidated Environmental Appeals (Refs & Annos)

10 V.S.A. § 8503

§ 8503. Applicability

Effective: July 1, 2024

[Currentness](#)

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

(A) chapter 23 (air pollution control);

(B) chapter 50 (aquatic nuisance control);

(C) chapter 41 (relating to dams, surface water withdrawals, interbasin transfers, and stream alterations, and regulation of stream flow);

(D) chapter 43 (dams);

(E) chapter 47 (water pollution control; lakes in crisis);

(F) chapter 48 (groundwater protection);

(G) chapter 53 (beverage containers; deposit-redemption system), except for those acts or decisions of the Commissioner of Taxes under [section 1530](#) of this title;

(H) chapter 55 (aid to municipalities for water supply, pollution abatement, and sewer separation);

(I) chapter 56 (public water supply);

§ 8503. Applicability, VT ST T. 10 § 8503

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- (J) chapter 59 (underground and aboveground liquid storage tanks);
  - (K) chapter 64 (potable water supply and wastewater system permit);
  - (L) [section 2625](#) (regulation of heavy cutting);
  - (M) chapter 123 (protection of endangered species);
  - (N) chapter 159 (waste management);
  - (O) chapter 37 (wetlands protection and water resources management);
  - (P) chapter 166 (collection and recycling of electronic waste);
  - (Q) chapter 164A (collection and disposal of mercury-containing lamps);
  - (R) chapter 32 (flood hazard areas);
  - (S) chapter 49A (lake shoreland protection standards);
  - (T) chapter 83, subchapter 8 (importation of firewood);
  - (U) chapter 168 (product stewardship for primary batteries and rechargeable batteries);
  - (V) chapter 124 (trade in covered animal parts or products); and
  - (W) chapter 164B (collection and management of covered household hazardous products).
- (2) 29 V.S.A. chapter 11 (management of lakes and ponds).
- (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).
- (4) [3 V.S.A. § 2810](#) (interim environmental media standards).

§ 8503. Applicability, VT ST T. 10 § 8503

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(b) This chapter shall govern:

(1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund requests;

(2) appeals from an act or decision of a district coordinator under subsection 6007(c) of this title; and

(3) appeals from findings of fact and conclusions of law issued by the Natural Resources Board in its review of a designated growth center for conformance with the criteria of subsection 6086(a) of this title, pursuant to authority granted at [24 V.S.A. § 2793c\(f\)](#).

(c) This chapter shall govern all appeals arising under 24 V.S.A. chapter 117, the planning and zoning chapter.

(d) This chapter shall govern all appeals from an act or decision of the Environmental Division under this chapter.

(e) This chapter shall not govern appeals from rulemaking decisions by the Natural Resources Board under chapter 151 of this title or enforcement actions under chapters 201 and 211 of this title.

(f) This chapter shall govern all appeals of acts or decisions of the legislative body of a municipality arising under 24 V.S.A. chapter 61, subchapter 10, relating to the municipal certificate of approved location for salvage yards.

(g) This chapter shall govern all appeals of an act or decision of the Secretary of Natural Resources that a solid waste implementation plan for a municipality proposed under [24 V.S.A. § 2202a](#) conforms with the State Solid Waste Implementation Plan adopted pursuant to [section 6604](#) of this title.

**Credits**

[2003, Adj. Sess., No. 115, § 74, eff. Jan. 31, 2005; 2005, Adj. Sess., No. 183, § 9; 2009, No. 31, § 9; 2009, No. 46, § 3, eff. July 1, 2010; 2009, No. 56, § 21, eff. July 1, 2009; 2009, Adj. Sess., No. 79, § 6, eff. April 19, 2010; 2009, Adj. Sess., No. 154, § 236, eff. July 1, 2010; 2011, No. 36, § 4, eff. May 19, 2011; 2011, Adj. Sess., No. 138, § 35, eff. May 14, 2012; 2011, Adj. Sess., No. 148, § 20, eff. July 1, 2012; 2013, No. 11, §§ 23, 25, eff. July 1, 2013; 2013, Adj. Sess., No. 112, § 3, eff. July 1, 2014; 2013, Adj. Sess., No. 139, § 4, eff. May 22, 2014; 2013, Adj. Sess., No. 172, § 5, eff. July 1, 2014; 2015, Adj. Sess., No. 150, § 35, eff. May 31, 2016; 2017, Adj. Sess., No. 168, § 8, eff. May 22, 2018; 2019, No. 21, § 9, eff. May 15, 2019; 2019, No. 62, § 10, eff. June 17, 2019; 2019, Adj. Sess., No. 169, § 4, eff. Jan. 1, 2022; 2021, Adj. Sess., No. 135, § 4, eff. July 1, 2022; 2023, No. 58, § 7, eff. June 12, 2023; 2023, Adj. Sess., No. 85, § 11, eff. July 1, 2024.](#)

10 V.S.A. § 8503, VT ST T. 10 § 8503

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 8503. Applicability, VT ST T. 10 § 8503

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West's Vermont Statutes Annotated  
Title Twelve. Court Procedure  
Part 10. Oaths and Forms  
Chapter 219. Medical Monitoring

12 V.S.A. § 7201

§ 7201. Definitions

Effective: July 1, 2022

[Currentness](#)

As used in this chapter:

- (1) "Disease" means any disease, illness, ailment, or adverse physiological or chemical change linked to exposure to a proven toxic substance. A disease is serious if it has the potential to cause death, disability, or chronic pain.
- (2) "Establishment" means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, commercial or charitable activity, or governmental function.
- (3) "Exposure" means ingestion, inhalation, or absorption through any body surface.
- (4) "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land where proven toxic substances are manufactured, processed, used, or stored. A facility may consist of several treatment, storage, or disposal operational units. A facility shall not include land, structures, other appurtenances, and improvements on the land owned by a municipality.
- (5) "Large facility" means a facility:
  - (A) where an activity within a Standard Industrial Classification code of 10 through 14, 20 through 39, 40 through 42, 44 through 46, or 49 is conducted or was conducted; and
  - (B)(i) where, at any one time, 10 or more full-time or full-time equivalent employees have been employed; or
  - (ii) that is owned or operated by a person who, when all facilities or establishments that the person owns or controls are aggregated, has employed 500 employees at any one time.

§ 7201. Definitions, VT ST T. 12 § 7201

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(6) “Medical monitoring” means a program of medical tests or procedures for the purpose of early detection of signs or symptoms of a latent disease resulting from exposure.

(7) “Operator” means a person who manages, conducts, or directs the operations of a facility.

(8) “Owner” means a person who owns or controls a facility. “Owner” shall not mean a person who without participating in the management of the facility holds indicia of ownership primarily to protect a security interest.

(9) “Person” means any individual; partnership; company; corporation; association; unincorporated association; joint venture; trust; municipality; the State of Vermont or any agency, department, or subdivision of the State; federal agency; or any other legal or commercial entity.

(10)(A) “Proven toxic substance” means any substance, mixture, or compound that may cause personal injury or disease to humans and that satisfies one or more of the following:

(i) the substance, mixture, or compound is listed on the U.S. Environmental Protection Agency Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act, Comprehensive Environmental Response, Compensation and Liability Act, and Section 112(r) of the Clean Air Act;

(ii) the substance, mixture, or compound is defined as a “hazardous material” under [10 V.S.A. § 6602](#) or under rules adopted under 10 V.S.A. chapter 159;

(iii) testing has produced evidence, recognized by the National Institute for Occupational Safety and Health or the U.S. Environmental Protection Agency, that the substance, mixture, or compound poses acute or chronic health hazards;

(iv) the Department of Health has issued a public health advisory for the substance, mixture, or compound;

(v) the Secretary of Natural Resources has designated the substance, mixture, or compound as a hazardous waste under 10 V.S.A. chapter 159; or

(vi) exposure to the substance, mixture, or compound is shown by expert testimony to increase the risk of developing a serious latent disease.

(B) “Proven toxic substance” shall not mean:

(i) a pesticide when applied consistent with good practice; in conformity with federal, State, and local laws, rules, and regulations; and according to the manufacturer's instructions; or

§ 7201. Definitions, VT ST T. 12 § 7201

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(ii) ammunition or components thereof, firearms, air rifles, discharge of firearms or air rifles, or hunting or fishing equipment or components thereof.

(11) “Release” means any act or omission that allows a proven toxic substance to enter the air, land, surface water, or groundwater.

(12) “Tortious conduct” or “tortious” means negligence, trespass, nuisance, product liability, or common law liability for ultra-hazardous or abnormally dangerous activity.

**Credits**

2021, Adj. Sess., No. 93, § 1, eff. July 1, 2022.

12 V.S.A. § 7201, VT ST T. 12 § 7201

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Statutes Annotated  
Title Twelve. Court Procedure  
Part 10. Oaths and Forms  
Chapter 219. Medical Monitoring

12 V.S.A. § 7202

§ 7202. Medical monitoring for exposure to proven toxic substances

Effective: July 1, 2022

[Currentness](#)

(a) A person without a present injury or disease shall have a cause of action for the remedy of medical monitoring against a person who is the owner or operator of a large facility from which a proven toxic substance was released if all of the following are demonstrated by a preponderance of the evidence:

- (1) exposure at a rate significantly greater than the general population;
  - (2) to a proven toxic substance;
  - (3) as a result of tortious conduct of the defendant;
  - (4) as a proximate result of the exposure, plaintiffs have suffered an increased risk of contracting a serious disease;
  - (5) the increased risk makes it medically necessary for the plaintiffs to undergo periodic medical examination different from that prescribed for the general population in the absence of exposure; and
  - (6) monitoring procedures exist that are reasonable in cost and safe for use.
- (b) If the cost of medical monitoring is awarded, a court shall order the defendant found liable to pay the award to a court-supervised medical monitoring program administered by one or more appropriate health professionals, including professionals with expertise in exposure to toxic substances or expertise with treating or monitoring the relevant latent disease or diseases.
- (c) Upon an award of medical monitoring under subsection (b) of this section, the court shall award to the plaintiff reasonable attorney's fees and other litigation costs reasonably incurred.
- (d)(1) This chapter shall be the exclusive remedy for a person without a present injury to bring a cause of action to seek medical monitoring due to exposure to a proven toxic substance.

§ 7202. Medical monitoring for exposure to proven toxic substances, VT ST T. 12 § 7202

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(2) Except as provided under subdivision (1) of this subsection, nothing in this chapter shall be deemed to preclude the pursuit of any other civil or injunctive remedy or defense available under statute or common law, including the right of any person to seek to recover for damages related to the manifestation of a latent disease. The remedies and defenses in this chapter are in addition to those provided by existing statutory or common law.

(e) This section shall not increase the rights and remedies available under 21 V.S.A. chapter 9 to an employee who suffers a personal injury by accident arising out of and in the course of employment, provided that 21 V.S.A. chapter 9 shall not limit the right of a person who has not suffered a personal injury by accident arising out of and in the course of employment to bring a cause of action for medical monitoring.

**Credits**

2021, Adj. Sess., No. 93, § 1, eff. July 1, 2022.

12 V.S.A. § 7202, VT ST T. 12 § 7202

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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T. EIGHTEEN, Pt. 2, Ch. 33, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33,...

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health  
Chapter 33. Pfas in Firefighting Agents and Equipment

EIGHTEEN V.S.A. Pt. 2, Ch. 33, Refs & Annos  
[Currentness](#)

EIGHTEEN V.S.A. Pt. 2, Ch. 33, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33, Refs & Annos  
The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1661

§ 1661. Definitions

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

As used in this chapter:

- (1) “Class B firefighting foam” means chemical foams designed for flammable liquid fires.
- (2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (3) “Manufacturer” means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or equipment. As used in this subsection, “importer” means the owner of the product.
- (4) “Municipality” means any city, town, incorporated village, town fire district, or other political subdivision that provides firefighting services pursuant to general law or municipal charter.
- (5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- (6) “Personal protective equipment” means clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, and includes jackets, pants, shoes, gloves, helmets, and respiratory equipment.
- (7) “Terminal” means an establishment primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid storage facilities.

§ 1661. Definitions, VT ST T. 18 § 1661

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**Credits**

2021, No. 36, § 1, eff. July 1, 2022.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1661, VT ST T. 18 § 1661

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 1662. Prohibition of certain class B firefighting foam, VT ST T. 18 § 1662

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1662

§ 1662. Prohibition of certain class B firefighting foam

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

A person, municipality, or State agency shall not discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally added PFAS.

**Credits**

[2021, No. 36, § 1](#), eff. July 1, 2022.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1662, VT ST T. 18 § 1662

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1663. Restriction on manufacture, sale, and distribution; exceptions, VT ST T. 18 § 1663

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1663

§ 1663. Restriction on manufacture, sale, and distribution; exceptions

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a)(1) Unless otherwise required under federal law, but not later than October 1, 2023, a manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

(2) Notwithstanding subdivision (1) of this subsection, the restriction on the manufacture, sale, offer for sale, or distribution of class B firefighting foam containing intentionally added PFAS for use at a terminal shall not apply until January 1, 2024.

(b) A person operating a terminal after January 1, 2024, and who seeks to purchase class B firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class B fires, may apply to the Department of Environmental Conservation for a temporary exemption from the restrictions on the manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal. An exemption shall not exceed one year. The Department of Environmental Conservation, in consultation with the Department of Health, may grant an exemption under this subsection if the applicant provides:

(1) clear and convincing evidence that there is not a commercially available alternative that:

(A) does not contain intentionally added PFAS; and

(B) is capable of suppressing a large atmospheric tank fire or emergency class B fire at the terminal;

(2) information on the amount of class B firefighting foam containing intentionally added PFAS that is annually stored, used, or released at the terminal;

(3) a report on the progress being made by the applicant to transition at the terminal to class B firefighting foam that does not contain intentionally added PFAS; and

§ 1663. Restriction on manufacture, sale, and distribution; exceptions, VT ST T. 18 § 1663

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(4) an explanation of how:

(A) all releases of class B firefighting foam containing intentionally added PFAS shall be fully contained at the terminal; and

(B) existing containment measures prevent firewater, wastewater, runoff, and other wastes from being released into the environment, including into soil, groundwater, waterways, and stormwater.

(c) Nothing in this section shall prohibit a terminal from providing class B firefighting foam in the form of aid to another terminal in the event of a class B fire.

**Credits**

2021, No. 36, § 1, eff. July 1, 2022.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1663, VT ST T. 18 § 1663

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1664. Sale of personal protective equipment containing PFAS, VT ST T. 18 § 1664

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1664

§ 1664. Sale of personal protective equipment containing PFAS

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer or other person that sells firefighting equipment to any person, municipality, or State agency shall provide written notice to the purchaser at the time of sale, citing to this chapter, if the personal protective equipment contains PFAS. The written notice shall include a statement that the personal protective equipment contains PFAS and the reason PFAS are added to the equipment.

(b) The manufacturer or person selling personal protective equipment and the purchaser of the personal protective equipment shall retain the notice for at least three years from the date of the transaction.

**Credits**

[2021, No. 36, § 1](#), eff. July 1, 2022.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1664, VT ST T. 18 § 1664

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1665. Notification; recall of prohibited products, VT ST T. 18 § 1665

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1665

§ 1665. Notification; recall of prohibited products

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer of class B firefighting foam containing intentionally added PFAS shall provide written notice to persons that sell the manufacturer's products in this State about the restrictions imposed by this chapter not less than one year prior to the effective date of the restrictions.

(b) Unless a class B firefighting foam containing intentionally added PFAS is intended for use at a terminal, and if after January 1, 2024, the person operating a terminal holds a temporary exemption pursuant to [subsection \(b\) of section 1663](#) of this title, a manufacturer that produces, sells, or distributes a class B firefighting foam containing intentionally added PFAS shall:

- (1) recall the product and reimburse the retailer or any other purchaser for the product; and
- (2) issue either a press release or notice on the manufacturer's website describing the product recall and reimbursement requirement established in this subsection.

**Credits**

[2021, No. 36, § 1](#), eff. July 1, 2022.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1665, VT ST T. 18 § 1665

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1666. Certificate of compliance, VT ST T. 18 § 1666

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1666

§ 1666. Certificate of compliance

Effective: July 1, 2022

Currentness

<Section is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

The Attorney General may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

- (1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or
- (2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

**Credits**

2021, No. 36, § 1, eff. July 1, 2022.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1666, VT ST T. 18 § 1666

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 1667. Penalties, VT ST T. 18 § 1667

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33. Pfas in Firefighting Agents and Equipment (Refs & Annos)

18 V.S.A. § 1667

§ 1667. Penalties

Effective: July 1, 2022

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

**Credits**

[2021, No. 36, § 1](#), eff. July 1, 2022.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1667, VT ST T. 18 § 1667

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

T. EIGHTEEN, Pt. 2, Ch. 33A, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33A,...

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health  
Chapter 33A. Chemicals of Concern in Food Packaging

EIGHTEEN V.S.A. Pt. 2, Ch. 33A, Refs & Annos  
[Currentness](#)

EIGHTEEN V.S.A. Pt. 2, Ch. 33A, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33A, Refs & Annos  
The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33A. Chemicals of Concern in Food Packaging (Refs & Annos)

18 V.S.A. § 1671

§ 1671. Definitions

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

As used in this chapter:

- (1) “Bisphenols” means any member of a class of industrial chemicals that contain two hydroxyphenyl groups. Bisphenols are used primarily in the manufacture of polycarbonate plastic and epoxy resins.
- (2) “Department” means the Department of Health.
- (3) “Food package” or “food packaging” means a package or packaging component that is intended for direct food contact.
- (4) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (5) “Ortho-phthalates” means any member of the class of organic chemicals that are esters of phthalic acid containing two carbon chains located in the ortho position.
- (6) “Package” means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. “Package” also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.
- (7) “Packaging component” means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.
- (8) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in [section 1661](#) of this title.

§ 1671. Definitions, VT ST T. 18 § 1671

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**Credits**

2021, No. 36, § 2, eff. July 1, 2023.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1671, VT ST T. 18 § 1671

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33A. Chemicals of Concern in Food Packaging (Refs & Annos)

18 V.S.A. § 1672

§ 1672. Food packaging

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added and are present in any amount.

(b)(1) Pursuant to 3 V.S.A. chapter 25, the Department may adopt rules prohibiting a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package to which bisphenols have been intentionally added and are present in any amount. The Department may exempt specific chemicals within the bisphenol class when clear and convincing evidence suggests they are not endocrine-active or otherwise toxic.

(2) The Department may only prohibit a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection if the Department or at least one other state has determined that a safer alternative is readily available in sufficient quantity and at a comparable cost and that the safer alternative performs as well as or better than bisphenols in a specific application of bisphenols to a food package or the packaging component of a food package.

(3) If the Department prohibits a manufacturer, supplier, or distributor from selling or offering for sale or for promotional distribution a food package or the packaging component of a food package in accordance with this subsection, the prohibition shall not take effect until two years after the Department adopts the rules.

(c) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers, or any other additives to which ortho-phthalates have been intentionally added and are present in any amount.

(d) This section shall not apply to the sale or resale of used products.

#### Credits

[2021, No. 36, § 2](#), eff. July 1, 2023.

§ 1672. Food packaging, VT ST T. 18 § 1672

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<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1672, VT ST T. 18 § 1672

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 1673. Certificate of compliance, VT ST T. 18 § 1673

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Part 2. Public Health (Refs & Annos)  
Chapter 33A. Chemicals of Concern in Food Packaging (Refs & Annos)

18 V.S.A. § 1673

§ 1673. Certificate of compliance

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

The Attorney General may request a certificate of compliance from a manufacturer of food packaging. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

- (1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or
- (2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

**Credits**

[2021, No. 36, § 2](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1673, VT ST T. 18 § 1673

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 1674. Rulemaking, VT ST T. 18 § 1674

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33A. Chemicals of Concern in Food Packaging (Refs & Annos)

18 V.S.A. § 1674

§ 1674. Rulemaking

Effective: July 1, 2023

Currentness

<Section is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

Pursuant to 3 V.S.A. chapter 25, the Commissioner of Health shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

**Credits**

2021, No. 36, § 2, eff. July 1, 2023.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1674, VT ST T. 18 § 1674

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1675. Penalties, VT ST T. 18 § 1675

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33A. Chemicals of Concern in Food Packaging (Refs & Annos)

18 V.S.A. § 1675

§ 1675. Penalties

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

**Credits**

[2021, No. 36, § 2](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1675, VT ST T. 18 § 1675

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

T. EIGHTEEN, Pt. 2, Ch. 33B, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33B,...

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West's Vermont Statutes Annotated

Title Eighteen. Health

Part 2. Public Health

Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments

EIGHTEEN V.S.A. Pt. 2, Ch. 33B, Refs & Annos  
Currentness

EIGHTEEN V.S.A. Pt. 2, Ch. 33B, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33B, Refs & Annos

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1681

§ 1681. Definitions

Effective: July 1, 2023

Currentness

<Section is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

As used in this chapter:

- (1) “Aftermarket stain and water resistant treatments” means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.
- (2) “Department” means the Department of Health.
- (3) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in [section 1661](#) of this title.
- (5) “Rug or carpet” means a thick fabric used to cover floors.

#### Credits

2021, No. 36, § 3, eff. July 1, 2023.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1681, VT ST T. 18 § 1681

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1682. Rugs and carpets, VT ST T. 18 § 1682

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1682

§ 1682. Rugs and carpets

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a residential rug or carpet to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2021, No. 36, § 3](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1682, VT ST T. 18 § 1682

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1683. Aftermarket stain and water resistant treatments, VT ST T. 18 § 1683

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1683

§ 1683. Aftermarket stain and water resistant treatments

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State aftermarket stain and water resistant treatments for rugs or carpets to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2021, No. 36, § 3](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1683, VT ST T. 18 § 1683

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1684. Certificate of compliance, VT ST T. 18 § 1684

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1684

§ 1684. Certificate of compliance

Effective: July 1, 2023

Currentness

<Section is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

The Attorney General may request a certificate of compliance from a manufacturer of rugs, carpets, or aftermarket stain and water resistant treatments. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

- (1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or
- (2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

**Credits**

2021, No. 36, § 3, eff. July 1, 2023.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1684, VT ST T. 18 § 1684

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1685. Rulemaking, VT ST T. 18 § 1685

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1685

§ 1685. Rulemaking

Effective: July 1, 2023

Currentness

<Section is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

**Credits**

2021, No. 36, § 3, eff. July 1, 2023.

<Chapter is repealed pursuant to 2023, Adj. Sess., No. 131, § 10, eff. Jan. 1, 2026.>

18 V.S.A. § 1685, VT ST T. 18 § 1685

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33B. Pfas in Rugs, Carpets, and Aftermarket Stain and Water Resistant Treatments (Refs & Annos)

18 V.S.A. § 1686

§ 1686. Penalties

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

**Credits**

[2021, No. 36, § 3](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1686, VT ST T. 18 § 1686

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

T. EIGHTEEN, Pt. 2, Ch. 33C, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33C,...

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health  
Chapter 33C. Pfas in Ski Wax

EIGHTEEN V.S.A. Pt. 2, Ch. 33C, Refs & Annos  
[Currentness](#)

EIGHTEEN V.S.A. Pt. 2, Ch. 33C, Refs & Annos, VT ST T. EIGHTEEN, Pt. 2, Ch. 33C, Refs & Annos  
The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33C. Pfas in Ski Wax (Refs & Annos)

18 V.S.A. § 1691

§ 1691. Definitions

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

As used in this chapter:

- (1) “Department” means the Department of Health.
- (2) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.
- (3) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in [section 1661](#) of this title.
- (4) “Ski wax” means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

**Credits**

[2021, No. 36, § 4](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1691, VT ST T. 18 § 1691

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1692. Ski wax, VT ST T. 18 § 1692

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33C. Pfas in Ski Wax (Refs & Annos)

18 V.S.A. § 1692

§ 1692. Ski wax

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State ski wax or related tuning products to which PFAS have been intentionally added in any amount.

(b) This section shall not apply to the sale or resale of used products.

**Credits**

[2021, No. 36, § 4](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1692, VT ST T. 18 § 1692

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1693. Certificate of compliance, VT ST T. 18 § 1693

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33C. Pfas in Ski Wax (Refs & Annos)

18 V.S.A. § 1693

§ 1693. Certificate of compliance

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

The Attorney General may request a certificate of compliance from a manufacturer of ski wax. Within 30 days after receipt of the Attorney General's request for a certificate of compliance, the manufacturer shall:

- (1) provide the Attorney General with a certificate attesting that the manufacturer's product or products comply with the requirements of this chapter; or
- (2) notify persons who are selling a product of the manufacturer's in this State that the sale is prohibited because the product does not comply with this chapter and submit to the Attorney General a list of the names and addresses of those persons notified.

**Credits**

[2021, No. 36, § 4](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1693, VT ST T. 18 § 1693

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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§ 1694. Rulemaking, VT ST T. 18 § 1694

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33C. Pfas in Ski Wax (Refs & Annos)

18 V.S.A. § 1694

§ 1694. Rulemaking

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

Pursuant to 3 V.S.A. chapter 25, the Commissioner shall adopt any rules necessary for the implementation, administration, and enforcement of this chapter.

**Credits**

[2021, No. 36, § 4](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1694, VT ST T. 18 § 1694

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1695. Penalties, VT ST T. 18 § 1695

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 33C. Pfas in Ski Wax (Refs & Annos)

18 V.S.A. § 1695

§ 1695. Penalties

Effective: July 1, 2023

[Currentness](#)

<Section is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

(a) A violation of this chapter shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) Nothing in this section shall be construed to preclude or supplant any other statutory or common law remedies.

**Credits**

[2021, No. 36, § 4](#), eff. July 1, 2023.

<Chapter is repealed pursuant to [2023, Adj. Sess., No. 131, § 10](#), eff. Jan. 1, 2026.>

18 V.S.A. § 1695, VT ST T. 18 § 1695

The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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West's Vermont Statutes Annotated  
Title Eighteen. Health  
Part 2. Public Health (Refs & Annos)  
Chapter 38A. Chemicals of High Concern to Children

18 V.S.A. § 1773

§ 1773. Chemicals of high concern to children

Effective: July 1, 2022

[Currentness](#)

(a) List of chemicals of high concern to children. The following chemicals are designated as chemicals of high concern to children for the purposes of the requirements of this chapter:

- (1) Formaldehyde.
- (2) Aniline.
- (3) N-Nitrosodimethylamine.
- (4) Benzene.
- (5) Vinyl chloride.
- (6) Acetaldehyde.
- (7) Methylene chloride.
- (8) Carbon disulfide.
- (9) Methyl ethyl ketone.
- (10) 1,1,2,2-Tetrachloroethane.
- (11) Tetrabromobisphenol A.

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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(12) Bisphenol A.

(13) Diethyl phthalate.

(14) Dibutyl phthalate.

(15) Di-n-hexyl phthalate.

(16) Phthalic anhydride.

(17) Butyl benzyl phthalate (BBP).

(18) N-Nitrosodiphenylamine.

(19) Hexachlorobutadiene.

(20) Propyl paraben.

(21) Butyl paraben.

(22) 2-Aminotoluene.

(23) 2,4-Diaminotoluene.

(24) Methyl paraben.

(25) p-Hydroxybenzoic acid.

(26) Ethylbenzene.

(27) Styrene.

(28) 4-Nonylphenol; 4-NP and its isomer mixtures, including CAS 84852-15-3 and CAS 25154-52-3.

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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- (29) para-Chloroaniline.
- (30) Acrylonitrile.
- (31) Ethylene glycol.
- (32) Toluene.
- (33) Phenol.
- (34) 2-Methoxyethanol.
- (35) Ethylene glycol monoethyl ester.
- (36) Tris(2-chloroethyl) phosphate.
- (37) Di-2-ethylhexyl phthalate.
- (38) Di-n-octyl phthalate (DnOP).
- (39) Hexachlorobenzene.
- (40) 3,3'-Dimethylbenzidine and dyes metabolized to 3,3'-Dimethylbenzidine.
- (41) Ethyl paraben.
- (42) 1,4-Dioxane.
- (43) Perchloroethylene.
- (44) Benzophenone-2 (Bp-2); 2,2',4,4'-Tetrahydroxybenzophenone.
- (45) 4-tert-Octylphenol; 4(1,1,3,3-Tetramethylbutyl) phenol.

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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- (46) Estragole.
- (47) 2-Ethylhexanoic acid.
- (48) Octamethylcyclotetrasiloxane.
- (49) Benzene, Pentachloro.
- (50) C.I. Solvent yellow 14.
- (51) N-Methylpyrrolidone.
- (52) 2,2',3,3',4,4',5,5',6,6'-Decabromodiphenyl ether; BDE-209.
- (53) Perfluorooctanyl sulphonic acid and its salts; PFOS.
- (54) Phenol, 4-octyl.
- (55) 2-Ethyl-hexyl-4-methoxycinnamate.
- (56) Mercury and mercury compounds, including methyl mercury (22967-92-6).
- (57) Molybdenum and molybdenum compounds.
- (58) Antimony and Antimony compounds.
- (59) Arsenic and Arsenic compounds, including arsenic trioxide (1327-53-3) and dimethyl arsenic (75-60-5).
- (60) Cadmium and cadmium compounds.
- (61) Cobalt and cobalt compounds.
- (62) Tris(1,3-dichloro-2-propyl)phosphate.

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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(63) Butylated hydroxyanisole; BHA.

(64) Hexabromocyclododecane.

(65) Diisodecyl phthalate (DIDP).

(66) Diisononyl phthalate (DINP).

(67) PFHxS (perfluorohexane sulfonic acid).

(68) PFHpA (perfluoroheptanoic acid).

(69) PFNA (perfluorononanoic acid).

(70) Any other chemical designated by the Commissioner as a chemical of high concern to children by rule under [section 1776](#) of this title.

(b) Commissioner's review of list of chemicals. Beginning on July 1, 2017, and biennially thereafter, the Commissioner of Health shall review the list of chemicals of high concern to children to determine if additional chemicals should be added to the list under subsection 1776(b) of this title. In reviewing the list of chemicals of high concern to children, the Commissioner of Health may consider designations made by other states, the federal government, other countries, or other governmental agencies.

(c) Publication of list. The Commissioner shall post the list of chemicals of high concern to children on the Department of Health website by chemical name and Chemical Abstracts Service number.

(d) Addition or removal from list. Under [3 V.S.A. § 806](#), any person may request that the Commissioner add or remove a chemical from the list of chemicals of high concern to children.

(e) PQL value. A PQL value established under this chapter for individual chemicals shall depend on the analytical method used for each chemical. The PQL value shall be based on scientifically defensible, standard analytical methods as advised by guidance published by the Department.

**Credits**

[2013, Adj. Sess., No. 188](#), § 2, eff. June 10, 2014; [2021, No. 36](#), § 5, eff. July 1, 2022.

18 V.S.A. § 1773, VT ST T. 18 § 1773

§ 1773. Chemicals of high concern to children, VT ST T. 18 § 1773

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The statutes are current through Chapters 185 (end) and M-28 (end) of the Adjourned Session of the 2023-2024 Vermont General Assembly (2024).

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West's Vermont Administrative Code  
Title 16. Natural Resources  
Subtitle 3. Department of Environmental Conservation  
Water Supply Division  
Rule 500. Vermont Water Supply Rule  
Subchapter 21-6. Drinking Water Quality Requirements

Vt. Admin. Code 16-3-500:6.12

16-3-500:6.12. Maximum Contaminant Levels

Effective: February 24, 2024

[Currentness](#)

The Maximum Contaminant Levels and Maximum Residual Disinfectant Levels of 40 CFR Part 141 are adopted herein. The Secretary, with the concurrence of the Vermont Commissioner of Health, has established a more stringent MCL for uranium (listed in Table 6-1) than published in 40 CFR, Part 141. The Secretary has also adopted the Vermont Department of Health's Health Advisory for Nickel as an MCL and the Vermont Department of Health's Health Advisory for five per- and polyfluoroalkyl substances (PFHxS, PFHpA, PFNA, PFOS, and PFOA) as a cumulative (sum of all 5 analyte results) MCL.

Table 6-1 summarizes the contaminants and the maximum contaminant level (MCL) and maximum residual disinfectant level (MRDL) standards which apply to **Public** water systems. If any discrepancy exists between the values in Table 6-1, with the exception of nickel, uranium, PFHxS, PFHpA, PFNA, PFOS, and PFOA, and the referenced sections in 40 CFR, Part 141 for MCLs and MCLGs, the MCLs in 40 CFR, Part 141 shall apply.

Table 6-1 also summarizes the maximum contaminant level goals (MCLG) and the maximum residual disinfection level goals (MRDLG) which apply to **Public** water systems. If any discrepancy exists between the values in Table 6-1, with the exception of nickel and uranium, and the referenced sections in 40 CFR, Part 141, the MCLGs and MRDLGs in 40 CFR, Part 141 shall apply.

The provisions of [40 CFR, § 142.63](#), prohibiting variances and exemptions from the MCL for total coliform, is adopted herein.

**Table 6-1 - CONTAMINANT STANDARDS**

CONTAMINANT	STANDARD MCL or MRDL as noted (mg/ l unless otherwise noted) *	MCLG or MRDLG (as noted)	Initial Source Testing Required
1. Microbiological	MCL	MCLG	

16-3-500:6.12. Maximum Contaminant Levels, VT ADC 16-3-500:6.12

A. Total coliform bacteria	None	Zero (including fecal coliforms and <i>Escherichia coli</i> )	Yes
B. Fecal Coliform or <i>Escherichia coli</i> ( <i>E. coli</i> ) repeat samples	When the system has an <i>E. coli</i> -positive repeat sample following a total-coliform routine sample; a total coliform-positive repeat sample following an <i>E. coli</i> -positive routine sample; the system fails to take all required repeat samples following an <i>E. coli</i> -positive routine sample; or the system fails to test for <i>E. coli</i> when any repeat sample tests positive for coliform	Zero	Yes
<i>Giardia lamblia</i>	—	zero	Only if MPA testing required
Viruses	—	zero	No
Legionella	—	zero	No
<i>Cryptosporidium</i>	—	zero	Only if MPA testing required
<b>2. Turbidity</b>			Yes
A. Unfiltered systems required to install filtration	See 40 CFR, § 141.13	—	—
B. Unfiltered systems that have been granted	See 40 CFR, § 141.71	—	—

16-3-500:6.12. Maximum Contaminant Levels, VT ADC 16-3-500:6.12

approval for avoiding filtration			
C. Conventional, Direct, Slow Sand, Diatomaceous earth filtration and other filtration technologies	See 40 CFR, § 141.73	—	—
<b>3. Primary Inorganic Chemicals</b>	<b>MCL</b>	<b>MCLG</b>	
Arsenic	0.010 mg/l	zero	Yes
Asbestos	7 million fibers/liter (longer than 10 um)	7 million fibers/liter (longer than 10 um)	No
Barium	2 mg/l	2 mg/l	Yes
Cadmium	0.005 mg/l	0.005 mg/l	Yes
Chromium	0.1 mg/l	0.1 mg/l	Yes
Copper	1.3 mg/l (Action Level)	1.3 mg/l	Yes
Fluoride	4.0 mg/l	4.0 mg/l	Yes
Lead	0.015 mg/l (Action Level)	zero	Yes
Mercury	0.002 mg/l	0.002 mg/l	Yes
Nitrate	10.0 (as Nitrogen)	10mg/l (as Nitrogen)	Yes
Nitrite	1.0 (as Nitrogen)	1 mg/l (as Nitrogen)	Yes
Total nitrate & nitrite	10.0 (as Nitrogen)	10 mg/l (as Nitrogen)	Yes
Selenium	0.05 mg/l	0.05 mg/l	Yes
Antimony	0.006 mg/l	0.006 mg/l	Yes

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Beryllium	0.004 mg/l	0.004 mg/l	Yes
Cyanide (as free cyanide)	0.2 mg/l	0.2 mg/l	Yes
Nickel	0.1 mg/l	0.1 mg/l	Yes
Thallium	0.002 mg/l	0.0005 mg/l	Yes
<b>4. Disinfection Byproducts</b>	<b>MCL</b>	<b>MCLG</b>	
Bromodichloromethane	0.080 mg/l as the sum of all concentrations (Total Trihalomethanes): 0.080 mg/l	Zero	No
Dibromochloromethane		0.06 mg/l	
Tribromomethane (Bromoform)		Zero	
Trichloromethane (Chloroform)		0.07 mg/l	
Monochloroacetic acid	0.060 mg/l as the sum of all concentrations (Haloacetic acids (five) HAA5)	0.07 mg/l	No
Dichloroacetic acid		Zero	
Trichloroacetic acid		0.02 mg/l	
Monobromoacetic acid		No MCLG	
Dibromoacetic acid		No MCLG	
Bromate (systems treating with ozone)	0.010 mg/l	zero	No
Chlorite (systems treating with	1.0 mg/l	0.8 mg/l	No

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chlorine dioxide)			
<b>5. Disinfectant residuals</b>	<b>MRDL</b>	<b>MRDLG</b>	
Chlorine	4.0 mg/l (as Cl <sub>2</sub> )	4 mg/l (as Cl <sub>2</sub> )	No
Chloramines	4.0 mg/l (as Cl <sub>2</sub> )	4 mg/l (as Cl <sub>2</sub> )	No
Chlorine Dioxide	0.8 mg/l (as Cl <sub>2</sub> )	0.8 mg/l (as Cl <sub>2</sub> )	No
<b>6. Volatile Organic Chemicals</b>	<b>MCL</b>	<b>MCLG</b>	
Vinyl Chloride	0.002 mg/l	zero	Yes
Benzene	0.005 mg/l	zero	Yes
Carbon Tetrachloride	0.005 mg/l	zero	Yes
1,2-Dichloroethane	0.005 mg/l	zero	Yes
Trichloroethylene	0.005 mg/l	zero	Yes
para-Dichlorobenzene	0.075 mg/l	0.075 mg/l	Yes
1,1-Dichloroethylene	0.007 mg/l	0.007 mg/l	Yes
1,1,1-Trichloroethane	0.2 mg/l	0.2 mg/l	Yes
cis-1,2-Dichloroethylene	0.07 mg/l	0.07 mg/l	Yes
1,2-Dichloropropane	0.005 mg/l	zero	Yes
Ethylbenzene	0.7 mg/l	0.7 mg/l	Yes
Monochlorobenzene	0.1 mg/l	0.1 mg/l	Yes
o-Dichlorobenzene	0.6 mg/l	0.6 mg/l	Yes

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**16-3-500:6.12. Maximum Contaminant Levels, VT ADC 16-3-500:6.12**

Styrene	0.1 mg/l	0.1 mg/l	Yes
Tetrachloroethylene	0.005 mg/l	zero	Yes
Toluene	1 mg/l	1 mg/l	Yes
trans-1,2-Dichloroethylene	0.1 mg/l	0.1 mg/l	Yes
Xylenes (total)	10 mg/l	10 mg/l	Yes
Dichloromethane	0.005 mg/l	zero	Yes
1,2,4-Trichlorobenzene	0.07 mg/l	0.07 mg/l	Yes
1,1,2-Trichloroethane	0.005 mg/l	0.003 mg/l	Yes
<b>7. Synthetic Organic Chemicals</b>	<b>MCL</b>	<b>MCLG</b>	
Alachlor	0.002 mg/l	zero	Yes
Atrazine	0.003 mg/l	0.003 mg/l	Yes
Carbofuran	0.04 mg/l	0.04 mg/l	Yes
Chlordane	0.002 mg/l	zero	Yes
Dibromochloropropane	0.0002 mg/l	zero	No
2,4-D	0.07 mg/l	0.07 mg/l	Yes
Ethylene Dibromide	0.00005 mg/l	zero	Yes only for groundwater sources
Heptachlor	0.0004 mg/l	zero	Yes
Heptachlor Epoxide	0.0002 mg/l	zero	Yes
Lindane	0.0002 mg/l	0.0002 mg/l	Yes
Methoxychlor	0.04 mg/l	0.04 mg/l	Yes
Polychlorinated biphenols	0.0005 mg/l	zero	Yes
Pentachlorophenol	0.001 mg/l	zero	Yes

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Toxaphene	0.003 mg/l	zero	Yes
2,4,5-TP Silvex	0.05 mg/l	0.05 mg/l	Yes
Benzo[a]pyrene	0.0002 mg/l	zero	Yes
Dalapon	0.2 mg/l	0.2 mg/l	No
Di(2-ethylhexyl) adipate	0.4 mg/l	0.4 mg/l	Yes
Di(2-ethylhexyl) phthalate	0.006 mg/l	zero	Yes
Dinoseb	0.007 mg/l	0.007 mg/l	Yes
Diquat	0.02 mg/l	0.02 mg/l	No
Endothall	0.1 mg/l	0.1 mg/l	No
Endrin	0.002 mg/l	0.002 mg/l	Yes
Glyphosate	0.7 mg/l	0.05 mg/l	No
Hexachlorobenzene	0.001 mg/l	zero	Yes
Hexachlorocyclopentadiene	0.05 mg/l	0.05 mg/l	Yes
Oxamyl (Vydate)	0.2 mg/l	0.2 mg/l	Yes
Picloram	0.5 mg/l	0.5 mg/l	Yes
Simazine	0.004 mg/l	0.004 mg/l	Yes
2,3,7,8-TCDD (Dioxin)	$3 \times 10^{-8}$ mg/l	zero	No
<b>8. Radionuclides</b>	<b>MCL</b>	<b>MCLG</b>	
Gross Alpha Particle Activity (including radium-226 but excluding radon and uranium)	15 pCi/l	zero	Yes
Combined Radium-226	5 pCi/l <sup>2</sup>	zero	Yes

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and Radium-228			
Uranium	20 ug/l	zero	Yes
Beta particle and photon radioactivity from man-made Radionuclides <sup>1</sup>	An annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year) <sup>3</sup>	zero	No
Gross Beta Activity <sup>1</sup>	50 pCi/l	—	No
Tritium <sup>1</sup>	20,000 pCi/l	—	No
Strontium-90 <sup>1</sup>	8 pCi/l <sup>5</sup>	—	No
<b>8. Treatment Technique</b>		<b>MCLG</b>	
Acrylamide	—	zero	No
Epichlorohydrin	—	zero	No
<b>9. Per- and polyfluoroalkyl substances (PFAS)</b>	<b>Cumulative MCL</b>	<b>MCLG</b>	
Perfluorohexane sulfonic acid (PFHxS)	0.000020 mg/l <sup>6</sup>	zero	Yes
Perfluoroheptanoic acid (PFHpA)	0.000020 mg/l <sup>6</sup>	zero	Yes
Perfluorononanoic acid (PFNA)	0.000020 mg/l <sup>6</sup>	zero	Yes
Perfluorooctanesulfonic acid (PFOS)	0.000020 mg/l <sup>6</sup>	zero	Yes
Perfluorooctanoic acid (PFOA)	0.000020 mg/l <sup>6</sup>	zero	Yes

4 Average annual concentration assumed to produce a total body or organ doses of 4 mrem/yr. For tritium the critical organ is total body. See 40 CFR § 141.66.

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\* The conversion from mg/l to ug/l is 1 mg/l=1000 ug/l. As an example 5 mg/l is equal to 5000 ug/l. The conversion from mg/l to ng/l (ppt) is 1 mg/l=1,000,000 ng/l (ppt). As an example, 0.000020 mg/l is 20 ng/l. 20 ng/l is equivalent to 20 ppt.

- 1 Public Community Water Systems designated by the Secretary as vulnerable must sample for this contaminant
- 2 The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium 226 and radium 228.
- 3 See 40 CFR § 141.66(d) for calculation of the MCL.
- 5 Average annual concentration assumed to produce a total body or organ doses of 4 mrem/yr. For strontium-90 the organ is bone marrow. See 40 CFR § 141.66.
- 6 The MCL is 0.000020 mg/L for any combination of these PFAS: PFOA, PFOS, PFHxS, PFHpA, and PFNA.

**Table 6-2 -- DOMESTIC BOTTLED WATER MONITORING REQUIREMENTS**

Category of Contaminant <sup>(1)</sup>	Sampling Frequency	Number of Samples	
		Source	Product
Microbiological	Monthly <sup>(2)</sup>	1	4
Total Coliform	Monthly <sup>(2)</sup>	1	4
Heterotrophic Plate Count (HPC)			
Primary Inorganic Chemicals (including lead and copper)	3 Years	1	1
Volatile Organic Chemicals	3 Years	1	1
Synthetic Organic Chemicals	3 Years	1	1
Per- and polyfluoroalkyl substances (PFAS)	See § 6.18		
Radionuclides: Gross Alpha, Combined Radium 226 & 228, and Uranium	3 Years	1	1

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Disinfectant By-products and  
Disinfectant Residual

According to 40 CFR, Part 141, Subpart L

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(1) See Table 6-1 for a detailed list of contaminants and associated MCLs and MRDLs.

(2) If bottling does not occur monthly, a letter must be submitted in place of the monthly sample to avoid receiving a monitoring violation.

**Credits**

Amended Dec. 1, 2010; April 12, 2019; March 17, 2020; Feb. 24, 2024.

Complete through September, 2024. Some sections may be more current, see credits for details.

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**Footnotes**

- \* \* The conversion from mg/l to ug/l is 1 mg/l=1000 ug/l. As an example 5 mg/l is equal to 5000 ug/l. The conversion from mg/l to ng/l (ppt) is 1 mg/l=1,000,000 ng/l (ppt). As an example, 0.000020 mg/l is 20 ng/l. 20 ng/l is equivalent to 20 ppt.
- 1 1 Public Community Water Systems designated by the Secretary as vulnerable must sample for this contaminant
- 2 2 The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and radium 228.
- 3 3 See 40 CFR § 141.66(d) for calculation of the MCL.
- 5 5 Average annual concentration assumed to produce a total body or organ doses of 4 mrem/yr. For strontium-90 the critical organ is bone marrow. See 40 CFR § 141.66.
- 6 6 The MCL is 0.000020 mg/L for any combination of these PFAS: PFOA, PFOS, PFHxS, PFHpA, and PFNA.
- 1 (1) See Table 6-1 for a detailed list of contaminants and associated MCLs and MRDLs.
- 2 (2) If bottling does not occur monthly, a letter must be submitted in place of the monthly sample to avoid receiving a monitoring violation.
- 1 So in original.

Vt. Admin. Code 16-3-500:6.12, VT ADC 16-3-500:6.12

West's Vermont Administrative Code  
Title 16. Natural Resources  
Subtitle 3. Department of Environmental Conservation  
Water Supply Division  
Rule 500. Vermont Water Supply Rule  
Subchapter 21-11. Bottled & Bulk Water

Vt. Admin. Code 16-3-500:11.1

16-3-500:11.1. Bottled Water

Effective: February 24, 2024

[Currentness](#)

#### 11.1.1 General Requirements for **Domestic and Imported Bottled** water systems

(a) No person shall provide bottled water for public distribution or sale in Vermont without a Permit to Operate issued pursuant to Subchapter 21-3 (for a **Domestic Bottled** water system) or an Approval to Sell Bottled Water in Vermont (for an **Imported Bottled** water system).

(b) For any proposed or new **Domestic or Imported Bottled** water system the application for the Permit to operate or Approval to Sell Bottled Water in Vermont shall include:

(1) methods employed in the bottling operation;

(2) recall plan;

(3) water treatments used;

(4) a flow diagram from the source through the bottling operation; and

(5) a label for each container size of the bottled water product that is to be distributed or sold in Vermont which contains the information in Subsection 11.1.1(d).

(c) All changes to labels must be approved through an amendment to a water system's Permit to Operate or an Approval to Sell Bottled Water in Vermont prior to the distribution or sale of products with the label in Vermont.

(d) All bottled water labels shall contain the following information:

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- (1) The name of the person or company bottling the water;
- (2) Town and state in which the water is bottled;
- (3) Town and state where the source is situated; and
- (4) Source, i.e. private spring, private well or the name of the **Public** water system supplying the water.

(e) All bottled water shall be filtered, processed, and packaged in accordance with the Federal Food and Drug Administration Good Manufacturing Practice Regulations (GMPRs) as found in 21 CFR, Parts 110 and 129, in addition to the requirements of this rule. The **Domestic and Imported Bottled** water system shall certify in their application to the Secretary that they are in compliance with the Federal Food and Drug Administration GMPRs.

11.1.2 Requirements Specific to **Imported Bottled** water systems

(a) In the application for the Approval to Sell Bottled Water in Vermont:

- (1) The **Imported Bottled** water system shall include a statement from the appropriate regulatory agency with jurisdiction over the Bottled water system indicating that the facility has been approved to bottle or package water for human consumption shall be submitted. This approval may be in the form of a copy of a certificate, license, permit, or a letter of approval from the agency.
- (2) The Secretary may require the Bottled water system to submit of a copy of the laws and regulations on bottled water processing from the regulatory agency having jurisdiction.
- (3) In accordance with [10 VSA § 1673\(f\)\(1\)](#), the **Imported Bottled** water system shall certify that the water and the source and system of the imported water is regulated by drinking water standards or requirements substantially equivalent to or more stringent than standards or requirements established by the Secretary pursuant to [10 VSA § 1672\(b\)](#).
- (4) The **Imported Bottled** water system shall submit monitoring results for all contaminants identified in Tables 6-1 and 6-2 of Subchapter 21-6 that is measured at locations representative of each source prior to treatment and from each finished bottled water product type and package size to be distributed or sold in Vermont. These results must be collected no earlier than twelve (12) months before the date of the application, with the exception of the microbiological analyses which shall be collected no earlier than thirty (30) days before the date of the application.

(b) **Imported Bottled** water systems shall submit monitoring results for the contaminants identified in Table 6-1 of Subchapter 21-6, at the sampling frequency and for the number of samples identified in Table 11-1, measured at locations representative

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of each source prior to treatment and from each finished bottled water product type and package size distributed or sold in Vermont.

**Table 11-1 -- IMPORTED BOTTLED WATER MONITORING REQUIREMENTS**

Category of Contaminant <sup>(1)</sup>	Sampling Frequency	Number of Samples	
		Source	Product
Microbiological	Monthly <sup>(2)</sup>	1	4
Total Coliform	Monthly <sup>(2)</sup>	1	4
Heterotrophic Plate Count (HPC)			
Primary Inorganic Chemicals (including lead and copper)	3 Years	1	1
Volatile Organic Chemicals	3 Years	1	1
Synthetic Organic Chemicals	3 years	1	1
Per- and polyfluoroalkyl substances (PFAS)	3 Years	1	1
Radionuclides: Gross Alpha, Combined Radium 226 & 228, and Uranium	3 Years	1	1
Disinfectant By-products and Disinfectant Residual	According to 40 CFR, Part 141, Subpart L		

(1) See Table 6-1 for a detailed list of contaminants and associated MCLs and MRDLs.

(2) If bottling does not occur monthly, a letter must be submitted in place of the monthly sample to avoid receiving a monitoring violation.

(c) The Secretary may require additional water quality monitoring for protection of public health and welfare.

(d) **Imported Bottled** water systems shall comply with the MCLs identified in Table 6-1.

(1) An **Imported Bottled** water system that is in receipt of water quality monitoring data showing an exceedance of an MCL, or who becomes aware of water quality monitoring data showing an exceedance of an MCL, in their source or

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one or more of their products, shall immediately notify the Secretary and provide the results, when available to the water system, to the Secretary.

(2) If water quality monitoring data shows an exceedance of an MCL in an **Imported Bottled** water system source or one or more of their products, and when the Secretary determines it is necessary to protect public health, the Secretary may direct the **Imported Bottled** water system to cease distribution and sale of the affected products and make all efforts to remove the affected products from distribution and sale in Vermont. The Secretary may require the **Imported Bottled** water system to take other measures necessary to protect public health.

(e) If the Heterotrophic Plate Count is greater than or equal to 500 colony forming units per 1 ml, the water system shall investigate the source of contamination and bottling operation, and report the findings to the Secretary.

**Credits**

Amended Dec. 1, 2010; April 12, 2019; March 17, 2020; Feb. 24, 2024.

Complete through September, 2024. Some sections may be more current, see credits for details.

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**Footnotes**

- 1 (1) See Table 6-1 for a detailed list of contaminants and associated MCLs and MRDLs.
- 2 (2) If bottling does not occur monthly, a letter must be submitted in place of the monthly sample to avoid receiving a monitoring violation.

Vt. Admin. Code 16-3-500:11.1, VT ADC 16-3-500:11.1