

March 28, 2018

Dear Representative,

We are requesting you stop S197.

As a small business and multi-generational Vermonter, I do my best to maintain the beauty, culture, and environmental values Vermont is famous for. I often do so at a huge expense both financially and with regard to time, effort, and paperwork. In my work place and in my home I practice due diligence to prevent harm. I pay insurance premiums as an S-Corporation based on industry standards. When I purchased a family business I created a S-Corporation to protect my family and carry an umbrella policy on my personal liability to protect my hard earned assets and ensure my family has adequate coverage should an accident happen.

The impact of S197 were it to pass is unmeasurable throughout the state in many service industries. The list includes but is not limited to farms, hospitals, The Granite Industry, cleaning services, dry cleaners, hair dressers, automotive repair shops, construction and industry, the newly developing craft brew and spirits industry, and even home production products. The list goes on and on for businesses that use chemicals, businesses that produce them, and even a significant number of "green" businesses. Because of the broad scope of S197 stating a chemical found to be toxic now or indefinitely in the future we have no idea what industry or process may be affected. As new materials, organic products, and a healthier lifestyle for people, animals and the environment are developed everyone will benefit. However what we don't know now cannot be used against us in the future.

Vermont has a history of family businesses, but as generations are leaving the state in search of a better cost of living these businesses are closing. How can an insurance company deal with these closures and who would be liable should all owners have passed? As a corporation, would a business owners personal assets still be protected? I believe the sale of any business would be greatly impacted as no one would be willing to take on the liability burden, not knowing the potential effects of S197. Vermont's economic and industry development would essentially come to a standstill simply because of this broad sweeping proposal. The impact on family farms, land inheritance, and even land trust property should be researched more thoroughly. Although the intent to protect Vermont's citizens and environment is appreciated, the unintended resulting confusion and fear impacting Vermont's businesses, revenues, products, and potential economic growth needs to be researched further.

In New York's experience, when a strict liability for fall related injuries was enacted for the construction industry, (where companies are responsible despite due diligence and acting reasonably) insurance premiums soared putting some companies out of business simply because they could not afford insurance. **The state's injury and fatality rates remained the same.** Vermont insurance agencies have no basis for rates should S 197 pass and experience shows when faced with the unknown and potentially large liability risk exposure, commercial rates soar. Markets will be disrupted possibly even reducing carrier's ability to insure Vermont based companies or individuals.

Current laws allow those alleging harm to file lawsuits and recover damages based on negligence, but it also expects reasonable care and precaution from users. Under S197 no matter how carefully a company acts it would be held responsible without being able to present any defense showing attempts at acting reasonably. Unlike the Superfund law, S197's strict liability would allow for third -party recovery in a personal injury claim or private action.

As a responsible business owner and lifelong Vermont resident I appreciate the need to ensure the health of all citizens and the long term care of our environment. Having 8 employees we treat as family, compensate well, and have a great relationship with, the disgruntled employee is not an issue for us. That may not be the case in all businesses, and as is S197 opens the door for false accusations and little room for defense by the accused. There is absolutely a better way to protect against an incident similar to the PFOA one and I suggest more research and thought be given to it rather than the broad scope legislation outlined in S197. The portion regarding indefinite testing rights alone should be enough to scare you into voting NO. Do we open the door for someone to keep testing until some doctor some time finds something to link back to some chemical exposure resulting in some illness? The responsibility should be held by all to exercise due diligence and this includes Towns, Cities, and the State. The way S197 is written, these entities could also be held liable and with the continued discharge of partially or untreated sewage into our public waterways, the antiquated infrastructure used in so many treatment plants, the potential for chemicals used now in treatment to "someday" be deemed harmful I think there is a better way than S197. The Governor has directed this legislature to improve Vermont's Economic future. S197 does the exact opposite and its impact will result in a losing outcome for businesses and citizens of Vermont.

Sincerely, Kim, Jamie and Cameron Bolduc and Bolduc Auto Salvage, INC dba Bolduc Metal Recycling