

PLEASE VOTE NO ON S.197

April 24, 2018

Dear Representative:

As organizations representing employers of every kind, size, and location across Vermont, we strongly urge you to vote no on S.197. S.197 would make sweeping changes to the potential liabilities that companies could face for any alleged personal injury, property damage, and medical monitoring costs that individuals might associate with releases of chemicals. The legislation is fundamentally flawed and unbalanced, and it could significantly increase operational risks and costs for a wide range of Vermont employers without providing a substantial and warranted public benefit.

Some of the key problems with the bill include:

- Companies could be held financially liable for any claim of personal injury or property damage associated with any release at any level, regardless of compliance with state or federal permits and regulations or other environmental or health standards for acceptable releases.
- For medical monitoring costs, liability could be associated with releases that are below levels set by state or federal permits and regulations and below state or federal environmental or health thresholds.
- The bill does not set clear or reasonable exposure thresholds that are linked to any established state or federal environmental or health thresholds for a plaintiff to make a claim.
- Companies could be held liable for medical monitoring costs even if an alleged exposure is not considered likely to result in any disease actually developing -- any increase in risk is sufficient.
- The legislation does not provide any of the exemptions or defenses against financial liability that are included in the statutes that allow the state to hold companies liable for chemical releases.
- The bill could make liability insurance unaffordable or unavailable to many businesses in Vermont, compounding the increased risks and costs of doing business in the state.
- No other state has adopted such expansive liability legislation. The bill would create potentially significant risks and disincentives to continued investment and business operations in Vermont compared to other states.

There are a number of legal and regulatory options for citizens and for the state to seek appropriate compensation and remediation from companies responsible for chemical releases that cause true harm. S.197 would lower thresholds and criteria and remove defenses to such an extent as to fundamentally undermine due process and reasonable or sustainable risks and costs. The negative economic consequences would only be compounded by the extent to which Vermont would be out of line with other states. We respectfully urge you to vote NO on S.197.

Sincerely:

Associated Industries of Vermont
Associated General Contractors of Vermont
Addison County Economic Development Corporation
American Insurance Association
Brattleboro Development Credit Corporation
Central Vermont Chamber of Commerce
Central Vermont Regional Development Corporation
Franklin County Industrial Development Corporation
Greater Burlington Industrial Corporation
Green Mountain Dairy Farmers
Green Mountain Economic Development Corporation
Lake Champlain Regional Chamber of Commerce
Lamoille Economic Development Corporation
National Federation of Independent Business/VT
Northeastern Vermont Development Association

Okemo Valley Regional Chamber of Commerce
Property and Casualty Insurers Association of America
Rutland Economic Development Corporation
Rutland Region Chamber of Commerce
Vermont Chamber of Commerce
Vermont Fuel Dealers Association
Vermont Ground Water Association
Vermont Independent Electrical Contractors Association
Vermont Insurance Agents Association
Vermont Petroleum Association
Vermont Retail & Grocers Association
Vermont Retail Lumber Dealers Association
Vermont Ski Areas Association
Vermont Truck & Bus Association
Vermont Vehicle & Automotive Distributors Association



April 23rd, 2018

House Judiciary Committee
Vermont Statehouse
Montpelier, VT 05633

Dear Committee Members

I am writing to express the concerns of Fulflex, in regards to S.197. Fulflex is a rubber manufacturing facility in Brattleboro, which employs 110 people, with average hourly earnings of \$19.50 per hour, exclusive of benefits.

This act puts potentially dangerous liability claims on the manufacturer and will ultimately raise the cost of doing business in Vermont, despite the many employers who like ourselves work very hard to keep manufacturing cost in line to remain competitive and keep high paying jobs in Vermont.

Key issues are as follows:

Regardless of compliance with state or federal regulations, companies could still be held financially liable for claims of releases at any level.

Regardless of compliance with state or federal regulations and permits, companies could be held liable for medical claims and monitoring

The bill does not define or set reasonable exposure limits

Companies could incur cost of claims not associated with actual exposure permitted

The legislation does not provide any of the exemptions or defenses against financial liability that are included in the statutes that allow the state to hold companies liable for chemical releases.

Sincerely

Donald C Venice
Vice President of Operations



April 24, 2018

Dear Representatives,

I write today to urge you to oppose S. 197 for the good of Vermont businesses and in the interest of fairness. While I appreciate your need to balance all sides in the best interest of the state, S. 197 goes too far in exposing Vermont businesses to unwarranted liability and high costs.

By way of background, Perrigo employs 365 people in our Vermont plant making infant formula. This plant has been in the state for 35 years and is an important part of the Franklin County community. Perrigo has been committed to the state for many years and wants to remain so.

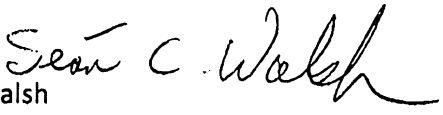
Perrigo is concerned that companies could be held financially liable for any claim of personal injury or property damage, or for medical monitoring costs, associated with releases that are below levels set by state or federal permits and below state or federal environmental or health limits. The bill does not set clear or reasonable exposure limits that are linked to any established state or federal environmental or health standards for a plaintiff to make a claim.

In addition, the bill could make liability insurance unaffordable or unavailable to many businesses in Vermont, compounding the increased risks and costs of continuing to invest in or do business in the state.

This liability legislation is beyond anything passed by other states, and puts the company at a significant disadvantage doing business in the state. It would be very difficult for our company to justify new investment or defend our current facilities with such a cloud hanging over our business.

Again, I urge you to oppose this bill. Please don't hesitate to reach out with any questions or concerns.

Sincerely,


Sean C. Walsh
Vice President PVT & POH Operations
Perrigo Nutritional

PF/18-005-042318_SOV



April 23, 2018

Dear Representative,

As you know, manufacturers in Vermont face tremendous pressures in trying to control costs and compete nationally and internationally. This is especially true for furniture and other high quality wood products. With the many challenges we face in keeping Vermonters employed and our manufacturing traditions alive, I am writing to ask you to please vote no on S.197.

S.197 would greatly increase the potential liabilities that manufacturers could have to shoulder for claims of personal injury, property damage, and also medical monitoring that individual plaintiffs might claim are linked with chemicals, even with relatively little exposure or clear standards for harm.

With potentially significant costs based on low and broad thresholds and great uncertainty, manufacturers would find the risks of operating in Vermont further increased, including to the point of making the cost or availability of liability insurance a serious issue.

These are not the kinds of liabilities, costs, and risks our competitors find in other states or that we would find if we operated elsewhere.

The legal system, as well as Vermont regulations, already provide pathways for compensation and remediation from manufacturers responsible for chemical releases. S.197 would tip the scales too far in favor of litigation with little foundation and no real defenses or limits on the serious consequences for companies that act in good faith and within the law and regulations.

Please vote no on S.197.

Sincerely,

Tim Copeland
President, Copeland Furniture

WEIDMANN

April 23, 2018

Attn: The Representatives of Vermont

Subject: S.197

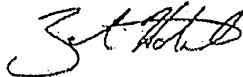
Dear Representatives,

We at Weidmann, a responsible and sustainable business in Vermont, are very proud of our record of providing a safe and healthy environment for our employees and community by working closely with OSHA, VTOSHA, EPA, and State environmental organizations. As a regular course of business, we advance our environmental, health and safety (EH&S) programs using minute details related to chemical type, hazard, exposure thresholds, protective equipment, and risk mitigation. Precisely the information developed by the organizations listed above to establish regulations. Unfortunately, these fundamental subject details are absent from S.197, which if passed will only lead to uncertainty for businesses, with increased risk and cost of doing business in the State of Vermont and without providing a substantial public benefit.

Financial liability for any claim of personal injury or medical monitoring cost that are associated with releases below levels set by state, federal environmental or other health standards "moves the line" which businesses base their EH&S investments on - seemingly without scientific evidence. Also, holding companies liable for medical monitoring costs even if an alleged exposure is within background exposure levels will impact affordability of liability insurance at the least, and force companies to develop unnecessary engineered solutions to problems that do not exist – at levels completely unaffordable.

There are certainly a number of legal and regulatory options already available to citizens and the state to hold companies responsible for chemical releases that cause harm. Our operations in other States see no similar legislation, adding another comparative increase to the cost of doing business in the State of Vermont. S. 197 is too far reaching and will unnecessarily increase costs and operational uncertainty for businesses working in Vermont.

Sincerely,



Zachariah Hatch
Vice President of Manufacturing

WEIDMANN ELECTRICAL TECHNOLOGY INC.
One Gordon Mills Way, St. Johnsbury, VT 05819, USA
T +1 802 748 8106, F +1 802 748 8630, www.weidmann-electrical.com

A Member of the WICOR Group

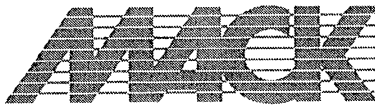


Dear Representative,

On behalf of Mack Molding Company, I would like to propose the following observations for you to consider in advance of S.197, An Act Relating to Liability for Toxic Substance Exposure or Releases, coming to another vote. Let me first reaffirm that Mack Molding Company believes all businesses should comply with existing law. We are not however, in agreement that any business should be held liable for future unknown and unforeseeable scientific or legal modifications to any present law. A business that complies with existing law and acts appropriately on behalf of all of its stake holders including the communities it operates in, should not have to exist and operate in fear of future scientific evidence or legislative action.

We are concerned with the language contained in S.197 would make sweeping changes to the potential liabilities that companies could face for any alleged personal injury, property damage, and medical monitoring costs that individuals might associate with releases of chemicals. The legislation is fundamentally flawed and unbalanced, and could significantly increase operational risks and costs for a wide range of Vermont employers without providing a substantial and warranted public benefit.

- 1 Companies operating in Vermont could be held financially liable for any claim of personal injury or property damage, or for medical monitoring costs, associated with releases that are below levels currently set by state or federal permits and known environmental or health limits.
- 2 The bill does not define exposure limits that are linked to any established state or federal environmental or health standards for a plaintiff to make a claim against.
- 3 Companies could be held liable for medical monitoring costs even if an alleged exposure is not considered likely to result in any disease actually developing -- *any* real or perceived increase in risk is sufficient.
- 4 The bill could make liability insurance unaffordable or unavailable to businesses in Vermont, this in conjunction with the fact no other state has such expansive liability legislation creates new and significant disincentives to investing in new business or new technologies within the state of Vermont.



As a result of our interpretation of these changes as currently proposed, we continue to be concerned about the following:

1. We are concerned that no business or agency would be able to properly assess the potential future legal remedies for items that today are considered safe and appropriately used under current legal authority, therefore no one would be able to insure against the unknown, unlimited potential remedies.
2. We also remain concerned about the continued trend by the legislature in the State of Vermont to create new and added disincentives for manufacturing businesses to operate within the state through unwarranted regulatory risks and uncertainties.

We would ask you to consider instead supporting striking any language from S.197 that creates unlimited and unknown future potential remedies against all entities operating within the State of Vermont.

Respectfully,

Marc Colety

Marc Colety – Vice President of Procurement –Mack Molding Company – 4/23/2018

April 23, 2018

Honorable Representatives
Members of the House Judiciary Committee
State House
Montpelier, Vermont 05633

Re: Senate Bill No. 197

Dear Honorable Representatives,

On behalf of Fab-Tech, Inc., I wish to express several concerns regarding the provisions of S. 197, an act relating to Strict Liability of Toxic Substance Release.

Fab-Tech, Inc. of Colchester is, and has been for thirty years, a global leader in a specific product technology widely used in the semiconductor industry and other high-tech markets. Inventive and skilled, our team of 130+ Vermont employees, plus our stakeholders, enjoy and benefit from the exceptional quality of life here in Vermont. Accordingly, we certainly advocate for a clean and healthy environment for all.

However, for our company to continue to be successful and remain here in Vermont, Fab-Tech seeks clarity regarding Senate Bill No. 197. We respectfully request clarity in this proposed statute that companies like Fab-Tech would be obligated to comply with should this bill pass into law in its current form. Specifically, S. 197 does not provide clarity with respect to the following:

- Precise definitions and limits of regulated materials;
- Specific and defined threshold for release;
- Exact exposure limits;
- Parameters of liability for defined events.

Of greatest concern is that no other US state has enacted similar legislation. Uncertainties will follow, raising concerns with our investors and insurance carriers.

Thank you for your understanding,

With best regards,



Paul E. Frascoia
Chief Executive Officer
Fab-Tech, Inc.
A Critical Process Systems Group Company

REVISION MILITARY LTD.
7 CORPORATE DRIVE
ESSEX JUNCTION VT 05452
U.S.A.

T 802.879.7002
F 802.879.7224

www.revisionmilitary.com



April 23, 2018

Chairwoman and Members of the House Judiciary Committee
Vermont General Assembly
Montpelier, VT

Re: S.197

Revision is the manufacturer of equipment that provides protection to those who place their lives on the line, in the US and throughout the world. Revision employs over 300 employees in Essex Junction and Newport, producing personal protective protection. These products are sold in Vermont, the US and in over 75 countries.

Please accept these comments regarding S. 197. Revision appreciates the goals of this legislation which is designed to insure the safety of consumers and enable corporate responsibility for same. However, we also need to be cognizant of the global markets in which some of our Vermont manufactured products compete. We need to be careful to craft a solution that does not complicate compliance and which preserves global competitiveness of our products.

S.197 would make sweeping changes to the potential liabilities that companies could face for any alleged personal injury, property damage, and medical monitoring costs that individuals might associate with releases of chemicals. The legislation, as presently worded, could significantly increase operational risks and costs for a wide range of Vermont employers without providing a substantial and warranted public benefit.

Some of the key concerns with the bill include:

- Companies could be held financially liable for any claim of personal injury or property damage associated with any release at any level, regardless of compliance with state or federal permits and regulations or other environmental or health standards for acceptable releases.
- For medical monitoring costs, liability could be associated with releases that are below levels set by state or federal permits and regulations and below state or federal environmental or health thresholds.
- The bill does not set clear or reasonable exposure thresholds that are linked to any established state or federal environmental or health thresholds for a plaintiff to make a claim.



REVISION.

- Companies could be held liable for medical monitoring costs even if an alleged exposure is not considered likely to result in any disease actually developing -- any increase in risk is sufficient.
- The legislation does not provide any of the exemptions or defenses against financial liability that are included in the statutes that allow the state to hold companies liable for chemical releases.
- The bill could make liability insurance unaffordable or unavailable to many businesses in Vermont, compounding the increased risks and costs of doing business in the state.
- No other state has adopted such expansive liability legislation. The bill would create potentially significant risks and disincentives to continued investment and business operations in Vermont compared to other states.

There are a number of legal and regulatory options for citizens and for the state to seek appropriate compensation and remediation from companies responsible for chemical releases that cause true harm. S.197 would lower thresholds and criteria and remove defenses to such an extent as to fundamentally undermine due process and reasonable or sustainable risks and costs. The negative economic consequences would only be compounded by the extent to which Vermont would be out of line with other states.

Revision would therefore appreciate your consideration of the above points.

Sincerely,



Gregory Maguire

Sr. Director, Legal and Government Affairs