

McCullough Crushing inc
Fred McCullough
548 McCullough Hill Rd
Middlesex, Vt 05602

April 11, 2018

The Honorable Maxine Grad
Chairperson of House Judiciary
State of Vermont

Dear The Honorable Maxine Grad,

I am writing to voice my concern with bill S-197. This bill concerns me for many reasons, First, is the loss of due process with the application of "strict liability". Without Due process, our doors are open to wrongful blame and predatory litigation. A disgruntled employee or competitor could intentionally cause a release, etc. and the business would automatically be at fault.

Our business, McCullough Crushing Inc. crushed at several locations in New York for years until New York put strict liability in place in regard to fall related injuries in construction. At that time, our insurance company notified us that they no longer cover New York construction and we have not done business in New York since. This is potentially much worse.

The expansive list of chemicals (40 CFR 302.4) as well as the additional possible chemicals (page 6 vi) is troubling because there is no way to safeguard against the unknown. What's safe today may be toxic tomorrow. In conversations with insurance underwriters, they have expressed dismay in the ability to underwrite the unknown! The only sure thing is that it will be EXPENSIVE.

There are many obstacles to doing business in Vermont today. This law is Draconian and the unintended consequences of this law will be massive in scale. I urge you to vote NO on S-197.

Sincerely,

Fred McCullough