



April 24, 2018

S. 197, An Act Relating to Liability for Toxic Substance Exposure or Releases

Dear Rep. Maxine Grad & House Judiciary Committee Members:

Thank you for the opportunity to express our concerns related to S. 197. Casella Waste Management, Inc. (CWM) operates several solid waste and recycling facilities throughout the State of Vermont is an employer of well over 100 people in Vermont alone. CWM is opposed to S. 197, a bill that imposes joint, several and strict liability for harm resulting from a release of toxic substances and establishes a private right of action for medical monitoring damages due to exposure for the following reasons:

S. 197 creates a medical monitoring program that holds companies financially liable for an indefinite period of time for claims related to personal injury or property damage associated with releases or exposure to toxic substances that are below levels (i.e. exposure limits) that have been established by State and Federal environmental regulations and health standards. The broad language in this bill would allow claimants to recover damages without having to link or prove that an injury or disease is likely to occur or develop as a result of being exposed to a toxic substance from their current or former employer. Furthermore, the definition of “medical monitoring damages” proposed in S. 197 does not require a physician or qualified medical professional to verify that tests and treatments are medically necessary.

No other state has adopted this type of broad liability legislation. The broad definitions and strict liability proposed in S. 197 places existing businesses in Vermont at a competitive disadvantage and discourages new businesses by creating unpredictable economic situations, the potential for lawsuits, and increased insurance premiums.

CWM implements an extensive environmental health and safety program that is consistent with State and Federal regulations. CWM is committed to providing our employees with a safe workplace and upholding our responsibilities under existing environmental regulations. Our facilities receive and manage various types of waste and recyclable materials on a daily basis and we have controls in place to ensure that the types of waste received at our facilities is acceptable and allowed by our permits and our employees are properly trained. While CWM is not a manufacturer of toxic substances and is not allowed to accept hazardous waste, the broad definition of a “facility” is concerning and has the potential to pose undue responsibilities and liabilities on our company. CWM respectfully requests that the following language be added to the definition of “Facility” that would exempt solid waste and recycling facilities from this legislation:

(1) "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land where 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 or any type of solid waste and recycling facility.

Respectfully submitted,

A handwritten signature in black ink that reads "Kim Crosby". The signature is written in a cursive, flowing style.

Kim Crosby – Environmental Compliance Manager
Casella Waste Management, Inc.