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At Beaulieu Place

“Where Business and Opportunity Meet”

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Statement Before
Vermont General Assembly
Senate Committee on Judiciary

Presented by
William D. Moore

Central Vermont Chamber of Commerce
January 26, 2018

RE: S 197, An Act Relating to Liability for Toxic Substance Exposures or
Releases

Chairman Sears, Honorable Members of the Senate Committee on
Judiciary . . .

My name is William D. Moore. I am the President and CEO of the
Central Vermont Chamber of Commerce. The Central Vermont Chamber
of Commerce is the largest business organization serving Washington
County and a portion of Orange County. Our diverse membership consists
of some of the largest businesses in Vermont as well sole proprietorships.
Virtually every sector of Vermont's economy is represented in our
membership.

Thank you for the opportunity to be before you today to discuss
issues concerning S 197, An Act Relating to Liability for Toxic Substance
Exposures or Releases.

We have several concerns about the proposed legislation.

The Central Vermont Chamber of Commerce believes that all
businesses should comply with all existing law. We believe that all
companies should be operating with strict attention to safety for their
employees, the public and the environment. We are concerned, however,
that this Act may impose severe future penalties on companies who are in
compliance with existing law and regulations today.

Under Sec. 1. 10 V.S.A. chapter 159 §6685 (3), "'Toxic substance' means any substance identified as toxic or hazardous under State or federal law, or mixture thereof, or any other substance that has been shown at any time to cause increased risk of disease." The phrase "at any time" is troubling. This section would hold a company that is acting within the confines of a properly issued permit liable for using something that may, five, ten twenty or more years from now be deemed to be "toxic" or "hazardous."

We have the same concern regarding adding Chapter 219 § 7201. DEFINITIONS to Sec. 2. 12 V.S.A which uses the same definition for "Toxic substance."

We are also concerned that someone who, following the constraints contained in a permit is liable for costs associated with medical monitoring regardless of whether or not there is a "present injury or disease." This becomes even more problematic when one considers that the Act does not require an individual to prove "disease is certain or likely to develop as a result of the exposure."

We are concerned that there is no measure of how much exposure the individual had to the hazardous substance that would lead a reasonable person to conclude that they are at risk of disease.

We believe that enactment of S197 will cause an unfair, undue burden on those who today are acting in a lawful permitted way, who are acting in a manner allowed by the state, who are acting pursuant to current statutes and regulations. We respectfully urge the Committee to reject S 197, An Act Relating to Liability for Toxic Substance Exposures or Releases.

Thank you for the opportunity to present these comments to the Committee. I will be happy to respond to any questions that the Committee may have.