

PHILIP B. SCOTT
Governor



State of Vermont
OFFICE OF THE GOVERNOR

June 17, 2019

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State Street
Montpelier, VT 05633-5401

Dear Secretary Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.37, *An act relating to medical monitoring*, without my signature because of my objections described herein:

Since I took office, we have taken many steps to ensure safe drinking water in our communities and hold responsible parties accountable for toxic pollution, including:

- Implementing Act 55 of 2017 to hold parties that contaminate groundwater responsible for connecting impacted Vermonters to municipal water;
- Passing S.49 of 2019, which I proudly signed in May, to take the next step in Vermont's response to PFOA and the related chemical class known as PFAS;
- Securing an agreement with St. Gobain to extend waterlines to 470 homes or businesses in Bennington and North Bennington;
- Funding to finish waterline extensions to the remaining impacted homes on the east side of Bennington;
- Funding for lead testing and remediation in all Vermont schools and childcare centers;
- Establishing long-term funding sources for phosphorous remediation in state waterways; and
- Proposing and passing an enhanced service delivery model for water quality projects.

As a state, we have shown a significant commitment to ensuring Vermonters have clean and safe water and have existing legal avenues to pursue bad actors who jeopardize Vermonters' health – and we will continue to do so.

While we made progress this year in the discussion about medical monitoring, S.37 as passed, lacks the clarity needed by Vermont employers who our state relies on to provide good jobs. Numerous Vermont employers have expressed concerns to me, and to Legislators, that the unknown legal and financial risks, and increased liability, is problematic for continued investment in Vermont.

If Vermont manufacturers and others cannot secure insurance or cover claims, then our economy will weaken, jobs will be lost, tax revenue will decline and, ultimately, all Vermonters lose.

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I continue to believe we do not have to choose between Vermonters health and the availability of jobs.

The good news is there is a path forward. The bipartisan amendment introduced by Representatives Beck, Houghton, Gannon, Bancroft and Fagan, during third reading of the bill on the House Floor on May 16, would provide affected Vermonters with a remedy based on a well-established legal test. If the Legislature makes these changes, I can support this proposal.

Based on the objections outlined above, I must return this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution. I am very confident that we are close to a solution that will benefit Vermonters without causing Vermonters to lose their jobs and harming our economy, should the Legislature choose to revisit this bill in January.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip B. Scott", with a long horizontal line extending to the right.

Philip B. Scott
Governor

PBS/kp