

1 S.261

2 Introduced by Senators Campion, Lyons and Sears

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; perfluoroalkyl and polyfluoroalkyl  
6 substances; release; liability

7 Statement of purpose of bill as introduced: This bill proposes to provide that  
8 any person who releases perfluoroalkyl and polyfluoroalkyl substances from a  
9 large facility shall be held strictly, jointly, and severally liable for any harm  
10 resulting from the release.

11 An act relating to liability for the release of perfluoroalkyl and  
12 polyfluoroalkyl substances

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. chapter 159, subchapter 6 is added to read:

15 Subchapter 6. Strict Liability for Release of PFAS

16 § 6711. DEFINITIONS

17 As used in this subchapter:

18 (1) “Establishment” means any premises used for the purpose of  
19 carrying on or exercising any trade, business, profession, vocation, commercial  
20 or charitable activity, or governmental function.

1           (2) “Facility” means all contiguous land, structures, other  
2           appurtenances, and improvements on the land where PFAS are manufactured,  
3           processed, used, or stored. A facility may consist of several treatment, storage,  
4           or disposal operational units. A facility does not include land, structures, other  
5           appurtenances, and improvements on the land owned by a municipality.

6           (3) “Harm” means any personal injury or property damage.

7           (4) “Large facility” means a facility:

8           (A) where 10 or more full-time employees have been employed at  
9           any one time; or

10           (B)(i) where an activity within the Standard Industrial Classification  
11           Code of 20 through 39 is conducted or was conducted; and

12           (ii) that is owned or operated by a person who, when all facilities  
13           or establishments that the person owns or controls are aggregated, has  
14           employed 500 employees at any one time.

15           (5) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a  
16           class of fluorinated organic chemicals containing at least one fully fluorinated  
17           carbon atom.

18           (6) “Person” means any individual; partnership; company; corporation;  
19           association; unincorporated association; joint venture; trust; municipality; the  
20           State of Vermont or any agency, department, or subdivision of the State;  
21           federal agency; or any other legal or commercial entity.

1           (7) “Release” means any intentional or unintentional, permitted or  
2           unpermitted, act or omission that allows PFAS to enter the air, land, surface  
3           water, groundwater, or any other place where PFAS may be located.

4           § 6712. LIABILITY FOR RELEASE OF PFAS

5           (a) Any person who releases PFAS from a large facility shall be held  
6           strictly, jointly, and severally liable for any harm resulting from the release.

7           (b) Any person held liable under subsection (a) of this section shall have  
8           the right to seek contribution from the manufacturer of the PFAS that was  
9           released.

10           (c) Nothing in this section shall be construed to supersede or diminish in  
11           any way existing remedies available to a person or the State at common law or  
12           under statute.

13           Sec. 2. EFFECTIVE DATE

14           This act shall take effect on passage.