

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 86
3 entitled “An act relating to establishing the Chloride Contamination Reduction
4 Program at the Agency of Natural Resources” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. chapter 47, subchapter 3A is added to read:

8 Subchapter 3A. Chloride Contamination Reduction Program

9 § 1351. DEFINITIONS

10 As used in this subchapter:

11 (1) “Apply salt” or “application of salt” means to apply salt or a salt
12 alternative to roadways, parking lots, or sidewalks for the purpose of winter
13 maintenance or for summer dust control. “Apply salt” or “application of salt”
14 does not mean the application of salt to a transportation infrastructure
15 construction project.

16 (2) “Commercial salt applicator” means any individual who for
17 compensation applies salt but does not include municipal or State employees.

18 (3) “Master commercial salt applicator” means any individual who
19 employs and is responsible for individuals who for compensation apply salt but
20 does not include municipal or State employees.

1 (4) “Salt” means sodium chloride, calcium chloride, magnesium
2 chloride, or any other substance containing chloride used for the purpose of
3 deicing, anti-icing, or dust control.

4 (5) “Salt alternative” means any substance not containing chloride used
5 for the purpose of deicing, anti-icing, or dust control.

6 (6) “Secretary” means the Secretary of Natural Resources.

7 (7) “Transportation infrastructure construction project” means a project
8 that involves the construction of roadways, parking lots, sidewalks, or other
9 construction activities at transportation facilities or within transportation
10 rights-of-way.

11 § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

12 (a) The Secretary of Natural Resources, after consultation with the
13 Secretary of Transportation and other states with similar chloride reduction
14 programs, shall establish the Chloride Contamination Reduction Program for
15 the voluntary education, training, and certification of commercial salt
16 applicators regarding effective and efficient application of salt and salt
17 alternatives to provide safe conditions for pedestrians and motor vehicles on
18 traveled surfaces while also reducing the impacts of salt and salt alternatives
19 on the quality of the waters of the State.

20 (b) As part of the Program, the Secretary of Natural Resources, on or
21 before July 1, 2026, shall adopt by rule best management practices for

1 application of salt or salt alternatives by commercial salt applicators. The best
2 management practices may be based on practices currently implemented by the
3 Agency of Transportation or other entities. The best management practices
4 shall:

5 (1) establish measures or techniques to increase efficiency in the
6 application of salt or salt alternatives so that the least amount of salt or salt
7 alternatives are used while maintaining safe conditions for pedestrians and
8 motor vehicles on traveled surfaces;

9 (2) establish standards for when and how salt and salt alternatives are
10 applied in order to prevent salt or salt alternatives from entering waters of the
11 State, including:

12 (A) salt alternatives that are cost-effective and less harmful to water
13 quality while maintaining safe conditions for pedestrians and motor vehicles
14 on traveled surfaces;

15 (B) whether and how to implement equipment to calibrate, monitor,
16 or meter application of salt or salt alternatives; and

17 (C) when sand is an appropriate alternative to salt or salt alternatives
18 for deicing or dust control, particularly in regard to when application of sand
19 will be less harmful to water quality;

20 (3) establish record-keeping requirements for commercial salt
21 applicators, including records of training and records describing the type and

1 rate of application of salt or salt alternatives, the dates of use, weather
2 conditions requiring use of salt or salt alternatives, and any other factors that
3 the Secretary of Natural Resources deems necessary for the purposes of the
4 Program;

5 (4) create and circulate a model form for record-keeping information
6 required under this section;

7 (5) establish requirements for certification under this subchapter,
8 including frequency of training and manner of training;

9 (6) establish a testing requirement for applicators to complete prior to
10 receiving an initial certification under the Program; and

11 (7) establish other requirements deemed necessary by the Secretary to
12 achieve the purposes of the Program.

13 (c)(1) The Program shall offer training for commercial applicators in the
14 implementation of the best management practices required under subsection
15 (b) of this section. Upon completion of training, a commercial salt applicator
16 shall be designated a certified commercial salt applicator. The term of a
17 commercial salt applicator certification issued under the Program shall be for
18 two years from the date of issuance of certification.

19 (2) A business that employs multiple commercial salt applicators may
20 apply to the Secretary for certification of the business owner or other
21 designated employee as a master commercial salt applicator. A certified

1 master commercial salt applicator shall ensure that all persons employed by the
2 business to apply salt or salt alternatives are trained to comply with the best
3 management practices established under subsection (b) of this section.

4 (d)(1) A certified commercial salt applicator shall submit an annual
5 summary of total winter salt usage to the Secretary of Natural Resources.

6 (2) The Secretary of Natural Resources shall establish methods to
7 estimate and track the amount of salt applied by certified commercial salt
8 applicators.

9 (e) The Secretary may revoke a certification issued under this subchapter
10 after notice and opportunity for a hearing for a violation of the requirements of
11 this subchapter, the rules of this subchapter, or the provisions of a certification
12 issued under this subchapter.

13 (f)(1) The Program shall include requirements for certification of a master
14 commercial salt applicator.

15 (2) The Program shall specifically exclude salt applications related to
16 transportation infrastructure construction projects.

17 (3) The Secretary may elect to implement the Program with State
18 agency staff or through a third-party vendor, or some combination.

1 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
2 COMPLIANCE

3 (a) Beginning January 1, 2027, an Agency of Natural Resources' certified
4 commercial salt applicator or an owner, occupant, or lessee of real property
5 maintained by an Agency of Natural Resources' certified commercial salt
6 applicator shall not be liable for damages arising from hazards on real property
7 owned, occupied, maintained, or operated by that person when:

8 (1) the hazards are caused solely by snow or ice; and

9 (2) any failure or delay in removing or mitigating the hazards is the
10 result of the certified commercial salt applicator's implementation of the best
11 management practices established under section 1352 of this title for
12 application of salt or salt alternatives.

13 (b) The protection from liability provided under subsection (a) of this
14 section shall not apply when the damages are due to gross negligence or
15 reckless disregard of the hazard.

16 (c)(1) All certified commercial salt applicators shall be presumed to be
17 acting pursuant to the best management practices for application of salt or salt
18 alternatives in the absence of proof to the contrary.

19 (2) A certified commercial salt applicator or a commercial salt
20 applicator employed by a certified master commercial salt applicator is entitled
21 to a rebuttable presumption that they are in compliance with the requirements

1 of sections 1263 and 1264 of this title when applying salt or salt alternatives
2 according to the best management practices established under section 1352 of
3 this title. The rebuttable presumption under this subsection shall not apply to
4 requirements of a total maximum daily load plan required under this chapter or
5 the requirements of a municipal separate storm sewer system permit required
6 under section 1264 of this title.

7 (d) In order to maintain the liability protection provided in subsection (a) of
8 this section, a commercial salt applicator or an owner, an occupant, or a lessee
9 of land shall keep a record describing its winter road, parking lot, and property
10 maintenance practices, consistent with the requirements determined by the
11 Secretary under this subchapter. The record shall include the type and rate of
12 application of deicing materials used, the dates of treatment, and the weather
13 conditions for each event requiring deicing. Such records shall be retained by
14 the applicator for a period of three years.

15 § 1354. EDUCATION AND OUTREACH

16 The Secretary of Natural Resources, through the staff of the Chloride
17 Contamination Reduction Program, shall conduct education and outreach to
18 inform:

19 (1) commercial salt applicators of the existence of the Chloride
20 Contamination Reduction Program and the training and liability protection
21 offered under the Program; and

1 (2) members of the public who purchase salt or salt alternatives for use
2 on driveways, sidewalks, private roads, and other paved surfaces of the
3 potential harm to water quality, pets, and wildlife from excessive application of
4 salt and salt alternatives and how to decrease the potential harm.

5 Sec. 2. ANR REPORT ON MANAGEMENT OF SALT AND SAND

6 STORAGE FACILITIES

7 On or before January 15, 2026, the Secretary of Natural Resources shall
8 submit to the Senate Committees on Natural Resources and Energy and on
9 Transportation and the House Committees on Environment and on
10 Transportation a report regarding the management of State-, municipal-, and
11 privately owned facilities for the storage of salt, salt and sand mixtures, and
12 sand that is not mixed with salt. The report shall include:

13 (1) an inventory of facilities in the State used for the storage of salt, salt
14 and sand mixtures, or sand that is not mixed with salt;

15 (2) an estimated number of facilities that are currently covered;

16 (3) an estimate of the number of facilities that are not covered and are
17 within 100 yards of surface water or drinking water source;

18 (4) an estimate of the number of facilities that are not covered and are
19 more than 100 yards from a surface water or drinking water source; and

20 (5) an estimate of the total cost to cover or move facilities for the
21 storage of salt, salt and sand mixtures, or sand that is not mixed with salt,

1 including a proposed annual amount of funding that would be required to meet
2 the timelines for cover or management.

3 Sec. 3. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS
4 CURRICULUM

5 (a)(1) On or before July 1, 2026, the Secretary of Natural Resources, in
6 collaboration with the Secretary of Transportation, shall identify and make
7 changes to the Vermont Local Roads curriculum needed to support municipal
8 salt applicators in meeting the purpose of this act, including training for best
9 management practices for spreading salt on roads, parking lots, and sidewalks.

10 (2) As used in this subsection, “municipal salt applicator” means any
11 individual who applies or supervises others who apply salt or salt alternatives
12 in the applicator’s capacity as an employee or agent of a town or a
13 municipality but does not include State employees.

14 (b)(1) Notwithstanding 24 V.S.A. § 901a to the contrary, beginning July 1,
15 2027, a municipal employee shall not be subject to any civil liability for acts or
16 omission the employee conducts as a municipal salt applicator if:

17 (A) the municipal salt applicator completed the Vermont Local
18 Roads curriculum providing best management practices for applying salt or
19 salt alternatives on roads, parking lots, and sidewalks in the previous 365 days;

20 (B) the alleged damages are caused solely by hazards from snow or
21 ice; and

1 (C) any failure or delay in removing or mitigating the hazards is the
2 result of the municipal salt applicator’s implementation of the best
3 management practices learned under the Vermont Local Roads curriculum.

4 (2) The protection from liability provided under subdivision (1) of this
5 subsection shall not apply when the damages are due to gross negligence or
6 reckless disregard of the hazard.

7 Sec. 4. IMPLEMENTATION; FEE REPORT

8 (a) The Secretary of Natural Resources shall adopt the best management
9 practices for commercial application of salt or salt alternatives required under
10 10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A.
11 chapter 47. The Secretary of Natural Resources shall adopt any procedure or
12 rule establishing the best management practices for commercial application of
13 salt or salt alternatives on or before November 1, 2026 for initial use beginning
14 on January 1, 2027.

15 (b) On or before January 15, 2026, the Secretary of Natural Resources shall
16 solicit interest from third-party vendors for training and certifying commercial
17 salt applicators under 10 V.S.A. chapter 47, subchapter 3A. If there is
18 insufficient interest from vendors, the Secretary shall submit to the Senate
19 Committees on Natural Resources and Energy and on Finance and the House
20 Committees on Environment and on Ways and Means a recommended fee to

1 charge for certification of commercial applicators under 10 V.S.A. chapter 47,
2 subchapter 3A.

3 Sec. 5. AUTHORIZED POSITION; APPROPRIATIONS

4 (a) In addition to other positions authorized at the Agency of Natural
5 Resources in fiscal year 2026, a permanent classified position is authorized for
6 the purpose of administering the Chloride Contamination Reduction Program
7 in 10 V.S.A. chapter 47, subchapter 3A.

8 (b) In addition to any other funds appropriated to the Agency of Natural
9 Resources in fiscal year 2026, \$150,000.00 is appropriated from the General
10 Fund to the Agency of Natural Resources for the permanent classified position
11 authorized under subsection (a) of this section.

12 (c) It is the intention of the General Assembly that the appropriation in
13 subsection (b) of this section shall be made annually for the identified
14 purposes.

15 (d) In addition to any other funds appropriated to the Agency of Natural
16 Resources in fiscal year 2026, up to \$250,000.00 is appropriated from the
17 General Fund to the Agency of Natural Resources for the purpose of
18 contracting with an external organization to establish a certification training
19 program. This certification program will be funded on an ongoing basis by
20 certification fees charged to commercial salt applicators and attendees.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on passage.

3

4

5

6

7

8

9 (Committee vote: _____)

10

11

Representative _____

12

FOR THE COMMITTEE