

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. PURPOSE AND INTENT

8 (a) It is the purpose of this act to establish the accepted standards of care
9 for the application of salt and salt alternatives in an effective and efficient
10 manner that provides safe conditions for pedestrians and motor vehicles on
11 traveled surfaces while also reducing the impacts of salt and salt alternatives
12 on the quality of the waters of the State.

13 (b) It is intent of this act that a person’s compliance with the standards of
14 care required under this act shall limit the person’s liability in negligence
15 lawsuits.

16 Sec. 2. 10 V.S.A. chapter 47, subchapter 3A is added to read:

17 Subchapter 3A. Chloride Contamination Reduction Program

18 § 1351. DEFINITIONS

19 As used in this subchapter:

20 (1) “Apply salt” or “application of salt” means to apply salt or a salt
21 alternative to roadways, parking lots, or sidewalks for the purpose of winter

1 maintenance or for summer dust control. “Apply salt” or “application of salt”
2 does not mean the application of salt to a transportation infrastructure
3 construction project.

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

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

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

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

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

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

19 § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

20 (a) The Secretary of Natural Resources, after consultation with the
21 Secretary of Transportation and other states with similar chloride reduction

1 programs, shall establish the Chloride Contamination Reduction Program for
2 the voluntary education, training, and certification of commercial salt
3 applicators regarding effective and efficient application of salt and salt
4 alternatives to provide safe conditions for pedestrians and motor vehicles on
5 traveled surfaces while also reducing the impacts of salt and salt alternatives
6 on the quality of the waters of the State.

7 (b) As part of the Program, the Secretary of Natural Resources, on or
8 before July 1, 2026, shall adopt by rule best management practices for
9 application of salt or salt alternatives by commercial salt applicators. The best
10 management practices may be based on practices currently implemented by the
11 Agency of Transportation or other entities. The best management practices
12 shall:

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

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

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

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

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

9 (3) establish record-keeping requirements for commercial salt
10 applicators, including records of training and records describing the type and
11 rate of application of salt or salt alternatives, the dates of use, weather
12 conditions requiring use of salt or salt alternatives, and any other factors that
13 the Secretary of Natural Resources deems necessary for the purposes of the
14 Program;

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

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

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

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

3 (c)(1) The Program shall offer training for commercial applicators in the
4 implementation of the best management practices required under subsection
5 (b) of this section. Upon completion of training, a commercial salt applicator
6 shall be designated a certified commercial salt applicator. The term of a
7 commercial salt applicator certification issued under the Program shall be for
8 two years from the date of issuance of certification.

9 (2) A business that employs multiple commercial salt applicators may
10 apply to the Secretary for certification of the business owner or other
11 designated employee as a master commercial salt applicator. A certified
12 master commercial salt applicator shall ensure that all persons employed by the
13 business to apply salt or salt alternatives are trained to comply with the best
14 management practices established under subsection (b) of this section.

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

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

20 (e) The Secretary may revoke a certification issued under this subchapter
21 after notice and opportunity for a hearing for a violation of the requirements of

1 this subchapter, the rules of this subchapter, or the provisions of a certification
2 issued under this subchapter.

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

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

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

9 § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF
10 COMPLIANCE

11 (a) An Agency of Natural Resources' certified commercial salt applicator
12 or an owner, occupant, or lessee of real property maintained by an Agency of
13 Natural Resources' certified commercial salt applicator shall not be liable for
14 damages arising from hazards on real property owned, occupied, maintained,
15 or operated by that person when:

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

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

1 (b) The limitation on liability provided for under subsection (a) of this
2 section shall not apply when the damages are due to gross negligence or
3 reckless disregard of the hazard.

4 (c) A certified commercial salt applicator or a commercial salt applicator
5 employed by a certified master commercial salt applicator is entitled to a
6 rebuttable presumption that they are in compliance with the requirements of
7 sections 1263 and 1264 of this title when applying salt or salt alternatives
8 according to the best management practices established under section 1352 of
9 this title. The rebuttable presumption under this subsection shall not apply to
10 requirements of a total maximum daily load plan required under this chapter or
11 the requirements of a municipal separate storm sewer system permit required
12 under section 1264 of this title.

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

1 § 1354. EDUCATION AND OUTREACH

2 The Secretary of Natural Resources, through the staff of the Chloride
3 Contamination Reduction Program, shall conduct education and outreach to
4 inform:

5 (1) commercial salt applicators of the existence of the Chloride
6 Contamination Reduction Program and the training and liability protection
7 offered under the Program; and

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

12 Sec. 3. ANR REPORT ON MANAGEMENT OF SALT AND SAND
13 STORAGE FACILITIES

14 On or before January 15, 2026, the Secretary of Natural Resources shall
15 submit to the Senate Committees on Natural Resources and Energy and on
16 Transportation and the House Committees on Environment and on
17 Transportation a report regarding the management of State and municipal
18 facilities (facilities) for the storage of salt, salt and sand mixtures, and sand that
19 is not mixed with salt. The report shall include:

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

- 1 (2) an estimated number of facilities that are currently covered;
2 (3) an estimate of the number of facilities that are not covered and are
3 within 100 yards of a surface water or drinking water source;
4 (4) an estimate of the number of facilities that are not covered and are
5 more than 100 yards from a surface water or drinking water source; and
6 (5) an estimate of the total cost to cover or move facilities for the
7 storage of salt, salt and sand mixtures, or sand that is not mixed with salt,
8 including a proposed annual amount of funding that would be required to meet
9 the timelines for cover or management.

10 Sec. 4. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS
11 CURRICULUM

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

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

1 (b)(1) Notwithstanding 24 V.S.A. § 901a to the contrary, beginning July 1,
2 2027, a municipal employee shall not be subject to any civil liability for acts or
3 omission the employee conducts as a municipal salt applicator if:

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

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

9 (C) any failure or delay in removing or mitigating the hazards is the
10 result of the municipal salt applicator's implementation of the best
11 management practices learned under the Vermont Local Roads curriculum.

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

15 (c) In order to maintain the liability protection provided in subsection (b) of
16 this section, a municipality shall keep a record describing its road, parking lot,
17 and property maintenance practices, consistent with the requirements
18 determined by the Secretary under the Vermont Local Roads curriculum. The
19 records shall include the type and rate of application of salt or salt alternatives
20 used, the dates of treatment, and the weather conditions for each event

1 requiring application of salt or salt alternatives. Such records shall be retained
2 by the municipality for a period of three years.

3 Sec. 5. FEE REPORT

4 On or before January 15, 2026, the Secretary of Natural Resources shall
5 solicit interest from third-party vendors for training and certifying commercial
6 salt applicators under 10 V.S.A. chapter 47, subchapter 3A. If there is
7 insufficient interest from vendors, the Secretary shall submit to the Senate
8 Committees on Natural Resources and Energy and on Finance and the House
9 Committees on Environment and on Ways and Means a recommended fee to
10 charge for certification of commercial applicators under 10 V.S.A. chapter 47,
11 subchapter 3A.

12 Sec. 6. AUTHORIZED POSITION; APPROPRIATIONS

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

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

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

This act shall take effect on passage.

FOR THE COMMITTEE