

H.86. Side by Side
Comparison of House Environment Proposal of Amendment and
House Judiciary Proposed Amendment

H.86. As Proposed by House Environment	H.86. As Proposed by House Judiciary
<p>Sec. 1. 10 V.S.A. chapter 47, subchapter 3A is added to read:</p> <p style="text-align: center;"><u>Subchapter 3A. Chloride Contamination Reduction Program</u></p> <p><u>§ 1351. DEFINITIONS</u></p> <p><u>As used in this subchapter:</u></p> <p><u>(1) “Apply salt” or “application of salt” means to apply salt or a salt alternative to roadways, parking lots, or sidewalks for the purpose of winter maintenance or for summer dust control. “Apply salt” or “application of salt” does not mean the application of salt to a transportation infrastructure construction project.</u></p> <p><u>(2) “Commercial salt applicator” means any individual who for compensation applies salt but does not include municipal or State employees.</u></p>	<p>Sec. 1. PURPOSE</p> <p><u>The purpose of this act is to create a voluntary Chloride Contamination Reduction Program at the Agency of Natural Resources for the purpose of training commercial salt applicators in best management practices for the application of salt and salt alternatives so that the water quality impact of the application of salt and salt alternatives is reduced while maintaining safe conditions for pedestrians and motor vehicles on traveled surfaces.</u></p> <p>Sec. 2. 10 V.S.A. chapter 47, subchapter 3A is added to read:</p> <p style="text-align: center;"><u>Subchapter 3A. Chloride Contamination Reduction Program</u></p> <p><u>§ 1351. DEFINITIONS</u></p> <p><u>As used in this subchapter:</u></p> <p><u>(1) “Apply salt” or “application of salt” means to apply salt or a salt alternative to roadways, parking lots, or sidewalks for the purpose of winter maintenance or for summer dust control. “Apply salt” or “application of salt” does not mean the application of salt to a transportation infrastructure construction project.</u></p> <p><u>(2) “Commercial salt applicator” means any individual who for compensation applies salt but does not include municipal or State employees.</u></p>

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<p><u>(3) “Master commercial salt applicator” means any individual who employs and is responsible for individuals who for compensation apply salt but does not include municipal or State employees.</u></p> <p><u>(4) “Salt” means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride used for the purpose of deicing, anti-icing, or dust control.</u></p> <p><u>(5) “Salt alternative” means any substance not containing chloride used for the purpose of deicing, anti-icing, or dust control.</u></p> <p><u>(6) “Secretary” means the Secretary of Natural Resources.</u></p> <p><u>(7) “Transportation infrastructure construction project” means a project that involves the construction of roadways, parking lots, sidewalks, or other construction activities at transportation facilities or within transportation rights-of-way.</u></p>	<p><u>(3) “Master commercial salt applicator” means any individual who employs and is responsible for individuals who for compensation apply salt but does not include municipal or State employees.</u></p> <p><u>(4) “Salt” means sodium chloride, calcium chloride, magnesium chloride, or any other substance containing chloride used for the purpose of deicing, anti-icing, or dust control.</u></p> <p><u>(5) “Salt alternative” means any substance not containing chloride used for the purpose of deicing, anti-icing, or dust control.</u></p> <p><u>(6) “Secretary” means the Secretary of Natural Resources.</u></p> <p><u>(7) “Transportation infrastructure construction project” means a project that involves the construction of roadways, parking lots, sidewalks, or other construction activities at transportation facilities or within transportation rights-of-way.</u></p>
<p><u>§ 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM</u></p> <p><u>(a) The Secretary of Natural Resources, after consultation with the Secretary of Transportation and other states with similar chloride reduction programs, shall establish the Chloride Contamination Reduction Program for the voluntary education, training, and certification of commercial salt applicators, including requirements for certification of a master commercial salt applicator. The Secretary may elect to implement the Program with State agency staff or through a third-party vendor, or some combination.</u></p>	<p><u>§ 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM</u></p> <p><u>(a) The Secretary of Natural Resources, after consultation with the Secretary of Transportation and other states with similar chloride reduction programs, shall establish the Chloride Contamination Reduction Program for the voluntary education, training, and certification of commercial salt applicators, including requirements for certification of a master commercial salt applicator. The Secretary may elect to implement the Program with State agency staff or through a third-party vendor, or some combination.</u></p>

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<p><u>The Program shall specifically exclude salt applications related to transportation infrastructure construction projects.</u></p> <p><u>(b) The Secretary of Natural Resources shall adopt best management practices for application of salt or salt alternatives by commercial salt applicators. The best management practices may be based on practices currently implemented by the Agency of Transportation or other entities. The best management practices shall:</u></p> <p><u>(1) establish measures or techniques to increase efficiency in the application of salt or salt alternatives so that the least amount of salt or salt alternatives are used while maintaining safe conditions for pedestrians and motor vehicles on traveled surfaces;</u></p> <p><u>(2) establish standards for when and how salt and salt alternatives are applied in order to prevent salt or salt alternatives from entering waters of the State, including:</u></p> <p><u>(A) salt alternatives that are cost-effective and less harmful to water quality while maintaining safe conditions for pedestrians and motor vehicles on traveled surfaces;</u></p> <p><u>(B) whether and how to implement equipment to calibrate, monitor, or meter application of salt or salt alternatives; and</u></p> <p><u>(C) when sand is an appropriate alternative to salt or salt alternatives for deicing or dust control, particularly in regard to when application of sand will be less harmful to water quality;</u></p>	<p><u>The Program shall specifically exclude salt applications related to transportation infrastructure construction projects.</u></p> <p><u>(b) The Secretary of Natural Resources shall adopt best management practices for application of salt or salt alternatives by commercial salt applicators. The best management practices may be based on practices currently implemented by the Agency of Transportation or other entities. The best management practices shall:</u></p> <p><u>(1) establish measures or techniques to increase efficiency in the application of salt or salt alternatives so that the least amount of salt or salt alternatives are used while maintaining safe conditions for pedestrians and motor vehicles on traveled surfaces;</u></p> <p><u>(2) establish standards for when and how salt and salt alternatives are applied in order to prevent salt or salt alternatives from entering waters of the State, including:</u></p> <p><u>(A) salt alternatives that are cost-effective and less harmful to water quality while maintaining safe conditions for pedestrians and motor vehicles on traveled surfaces;</u></p> <p><u>(B) whether and how to implement equipment to calibrate, monitor, or meter application of salt or salt alternatives; and</u></p> <p><u>(C) when sand is an appropriate alternative to salt or salt alternatives for deicing or dust control, particularly in regard to when application of sand will be less harmful to water quality;</u></p>

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<p><u>(3) establish record-keeping requirements for commercial salt applicators, including records of training and records describing the type and rate of application of salt or salt alternatives, the dates of use, weather conditions requiring use of salt or salt alternatives, and any other factors that the Secretary of Natural Resources deems necessary for the purposes of the Program;</u></p> <p><u>(4) create and circulate a model form for record-keeping information required under this section;</u></p> <p><u>(5) establish requirements for certification under this subchapter, including frequency of training and manner of training;</u></p> <p><u>(6) establish a testing requirement for applicators to complete prior to receiving an initial certification under the Program; and</u></p> <p><u>(7) establish other requirements deemed necessary by the Secretary to achieve the purposes of the Program.</u></p> <p><u>(c)(1) The term of a commercial salt applicator certification issued under the Program shall be for two years from the date of issuance of certification.</u></p> <p><u>(2) A business that employs multiple commercial salt applicators may apply to the Secretary for certification of the business owner or other designated employee as a master commercial salt applicator. A certified master commercial salt applicator shall ensure that all persons employed by the business to apply salt or salt alternatives are</u></p>	<p><u>(3) establish record-keeping requirements for commercial salt applicators, including records of training and records describing the type and rate of application of salt or salt alternatives, the dates of use, weather conditions requiring use of salt or salt alternatives, and any other factors that the Secretary of Natural Resources deems necessary for the purposes of the Program;</u></p> <p><u>(4) create and circulate a model form for record-keeping information required under this section;</u></p> <p><u>(5) establish requirements for certification under this subchapter, including frequency of training and manner of training;</u></p> <p><u>(6) establish a testing requirement for applicators to complete prior to receiving an initial certification under the Program; and</u></p> <p><u>(7) establish other requirements deemed necessary by the Secretary to achieve the purposes of the Program.</u></p> <p><u>(c) A business that employs multiple commercial salt applicators may apply to the Secretary for certification of the business owner or other designated employee as a master commercial salt applicator. A certified master commercial salt applicator shall ensure that all persons employed by the business to apply salt or salt alternatives are</u></p>

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<p><u>trained to comply with the best management practices established under subsection (b) of this section.</u></p> <p><u>(3) A certified commercial salt applicator shall submit an annual summary of total winter salt usage to the Secretary of Natural Resources.</u></p> <p><u>(d) The Secretary of Natural Resources shall establish methods to estimate and track the amount of salt applied by those certified through the Chloride Contamination Reduction Program.</u></p> <p><u>(e) The Secretary, through the staff of the Chloride Contamination Reduction Program, shall conduct education and outreach to inform:</u></p> <p><u>(1) commercial salt applicators of the existence of the Chloride Contamination Reduction Program and the training and liability protection offered under the Program; and</u></p> <p><u>(2) members of the public who purchase salt or salt alternatives for use on driveways, sidewalks, private roads, and other paved surfaces of the potential harm to water quality and wildlife from excessive application of salt and salt alternatives and how to decrease the potential harm.</u></p> <p><u>§ 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF COMPLIANCE; ENFORCEMENT</u></p> <p><u>(a)(1) Except as provided in subdivision (2) of this subsection, a certified commercial salt applicator or an owner, occupant, or lessee of real property maintained by a certified commercial salt applicator shall not be liable for damages arising from hazards</u></p>	<p><u>trained to comply with the best management practices established under subsection (b) of this section.</u></p> <p><u>(d) A certified commercial salt applicator shall submit an annual summary of total winter salt usage to the Secretary of Natural Resources.</u></p> <p><u>(e) The Secretary of Natural Resources shall establish methods to estimate and track the amount of salt applied by those certified through the Chloride Contamination Reduction Program.</u></p> <p><u>(f) The Secretary, through the staff of the Chloride Contamination Reduction Program, shall conduct education and outreach to inform:</u></p> <p><u>(1) commercial salt applicators of the existence of the Chloride Contamination Reduction Program and the training offered under the Program; and</u></p> <p><u>(2) members of the public who purchase salt or salt alternatives for use on driveways, sidewalks, private roads, and other paved surfaces of the potential harm to water quality and wildlife from excessive application of salt and salt alternatives and how to decrease the potential harm.</u></p>

on real property owned, occupied, maintained, or operated by that person when:

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

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

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

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

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

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<p><u>(c) The Secretary may revoke a certification issued under this subchapter after notice and opportunity for a hearing for a violation of the requirements of this subchapter, the rules of this subchapter, or the provisions of a certification issued under this subchapter.</u></p> <p><u>(d) In order to receive the liability protection provided in subsection (a) of this section, a commercial salt applicator or an owner, an occupant, or a lessee of land shall keep a record describing its winter road, parking lot, and property maintenance practices, consistent with the requirements determined by the Secretary under this subchapter. The record shall include the type and rate of application of deicing materials used, the dates of treatment, and the weather conditions for each event requiring deicing. Such records shall be retained by the applicator for a period of three years.</u></p>	<p><u>Sec. 3. MUNICIPAL SALT APPLICATION; VERMONT LOCAL ROADS CURRICULUM</u></p> <p><u>(a) On or before November 1, 2026, the Secretary of Natural Resources, in collaboration with the Secretary of Transportation, shall identify and make changes to the Vermont Local Roads curriculum needed to support municipal salt applicators in meeting the purpose of this act, including training for best management practices for spreading salt on roads, parking lots, and sidewalks.</u></p> <p><u>(b) As used in this section, “municipal salt applicator” means any individual who applies or</u></p>

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<p>Sec. 2. ANR REPORT ON MANAGEMENT OF SALT AND SAND STORAGE FACILITIES</p> <p><u>On or before January 15, 2026, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Transportation and the House Committees on Environment and on Transportation a report regarding the management of State-, municipal-, and privately owned facilities for the storage of salt, salt and sand mixtures, and sand that is not mixed with salt. The report shall include:</u></p> <p><u>(1) an inventory of facilities in the State used for the storage of salt, salt and sand mixtures, or sand that is not mixed with salt;</u></p> <p><u>(2) an estimated number of facilities that are currently covered;</u></p> <p><u>(3) an estimate of the number of facilities that are not covered and are within 100 yards of surface water or drinking water source;</u></p> <p><u>(4) an estimate of the number of facilities that are not covered and are more than 100 yards from a surface water or drinking water source; and</u></p> <p><u>(5) an estimate of the total cost to cover or move facilities for the storage of salt, salt and sand mixtures, or sand that is not mixed with salt, including a proposed annual amount of funding that</u></p>	<p><u>supervises others who apply salt or salt alternatives in the applicator's capacity as an employee or agent of a town or a municipality but does not include State employees.</u></p> <p>Sec. 4. ANR REPORT ON MANAGEMENT OF SALT AND SAND STORAGE FACILITIES</p> <p><u>On or before January 15, 2026, the Secretary of Natural Resources shall submit to the Senate Committees on Natural Resources and Energy and on Transportation and the House Committees on Environment and on Transportation a report regarding the management of State-, municipal-, and privately owned facilities for the storage of salt, salt and sand mixtures, and sand that is not mixed with salt. The report shall include:</u></p> <p><u>(1) an inventory of facilities in the State used for the storage of salt, salt and sand mixtures, or sand that is not mixed with salt;</u></p> <p><u>(2) an estimated number of facilities that are currently covered;</u></p> <p><u>(3) an estimate of the number of facilities that are not covered and are within 100 yards of surface water or drinking water source;</u></p> <p><u>(4) an estimate of the number of facilities that are not covered and are more than 100 yards from a surface water or drinking water source; and</u></p> <p><u>(5) an estimate of the total cost to cover or move facilities for the storage of salt, salt and sand mixtures, or sand that is not mixed with salt, including a proposed annual amount of funding that</u></p>

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<p><u>would be required to meet the timelines for cover or management.</u></p>	<p><u>would be required to meet the timelines for cover or management.</u></p>
<p>Sec. 3. IMPLEMENTATION; FEE REPORT</p>	<p>Sec. 5. IMPLEMENTATION;</p>
	<p>RECOMMENDATION OF LIABILITY</p> <p>PROTECTION; FEE REPORT</p>
<p><u>(a) The Secretary of Natural Resources shall adopt the best management practices for commercial application of salt or salt alternatives required under 10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A. chapter 47. The Secretary of Natural Resources shall adopt any procedure or rule establishing the best management practices for commercial application of salt or salt alternatives on or before November 1, 2026 for initial use beginning on January 1, 2027.</u></p>	<p><u>(a) The Secretary of Natural Resources shall adopt by procedure the best management practices for commercial application of salt or salt alternatives required under 10 V.S.A. § 1352 on or before November 1, 2026 for initial use beginning on January 1, 2027.</u></p>
<p><u>(b)(1) On or before November 1, 2026, the Secretary of Natural Resources, in collaboration with the Secretary of Transportation, shall identify and make changes to the Vermont Local Roads curriculum needed to support municipal salt applicators in meeting the purpose of this act, including training for best management practices for spreading salt on roads, parking lots, and sidewalks.</u></p>	
<p><u>(2) As used in this subsection, “municipal salt applicator” means any individual who applies or supervises others who apply salt or salt alternatives in the applicator’s capacity as an employee or agent of a town or a municipality but does not include State employees.</u></p>	

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<p><u>(3) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal employee shall not be subject to any civil liability for acts or omission the employee conducts as a municipal salt applicator if:</u></p> <p><u>(A) the municipal salt applicator completed the Vermont Local Roads curriculum providing best management practices for applying salt or salt alternatives on roads, parking lots, and sidewalks in the previous 365 days;</u></p> <p><u>(B) the alleged damages are caused solely by hazards from snow or ice; and</u></p> <p><u>(C) any failure or delay in removing or mitigating the hazards is the result of the municipal salt applicator's implementation of the best management practices learned under the Vermont Local Roads curriculum.</u></p> <p><u>(4) The protection from liability provided under subdivision (3) of this subsection shall not apply when the damages are due to gross negligence or reckless disregard of the hazard.</u></p> <p><u>(c) On or before January 15, 2026, the Secretary of Natural Resources shall solicit interest from third-party vendors for training and certifying commercial salt applicators under 10 V.S.A. chapter 47, subchapter 3A. If there is insufficient interest from vendors, the Secretary shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and on Ways and Means a recommended fee to charge for certification of commercial applicators under 10 V.S.A. chapter 47, subchapter 3A.</u></p>	<p><u>(b) On or before January 15, 2026, the Secretary of Natural Resources shall solicit interest from third-party vendors for training and certifying commercial salt applicators under 10 V.S.A. chapter 47, subchapter 3A. If there is insufficient interest from vendors, the Secretary shall submit to the Senate Committees on Natural Resources and Energy and on Finance and the House Committees on Environment and on Ways and Means a recommended fee to charge for certification of commercial applicators under 10 V.S.A. chapter 47, subchapter 3A.</u></p>

(c) On or before January 15, 2028, the Secretary of Natural Resources shall submit to the House Committees on Environment and on Judiciary and the Senate Committees on Natural Resources and Energy and on Judiciary a recommendation of whether the State should extend limited liability protection to commercial salt applicators and municipal salt applicators who are trained in the best management practices for application of salt or salt alternatives for winter road maintenance and summer dust control suppression. The recommendation shall include the scope of liability protection; to whom liability protection would apply; the requirements to receive liability protection, including the term of protection and when certification would be revoked; and when or if the liability protection would not apply in certain specified circumstances.

Sec. 4. AUTHORIZED POSITION;
APPROPRIATIONS

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

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

Sec. 6. AUTHORIZED POSITION;
APPROPRIATIONS

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

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

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<p><u>(c) It is the intention of the General Assembly that the appropriation in subsection (b) of this section shall be made annually for the identified purposes.</u></p> <p><u>(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.</u></p> <p>Sec. 5. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>	<p><u>(c) It is the intention of the General Assembly that the appropriation in subsection (b) of this section shall be made annually for the identified purposes.</u></p> <p><u>(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.</u></p> <p>Sec. 7. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>