

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

*Education*

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<sup>including Sand</sup> 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<sup>Education</sup> for  
15       the voluntary education, training, and certification of commercial salt  
16       applicators<sup>NO</sup> (including requirements for certification of a master commercial  
17       salt applicator<sup>Education</sup>. The Secretary may elect to implement the Program with State  
18       agency staff or through a third-party vendor, or some combination. The  
19       Program shall specifically exclude salt applications related to transportation  
20       infrastructure construction projects.

1        (b) The Secretary of Natural Resources shall adopt best management  
2        practices for application of salt or salt alternatives <sup>and/or sand</sup> by commercial salt  
3        applicators. The best management practices may be based on practices  
4        currently implemented by the Agency of Transportation or other entities. The  
5        best management practices shall:

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

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

13               (A) <sup>or sand</sup> salt alternatives that are cost-effective and less harmful to water  
14        quality while maintaining safe conditions for pedestrians and motor vehicles  
15        on traveled surfaces; and

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

18               (3) establish record-keeping requirements for commercial salt  
19        applicators, including records of training and records describing the type and  
20        rate of application of salt or salt alternatives, the dates of use, weather  
21        conditions requiring use of salt or salt alternatives, and any other factors that

1 the Secretary of Natural Resources deems necessary for the purposes of the  
2 Program.

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

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

7 OK (6) establish a testing requirement for applicators to complete prior to  
8 receiving an initial certification under the Program; and *of Training Certificate*

9 X (7) establish other requirements deemed necessary by the Secretary to  
10 achieve the purposes of the Program.

11 ~~§~~ (c)(1) A commercial salt applicator shall apply once every other year to be  
12 approved as a State-certified salt applicator. *The Secretary shall provide a Training Certificate to those who complete Training & pass the test.*

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

19 X (3) A certified commercial salt applicator shall submit an annual  
20 summary of total winter salt usage to the Secretary of Natural Resources.

*shall establish a public posting information method to broadcast the need and reasons to reduce salt usage to the public.*

1 ~~X~~ (d) The Secretary of Natural Resources shall establish methods to estimate  
2 and track the amount of salt applied by those certified through the Chloride  
3 Contamination Reduction Program.

4 ~~X~~ § 1353. SALT APPLICATION; LIMITED LIABILITY; PRESUMPTION OF  
5 COMPLIANCE; ENFORCEMENT

6 (a)(1) Except as provided in subdivision (2) of this subsection, a certified  
7 commercial salt applicator or an owner, occupant, or lessee of real property  
8 maintained by a certified commercial salt applicator shall not be liable for  
9 damages arising from hazards on real property owned, occupied, maintained,  
10 or operated by that person when:

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

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

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

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

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

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

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

1     Sec. 2. ANR REPORT ON MANAGEMENT OF SALT AND SAND  
2             STORAGE FACILITIES

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

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

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

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

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

16            (5) an estimate of the total cost to cover or move facilities for the  
17            storage of salt, salt and sand mixtures, or sand that is not mixed with salt,  
18            including a proposed annual amount of funding that ~~would be required to meet~~  
19            the timelines for cover or management in 10 V.S.A. § 1354.

1     Sec. 3. IMPLEMENTATION; FEE REPORT

2             (a) The Secretary of Natural Resources shall adopt the best management  
3     practices for commercial application of salt or salt alternatives required under  
4     10 V.S.A. § 1352 by procedure or by rulemaking authority under 10 V.S.A.  
5     chapter 47. The Secretary of Natural Resources shall adopt any procedure or  
6     rule establishing the best management practices for commercial application of  
7     salt or salt alternatives on or before November 1, 2026 for initial use beginning  
8     on January 1, 2027.

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

14             (2) As used in this subsection, "municipal salt applicator" means any  
15     individual who applies or supervises others who apply salt or salt alternatives  
16     in the applicator's capacity as an employee or agent of a town or a  
17     municipality but does not include State employees.

18             (3) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal  
19     employee shall not be subject to any civil liability for acts or omission the  
20     employee conducts as a municipal salt applicator if:



1 ~~X~~ (A) the municipal salt applicator completed the Vermont Local  
2 Roads curriculum providing best management practices for spreading salt or  
3 salt alternatives on roads, parking lots, and sidewalks in the previous 365 days;

4 ~~X~~ (B) the alleged damages are caused solely by hazards from snow or  
5 ice; and

6 ~~X~~ (C) any failure or delay in removing or mitigating the hazards is the  
7 result of the municipal salt applicator's implementation of the best  
8 management practices learned under the Vermont Local Roads curriculum.

9 ~~X~~ (4) The protection from liability provided under subdivision (3) of this  
10 subsection shall not apply when the damages are due to gross negligence or  
11 reckless disregard of the hazard.

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

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.~~

(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.~~

(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.~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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6 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_  
Representative \_\_\_\_\_

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FOR THE COMMITTEE

