

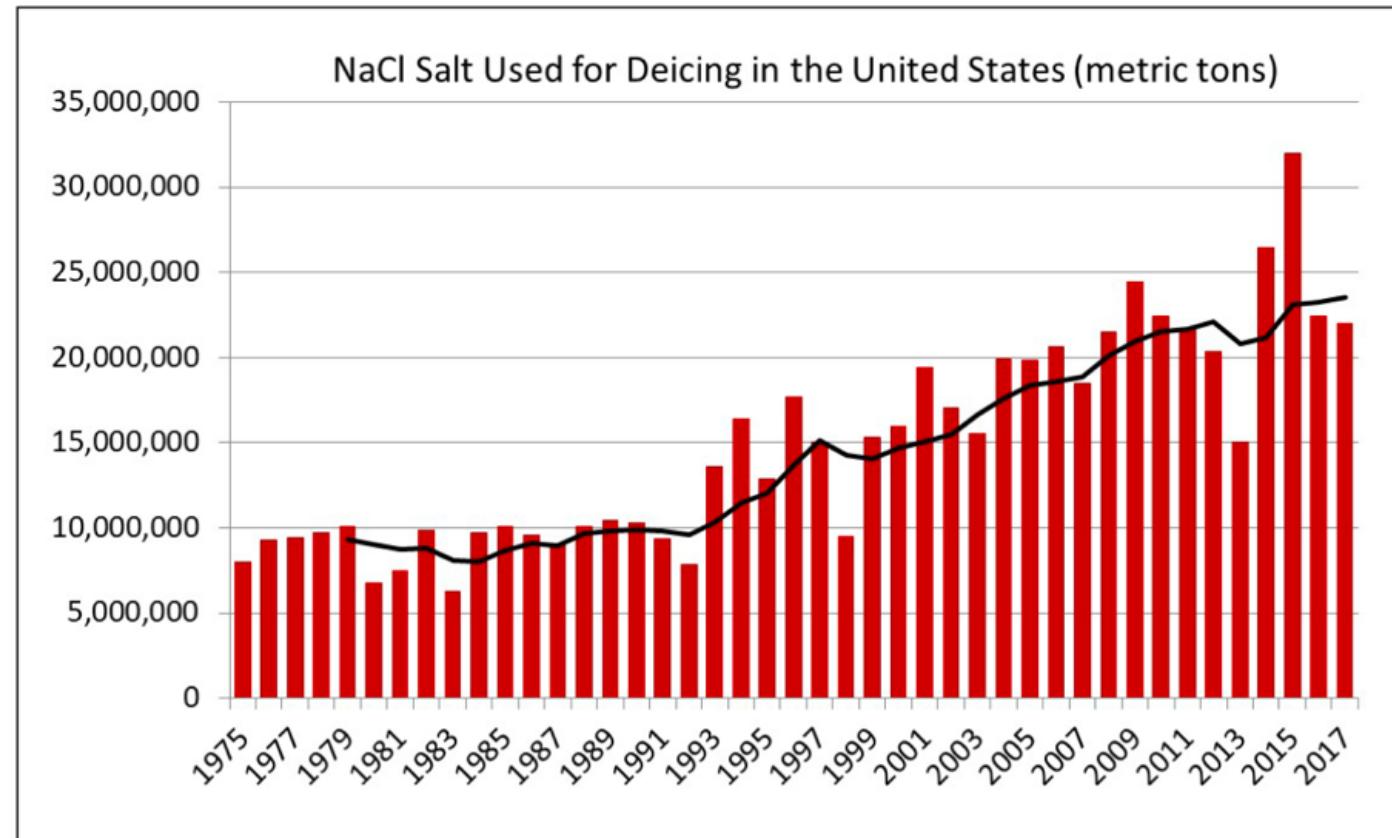
# An Overview of S.218, An act relating to reducing chloride contamination of State waters

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*Before the Senate Committee  
on Finance*  
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*School Street Bridge over North Branch of the Winooski River, Photo by Jared Carpenter*

# Salt Use for Deicing has Increased Nationwide



Kelly, V.R., Findlay, S.E.G., Weathers, K.C. 2019. *Road Salt: The Problem, The Solution, and How to Get There*, Cary Institute for Ecosystem Studies (pg. 3)

(US Geological Survey, 2017, Salt statistics, in Kelly, T.D., and Matos, G.R., comps., *Historical statistics for mineral and material commodities in the United States: US Geological Survey Data Series 140*, available online at <http://pubs.usgs.gov/ds/2005/140/>)

Excessive use of road salt has negative impacts on infrastructure, public health and water quality

Including:

- Corrosion of public and private drinking water systems, resulting in increases in trace metals such as copper, iron, and lead.
- Acceleration of the corrosion of bridges, roads and vehicles, reducing their lifespans and usability.
- Increased salinity of rivers and lakes, harming aquatic biota.



For more information, visit [the U.S. Environmental Protection Agency](#)

# Excessive road salt use is starting to impact Vermont water quality as salinity levels rise, harming aquatic biota

Vaughan, M.C.H. (2019). Concentration, load, and trend estimates for nutrients, chloride, and total suspended solids in Lake Champlain tributaries, 1990 – 2017 (Technical Report No. 86). Grand Isle, VT: Lake Champlain Basin Program. [https://lcbp-089519.s3.us-east-2.amazonaws.com/techreportPDF/86\\_LC\\_Tributary>Loading\\_Report.pdf](https://lcbp-089519.s3.us-east-2.amazonaws.com/techreportPDF/86_LC_Tributary>Loading_Report.pdf)

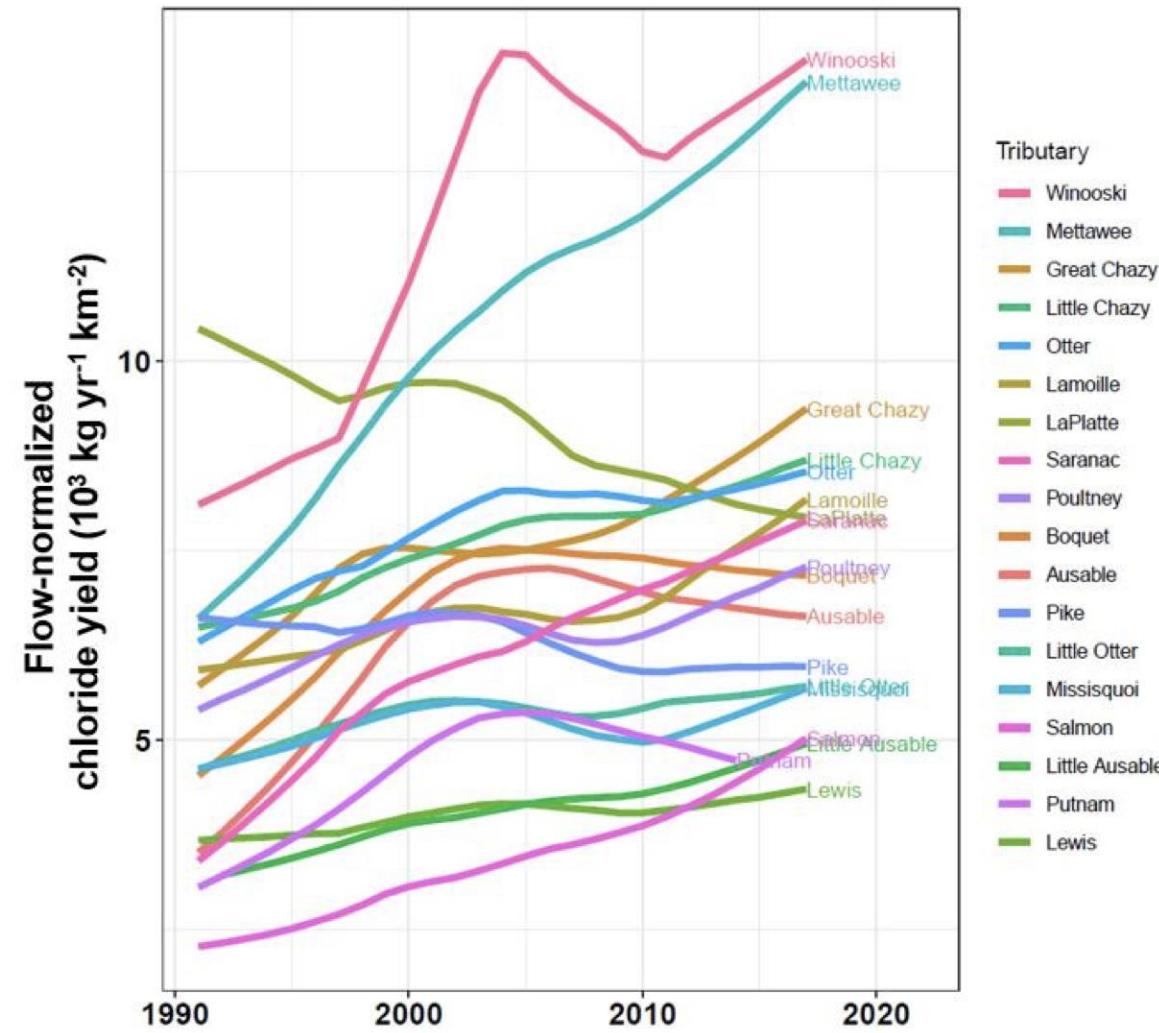


Figure 17. Plot of annual flow-normalized chloride yield estimates for eighteen Lake Champlain tributaries. The flow-normalized yield is an estimate of load per watershed area, with the influence of annual water flux variability reduced. Note that the legend is in descending order by the latest value for each tributary.



# S.218, ‘An act relating to reducing chloride contamination of State waters’

The bill addresses the impacts of sodium chloride on infrastructure and water quality in Vermont through reduced salt application on roads and other impervious surface without compromising public safety.

**BILL AS INTRODUCED  
2026**

S.218  
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# The bill has four main components:

1. Establishes best management practices for salt application,
2. Sets certification programs for commercial and municipal applicators,
3. Study on salt storage facilities in proximity to waters and costs to cover, and
4. Provides liability protection for applicators that complete and follow the certification program.





# Establishes Best Management Practices

The bill requires DEC to establish a **voluntary** education, training, and certification program, including:

## **Best Management Practices** for salt application:

- Techniques to increase efficiency of application.
- Standards for when salt or salt alternatives are used, including salt alternatives that have less impact on water quality.
- Use of equipment to calibrate, monitor, or meter application of salt or salt alternative.

## **Administrative requirements** for participants such as record keeping.

*The voluntary provision is established specifically in the statute. The only way the program can become mandatory is if the Legislature changes this.*

# New Hampshire's Green SnowPro certification program could be a model for Vermont



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## Commercial Green SnowPro Certification

***Certifying winter maintenance professionals in salt reduction practices that improve water quality while protecting public safety.***

Voluntary Commercial Salt Applicators certified by NHDES Green SnowPro under [RSA 489-C](#), and property owners or managers who hire them, are granted limited liability protection against damages arising from snow and ice conditions under [RSA 508:22](#).

For municipalities seeking certification, see the voluntary [\*\*Municipal Green SnowPro Certification webpage\*\*](#).

For more information: visit testimony of [Aubrey Voelker: NH Green SnowPro Program](#)

# DEC and VTrans will establish certification programs for commercial and municipal applicators

## Commercial Certification Program

- **Voluntary** Program
- Education and training on the Best Management Practices
- Modeled after New Hampshire GreenSnoPro Program.
- Two-year certification.
- A fee will be established to help sustain the program.
- Possible to have a master certification within a business that can train other employees.

## Municipal Certification Program

- **Voluntary** Program
- VTrans will include application certification as part of the Vermont Local Roads Curriculum to train municipal applicators in the Best Management Practices.
- Municipal applicator will have the same affirmative defense liability protection as a private commercial applicator upon completion of the certification program.

# Keys to the certification program:

As this is a voluntary program, success relies on incentives, including:

- Liability protection through affirmative defense
- Savings through purchase of less salt
- For municipalities, compliance with Water Quality Standards could mean less future cost for cleanup of specific waters.



Photo by Eileen Fitzgerald © Lake Champlain Committee

## Requires a study by DEC on salt and salt mixed with sand storage facilities, including:

- Inventory of the number of storage facilities,
- Number currently covered,
- Number not covered and within 100 yards of a surface water or drinking water source, and
- Estimate of the total cost to cover or move these facilities.



*Photo by Holly Pelczynski/Bennington Banner, story by Ed Damon, Bennington Banner (Jan. 10, 2018)*

# Affirmative defense: liability protection for commercial and municipal applicators

Intent of provision is to  
incentivize participation.

Defense is only for hazards  
that are “caused solely by  
snow or ice” **AND** only when  
the failure / delay in  
mitigating the hazard “is the  
result” of the applicator’s  
adherence to the BMPs.

## § 1353. AFFIRMATIVE DEFENSE; SALT APPLICATION;

(a) A commercial salt applicator or an owner, occupant, or lessee of real property maintained by a certified commercial salt applicator shall have an affirmative defense against a claim for damages resulting from a hazard caused by snow or ice if:

- (1) the claimed damages were caused solely by snow or ice; and
- (2) any failure or delay in removing or mitigating the hazard 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.

(b) The affirmative defense provided under subsection (a) shall not apply when the civil damages are due to gross negligence or reckless disregard of the hazard.

(c) The affirmative defense provided under this section is not exclusive and is in addition to any other defenses or immunities provided under State law.

(d) In order to assert the affirmative defense provided under subsection (a) of this section, a commercial salt applicator or an owner, occupant, or lessee of real property maintained by a certified commercial salt applicator shall keep a record describing its 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 salt and salt alternatives 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.

Municipal protection similar to commercial protection and requires that the applicator complete the VTrans Local Roads Program and that the town maintain the records.

b) Notwithstanding 24 V.S.A. § 901a to the contrary, a municipal employee shall have an affirmative defense against a claim for damages resulting from a hazard caused by snow or ice if

- (1) the municipal salt applicator completed the Vermont Local Roads curriculum providing best management practices for spreading salt on roads, parking lots, and sidewalks in that calendar year;
- (2) the claimed damages were caused solely by snow or ice; and
- (3) any failure or delay in removing or mitigating the hazard is the result of the certified commercial salt applicator's implementation of the best management practices learned under the Vermont Local Roads curriculum.

c) The affirmative defense provided under subsection (b) of this section shall not apply when the civil damages are due to gross negligence or reckless disregard of the hazard.

d) The affirmative defense provided under this section is not exclusive and is in addition to any other defenses or immunities provided under State law.

e) In order to assert the affirmative defense provided under subsection (b) of this section, a municipality shall keep a record describing its 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 salt and salt alternatives 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.

# Key elements of liability protection

- An “affirmative defense” is a defense which the defendant must raise; the defendant may then introduce evidence that, if found to be credible, will negate the liability, even if it is proven that the defendant committed the alleged acts.
- Defendant must show:
  - Injury was caused solely by snow and ice.
  - Injury not caused by gross negligence or reckless disregard
  - Applicator completed the certification program.
  - Applicator or town kept records of application consistent with the BMPs.

# Requires a Report on Proposed Fees to Pay for the Program



## Sec. 5. FEE REPORT

On or before January 15, 2027, 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 3B. The Secretary shall recommend to the House Committees on Environment and on Ways and Means and the Senate Committees on Natural Resources and Energy and on Finance a fee to be charged either by the State or by a third-party vendor for the certification of commercial salt applicators under 10 V.S.A. chapter 47, subchapter 3B. Any fee charged to commercial salt applicators by the State or a third-party vendor for certification under the Chloride Contamination Reduction Program shall be approved by the General Assembly.

# Thank You

