

Highlighted Language = Differences from SNRE S.29

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 29 entitled “An act relating to establishing the Chloride  
4 Contamination Reduction Program” respectfully reports that it has considered  
5 the same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 **Sec. 1. PURPOSE AND INTENT**

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

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

14 Subchapter 3A. Chloride Contamination Reduction Program

15 § 1351. DEFINITIONS

16 As used in this subchapter:

17 (1) “Apply salt” or “application of salt” means to apply salt or a salt  
18 alternative to roadways, parking lots, or sidewalks for the purpose of winter  
19 maintenance or for summer dust control. “Apply salt” or “application of salt”  
20 does not mean the application of salt to a transportation infrastructure  
21 construction project.

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

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

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

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

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

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

16          § 1352. CHLORIDE CONTAMINATION REDUCTION PROGRAM

17          (a) The Secretary of Natural Resources, after consultation with the  
18          Secretary of Transportation and other states with similar chloride reduction  
19          programs, shall establish the Chloride Contamination Reduction Program for  
20          the voluntary education, training, and certification of commercial salt  
21          applicators regarding effective and efficient application of salt and salt

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1 alternatives to provide safe conditions for pedestrians and motor vehicles on  
2 traveled surfaces while also reducing the impacts of salt and salt alternatives  
3 on the quality of the waters of the State.

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

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

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

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

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

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

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

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

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

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

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

18          (c)(1) The Program shall **offer training for commercial applicators in the**  
19          **implementation of the best management practices required under subsection**  
20          **(b) of this section.** Upon completion of training, a commercial salt applicator  
21          shall be designated a certified commercial salt applicator. The term of a

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1 commercial salt applicator certification issued under the Program shall be for  
2 two years from the date of issuance of certification.

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

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

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

14 (e) The Secretary may revoke a certification issued under this subchapter  
15 after notice and opportunity for a hearing for a violation of the requirements of  
16 this subchapter, the rules of this subchapter, or the provisions of a certification  
17 issued under this subchapter.

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

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

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

3           § 1353. AFFIRMATIVE DEFENSE; SALT APPLICATION;

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

8                   (1) the claimed damages were caused solely by snow or ice; and

9                   (2) any failure or delay in removing or mitigating the hazard is the result  
10           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 affirmative defense provided under subsection (a) shall not apply  
14           when the civil damages are due to gross negligence or reckless disregard of the  
15           hazard.

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

18           (d) In order to assert the affirmative defense provided under subsection (a)  
19           of this section, a commercial salt applicator or an owner, occupant, or lessee of  
20           real property maintained by a certified commercial salt applicator shall keep a  
21           record describing its road, parking lot, and property maintenance practices.

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1 consistent with the requirements determined by the Secretary under this  
2 subchapter. The record shall include the type and rate of application of salt  
3 and salt alternatives used, the dates of treatment, and the weather conditions  
4 for each event requiring deicing. Such records shall be retained by the  
5 applicator for a period of three years.

6 § 1354. ENFORCEMENT; PRESUMPTION OF COMPLIANCE; WATER  
7 QUALITY

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

17 (b) The Secretary may revoke a certification issued under this subchapter  
18 after notice and opportunity for a hearing for a violation of the requirements of  
19 this subchapter, the rules of this subchapter, or the provisions of a certification  
20 issued under this subchapter.

21 § 1355. EDUCATION AND OUTREACH

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

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

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

### 11       Sec. 3. ANR REPORT ON MANAGEMENT OF SALT AND SAND

#### 12       STORAGE FACILITIES

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

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

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



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

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

5           (5) an estimate of the total cost to cover or move facilities for the  
6           storage of salt, salt and sand mixtures, or sand that is not mixed with salt,  
7           including a proposed annual amount of funding that would be required to meet  
8           the timelines for cover or management.

9           Sec. 4. MUNICIPAL SALT APPLICATORS; VERMONT LOCAL ROADS  
10           CURRICULUM; AFFIRMATIVE DEFENSE

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

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

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

4                (A) the municipal salt applicator completed the Vermont Local  
5        Roads curriculum providing best management practices for spreading salt on  
6        roads, parking lots, and sidewalks in that calendar year;

7                (B) the claimed damages were caused solely by snow or ice; and

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

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

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

16       (e) In order to assert the affirmative defense provided under subsection (b)  
17       of this section, a municipality shall keep a record describing its road, parking  
18       lot, and property maintenance practices, consistent with the requirements  
19       determined by the Secretary under this subchapter. The record shall include  
20       the type and rate of application of salt and salt alternatives used, the dates of

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1 treatment, and the weather conditions for each event requiring deicing. Such  
2 records shall be retained by the applicator 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. The Secretary  
7 shall recommend to the Senate Committees on Natural Resources and Energy  
8 and on Finance and the House Committees on Environment and on Ways and  
9 Means a fee to be charged either by the State or by a third-party vendor for  
10 certification of commercial salt applicators under 10 V.S.A. chapter 47,  
11 subchapter 3A. Any fee charged to commercial salt applicators by the State or  
12 a third-party vendor for certification under the Chloride Contamination  
13 Reduction Program shall be approved by the General Assembly.

14 Sec. 6. AUTHORIZED POSITION; APPROPRIATIONS

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

19 (b) In addition to any other funds appropriated to the Agency of Natural  
20 Resources in fiscal year 2026, \$150,000.00 is appropriated from the General

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1 Fund to the Agency of Natural Resources for the permanent classified position  
2 authorized under subsection (a) of this section.

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

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

12 Sec. 7. EFFECTIVE DATE

13 This act shall take effect on passage.

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20 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE