

April 14, 2025

# **4/9/25 Testimony to House Judiciary Committee Regarding H.86 and H.138**





## **Testimony to the House Judiciary Committee**

### **Regarding H.86 and H.138**

**Josh Hanford, Director of Intergovernmental Affairs, VLCT**

**Samantha Sheehan, Municipal Policy and Advocacy Specialist, VLCT**

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## **H.86 Chloride Contamination Reduction Program**

Municipalities are aligned with efforts to reduce environmental impacts and expense from spreading salt

- Any program must be voluntary, municipal resources vary.
- Support for implementation and funding for compliance and oversight would increase participation.



- New Hampshire differentiates between Municipal and Commercial applicators for their Green Snow Program, Municipal requirements are modified, and the Program provides template salt reduction plans.

## **H.86 Proposed Civil Liability Protections are Inadequate**

VLCT is reluctant to discuss plans to cut down on chloride without commensurate action to limit monetary liability for taxpayers.

- Adequate protection from monetary liability would likely result in reduced salt application regardless of other features of this program, municipalities are balancing water impairment against public safety and liability risk.
- The presumption of compliance is rebuttable.
- Pursuant to Title 24, municipalities have a duty to indemnify and defend employees.
- Municipality would have to prove the event was caused "solely by snow and ice", that the application was according to best practice, that the employee or contractor did not commit gross negligence or reckless disregard, and meet other requirements such as record keeping and attending training.

## **Municipalities Lack Underlying Liability Protection**

VLCT is reluctant to discuss plans to cut down on chloride without commensurate action to limit monetary liability for taxpayers.



- VLCT supports H.138 to provide municipalities a monetary cap for liability in parity with the State of Vermont.
- Since 2011: The maximum liability of the State under Sec. 1. 12 V.S.A. chapter 189 is \$500,000 to any one person and a maximum aggregate liability of \$2 million to all persons for each occurrence.
- This liability protection from tort claims would apply to school districts as well and would not affect suits related to criminal conduct or violations of civil liberty.
- With a monetary cap, plaintiffs can still bring a claim and could receive a settlement.

#### Attachments

[Presentation used during this testimony](#)

