

**2019 Legislative Recommendations
Legislative Water Commission
Chloride
Draft for Discussion
October 2018**

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**Recommendation #5
Not in priority order**

Issue: Reduce over-use of salt

Actions: Legislation/Agency Support

A 1) Excess use of de-icing salt is impairing our lakes, rivers and groundwater. We can reduce the use of excess chloride deicing chemicals on public and commercial parking lots and sidewalks without affecting public safety. Propose of support legislation to limit liability for deicing applicators and property owners, after providing training and certification. Support the Clean Water Councils policy to expand applicator training statewide. Begin by implementing a plan for the Capitol grounds.

Background: Chloride, used as a deicer, impairs our water. De-icing roads, parking lots, sidewalks, and roads is important for public safety. However, more de-icing salts than are applied than are needed to ensure that roads, parking lots and sidewalks are clear of ice and snow. Concerns about public safety and liability for personal injury, and property damage are the main reasons for over-salting. MNDOT, and county and city applicators, are working to decrease salt use on public roads. However, commercial contractors face market-place dynamics that make it difficult to implement salt-reduction practices due to the fear of slip and fall liability. It is logical to apply salt only where it is needed is needed for public safety while avoiding chloride pollution.

Since the 1990's, winter maintenance professionals have increased the amount of salt being used Monitoring data show that deicing salt is the primary source of chloride in groundwater, lakes and streams. Chloride contaminates groundwater and drinking water supplies, damages vehicles and infrastructure, and soil, and is harmful to plants, pets and wildlife. Especially vulnerable are native Minnesota fish and invertebrates. Water having chloride in concentration of 230 mg per liter (about one teaspoon in 5 gallons of water) is toxic to freshwater fish and other aquatic life under long-term exposure. Once chloride enters our waters it is not feasible and extremely expensive to remove it.

Statewide, there are 47 chloride impairments and there is elevated chloride in 30 percent of wells tested by the MPCA. In the Twin Cities 365,000 tons of road salt is applied annually in (MPCA), Seventy-eight percent stays in water (Stefan et al. 2008). It is important to stop over-salting and to find ways to reduce dependence on salt. Legislation could provide a limited liability exemption from personal injury and property damage to commercial applicators, and their customers, when applicators take voluntary certification training.

Example of Legislation. Legislation would support the Clean Water Council's policy on Chloride Reduction. The Council recommends the following steps:

- Legislation in New Hampshire (2013) and Illinois (2016)
- Legislative History in Minnesota: 2016 SF3298, 2017 HF1016, 2018 HF 3577

Suggested Legislative Actions in Support of Clean Water Council's Policy Statement.

Support and expand Smart Salting applicator training and certification program to the entire state.

The MPCA has provided training for private and public salt applicators such as snow removal contractors and snowplow drivers. This program has been successful and has assisted winter maintenance programs in reducing salt application rates for 30 to 50 percent without compromising public safety. The TCMA Chloride Management Plan includes the **Smart Salting** training program as the top implementation strategy to reduce salt use in the winter. In the past, MPCA conducted this training with federal funds but those funds are being eliminated. The estimated operating cost for the training program is \$228,000/year. To qualify for the liability protection to private salt applicators, applicators would be required to complete **Smart Salting** training. **Support MPCA budget request.**

Provide liability protection to certified private salt applicators against slip and fall lawsuits: Legislation would provide liability protection for private applicators after being certified through the **Smart Salting** program. The private applicator industry and local stakeholders strongly support this proposal.

Legislation

Research funding. Make research funds available to develop new technology and alternatives to chloride-containing de-icing chemicals. Research on new technologies and alternative de-icing solutions may allow for a shift in snow and ice management that protect water resources while maintaining public safety. A full list of needed research areas can be found in the TCMA Chloride Management Plan.

Previous Bill: File Number: H.F. 3577 Date: March 16, 2018 Version: First engrossment

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Subject: Salt Applicator Program

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Overview: This bill would require the Pollution Control Agency (PCA) to support a voluntary certification program for commercial salt applicators and provide liability protection for applicators participating in the program. Section 1. Salt applicators; voluntary certification program. Adds § 116.2025. Subd. 1. Definitions. Defines "commercial applicator" and "deicer" for purposes of the program. Subd. 2. Voluntary certification program; best management practices. Requires the PCA to support a training program for salt applicators that promotes best management practices for applying deicers and allows applicators to become certified as water-friendly applicators. Requires the PCA to provide certification training statewide and online and to post the best management practices on the agency's Web site. Subd. 3. Liability. Provides liability protection for a salt applicator, or the owner/lessee of land maintained by a salt applicator that has been certified under the program. Requires applicators, owners, and lessees or their employees to have current certification, pass an exam, complete winter maintenance assessment tool requirements and keep written records for at least two years in order to receive the liability protection. Subd. 4. Penalty. Allows the commissioner to revoke or decline a certification under this section if a commercial applicator violates this section or rules adopted under this section.

