

*Minnesota's*  
Commercial Applicator  
Limited Liability Legislation  
2019 Update

Presented by Sue Nissen  
[StopOverSalting.org](http://StopOverSalting.org)



# What issue does the legislation address?

- ◆ **The problem:** Over application protects commercial applicators and property owners from slip and fall lawsuits.

# Proposed Legislation

- ◆ **The solution:** Manage risk using best practice rather than over application.
  - ◆ Limited liability protection *when* applicator is certified (voluntary) in Smart Salting training, and document practices on properties.
  - ◆ Includes protection for property owner who hires applicator
  - ◆ Expands training statewide

# Legislation History

- ◆ Modeled after 2013 New Hampshire law
- ◆ 2016: Introduced in MN House and Senate
- ◆ 2017: Introduced in MN House
- ◆ 2018: Introduced in MN House & Senate,  
In Committees



# Coalition



# 2019 Lead Authors



Senator Carrie Ruud



Representative Peter Fischer

# Join in support

- ◆ Contact your local legislator
- ◆ Encourage others
- ◆ Easy to use link at [StopOverSalting.org](http://StopOverSalting.org)

## Help protect our pollution

As Minnesotans, we love our waters – it's part of who we are. But in the Twin Cities Metro Area, water quality is a concern. Bassett Creek, Battle Creek, Elm Creek, and M

So far, towns and cities around Minnesota have implemented good training programs – saving money and helping the environment.

Now it's time for the state to address this issue and take action.

In order to address your message to the appropriate representatives,

Street Number and Name:

5 Digit Zip Code:

Submit

# Resolutions of support Examples Available



## salt applicator certification program.

WHEREAS chloride contamination of water resources has been found in urban areas around the State;

WHEREAS the Minnesota Pollution Control Agency has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load studies on Nine Mile Creek and Shingle Creek and is currently developing TMDLs for the remaining impaired waterbodies through a metro-wide TMDL study; and

WHEREAS the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices; and

WHEREAS liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased liability; and

WHEREAS the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners and managers and others on how to maintain safe surfaces using salt efficiently;

**NOW, THEREFORE BE IT RESOLVED**, the Minnesota Association of Watershed Districts supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

## RESOLUTION NO. 2018-18 SUPPORTING STATE LAW THAT PROVIDES LIMITED LIABILITY TO COMMERCIAL SALT APPLICATORS THAT ARE CERTIFIED THROUGH AN ESTABLISHED VOLUNTARY SALT APPLICATOR CERTIFICATION PROGRAM

WHEREAS chloride contamination of water resources has been found in urban areas around the State of Minnesota; and

WHEREAS the Minnesota Pollution Control Agency (MPCA) has listed 39 waterbodies in the Twin Cities metro area as impaired for chloride and has completed Total Maximum Daily Load (TMDL) studies on Nine Mile Creek and Shingle Creek and is currently developing TMDLs for the remaining impaired waterbodies through a metro-wide TMDL study; and

WHEREAS the TMDL studies have indicated that the largest chloride source to our lakes and streams is through the application of chloride compounds on roads, parking lots, sidewalks and other hard surfaces for winter maintenance practices; and

WHEREAS liability for property damage or personal injury as a result of snow or ice is one of the main reasons over-salting occurs and many private commercial contractors and property owners are reluctant to implement salt-reduction practices for fear of increased liability; and

WHEREAS the MPCA currently oversees a voluntary Smart Salting Certification Program that provides training to public and commercial salt applicators, private property owners, managers, and others on how to maintain safe surfaces using salt efficiently.

**NOW, THEREFORE BE IT RESOLVED**, the City of Edina supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

Dated: February 7, 2018

Attest:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF EDINA )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of February 7, 2018, and as recorded



# Monitor Legislation Progress

## 2019 Updates

- ◆ Periodic emails – SOS members have sign up list
- ◆ [StopOverSalting.com](http://StopOverSalting.com)