

## MEMORANDUM

TO: Jen Duggan  
ANR General Counsel

FROM: VNRC, VPIRG, VCC, LCI and VLS ENRLC

RE: AIV, Global Foundries and Mack Molding Comments on Act 154  
Workgroup Majority Recommendations

DATE: December 14, 2016

The following is the Vermont Natural Resources Council (VNRC), the Vermont Public Interest Research Group (VPIRG), Vermont Conservation Voters (VCV), Lake Champlain International (LCI), and the Vermont Law School Environmental and Natural Resources Law Clinic (VLS ENRLC) response to Associated Industries of Vermont's (AIV), Global Foundries' and Mack Molding's (Commenters) comments on the Act 154 Report Majority Recommendations:

The Commenters provide no support for their assertion that the majority recommendations do not qualify as "responsible recommendations." The Commenters have defined "responsible recommendations" on their own. The Act 154 Workgroup (Workgroup) did not discuss this term, nor did the group discuss or agree to the criteria that the Commenters have developed to determine what they believe qualifies as a "responsible recommendation."

That is not to say that the Workgroup did not consider whether the majority proposals were necessary to protect Vermonters from the use and storage of toxic chemicals in communities throughout the state. To the contrary, the Workgroup spent several meetings identifying and discussing gaps in the laws meant to protect Vermonters from the dangers posed by toxic chemicals. We benefitted greatly from the painstaking research in this area completed by agency staff, as well as the presentations made by outside experts. We later considered how each proposal addressed a gap that was identified.

The proposals endorsed in the report were deemed by a majority of members of the Workgroup to address a clear gap in protections afforded Vermonters from exposure to toxic chemicals. The majority recommendations were endorsed by State agencies, businesses that use toxic chemicals, academic leaders, and public interest organizations.

The Commenters criticisms of the specific majority recommendations supported by the Workgroup fall into three main categories: the proposals are not necessary to protect Vermonters, the proposals are too costly, or the proposals were not adequately discussed. As already noted, the Workgroup spent the bulk of our time

identifying gaps in our laws and developing proposals to address these gaps, completing the task that the Workgroup was charged with under Act 154. The proposals were submitted in writing for consideration by the entire group and debated. We believe that the report when completed will clearly identify the rationale and research that supports each proposal.