

Could fewer lawsuits lead to less salt in state waters?

Without an affordable means of desalinating water, lawmakers are looking to enact preventative measures to keep chloride out of Minnesota's waters in the first place.

A bill that would incentivize water-friendly salt application methods was approved [as amended](#) by the House Environment and Natural Resources Policy and Finance Committee Tuesday on a split-voice vote and referred to the House Civil Law and Data Practices Policy Committee.

Sponsored by [Rep. Dario Anselmo](#) (R-Edina), [HF3577](#) would require the Pollution Control Agency to support a voluntary certification program for commercial salt applicators, which would grant applicators liability protection upon completion.



[Rep. Dario Anselmo](#)

Its companion, [SF3199](#), sponsored by [Sen. Carrie Ruud](#) (R-Breezy Point), awaits action by the Senate Environment and Natural Resources Finance Committee.

According to the PCA, 50 percent of chloride found in Minnesota water is attributed to deicing chemicals, while the other half comes from home water softeners.

“There’s a big potential for improvement by reducing the amount of salt that’s used for deicing,” said Shannon Lotthammer, PCA assistant

commissioner.

By all accounts, reducing the amount of deicing chemicals used would not be difficult to achieve – in practice.

But the reason many commercial applicators admit to salting more than is necessary, according to the Minnesota Nursery and Landscape Association, is to avoid slip-and-fall accidents and ensure the client and applicator are protected from any potential litigation. After speaking to more than 250 businesses, the Stop-Over-Salting advocacy group stated that liability protection included in the bill would work as a powerful incentive.

“The fear of slip-and-fall lawsuits is the primary, by far, determiner of how much deicer is applied,” said salt advocate Sue Nissen. “The opportunity to use best practices to save resources and money, protect structures and landscape water are all concerns that people consider but take a backseat to liability fears.”

But others claim the incentive could be a wash.

Joel Carlson, representing the Minnesota Association for Justice, said the protection is largely redundant since an individual does not have a liability claim for injuries that result from open and obvious dangers.

“The courts have long held that snow and ice in Minnesota are open and obvious, so you have to have a very egregious situation before someone has a premise liability case based on snow and ice accumulation,” Carlson said.

When asked by [Rep. Jean Wagenius](#) (DFL-Mpls) how the bill’s impact could be recorded, Lotthammer said the PCA has baseline chloride information from previous studies and that estimating and record keeping tools are part of the certification.

Instructors have already observed 50 percent reductions in salt use by applicators who have completed the training, Lotthammer added.