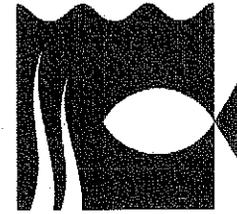


**Connecticut Fund
for the Environment**



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**Testimony of Connecticut Fund for the Environment
Before the Commerce Committee**

STRONGLY OPPOSING House Bill 5499 AN ACT CONCERNING THE PROMOTION OF BUSINESS and SUPPORTING Senate Bill 453 AN ACT CONCERNING THE STATE'S REGULATORY ENVIRONMENT

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March 16, 2010

Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 4,500 members statewide. For thirty years, CFE has used law, science, and education to protect and preserve Connecticut's natural resources.

Connecticut Fund for the Environment **STRONGLY OPPOSES** Raised Bill 5499. This bill is unnecessary and ill-conceived.

Section one of the bill mandates an across the board reduction in standards for small businesses. In terms of environmental regulations, this bill would require, rather than allow, "less stringent compliance or reporting requirements for small businesses." These reductions would be mandated regardless of merit. While we believe that many of these exemptions are appropriate in particular cases, we do not believe that they should be required as a matter of law without regard to specific circumstances.

CFE has no objection with the use of regulatory methods that minimize adverse impacts on small businesses. For that matter, CFE supports regulatory methods that minimize adverse impacts on any business, big, small or medium. However, mandating a separate set of regulations for small businesses in all circumstances, which this language appears to do, is not wise policy.

All regulations should have as minimal an impact on business as possible while still achieving the objectives of applicable statutes. That being said, we do recognize that there are situations where certain requirements are disproportionately burdensome to small businesses. Complicated reporting and record keeping may not be so burdensome for a large business with significant support staff, but represent a major cost to a small business with only a few employees. In these situations, it is appropriate to find ways to minimize the burden on small businesses. But, removing such decisions from the discretion of the agency is not an appropriate avenue. We should not use a hacksaw where a scalpel is more appropriate.

CFE also opposes section two of House Bill 5499. In section 22a-430(b), the legislature laid out very specific requirements for obtaining a permit to discharge into the waters of Connecticut. Most of these requirements are required by the Clean Water Act. In section 22a-430(j)(1), the legislature created specific categories which could be exempted from the permitting process. Section 22a-430(j)(2) granted DEP discretion to add to the categories the legislature listed in section 22a-430(j)(1). This statutory scheme is logical.

When creating a mandatory duty through the use of the word "shall," legislation should be as specific as possible. By mandating that certain exemptions be created, without specifics as to what such categories are or the consequences thereof, the bill would only create uncertainty and invite litigation. Accordingly, we believe current language that allows such exemptions in appropriate circumstances but does not require them is appropriate.

For the above reasons, we **STRONGLY OPPOSE House Bill 5499.**

CFE supports **Senate Bill 453, AN ACT CONCERNING THE STATE'S REGULATORY ENVIRONMENT.** A good faith holistic review of the regulatory environment could produce results that are good for business and good for the environment. There are problems with the current environment. CFE is happy to participate in study that looks at correcting the problems without lowering standards.