

February 22, 2010

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Proposed Bill	Support/ Oppose
S.B. 120: AN ACT AUTHORIZING REVIEW OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S GUIDANCE STATEMENTS AND POLICIES BY THE GENERAL ASSEMBLY'S REGULATION REVIEW COMMITTEE	Oppose

Chairmen Roy, Meyer, and Members of the Environment Committee:

My name is Eric Hammerling and I am the Executive Director of the Connecticut Forest & Park Association, the first conservation organization established in Connecticut in 1895. CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation every year since 1897.

Although I am unable to be at the hearing today, I want to ensure you know that we strongly oppose raised bill S.B. 120. There appear to be several problems with this conceptual bill:

- 1) It appears to diminish the existing authority of the Environment Committee whose purview already includes "...cognizance of all matters relating to the Department of Environmental Protection, including conservation, recreation, pollution control, fisheries and game, state parks and forests, water resources and flood and erosion control; and all matters relating to the Department of Agriculture, including farming, dairy products and domestic animals" (source: CGA website). Why would the Environment Committee cede its oversight authority to Regulation Review?;
- 2) It appears to over-extend the authority of the Regulation Review Committee which is supposed to review regulations and not delve deeply into the inner-workings of the Department of Environmental Protection. Reviewing guidance statements and policies would both waste valuable time for the Committee and potentially tie the DEP in knots. Further delays of regulations (already an issue for Regulation Review) would certainly not achieve positive conservation objectives for the state. This is especially the case when the Department already has extremely limited resources to regulate;
- 3) Guidance statements are actually very helpful in that they allow the Department to provide limited direction to applicants and other interested parties without going through a long regulatory process. Would further review of guidance statements by Regulation Review really speed up the process for applicants (something that many applicants seem to desire)?; and
- 4) We share with Roger Reynolds of the Connecticut Fund for the Environment the opinion that "deciding a controversy between stakeholders and the DEP as to what is or is not a "regulation" under the Administrative Procedure Act is a purely judicial function to be exercised by the judicial branch." There is no need for the Legislature to step into this role.

Thank you for the opportunity to provide this testimony.