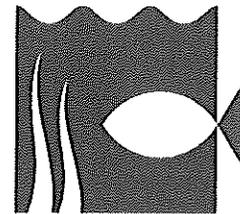


**Connecticut Fund
for the Environment**



Save the Sound®
A program of
Connecticut Fund for the Environment

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

Submitted by Jessica Morowitz, Legal Fellow
March 6, 2012

**H.B. 5343, AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH
STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS**

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

CFE supports H.B. 5343, An Act Concerning Economic Development Through Streamlined and Improved Brownfield Remediation Programs, in so much as the bill takes a step back and allows for more time to undertake the evaluation and transformation of Connecticut's cleanup laws. This is a very important process with significant implications for human health, the environment and the economy, and as such allowing for more time will allow for a more thoughtful and robust process. With that being said, CFE does have concerns about certain concepts being considered in this process and hopes that the additional time will be well spent and will resolve these concerns.

First and foremost, DEEP needs to have both adequate staffing and enforcement mechanisms to ensure compliance with the program. Any new program developed should have clear obligations to investigate and cleanup sites (including historical contamination) with enforceable deadlines for meeting progress milestones. By including enforceable deadlines, it will help to move sites through the program and ensure that they are meeting cleanup requirements in a timely manner. This will go a long way to getting sites returned to productive use, which will help the economy without sacrificing human or environmental health. It is important that considerations of economic development do not trump human health and environmental concerns.

In addition, there has been discussion of significantly expanding the Licensed Environmental Professional (LEP) program. This raises serious concerns for CFE due to the potential conflict of interest created when LEPs are paid by and report to the responsible party, which can lead to inadequate cleanups and loss of public confidence in the program. If DEEP is going to allow LEPs to have more authority over the cleanup process, it is important that they have adequate oversight and enforcement ability over LEPs. This should include adequate staff and resources to oversee the program, a robust auditing program, and sanctions for substandard LEP performance.

Public notification, public participation and access to information are also important components of any program moving forward. This is particularly true if LEPs are going to be given more responsibility for implementing the program.

CFE believes that if we are going to undertake a transformation of Connecticut's cleanup laws, we need to take the time to do it right. We hope that the additional time will be used to continue engaging stakeholders and making sure that the resulting program is effective and adequately protects human health and the environment. We thank the Committee for its attention in this matter.