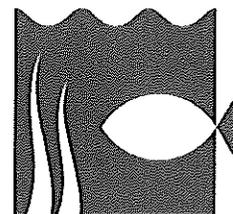


**Connecticut Fund
for the Environment**



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

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

In opposition to H.B. 5465, AN ACT CONCERNING THE STATE'S REGULATORY AND PERMITTING PROCESS

Submitted by Jessica Morowitz, Legal Fellow
March 15, 2012

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 opposes H.B. 5465, An Act Concerning the State's Regulatory and Permitting Process. This bill is unnecessary and threatens to undermine important environmental protections in Connecticut.

This bill would require the Commissioner of Economic and Community Development to conduct a cost-benefit analysis of all existing state agency regulations and report to the Commerce Committee identifying any existing state agency regulations that are determined to have a greater cost than benefit to economic activity in the state. Those regulations will then be referred to the Regulation Review Committee which may, by a majority vote, direct the applicable state agency to amend the regulation to minimize its cost.

Not only would this put a huge burden on the Department of Economic and Community Development and Regulation Review, it would result in significant rollbacks to critical environmental regulations. The regulations administered by the Department of Energy and Environmental Protection ("DEEP") were put in place for a reason—to help guide sound environmental policy and decision-making. While cost may be a consideration in enacting regulations, it should not be the sole basis upon which regulatory decisions are made. Also, it is difficult to undertake a cost-benefit analysis in this context because it is very difficult to quantify or monetize certain benefits, particularly environmental and public health benefits. For example, what is the dollar value that will be put on clean, safe drinking water? Subjecting these regulations to a strict cost-benefit analysis, and forcing DEEP to amend or repeal those that do not pass, would spell disaster for Connecticut's environment and the welfare of its citizens.

This bill also seeks to create a 90-day time limit for DEEP to issue a decision on permit applications. If at the end of the 90 days, DEEP has not issued a decision, the permit will be automatically approved. DEEP is already stretched for resources and review of complex or highly technical permit applications can take time. Requiring automatic approvals would lead to

significant and irreversible environmental harm. Communities throughout the state will be faced with the prospect of projects that have not been reviewed by DEEP. Often, once shovels have hit the ground it is too late to stop the detrimental impacts of ill-advised development.

DEEP and Commissioner Esty are committed to streamlining and reducing permit review times, and are making progress in this effort without compromising environmental standards. We have worked with DEEP in this effort and look forward to continuing to work toward efficiencies without rolling back protections. The agency should be given every opportunity to review its own regulations and processes to look for efficiencies.

Finally, the bill would repeal sections 22a-342 through 22a-350 of the Connecticut General Statutes, which is DEEP's stream channel encroachment program. Given historic levels of flooding and increased intensity of storm events, as concluded by the Report of the Two Storm Panel, we believe this is the wrong time to repeal flood control measures.

For the above stated reasons, CFE opposes H.B. 5465, An Act Concerning the State's Regulatory and Permitting Process, and respectfully asks the Committee to reject this bill.