



Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org
Martin Mador, Legislative Chair

Commerce Committee
March 15, 2012

Testimony In Favor of
SB 402 AAC A Green Chemical Industry In Connecticut
And The Department Of Economic And Community Development's Economic Strategic Plan

Testimony in Strenuous Objection to
HB 5465 AAC The State's Regulatory And Permitting Process

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies. I am here today on behalf of our 8,000 Connecticut members, and our 1.4 million members and supporters nationwide.

I commend this committee for a number of positive bills this session which should serve us well: creating jobs, strengthening the economy, improving regulatory processes, and, of course, helping to preserve our high quality of life through a commitment to high environmental standards.

These three minutes will be a mixed experience for me. I will speak about a bill with strong, positive, implications for Connecticut's business and economy, as well as the environment. I will speak about a bill which, for the Sierra Club, is very troubling.

HB 5465

5465, in Section 1, describes a somewhat extreme proposal to address the economic consequences of regulation. It requires DECD to perform a cost-benefit analysis of *every* regulation of *every* state agency. This in itself would be a herculean feat, as I'm sure the bill's fiscal note would confirm. It would then require the Regulations Review Committee to examine each such regulation with a "cost" supposedly greater than its "benefit", another herculean feat. The promulgating agency would then have to rewrite the regulation to reduce its cost, a third herculean feat.

This process would eliminate any regulation with a "cost" greater than "benefit". But the terms are not defined. There are no standards to apply. For example, in my world, a host of regulations keep our world safe and healthy. They protect ecosystems from literally dying off from pollution. They keep our potable water safe to drink. They keep us from exposure to toxic chemicals. I'm sure there are those who claim you can appropriately put an economic value on these. Some economist somewhere I'm sure can generate some numbers, but I think the principle is without foundation nor justification.

Regulations are written subject to passage of a legislative bill, which directs an agency to write them. The appropriateness of the idea is examined through its travels through the legislative process. A bill would be highly unlikely to pass the various committees, the House, the Senate, and the scrutiny of the Governor if it was misguided and not in the public interest.

In most states, issuance of the regulation would be the end of the process. In Connecticut, however, we amended our constitution in 1982 to allow for the creation of a Regulations Review Committee. Otherwise, this would be an unconstitutional violation of the separation of powers. So the committee exists. It has for 30 years. And it examines every single regulation before it can go into effect. Technically, it should simply make sure the regulation conforms to the underlying legislation. At any rate, every regulation is vetted by the committee on behalf of the legislature.

If there is concern that a regulation is not serving the public interest well, there is a tried and true remedy. File a new bill, put it through the legislative process to determine if, on balance, an existing regulation is in need of alteration. We do that all the time, and it entails no herculean effort.

Section 2 of the bill provides for automatic approval of a permit application after a certain period. The Sierra Club does not believe that the environment is well served by delaying economic development, so we support timely review of permit applications. DEEP has made good faith efforts over the past few years to accelerate its permit review processes. However, we are in lean times and lack sufficient staff in many areas to meet otherwise desirable goals. To simply proclaim that, lacking sufficient resources, we'll just approve permits without review, is not sound policy, would put us at risk unnecessarily and would certainly not be in the public interest.

SB 402

The lessons of Green Chemistry hold great promise for us. It provides for industrial processes which eschew toxic components. According to the Warner-Babcock Institute, one of the leading proponents of Green Chemistry, processes meeting this new standard must be environmentally benign, must serve as fully acceptable alternatives, and must not be economically more expensive. Much of the world, especially western Europe via the REACH program, has been moving towards Green Chemistry. Incorporation of Green Chemistry processes are becoming necessary in order to be competitive and to be able to market our products there.

If we pay attention to these lessons, we will simultaneously strengthen our economy, keep our industry competitive, and protect both our health and the environment.

Fortunately, there are chemical faculty at both Yale and UCONN with expertise in Green Chemistry who can help lead the way. Several state companies have already adopted Green Chemistry lessons in their business. I am working on producing a legislative info hearing on Green Chemistry which will feature these academic leaders, several state companies with their case stories to tell, and John Warner, founder of the Warner-Babcock Institute and a transformative speaker. I can't sell you tickets, but encourage each of you to attend.

Section 1 of SB 402 appropriately recognizes the contributions the lessons of Green Chemistry have to offer us, and asks DECD to investigate. We would be pleased to assist.

I note that, in Section 2, the bill strikes section (b)(2) of CGS 32-1o, which calls for consulting regional entities in preparation of the DECD economic strategic plan. It is the Sierra Club's position that we MUST move towards regional governance to move away from the harm reliance on 169 town governments does to our economy, our quality of life and our environment. We believe that we should promoting regional governance, through the COGs, and converting the other 2 forms of regional planning organizations to the COG format. So we encourage the committee to leave this section in statute.



[About Green Chemistry](#)

[A Historical Perspective](#)

[The 12 Principles](#)

About Green Chemistry

Green Chemistry is a revolutionary approach to the way that products are made; it is a science that aims to reduce or eliminate the use and/or generation of hazardous substances in the design phase of materials development. It requires an inventive and interdisciplinary view of material and product design. Green Chemistry follows the principle that it is better to consider waste prevention options during the design and development phase than to dispose or treat waste after a process or material has been developed.

For a technology to be considered Green Chemistry, it must accomplish three things:

- It must be more environmentally benign than existing alternatives.
- It must be more economically viable than existing alternatives.
- It must be functionally equivalent to or outperform existing alternatives.

Green Chemistry presents industries with incredible opportunity for growth and competitive advantage. This is because there is currently a significant shortage of green technologies: we estimate that only 10% of current technologies are environmentally benign; another 25% could be made benign relatively easily. The remaining 65% have yet to be invented! Green Chemistry also creates cost savings: when hazardous materials are removed from materials and processes, all hazard-related costs are also removed, such as those associated with handling, transportation, disposal, and compliance.

Through Green Chemistry, environmentally benign alternatives to current materials and technologies can be systematically introduced across all types of manufacturing to promote a more environmentally and economically sustainable future.