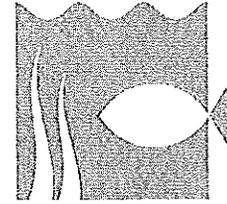


**Connecticut Fund
for the Environment**



Save the Sound
A Division of
Connecticut State Police

**Testimony of Connecticut Fund for the Environment
Before the Government Administration and Elections Committee**

***In opposition to S.B. 390, AN ACT CONCERNING THE PURVIEW OF THE LEGISLATIVE
REGULATION REVIEW COMMITTEE***

Submitted by Jessica Morowitz, Legal Fellow
March 12, 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 S.B. 390, An Act Concerning the Purview of the Legislative Regulation Review Committee. S.B. 390 is unnecessary and would give the Legislative Regulation Review Committee ("LRRC") significantly expanded authority over state agencies and the regulations promulgated by such agencies.

This bill would allow the LRRC to review any regulation of any agency to "determine whether the regulation is obsolete or outdated or is too onerous on persons...who are required to comply with the regulation." In conducting this review, the LRRC "may consider the testimony of the agency...concerning the regulation under review." If the LRRC determines the regulation is obsolete, outdated or too onerous on those required to comply, it can "direct the agency to amend or repeal, such regulation, in accordance with the committee's directive."

This places an extraordinary amount of power into the LRRC and the Legislative Branch. This bill does not require the LRRC to confer with the agency whose regulation is at issue; rather the bill says the Committee *may* consider the testimony of the agency. Regulations reflect agency expertise on complicated issues and are often the result of a lengthy process involving interested stakeholders and experts in the field. The LRRC may have no specialized knowledge concerning the regulation at issue, and would not even be required to consult with the agency. There are better ways to reduce regulatory burdens, by working with the agencies, and not just ordering them to amend or repeal regulations thereby weakening standards.

Also, regulations are oftentimes enacted to comply with federal statutes and requirements. Giving the LRRC the authority to order an agency to repeal regulations could have unintended consequences. Many agencies administer programs that are mandated by federal law, and the interplay between state and federal requirements can be complex. If the LRRC decides to repeal certain regulations that are required for federal compliance, it could

result in the state becoming noncompliant with federal law and may jeopardize the state's ability to receive certain federal funding.

For the above stated reasons, CFE opposes S.B. 390, An Act Concerning the Purview of the Legislative Regulation Review Committee and asks that the Committee reject this bill.