

**CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
SUMMARY OF PUBLIC COMMENTS
EXPLANATORY STATEMENT FOR FINAL REGULATIONS**

**Proposed amendments to Section 23-65h-1 of the Regulations of Connecticut State Agencies.
CERTIFICATION OF FOREST PRACTITIONER REGULATIONS**

Statement of Purpose: Section 23-65h-1(o) specifies the sponsors of relevant programs of professional education required of certified forest practitioners to maintain or improve professional forestry skills. The proposed amendment will change the name of the sponsoring agency “department of environmental protection” to the name of the successor agency “department of energy and environmental protection” as sponsor.

Section 23-65h-1(r) and Section 23-65h-1(s) specify the required form of payment for the application and examination fees for certification as a forest practitioner or renewal of certification. The proposed amendments to subsection (r) and (s) will eliminate the requirement for checks to be “certified” thereby allowing applicants to submit personal or business checks.

Section 23-65h-1(r) and Section 23-65h-1(s) also specify that there will be an annual rate of increase in application and examination fees of three percent. The proposed amendment to subsection (r) and (s) eliminates the three percent annual rate of increase and provides for fixed fees.

The Department held a public hearing on the proposed amendment on March 27, 2013. The hearing record was held open until April 5, 2013 to accept written comments. What follows is the wording of the amendment as presented at the public hearing, a summary of comments received and the Department’s response to comments, the hearing officers’ recommendations, and the final proposed wording for the regulations.

Proposed Amendment: Section 23-65h-1(o). Continuing Education Standards for Renewal of Certification

(o) In accordance with section 23-65i of the general statutes, all certified forest practitioners shall participate biennially in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the [department of environmental protection,] department of energy and environmental protection, the New England Society of American Foresters, the University of Connecticut, Yale University, the Connecticut Cooperative Extension System, or any university having a forest management or forest products harvesting curriculum accredited by the Society of American Foresters.

Comments received on Section 23-65h-1(o): One comment was received supporting the change.

Response: This administrative change reflects July 1, 2011 transformation from the “Department of Environmental Protection” as sponsor to the name of the successor agency “Department of Energy and Environmental Protection”.

Recommended Final Wording for Section 23-65h-1(o): As proposed.

Proposed Amendment: Section 23-65h-1(r). Fees and Section 23-65h-1(s). Fees

(r) The fee for applying for certification or renewal of certification shall be [\$76.00] \$235.00. The fee shall be submitted simultaneously with the application for certification or renewal of certification and certification shall not be granted or renewed prior to payment of the fee. The fee provided in this section shall be non-refundable. The application fee required by this section shall be paid by [certified] check or money order payable to [department of environmental protection] department of energy and environmental protection. The [certified] check or money order shall state on its face, "Forest Practitioner Certification Application Fee". [" On July 1,

1995, and every July 1 thereafter, the fee provided in this section shall increase by three percent, rounded down to the nearest whole dollar.]

(s) An applicant for forest practitioner certification or renewal of certification shall, if required by this section to take an examination, pay an examination fee of [\$13.00] \$65.00 for each examination. The fee provided in this section shall be non-refundable. The fee required by this section shall be paid by [certified] check or money order payable to the [department of environmental protection] department of energy and environmental protection. The [certified] check or money order shall state on its face, "Forest Practitioner Certification Examination Fee". [" On July 1, 1995, and every July 1 thereafter, the fee provided in this section shall increase by three percent, rounded up to the nearest whole dollar.]

Comments regarding the elimination of the requirement for checks to be certified:

Comment: Nine comments were received strongly supporting amending Section 23-65h-1(r) and Section 23-65h-1(s) to eliminate the requirement that certified checks be used for payment of forest practitioner application and examination fees thus allowing the use of personal and business checks.

Response: The Department supports the elimination of the requirement that all checks be certified as it seeks to become more customer friendly and anticipates the ability to conduct e-business and accept on-line payments in the future.

Comment: One comment was received stating that elimination of the certified check requirement will reduce the overhead associated with maintaining forest practitioner certification. They further provided that the cost of the certified check itself is not the only expense. The time out of the forest practitioner's day to leave the field to obtain the check is of great concern to those in the industry who receive remuneration based on their production. Two other comments were received that identified all the certified forest practitioners in Connecticut as small family owned self-employed businesses with little or no office staff. Further, eliminating the requirement for a check to be bank certified will allow these businesses to concentrate their time and efforts in efficiently running their forestry operations.

Response: The Department agrees that the industry is dominated with forest practitioners that are self employed or work in small businesses. In addition, working in remote areas often six days a week severely limits access to business that issue certified checks. Without office or support staff most practitioners must leave the worksite to obtain a certified check. This is recognized as a burden to the forest products industry as most are paid based on production output.

Comment: One comment identified forestry and the forest products industry as an important component of Connecticut's agriculture. They further indicated that streamlining the regulatory process is a key step in reinvigorating a favorable business climate for Connecticut's agricultural producers. Two other comments provided that elimination of this requirement helps create a more business friendly environment.

Response: Forestry is recognized as agriculture under Section 1-1(q) of the Connecticut General Statutes. Streamlining this particular process not only helps the forest products industry but the Department as well. The Department benefits through the reduction of staff time needed to return and reprocess applications that are currently being submitted with personal or business checks. The Department believes that its current process of examining new applicants as provided for in Section 23-65h-1 of the Regulations of Connecticut State Agencies and the process for renewal applications as provided in Section 23-65h-1(l) of the Regulations of Connecticut State Agencies is adequate in length to expose personal and business checks that have insufficient funds prior to the Department issuing any certificate.

Comment: Three comments were received indicating that by eliminating the requirement for checks to be certified, it would align the method of payment with other payments made to other Connecticut State agencies including, but not limited to, motor vehicle registrations, business entity tax, state income tax and even Department timber sales.

Response: The Department agrees that this and other state agencies widely accept personal and business checks for a variety of fees including but not limited to other professional licenses.

Comments regarding the elimination of the annual 3% increase for application and examination fee

Comment: Nine comments were received strongly supporting amending Section 23-65h-1(r) and Section 23-65h-1(s) to eliminate the 3% annual rate of increase in application and examination fees and replace them with fixed fees.

Response: The Department supports the elimination of the 3% annual rate of increase noting that the small increase in revenue generated annually pales in comparison to the administrative burden it experiences to annually outreach to the regulated community to advise of the adjusted fees, update fee schedules on application forms and work with applicants who were confused by the continually changing fee schedule.

Comment: Three comments were received noting that in 2009, the fees provided for in subsections (r) and (s) were part of those doubled by the Governor due to the fiscal crisis. The comments further pointed to a study conducted by the Department in February 2012 of fees charged by eastern states with similar forest practitioner licensing, registration or certification programs. The comments claimed that the study revealed the current fee structure for Connecticut's forest practitioner certification was on par with the other eastern states. One comment was received that stated stabilizing fees is another key step to reinvigorating a favorable business climate for Connecticut's agricultural producers. Two comments stated that stabilizing costs will aid the forest products industry in staying competitive in a regional and global market place.

Response: The comments concerning the doubling of fees in 2009 are factually correct. The increase took place in addition to the 3% annual fee increase that has occurred since inception of forest practitioner certification. The Department did conduct a study dated January 23, 2012 of similar forest practitioner licensing, registration or certification programs in Eastern United States. The study (see Attachment 1) concluded that fees for the level of Forester were on par with other states. It did, however, identify that fees for the other two levels, Supervising Forest Products Harvester and Forest Products Harvester were slightly higher in Connecticut than other states.

Comment: It was commented that the Forest Practices Advisory Board, appointed pursuant to Section 23-65g of the Connecticut General Statutes to provide recommendations to the Commissioner of Energy and Environmental Protection on regulations concerning forest practices or the certification of forest practitioners, voted in favor of eliminating the 3% annual increase in application and examination fees and replace it with a fixed fee.

Response: The comment is correct, the Forest Practices Advisory Board voted to eliminate the three percent annual increase at its February 23, 2012 meeting.

Recommended Final Wording for Section 23-65h-1(r) and for Section 23-65h-1(s): As proposed.

Comments received after the close of the hearing record

One comment was received after the close of the hearing record. The comment postmarked April 5, 2013 (the closing date of the hearing record) but was not received until April 12, 2013. While received too late to be included for consideration here, the comment did strongly support the proposed amendments.

 5/24/13

Douglas Emmerthal, Hearing Officer

**DEEP DIVISION OF FORESTRY
FOREST PRACTICES ACT
COMMERCIAL FOREST PRACTITIONER CERTIFICATION
FEE REVIEW**

**PREPARED BY: JENNIFER HOCKLA, FORESTER 2
FEBRUARY 6, 2012**

FORESTERS (LICENSED, REGISTERED, CERTIFIED)

CONNECTICUT	\$231.00	4 YEAR CERTIFICATE	\$60.00	\$231.00 (\$57.75/YEAR)	YES
STATE	INITIAL APPLICATION FEE	LICENSE TYPE/TERM	EXAM FEE	RENEWAL FEE	CEU REQUIREMENT
1. ALABAMA	\$50.00	ANNUAL LICENSE	\$100.00	\$100.00/YEAR	YES
2. ARKANSAS	\$10 IN-STATE/\$20-OUT OF STATE	ANNUAL REGISTRATION	\$30.00	\$30.00 IN-STATE/\$60.00-OUT OF STATE/YEAR	YES
3. GEORGIA	\$50.00	2 YEAR LICENSE	\$30.00	\$80.00 (\$40.00/YEAR)	YES
4. MAINE	\$100.00	ANNUAL LICENSE	\$335.00 *	\$70.00/YEAR	YES
5. MARYLAND	\$95.00	ANNUAL LICENSE	N/A	\$100.00/YEAR	YES
6. MASSACHUSETTS	\$100.00	ANNUAL LICENSE	N/A	\$50.00/YEAR	YES
7. MICHIGAN	\$130.00	2 YEAR LICENSE	N/A	\$80.00 (\$40/YEAR)	NO
8. MISSISSIPPI	\$50.00	2 YEAR LICENSE **	INCLUDED IN APP. FEE	\$100.00 (\$50.00/YEAR)	YES
9. NEW HAMPSHIRE	\$120.00	2 YEAR LICENSE	\$100.00	\$120.00 (\$60.00/YEAR)	YES
10. NORTH CAROLINA	\$50.00	ANNUAL LICENSE	\$50.00	\$40.00/YEAR	YES
11. SOUTH CAROLINA	\$180.00	2 YEAR LICENSE	\$325.00 *	\$130.00 (\$65.00/YEAR)	YES
12. WEST VIRGINIA	\$50.00	ANNUAL REGISTRATION	\$100.00	\$35.00/YEAR	YES

• Besides Connecticut, 12 other States in the eastern half of the United States requiring Forester licensing, registration or certification requirements were examined. Annual renewal fees averaged \$57.91/year compared to Connecticut's current annual renewal fee of \$57.75.

• Besides Connecticut, 9 States currently charge an exam fee along with the initial application fee. In Mississippi, the application fee is considered the exam registration fee. Based on the exam requirement for 9 states, average exam fee is \$124.44 compared to Connecticut's current exam fee of \$60.00.

*Maine and South Carolina require examinations administered by the Society of American Foresters

** Mississippi's initial application is for a 1 year license followed by renewal for 2 years

TIMBER HARVESTERS (LOGGER, FOREST OPERATOR)

CONNECTICUT	\$231.00	4 YEAR CERTIFICATION	\$60.00	\$231.00(\$57.75/YEAR)
STATE	INITIAL APPLICATION FEE	LICENSE TYPE/TERM	EXAM FEE	RENEWAL FEE
1 ALABAMA	N/A	VOLUNTARY	N/A	N/A
2 DELAWARE	N/A	VOLUNTARY	N/A	N/A
3 GEORGIA	N/A	VOLUNTARY	N/A	N/A
4 ILLINOIS	\$30.00 *	1 YR.LICENSED TIMBER BUYER	N/A	\$30.00/YEAR *
5 IOWA	*	ANNUAL REGISTERED TIMBER BUYER	N/A	*
6 INDIANA	\$125.00 *	ANNUAL LICENSED TIMBER BUYER	N/A	\$125.00/YEAR *
7 KENTUCKY	\$135.00	3 YEAR CERTIFICATION	N/A	\$25.00 (\$8.33 /YEAR)
8 MAINE	N/A	VOLUNTARY	N/A	N/A
9 MARYLAND	\$30.00	ANNUAL LICENSE		\$30.00/YEAR
10 MASSACHUSETTS	\$15.00/RESIDENT;\$30.00 NON-RESIDENT	ANNUAL LICENSE		\$15.00 –RESIDENT; \$30.00 NON-RESIDENT/YEAR
11 NEW HAMPSHIRE	N/A	VOLUNTARY	N/A	N/A
12 NORTH CAROLINA	N/A	VOLUNTARY	N/A	N/A
13 PENNSYLVANIA	N/A	VOLUNTARY	N/A	N/A
14 RHODE ISLAND	\$25.00 *	ANNUAL REGISTRATION	N/A	\$25.00/YEAR
15 SOUTH	N/A	VOLUNTARY	N/A	N/A

CAROLINA						
16 TENNESSEE	N/A	VOLUNTARY	N/A	N/A	N/A	N/A
17 VERMONT	N/A	VOLUNTARY	N/A	N/A	N/A	N/A
18 WEST VIRGINIA **	\$150.00	2 YEAR CERTIFICATION	N/A	N/A	\$150.00 (YEAR)	\$150.00 (\$75.00/YEAR)

• Besides Connecticut, 18 other States were examined for logger licensing requirements. Of the 18 states, 5 have statutory requirements for licensing loggers; 10 have a voluntary logger registration and 3 have statutory requirements for licensing timber buyers. The annual renewal fees averaged \$32.16/year (not including timber buyer fees) compared to Connecticut's current average annual renewal fee of \$57.75/year.

• Connecticut is the only state requiring an exam; several States have a continuing education requirement to maintain the license, certificate or registration.

* Illinois, Iowa and Indiana require a significant cash bond to be posted along with the application for timber buyer.

** West Virginia also requires a 2 year timbering license (\$150.00) in addition to the 2 year harvester certification

LICENSES ADMINISTERED BY DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION

Commercial Forest Practitioner Certification	4 year	Certified check or money order	\$291.00 (application fee & exam fee)	\$231.00	YES
TYPE/TERM OF LICENSE	TERM	FORM OF PAYMENT	INITIAL APPLICATION FEE/EXAM FEE	RENEWAL FEE	CEU REQUIREMENT
Nuisance Wildlife Control Operator	2 year	Check or money order	\$250.00	\$250.00	NO
Taxidermists License	Annual	Check or money order	\$105.00	\$105.00	NO
Arborist's License	5 Year	Check or money order	\$50.00 Exam Fee plus \$190.00 for Initial License	\$190.00	YES
Pesticide Supervisor's License	5 year	Check or money order	\$200.00	\$285.00	YES
Licensed Environmental Professional	Annual	Check or money order	\$235.00	\$425.00	YES

PROFESSIONAL/OCCUPATIONAL LICENSES ISSUED BY OTHER CONNECTICUT STATE AGENCIES

AGENCY	NUMBER/TYPE LICENSES	FORM OF PAYMENT
DEPARTMENT OF CONSUMER PROTECTION	55 PROFESSIONAL & OCCUPATIONAL LICENSES	CHECK OR MONEY ORDER
DEPARTMENT OF PUBLIC HEALTH	10 ENVIRONMENTAL PRACTITIONER LICENSES 66 HEALTH CARE PRACTITIONER LICENSES	<u>CERTIFIED CHECK OR MONEY ORDER</u> <u>CERTIFIED CHECK OR MONEY ORDER</u>
DEPARTMENT OF EDUCATION	4 PROFESSIONAL EDUCATOR CERTIFICATES	CASHIER'S CHECK MONEY ORDER CERTIFIED CHECK

- FORM OF PAYMENT REQUIRED FOR LICENSES ISSUED BY THE DEPARTMENT OF CONSUMER PROTECTION OTHER THAN THE PROFESSIONAL & OCCUPATIONAL LICENSES NOTED ABOVE : CHECK OR MONEY ORDER
- FORM OF PAYMENT REQUIRED FOR LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH OTHER THAN ENVIRONMENTAL AND HEALTH CARE PRACTITIONERS NOTED ABOVE: CERTIFIED CHECK OR MONEY ORDER

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