



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

STATE OF CONNECTICUT

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Public Hearing – February 28, 2014
Environment Committee

Testimony Submitted by Interim Commissioner Robert J. Klee
Presented By Deputy Commissioners Katie Dykes and Macky McCleary

Raised Senate Bill No. 240 – AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 240 – AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

We appreciate the Committee's willingness to raise this bill at the request of the DEEP. This proposal, which we strongly support, consists of four sections: (1) LEANing electronics recycling related reporting; (2) Identification of waste facilities with MSW capacity; (3) Solid waste management plan by state, local and regional authorities; and (4) Streamlining compliance with product efficiency standards.

(1) LEANing Electronics Recycling Related Reporting - This section amends the requirement to submit an electronics recycling plan and a report regarding the status of the electronics recycling program to the Environment Committee, and replaces hard copy submittals with posting on DEEP's website.

Section 22a-639(a) of the general statutes requires the preparation, posting on the DEEP's website and submission to the Environment Committee of an electronics recycling plan that establishes state-wide per-capita collection and recycling goals and any necessary actions to achieve such goals. This proposal would delete the requirement for submission to the Environment Committee as the plan will be readily accessible and available on the DEEP's website.

Similarly, section 22a-639(b) of the general statutes requires the preparation and submission of a report regarding the status of the electronics recycling program. This proposal would eliminate the requirement to submit to the Environment Committee but would require posting on the DEEP's website.

DEEP is recommending use of the website postings as the fastest, lowest cost and most convenient method of making the documents available to every user of the information. There is a lot of interest in the Ewaste program and using the website allows the DEEP to provide that information to a wide audience and establishes a convenient and reliable repository. Committee members will not have to search their desks or files for recent or past submissions but can access these documents from the website whenever they need to.

This section would delete the requirement for the Commissioner to identify, upon request of a municipality, solid waste facilities with capacity to accept the requestor's municipal solid waste (MSW). Additionally, this proposal would delete the requirement for the preparation of a municipal solid waste management plan, as it is unnecessary since the state solid waste management plan was adopted.

(2) Identification of Waste Facilities with MSW Capacity. Pursuant to section 22a-208h of the general statutes, the Commissioner is to identify, upon request of a municipality, solid waste facilities with capacity to accept the municipal solid waste generated by said municipality. Such mandate is not necessary considering the current availability of permitted public and private capacity and the ease of access to locate such capacity through on-line queries including the DEEP's website and listservs.

(3) Solid Waste Management Plans by State, Local and Regional Authorities. Pursuant to section 22a-211 of the general statutes the Commissioner is responsible for the preparation of a state solid waste management plan which is effective until the adoption of a state-wide solid waste management plan pursuant to section 22a-228 of the general statutes. Additionally, municipalities or regional authorities are to submit solid waste management plans to the Commissioner for review and approval. The Commissioner may also issue guidelines to assist municipalities in developing such solid waste management plans. These provisions are no longer necessary. In 1991, a statewide management plan was adopted and in 2006 amendments to the State's Solid Waste Management Plan were made. This is a state-wide solid waste management plan adopted pursuant to section 22a-228 of the general statutes, thus superseding the out-dated requirements of section 22a-211 of the general statutes.

(4) Streamlining Compliance with Product Efficiency Standards – This section of the bill simplifies the process for certifying manufacturers as compliant with the State's Appliance and Equipment Efficiency Standards. This proposed change provides a balanced way to efficiently manage information regarding consumer products' compliance with energy efficiency standards, by removing the manufacturer certification/letter requirement for products certified with the California Energy Commission and requiring the Commissioner to publish on DEEP's website a list of compliant products.

Energy Efficiency product standards require companies to manufacture products that use less energy. Connecticut will reduce its energy consumption, greenhouse gas emissions, and state spending while securing residents' energy future with the adoption of these proposed revisions.

This proposal will promote the cost savings associated with certainty in the marketplace.

Uniform multi-state product energy efficiency standards help manufacturers because it is not cost-effective for manufacturers to make different products for each state. Historically, California has tested and developed energy efficiency standards for new products. Then other states adopt the California standard. Manufacturers use California test results to seek certification in other states, including Connecticut.

Section 16a-48 of the general statutes currently requires DEEP to establish energy efficiency standards for new products sold in Connecticut. The standards must be cost-effective for consumers and not impose an “unreasonable burden” on Connecticut businesses. Manufacturers are required to certify with the commissioner that products meet state standards. Annually, the commissioner must publish a list of compliant products.

Connecticut law requires manufacturers to certify products with the California Energy Commission (CEC) The CEC which ensures that a product meets energy efficiency standards. Manufacturers are also required to demonstrate proof to the DEEP Commissioner of certification. California certified products comply with Connecticut law. Thus, it is an “unreasonable burden” for manufacturers to provide a supplementary certification/attestation letter in the case of products that have already been certified by the CEC. This bill proposes a path to remove that burden by allowing DEEP to post on its Internet website a list of products certified with the CEC, thereby relieving manufacturers of the necessity to provide a supplementary certification when products are already certified in California. In addition, biannually, the Multi State Appliance Collaborative (MSAC) provides a list of products newly certified with the CEC.

We note that the language as currently drafted would benefit from a refinement to clarify that the certification pertains to the data and product performance, rather than the efficiency standard, since the product is certified, not the standard. Manufacturers certify to the CEC that energy efficiency data is true and accurate. The energy efficiency data demonstrates that the product performs within the standard. Therefore, we suggest that the language in Section 2 of the proposal, lines 21-23 be revised to read as follows: “section [or designated by] **that are not certified in California for which** the Commissioner of Energy and Environmental Protection adopts an **energy** efficiency standard [**that is not certified in California**] shall certify to the commissioner that such.”

The proposal requires the commissioner to publish on DEEP’s website a list of Connecticut products that meet state energy efficiency standards. Providing public access to this information will clarify which products are compliant with Connecticut law.

In summary, DEEP strongly supports Raised Senate Bill No. 240 – AAC Administrative Streamlining at the Department of Energy and Environmental Protection and looks forward to taking this step to streamline requirements at DEEP, thereby leading to more efficient government that delivers superior service to all regulated entities in the state, including businesses, municipalities and the state itself.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP’s Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov)