



House of Representatives

General Assembly

File No. 568

January Session, 2015

Substitute House Bill No. 5720

House of Representatives, April 13, 2015

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE NEED TO ESTABLISH A SITE FOR SHELLFISH SAMPLE TESTING EAST OF THE CONNECTICUT RIVER AND AUTHORIZING THE TAKING OF CERTAIN EASTERN OYSTERS THAT ARE TWO AND ONE-HALF INCHES IN LENGTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Not later than January 1, 2016, the
2 Commissioner of Public Health, in accordance with the provisions of
3 section 11-4a of the general statutes, and after consultation with the
4 Commissioner of Agriculture, shall submit to the joint standing
5 committee of the General Assembly having cognizance of matters
6 relating to the environment a report concerning the need for and
7 viability of establishing a laboratory located east of the Connecticut
8 River for the testing of shellfish. Such report shall include, but not be
9 limited to, a description of the requisite laboratory testing for shellfish
10 as prescribed by the Department of Public Health, the Department of
11 Agriculture, federal law and any other provision of law, an
12 explanation of any standards that any such laboratory is required to
13 meet, a description of any requisite equipment and facilities required

14 to perform such testing, a listing of the qualifications that any person
 15 who performs such testing is required to possess, an assessment of the
 16 adequacy of existing state facilities to perform such testing for the
 17 state's shellfish industry, the volume of such testing that could occur at
 18 a facility established at a location east of the Connecticut River and
 19 identification of any existing privately owned facilities, state resources
 20 or state facilities that could adequately and appropriately provide a
 21 location for such testing at a location east of the Connecticut River,
 22 including, but not limited to, a cost-benefit analysis for modifying any
 23 such existing state resources or facilities to provide for such testing at a
 24 location east of the Connecticut River.

25 Sec. 2. Section 26-234b of the general statutes is repealed and the
 26 following is substituted in lieu thereof (*Effective October 1, 2015*):

27 No person may take eastern oysters (*Crassostrea virginica*) from the
 28 waters of this state which are less than three inches long or which are
 29 otherwise not ready for harvest, as determined by the Commissioner
 30 of Agriculture, except that: [the] (1) The taking of such oysters for sale,
 31 transplant and relay for aquaculture purposes within the waters of the
 32 state shall not be prohibited, and (2) eastern oysters that are two and
 33 one-half inches in length may be taken if such oysters were cultivated
 34 in a confined apparatus prior to such harvesting. The Commissioner of
 35 Agriculture may adopt regulations, in accordance with the provisions
 36 of chapter 54, to carry out the purposes of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2015</i>	26-234b

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Public Health, Dept.	GF - Potential Cost	Up to 100,000	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of up to \$100,000 in FY 16 for the Department of Public (DPH) to hire a consultant to research and report on the need for and viability of establishing a laboratory located east of the Connecticut River for shellfish testing. As DPH does not have the in-house expertise in this area, they will be required to contract a consultant with specialized knowledge related to shellfish testing. This provision requires reporting to the Environment Committee no later than 1/1/16 and, as such, the consultant cost will be incurred in FY 16 only.

Additionally, the bill allows the harvest of 2.5" oysters under certain conditions. This is not anticipated to result in a fiscal impact as the oysters would be harvested from existing shellfish beds and the Department of Energy and Environmental Protection and the Department of Agriculture currently have staff assigned to enforcement and investigation for this purpose.

The Out Years

The annualized ongoing fiscal impact identified above terminates in FY 16.

OLR Bill Analysis**sHB 5720*****AN ACT CONCERNING THE NEED TO ESTABLISH A SITE FOR SHELLFISH SAMPLE TESTING EAST OF THE CONNECTICUT RIVER AND AUTHORIZING THE TAKING OF CERTAIN EASTERN OYSTERS THAT ARE TWO AND ONE-HALF INCHES IN LENGTH.*****SUMMARY:**

This bill requires the public health (DPH) commissioner, after consulting with the agriculture commissioner, to report to the Environment Committee by January 1, 2016 on the need for and viability of establishing a laboratory east of the Connecticut River for testing shellfish.

It also allows people to harvest eastern oysters that are 2.5 inches long if the oysters were cultivated in a confined apparatus (i.e., caged). Under current law, no one may harvest oysters from Connecticut waters that are less than three inches long or that the agriculture commissioner determines are not ready for harvest. But oysters that are for sale, transplant, and relay for aquaculture purposes within state waters may be harvested. Existing law authorizes the commissioner to adopt implementing regulations. Violators are subject to a fine of up to \$500, up to six months imprisonment, or both (CGS § 26-237).

EFFECTIVE DATE: Upon passage for the reporting requirement and October 1, 2015 for the oyster provision.

REPORT REQUIREMENT

Under the bill, the DPH commissioner's report to the Environment Committee must include:

1. a description of the required laboratory testing for shellfish as prescribed by DPH, the Department of Agriculture, or law;

2. an explanation of the standards a shellfish-testing laboratory must meet;
3. a description of any equipment and facilities required to perform the testing;
4. the qualifications any person who performs the testing must possess;
5. an assessment of the adequacy of existing state facilities to perform testing for the state's shellfish industry; and
6. the volume of testing that could occur at a facility established east of the Connecticut River.

The report must also (1) identify any existing privately owned facilities, state resources, or state facilities that could adequately and appropriately serve as a testing laboratory east of the Connecticut River and (2) include a cost-benefit analysis for modifying any existing state resources or facilities to perform the testing.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/25/2015)