



Testimony of Eric Brown
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Connecticut Business & Industry Association
before the
Commerce Committee
March 1, 2016

RE: Raised Bill No. 301 AN ACT MODIFYING THE TRHESHOLDS FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS

CBIA supports this bill.

Good afternoon. My name is Eric Brown and I serve as counsel on environmental, energy and regulatory policy for the Connecticut Business & Industry Association ("CBIA"). CBIA is proud to represent thousands of small and large businesses throughout Connecticut, employing hundreds of thousands of Connecticut citizens. Many of those businesses speak to us often about the regulatory challenges they face and its impact on their ability to grow, prosper and compete in a global economy.

For roughly forty years, the law in Connecticut has stated that anyone who by accident, negligence or otherwise causes a spill of solid, liquid or gaseous product, "shall immediately report to the commissioner such facts as the commissioner *by regulation* may require." (C.G.S. 22a-450).

No minimum quantity. No limit on the type of material. No consideration of exposure.

And 40 years later, there are still - no regulations.

For four decades, industry has been asking itself and the agency in charge of environmental protection: "what spills do we have to report, and which do we not?" The answer most consistent with avoiding legal liability and with DEEP's advice, has been: "report everything".

Frustrated, industry successfully petitioned the legislature in 1995 to at limit the universe of reportable spills to those, "which poses a potential threat to human health or the environment." While this sounded promising, the agency determined that they were the only ones that could be trusted with determining which spills pose a potential threat to human health and the environment. So, the policy remained – and remains today, "report everything".

This is a burden that neither industry, nor DEEP should continue to tolerate. Raised Bill 301 specifically directs DEEP to establish by regulation, minimum reporting quantities for uncontained spills that a reasonably trained environmental, health and safety professional would consider a potential threat to human health or the environment.

This measure is long overdue, and we ask your support.