



Testimony
Elizabeth Gara, Executive Director
Connecticut Water Works Association
Before the Government Administration & Elections Committee
February 22, 2016

The Connecticut Water Works Association (CWWA), a trade association of municipal, regional and private water utilities, appreciates the opportunity to comment in **opposition to SB-16, AN ACT INCREASING AGENCY EFFICIENCY IN THE REGULATION PROCESS.**

As stewards of the state's water resources, public water suppliers must comply with a myriad of complex state and federal statutes and regulations. Compliance with such laws and regulations is of paramount importance to public water suppliers in providing safe, adequate public water supplies to residents and businesses.

A statute, by construction, generally does not include the specificity required to provide clear direction to the regulated community regarding compliance. Without such direction, there will be confusion and inconsistencies among regulated entities and citizens in complying with statutory requirements and among regulators in enforcing the requirements.

When the legislature requires an agency to adopt regulations, it does so because it recognizes the need for regulations to fully implement the underlying statute. While we appreciate efforts to increase agency efficiency, SB-16 cedes far too much authority to a department head to contradict the intent of the legislature in adopting the underlying statute and it does so without the transparency provided through opportunities for public notice and comment.

Connecticut's rulemaking process is critical to obtaining feedback from the regulated community and from citizens regarding how regulations should be crafted to provide clarity and direction in implementing the underlying statute. The process also requires an analysis of the fiscal impact of proposed regulations on state and municipal budgets and small businesses, and ensures that the Attorney General's Office has the opportunity to determine whether such regulations are of legal sufficiency.

Without regulations, the agency may resort to administering the law based on policies and guidance that is developed without the benefit of public notice and comment, a practice which has raised constitutional concerns in the past. If questions arise as to the department's interpretation of a statute, the only recourse available to regulated entities is to pursue a declaratory ruling to determine whether the department is implementing the statute consistent with the intent of the legislature. This is cost-prohibitive, in many instances, as well as time-consuming for agency staff and legal counsel.

In addition, SB-16 allows a department head to repeal regulations as part of the transfer of functions from one agency to another, such as when the Public Utilities Regulatory Authority was merged into the state Department of Energy and Environmental Protection. This authority should not be granted to a department head because it could negatively affect a wide range of programs and requirements without benefit of public notice and comment. Accordingly, CWWA urges lawmakers to **reject SB-16.**