



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 23, 2018
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee
Presented By Deputy Commissioner Susan Whalen

Senate Bill 102 – An Act Concerning Minor Revisions to Environmental Protection and Agriculture-Related Statutes

Thank you for the opportunity to present testimony regarding SB 102. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony for sections 1 through 4 and section 7 of this bill.

Section 1 would allow for the exchange of forest fire protection and control resources beyond the northeast. Connecticut is a member of the Northeastern Interstate Forest Fire Protection Compact. This was the nation's first regional forest fire compact. Since its founding in 1949, forty-three states now belong to one of eight regional forest protection compacts nationally. Other forest fire compacts have the language for inter-compact protections, but since the Northeastern was the first compact, there was no provision for exchanging resources with other compacts.

Northeastern Interstate Forest Fire Protection Compact, Article IX is outdated, lacking the compact to compact liability language used in federal statutes which established later compacts. Article IX, which addresses mutual aid for combating, controlling and preventing forest fires, should be operative between all participating Northeast Compact states and any other state nationally which is party to a regional forest fire protection compact, provided that those states have the same language allowing for exchange of Compact to Compact resources for mutual aid response. If Connecticut were in the position of needing assistance, events over the last few years have shown that at least three of the eight compacts nationally wouldn't send resources to Connecticut because we do not have this proposed language in place.

This legislation is critical as Connecticut is not capable of responding to large scale wildfire events on its own. In 2016, Connecticut had one of the largest fires in decades, and less than 200 miles from our border, New York and Pennsylvania had multi-thousand acre fires. The wildfire disaster that occurred in 2016 in Tennessee, which has very similar forest types and terrain, could happen here.

Often when Connecticut experiences increased wildfire activity, adjacent states who are members of the Northeast Compact are experiencing increased wildfire activity as well, typically due to regional drought

conditions. This limits the ability of participating Northeast Compact state resources to provide mutual aid due to similar home-state threats.

Conversely, in 2016, during the severe drought in the southeastern United States, Massachusetts had engines available to assist with firefighting efforts in another compact area, but was unable to send mutual aid resources because Massachusetts did not have this mutual aid language in place.

Section 2 would provide a 60 day renewal grace period for an expired forest practitioner's certification, allowing those who failed to submit a complete application for renewal on or before the expiration date of their forest practitioner certification to submit such completed application and achieve forest practitioner certification without also having to submit to another examination. Late applications would be subject to a late fee to be established by regulation as per subdivision (7) of section 23-65h. Currently, forest practitioners that fail to renew in a timely basis must also submit to the certification examination. This provision will reduce the Agency's re-examination administrative burden, and possibly avoid non-compliance enforcement actions solely based upon a recently expired certification. At least six states (Alabama, Maine, New Hampshire, North Carolina, South Carolina and California) that have Forester licensing also have similar provisions for late renewals.

This section will also grant forest practitioner certification without examination to persons possessing a license or certification from another state or professional organization such as the Society of American Foresters (SAF). By granting certification to practitioners who already have proven their ability and knowledge through a credible credentialing process, the Department would be relieved of maintaining reciprocity agreements with other entities and the burden of examining persons who have already proven themselves in a similar venue.

Section 3 would eliminate the annual continuing education unit (CEU) reporting and the biennial CEU attainment required for all forest practitioners. This will reduce the Department's and the forest practitioner's administrative burden adhering to the Forest Practices Act. In lieu of annual CEU reporting the practitioners will attest to CEU's earned on their annual activity reports. Proof of CEU's will be required once every 4 years upon occupational licensing recertification.

Section 4 would provide a 60 day grace period and late fees for the renewal of a lapsed pesticide certification, streamlining the process and reducing administrative costs for both DEEP and the regulated community by eliminating the need to re-administer the appropriate exam when the need for re-examination does not otherwise exist. DEEP recommends that this grace period be changed from 60 days to one year as originally requested to streamline the certification process and align with the grace periods currently available to Arborists.

Section 7 would amend language regarding the siting of solar projects on core forest and prime farmland. DEEP would like to continue working with the committee on this section. Since the implementation by the Siting Council of Public Act 17-218, DEEP has gained additional experience with the siting of solar photovoltaic facilities using the declaratory ruling process. DEEP would like to offer language to make improvements to the statute including, but not limited to, reducing administrative burdens, and adding language providing for mitigation of impacts to be considered by the Siting Council. We look forward to providing that language to the committee in the next few days.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Lee Sawyer, at 860-424-3332 or Lee.Sawyer@ct.gov.