



# Audubon | CONNECTICUT

Environment Committee  
Public Hearing of February 21, 2020

## **House Bill No. 5103 (Raised) – AN ACT REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL JUSTICE LAW**

Thank you for the opportunity to submit testimony on behalf of the National Audubon Society through its affiliate state office, Audubon Connecticut. The National Audubon Society protects birds and the places they need, today and tomorrow, throughout the Americas using science, bipartisan advocacy, education, and on-the-ground conservation. Our conservation network extends statewide and includes nearly 30,000 members, five Connecticut chapters, and many partners along the [Atlantic Flyway](#).

Through our conservation programs focused on Coasts, Community Conservation, Healthy Forests, and Climate, we are working to preserve habitat and protect bird species that are of state, national, and global concern—like the Piping Plover, Wood Thrush, and Salt Marsh Sparrow. It begins with birds, but our mission connects people to a much wider range of issues such as building a more resilient Long Island Sound, restoring a healthier, natural balance to urban places by bringing back green habitats, managing our forests and wetlands to sequester carbon, reducing pesticide use, and promoting land conservation. Our goal is to reduce the impact of global climate change on birds, wildlife, and people.

## **House Bill No. 5103 - AA REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL JUSTICE LAW:**

Connecticut's Environmental Justice (EJ) Law (codified at CGS 22a-20a) was enacted in 2008<sup>i</sup> and has not been updated since its passage (Public Act 08-94). The 2008 EJ Law represented a compromise—after a spirited debate—of conflicting interests<sup>ii</sup>. The 2008 EJ Law focused on the definitions of “environmental justice community,” “affecting facility,” “meaningful public participation,” and “community environmental benefit agreement.” The EJ Law has been working, but some common sense amendments are warranted.

The raised bill, now before the Environment Committee for a public hearing, represents a reasonable expansion of the 2008 EJ Law that we strongly support. House Bill No. 5103 proposes:

- 1) to expand the definition of community benefit agreement to include, “financial resources for the purpose of the mitigation, in whole or in part, of impacts reasonably

related to the facility, including, but not limited to, impacts on the environment, including, but not limited to, air quality and watercourses, quality of life, asthma rates, traffic, parking and noise”;

2) to mandate certain public participation requirements;

3) to “deem insufficient” an application when environmental justice provisions are not completed; and

4) to amend subsection (c) to require: “(c) Any municipality, owner or developer may enter into a community environmental benefit agreement in connection with an affecting facility, provided any municipality that hosts five or more permitted affecting facilities shall enter such an agreement in connection with any additional affecting facility. Mitigation may include both on-site and off-site improvements, activities and programs, including, but not limited to: Funding for activities such as environmental education, diesel pollution reduction, establishment of a wellness clinic, ongoing asthma screening, provision of air monitoring performed by a credentialed environmental professional, performance of an ongoing traffic study, watercourse monitoring, construction of biking and walking trails, staffing for parks, urban forestry, support for community gardens or any other negotiated benefit to the environment in the environmental justice community. Prior to negotiating the terms of a community environmental benefit agreement, the municipality shall provide a reasonable and public opportunity for residents of the potentially affected environmental justice community to be heard concerning the requirements of or need for, and terms of, such agreement.”

Other states, including the State of New York, have been watching how Connecticut’s EJ Law has progressed over time. In fact, last year the State of New York passed the Climate Leadership and Community Protection Act (CLCPA)<sup>iii</sup>. The CLCPA is an ambitious climate bill that puts New York on the path to a cleaner future and serves as a model for the nation. One of the most important provisions of the CLCPA is to identify the most vulnerable areas of the state, including disadvantaged communities, and ensure that they are prioritized to receive support and resources to address the effects of climate change.

Governor Lamont has also recognized the importance of EJ and has included EJ provisions in his Executive Order No. 3<sup>iv</sup>. Under the terms of Executive Order No. 3, EJ is to be considered in both climate change mitigation and adaptation strategies.

At Audubon Connecticut, our increasingly diverse portfolio of formal and informal educational programs will engage people of all ages and backgrounds (achieving greater equity, diversity and inclusion EDI), helping our network reflect the diversity of the communities where we live and work. Audubon’s urban conservation and engagement strategy addresses the threats to birds in urban places, using Audubon centers as community hubs of education and engagement, advancing specific policies that benefit urban places.

We believe House Bill No. 5103 is a reasonable and common sense evolution of the 2008 EJ Law and we urge a favorable report and vote out of the Environment Committee and ultimately passage by BOTH chambers of the General Assembly.

In closing, we invite you to take a look at our '[Birds & Climate Visualizer](#)' (this is the main landing page - scroll down to find the visualizer) - which allows the user to query by zip code to see which impacts from climate change are predicted for your area, and how birds near you will be affected. The National Audubon Society relies upon the enormous generosity of our members and donors to keep our mission going. As a 501(c) not for profit entity the National Audubon Society manages many properties in Connecticut. We make these properties available to the public so that both residents and visitors alike can enjoy birds and an open space experience. These are Connecticut eco-tourism experiences where we provide natural resource and conservation education. The link below provides additional information about our centers, sanctuaries, properties and programs. <http://ct.audubon.org/about-us/centers-sancturies-and-chapters>

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please contact Robert LaFrance, Director of Policy, Audubon Connecticut, National Audubon Society, at [Robert.LaFrance@Audubon.org](mailto:Robert.LaFrance@Audubon.org) (Phone 203.405.0655)

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<sup>i</sup> <https://www.cga.ct.gov/2017/rpt/pdf/2017-R-0316.pdf>

<sup>ii</sup> See House Transcript – Comments of Rep. Hennessey - <https://www.cga.ct.gov/2008/trn/H/2008HTR00429-R00-TRN.htm>

<sup>iii</sup> <https://www.nysenate.gov/legislation/bills/2019/s6599>

<sup>iv</sup> <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-3.pdf>