



**Testimony of Connecticut Fund for the Environment/Save the Sound
Before the Committee on the Environment**

In support of House Bill No. 5103
**AN ACT REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL
JUSTICE LAW**

**Submitted by Katherine M. Fiedler, Esq.
February 20, 2020**

Connecticut Fund for the Environment/Save the Sound is a nonprofit organization representing over 4,200 member households and 10,000 activists statewide. Our mission is to protect and improve the land, air, and water of Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.

Dear Co-Chairs Cohen and Demicco, Vice-Chairs Gresko and Kushner, Ranking Members Harding and Miner, and members of the Environment Committee:

Connecticut Fund for the Environment/Save the Sound (CFE/Save the Sound) expresses its strong support for HB 5103, which strengthens the Connecticut Environmental Justice Act. HB 5103 begins to transform an aspirational statute into one with teeth that can actually protect marginalized communities so that they are not disproportionately subject to serious pollution and environmentally destructive activities.

Issues of environmental justice are a national problem, and Connecticut is no exception. With much of its wealth concentrated in suburban communities, Connecticut's disadvantaged urban and rural communities are routinely subjected to disproportionate pollution and public health harms. Killingly, a distressed community,¹ will be subjected to an additional natural gas power plant, just down the road from an existing polluting facility. Killingly is a low-income and rural community in northeastern Connecticut already suffering from elevated asthma rates and poor air quality. Residents in the greater Hartford area, including the distressed communities of Hartford and East Hartford, might be subjected to decades more of raw sewage discharges into local waterways from combined sewer overflows, as the Metropolitan District Commission proposes a thirty-year extension on their Long Term Control Plan. Hartford might also be faced with the continued burden of being home to a harmful waste incinerator facility, as the old facility ages and plans for a new, bigger facility are under discussion. New Haven, another distressed community, is still grappling with the now-shuttered English Station and the contamination it left behind. These are just a few examples of a consistent narrative where environmental and public health burdens are concentrated on those communities most vulnerable.

¹ 2019 Distressed Municipality List, available at https://portal.ct.gov/DECD/Content/About_DECD/Research-and-Publications/02_Review_Publications/Distressed-Municipalities.

The passage of the Environmental Justice Act in 2008 was a critical step forward in ensuring that environmental justice communities receive information about proposals in the early stages of planning, and are afforded meaningful opportunities to voice their concerns. But the current statute is not enough. Certain provisions are only voluntary and the statute does not specify avenues of redress where recommendations or requirements are ignored. History has proven that we cannot rely on the good will of project proponents to properly engage disadvantaged communities. The burden must shift, and disadvantaged communities must be given a real voice to speak up during project development and if the process has effectively excluded that voice.

HB 5103 begins to transform the Environmental Justice Act into an effective tool that can provide environmental justice communities with actual redress. This bill makes public meeting notice requirements mandatory and enforceable, not merely voluntary. If an applicant fails to undertake the notice and meeting requirements, their application is nullified. (Under the current language, there is no clear consequence if the applicant ignores this public process.) The bill also now requires a community environmental benefit agreement where there are five or more “affecting facilities” within a municipality. (Under the current language, community environmental benefit agreements are entirely voluntary.)

HB 5103 also reflects a stronger understanding of the scope and importance of a robust environmental justice law. The bill further defines environmental impacts that might be accounted for in a community environmental benefit agreement, as well as certain projects that might be funded under these agreements. This clarification is an acknowledgement of the broad scope of impacts experienced by environmental justice communities. It is critical that these impacts are identified within the text of the law, so that they are not ignored upon application.

CFE/Save the Sound supports this effort to clarify and strengthen the Environmental Justice Act. We hope that HB 5103 is the beginning of ongoing efforts to ensure that this law is meaningful and actionable, and we encourage further dialogue on this issue during this legislative session and in years to come.

Respectfully submitted,

/s/ Katherine M. Fiedler

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