

CHAIRPERSON: Senator Christine Cohen

SENATORS: Kushner, Miner, Haskell,

REPRESENTATIVES: Demicco, Gresko, Harding,
Arconti, Borer, Dillon,
Dubitsky, Exum, Gucker,
Hayes, Horn, Kennedy,
MacLachlan, McGorty,
Michel, Mushinsky, O'Dea,
Palm, Piscopo, Rebimbas,
Reyes, Ryan, Simms,
Vargas, Wilson, Young

SENATOR COHEN (12TH): Reiterate that we're grateful for everybody's patience. I know everybody is very busy and apologize for the delay. We are going to start, you know, typically the first hour is reserved for commissioners, public officials our elected and after that point we will alternate between the public and our public officials. Everybody will have three minutes to testify and with that, we have up first Commissioner Katie Dykes, welcome on Joint Resolution Number 1 Concerning the Adoption of the Long Island Blue Plan. Welcome.

COMMISSIONER DYKES: Thank you so much Senator Cohen, Representative Demicco, Senator Miner, Representative Harding and all Members of the Environment Committee. Thank you so much for the opportunity testify today. Again, my name is Katie Dykes, Commissioner at DEEP and I am pleased to

recommend for the Committee's adoption House Journal Resolution Number 1. This is a resolution that proposes the adoption of the Long Island Sound Blue Plan. It is really exciting to be getting to this milestone today to be presenting this to the Committee and I want to take a moment to explain a little bit about what the Blue Plan is, sees its involvement in it and the extensive public process that has brought us here today.

Of course, the Blue Plan itself is something that DEEP embarked on developing in partnership with many stakeholder participants as called for by Public Act 15-66, which is AN ACT CONCERNING A LONG ISLAND SOUND RESOURCE INVENTORY AND BLUE PLAN. The purpose of the Blue Plan is to support both water-dependent uses and the marine environment and this pioneering marine spatial planning initiative compiled has presented for the first time ever a compiled inventory of information that can assist all of us, planners, legislators, policy makers, regulatory implementers, developers and everyone, citizens of the State who enjoy this very important marine resource as well as our environmental resources in the Sound itself. All of these resources and uses are catalogued with the information that is available in The Blue Plan and the plan itself establishes sighting priorities, standards, and science-based management practices to foster sustainable uses, activities and habitats. These place-based siting priorities, standards, and practices will help us protect the Sound's future environmental and economic vitality and help preserve the traditional connections that matter to people with respect to Long Island Sound.

I want to underscore that The Blue Plan is not a new regulatory program. It is not a new permitting process or approval process but what it is, is a catalogue of information that can help to ensure that everyone who is involved in those processes existing processes that address on the uses of the Long Island Sound and has the same information, have extensive information available to them to inform participation in those permitting processes as well as to help us try to avoid conflicts between the many different uses of the Long Island Sound and the important resources that exist within it on a spatial basis.

Of course, The Blue Plan does not apply to inshore costal areas. It is important to reinforce that. And we are excited that using the tools that accompany The Blue Plan including many mapping tools and other types of planning tools, we're excited that stakeholders and project proponents and permitting authorities will be able to have even more informed consideration of the impact the best outcomes for siting and addressing uses of the Long Island Sound.

Just briefly because the process was quite extensive, I'll say that we had a very robust process for developing The Blue Plan. We worked in partnership with the statutorily established Blue Plan Advisory Committee in developing the plan. We received extensive input from additional stakeholders and researchers. We utilized the best available since and stakeholder expertise. We have the contribution of more than 2,000 individuals, it reflected in the plan itself including representatives from marine trades, from businesses, recreation enthusiasts, state and local public

officials, tribes, conservation professionals, and other maritime interests. We hosted three public hearings, several regional meetings in Connecticut and Long Island, as well as almost 100 meetings and webinars; we responded to countless individual inquiries by email, phone, and in person; and we received 37 formal written comments during the official 90-day public comment period on the plan. So through this extensive development process, we were able to gather a large amount of information. We also prepared along with the final draft plan some supporting documents and video which are available on the DEEP website to help people better understand the Plan. We even have a guide for how to use The Blue Plan and I believe there are copies circulating today and we can provide availability of that, that gives people a good pathway for how to utilize this important resource.

So as we near the end of the approval process I just want to thank all of our partners, UConn Sea Grant and The Nature Conservancy, and all of the volunteer members of the Blue Plan Advisory Committee who generously donated their time and expertise to this process, members of the Ecological Experts Group, the Blue Plan Working Groups, and many others who contributed their time.

Now we are excited to bring this plan to the Legislature, to this Committee for review and hopefully approval and finally to vote the full General Assembly and hopefully with a successful conclusion and adoption of the Plan this resource will continue to provide great value and better balanced outcomes for the Long Island Sound and all of those that enjoy it.

SENATOR COHEN (12TH): Thank you, Commissioner. I know this has been exciting to watch unfold and, you know, it began long before my short tenure here in the Legislature so I just want to thank you for all your hard work, the rest of the department and of course the Advisor Council. It has been really fun to see some of these areas of ecological significance pop-up especially in my area, I represent many areas along the shore and the sound so that has been really nice and I am really appreciative of those members of the public who weighed in as well as an important component of this process. Does anybody have any questions or comments for the Commissioner? Seeing none, thank you so much.

COMMISSIONER DYKES: Great, thank you.

SENATOR COHEN (12TH): Next is Commissioner Hurlburt here, yes, there he is. Commissioner Hurlburt on HB 5105 and SB 95 so, AN ACT CONCERNING REVISIONS TO THE CONNECTICUT-GROWN PROGRAM as well as AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD ADVISORY COUNCIL. Welcome.

COMMISSIONER HURLBURT: Good Morning, Good Afternoon, thank you and I want to introduce, we have Carol Briggs, the Department of Agriculture Staff Attorney here for all of your difficult questions. We have an agreement that I take the easy one and Carol get the hard one, so if you would just follow that please [Laughter] I would appreciate it.

Senator Cohen, Representative Demicco, Senator Miner, Representative Harding, and honorable Members of the Environment Committee. Thank you for raising

these bills on behalf of the Department and for the opportunity to testify today in support of Senate Bill 95 AN ACT CONCERNING REVISIONS TO THE CONNECTICUT-GROWN PROGRAM AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD ADVISORY AND House Bill 5105 AN ACT CONCERNING REVISIONS TO THE CONNECTICUT-GROWN PROGRAM. For the record, my name is Bryan Hurlburt, and I am the current Commissioner of the Department of Agriculture.

I will address both of these individually. Senate Bill 95, in an effort to increase the population of oysters in Long Island Sound, the Connecticut Department of Agriculture is seeking the ability to pursue non-state dollars to purchase and distribute shell. There are numerous benefits to restoring shellfish beds in the Long Island Sound, including enhancing native oyster beds, the beneficial filtration that the oysters provide, and increasing coastal resiliency to adverse weather events. Sections 1 and 2 of this statute update would allow the Commissioner of Agriculture to contract for the use of a shell recovery vessel to collect and deposit shell on the beds. By updating these statutes, we would allow the Department of Agriculture to go after alternative funding for this program including any private, state, or federal grants. Currently the USDA Natural Resource Conservation Service (NRCS) does have a program that we may qualify for, and with passage of this proposal, I'd be able to engage that opportunity.

Section 3 of this bill updates the membership of the Connecticut Seafood Council to accurately reflect the current seafood business in Connecticut also bringing it in line with our other commodity

councils, such as the Farm Wine Development Council. The updated membership adds a finfish producer, a seaweed aquaculture producer, and a shellfish harvester to the existing membership, thereby fully encompassing Connecticut's current aquaculture industry. There is also added language to allow the council to receive federal and municipal funds from any nonprofit or nongovernmental organization for activities directly related to seafood production and any related products.

H.B. 5105 is another agency Bill. Sections 1 and 2 of this bill will add chicken eggs as an additional product covered by the definition of "fresh produce" for participants in the Connecticut Seniors Farmers' Market Nutrition Program. This is a program that provides Connecticut grown fresh produce to seniors through the distribution of six \$3.00 dollar vouchers which are redeemable only at designated Connecticut Farmers markets. This program also stimulates a demand for Connecticut Grown produce. The Department supports adding chicken eggs specifically due to them being nutritious, readily available, and affordable.

Section 3 updates the "Connecticut Grown" language to be clear and consistent across all platforms. The Department is committed to a revitalizing marketing campaign around Connecticut Grown to support agriculture that is being grown and processed within Connecticut. The language would create simplified, easy to interpret signage for farmers and consumers, and streamline marketing efforts.

Section 4 enforces the produce safety and allows both the Commissioner and their authorized agents to

issue fines of \$50 dollars for a first offense and \$200 dollars for each subsequent offense to the statutes referenced in section 3. This removes the range of the fine and sets it within statute.

Section 5 provides consumer protection for consumers who purchase the chicken eggs at farmers' markets. Eggs would need to be clean, stored at a temperature forty-five degrees or less, (for example, in a cooler), unadulterated, and labeled. These standards are in line with traditional farmers' market practices and are not intended to create an undue burden on our farmers.

Section 6 deals with improper seed labelling. Prior to this proposal, the penalty is listed as a class D misdemeanor, which can result in up to 30 days in jail, and a fine of \$100 for a first offense. The language would remove the class D misdemeanor penalty and leave the monetary fine in place. This would bring a level of parity to the infraction.

Section 7 allows the Commissioner of the Department of Agriculture's designees to issue citations in accordance with section 51-164n for any infraction or violation established in the general statutes under the Commissioner's present authority. This authority has been extended to other agencies in the past. The Department is also requesting to update our citation authority to incorporate all previously authorized statutory references, incorporating references that have been inadvertently missed in previous legislation.

In addition to the seven sections of the Raised Bill there are two other concepts that we request be included. The first was to delete the hyphen in the Connecticut - Grown just to simplify the marketing,

writing it up for marketing purposes. The second was to amend 51-164n to update the list of statute reference for the department to issue citations. This has not been updated for the department for several years despite changes to the laws that would be included in that. The effect is that the department cannot issue citations. We believe an amendment to include these two concepts will enhance the bill. Thank you for the opportunity to testify on these two bills today, I'd be happy to answer question that you may have on either of them or any of the other Bills on the agenda. Thank you.

SENATOR COHEN (12TH): Thank you, Commissioner. Appreciate your testimony on both Bills and appreciate much of the content of the Bills. Can you just speak to how pervasive an issue it is for the farmers or certain organizations to use the Connecticut Grown label outside of its, you know, intended purpose?

COMMISSIONER HURLBURT: It's just a challenge because there is a lot of requirements on what needs to be on those placards and so instead of creating clarity what I think the unintended consequence of requiring all that information has done is pushed people away from using it. So we want to streamline what is required on the Connecticut Grown placards keeping the identification, if it is being raised, the product is being raised on somebody else's farm for the consumer to be aware, have a little bit less information so if the farmer still wants to use the Connecticut Grown placards and thereby being a participant in our Connecticut Grown marketing campaign.

SENATOR COHEN (12TH): Thank you. Does anybody have comment? Yes, Representative Michele.

REP. MICHEL (146TH): Thank you, Madam Chair, thank you Commissioner Hurlburt for testifying today. I just have sort of a general question regarding the first Bill you were talking about which is SB, and I'm sorry for that, 95 and I'm looking at Section 3 and following 13 members. My question is regarding environmental standards, I know that lobster fishing or lobster cases can sometimes drag a whole lot of other wildlife with it and I see strictly commerce people in those 13 people. Is there any, would you be open to any changes to add outside of the DEEP, I believe, let me double check, I think it is the DEEP Commissioner, somebody from the DEEP I think that would be involved, but is there anymore focus or is it out of the 13 people we have 12 people who are involved in commerce and fishing. Just trying to make sure I'm doing my due diligence regarding environmental standards? Thank you, Madam Chair.

COMMISSIONER HURLBURT: Thank you, Representative. What we have done here is move some of the other agency representatives that are ex-officio members of the Seafood Advisory Council and make them permanent voting members. So the Department of Economic and Community Development gets a formal seat at the table, Sea Grant and the University of Connecticut which would have some of that academic and environmental background would have a formal seat at the table as well as the Department of Agriculture and DEEP. So I think your concerns are addressed with the current membership. Also you could, there could be a recommendation to the Appointing Authorities for somebody who would meet

your requested background as long as they fit these other statutory or proposed statutory requirements.

REP. MICHEL (146TH): So you would be open to, at least to suggestions for additional members or?

COMMISSIONER HURLBURT: I don't know that we would need additional members to fulfill what you're requesting. I think there is an opportunity for it in the current proposal.

REP. MICHEL (146TH): Okay, I'm just trying to make sure we have a balance with the marine environmental standards and also the commerce and fisheries with all respect to all of those parties. Thank you.

SENATOR COHEN (12TH): Thank you, Representative. Anybody else have any comments or questions? Yes, Senator Miner.

SENATOR MINER (30TH): Thank you. Thank you, Commissioner for being here. I was listening to your testimony about Section 5 of the Connecticut Grown Bill and I thought I heard you refer to this Section 22-47 as applying to Connecticut, maybe you could restate what it is that you intended to say? Does this affect every produce of eggs or is it just those that are sold in a farmer's market?

COMMISSIONER HURLBURT: This would be any commercial seller of eggs.

SENATOR COHEN (12TH): And so, thank you for clarifying that because I thought I understood you to say eggs sold at a farmer's market. So this is gonna include my next door neighbor that may sell me a dozen eggs for two dollars?

COMMISSIONER HURLBURT: Yes, it would and I think my statement was, and the written testimony was similar

to farmer's market standards, not that it only at farmer's markets. So just to clarify that.

SENATOR COHEN (12TH): Thank you. Additionally we had an earlier conversation about property that may be leased adjacent to the State of Connecticut and how that might fit within with four corners of the Bill that the Department of Agriculture is asked to be raised. So I still have constituents that have leased land, may have apiaries in the northwest corner, they can't tell me where their bees go, you can't tell me where their bees go, yet, you know, I want to be sure that there is something in his Bill that would protect them, provide them the same opportunity they have had in the past to market honey, maple syrup that may be collected that blue line goes across the state line, what might you suggest that we can do to this Bill to make sure they don't get inadvertently removed from the Connecticut Grown Program?

COMMISSIONER HURLBURT: And thank you for bringing up that point, Senator and it is something that we did have discussion but internally and with you on. And the goal here is that if you are a Connecticut based business that you get the benefit of the Connecticut Grown Program. And so if you have, you know, limited operations that extend beyond state lines that is not the target of this. That we are looking to create a simplified marketing program for those businesses that are based in Connecticut. Now if you are a Massachusetts based business with some land in Connecticut, you know, this would not hold for that and that would create a different problem but we are really trying to simplify and create more clarity for businesses to you the Connecticut Grown Program to help them with their marketing efforts as

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my role at the Farm Bureau and on the Transition Committee over Ag policy and now here, there has been numerous requests that come loud and clear from producers that if we could rededicate efforts around the Connecticut Grown program to help with the marketing of products, you know, raises, grown, processed here in the state that that would be a tremendously beneficial program for the agency. So we're just trying to find a way to create some clarity and some publicity around it and not cut people out from access of it.

SENATOR MINER (30TH): Thank you, I'm happy to hear you say that and I'm with you. I'm happy to work on language that gets us to where you want it to be, I don't think we're there yet. Additionally I wanted to ask you about the 490 Program as it pertains to aquaculture. We're beginning to hear more and more similar to the way we heard more and more sometime ago about 490 and its application to farmland and now we're hearing 490 and its application to aquaculture similarly to the way we did to the lobster industry and the fishing industry. So if you would not mind sharing a few comments on that as well.

COMMISSIONER HURLBURT: I would be happy to and thank you for the opportunity to address that cause this is an important opportunity for the aquaculture industry in the State of Connecticut. The proposal before you conforms and allows for aquaculture operations to be eligible in 1-1(q) as part of the, I believe, the farmland definition. The one concern that we would have and request that we get some clarity on is it allows for maritime activities and as we talked about when the Seafood Development Council proposal, there are nonmaritime agricultural

activities in the State of Connecticut that we wouldn't want to be left out. I'm thinking of Ideal Fish in Waterbury which is a saltwater fish production facility in Waterbury in tanks and so we would want to make sure that sort of operation would be included and eligible cause it is farming in aquaculture but it is land based, you know, I'm not sure it would qualify as a, you know, in the definition of maritime.

But also we have freshwater aquaculture operations inland as well and we would want to make sure they have the extended benefit of 490. So we would be happy to work on that a little bit and make sure that we do include all components of aquaculture. I believe that is the intent of the proposal. I think this is a great start in a much needed proposal to help bring some parity with aquaculture and the rest of agriculture for the benefit of 490 but I just want to make sure we are doing it to include all operations that we currently know of and perhaps those we haven't thought of yet.

SENATOR MINER (30TH): Thank you. Thank you for the opportunity to ask some questions and I do look forward to workin with you on these.

COMMISSIONER HURLBURT: Thank you, Senator.

SENATOR COHEN (12TH): Thank you, Senator. Any other questions or comments for the Commissioner? Seeing none, thank you so much.

COMMISSIONER HURLBURT: Thank you all very much.

SENATOR COHEN (12TH): Next we have Senator Abrams for SB 98, which is AN ACT CONCERNING THE DRAW DOWN SCHEDULE ON LAKE BESECK. Hello, Senator.

SENATOR ABRAMS (13TH): Hello, Good Afternoon. Hello, I should know how to do that by now [Laughter]. Good Afternoon, I am here to stand in strong support of SB 98. I represent Middlefield and have been absolutely overwhelmed by the incredible love and care that the people of Middlefield take on our natural resource of Lake Beseck. So I would like to call my colleague, Representative Altobello who is also scheduled to speak and we thought it might be easier for the Committee, more efficient if we just did that all now and some members of the community who I will have introduce themselves come on over.

AMY POTURNICKI: Hi there, my name is Amy Poturnicki, I am the Environment Committee Chair of the Town of Middlefield and I am also Lake Beseck Association President and I am here to represent the, I believe 68 plus people that had submitted testimony on SB-98.

SENATOR COHEN (12TH): Amy, can you move a little bit closer to the microphone? Thank you so much. Yes, you can continue.

AMY POTURNICKI: I am here to represent the 68 plus people that had submitted testimony on this Bill. Thank you for hearing us.

REP. ALTOBELLO (82ND): Thank you. Thank you for hearing this Bill today. I too am in support of Senate Bill 98 and I'm not gonna say a lot of words because we have two experts here that know a lot more about this situation than I do. We have Gregory Bugbee here, he is principle investigator at Invasive Aquatic Plant Program at the Department of Agriculture, the Connecticut Agricultural Extension Service and Larry Marsicano who is a certified lake

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manager and with that I would also like to introduce Hannah Malcolm who is the Director of Parks and Recreation for the Town of Middlefield and she manages the beach area at the lake, thank you.

GREG BUGBEE: Okay well thank you for having me today. I'm Greg Bugbee. I'm the Lead Investigator at the Connecticut Agricultural Experiment Station in Invasive Aquatic Plant Program. This is a program that for over 15 years now has been looking at the situation with our lakes in the State particularly when it comes to invasive plant species which are an increasing problem and a major threat to the lakes. In the case of Lake Beseck we have worked with this lake for many years. It has a severe issue with one of the major invasive species called Eurasian Watermilfoil as well as some other ones. It has, and these plants are not easy to control and we do a lot of research and publish on controlling these types of plants and it's really not easy.

The advantage Lake Beseck has is that they have the ability to lower the lake in the winter which is huge advantage. It allows you to manage plants by simply exposing the bottom during freezing cold weather and control certain susceptible species. The advantage is, it really doesn't cost much, just got to have a dam where you can lower the water and they have one, and there is no chemical involved or anything like that. In the case of Lake Beseck as their current legislation stands regarding their drawdown, it only allow a six foot drawdown every other year for one month, that is the month of December and our studies suggest that this simply doesn't give you a really good chance of having the right conditions of cold and this sort of thing to

control the vegetation. All this Bill is asking is that they will be allowed to have this level change to the point where it can be lowered for an extra month. So I am here to strongly support that. I think it would be a great advantage to the community to have a lake with a much less of an invasive species problem. I'll take any questions you might have.

LARRY MARSICANO: Chairman Demicco, Members of the Committee, before I discuss this Bill I do want to just take a second to thank you for last year's work on the Invasive Species Stamp Bill. That was quite a doing and we're very appreciative of that.

As Greg had mentioned, this will modify the timing of that drawdown. Some of you on this Committee know me from Candlewood Lake where we used the drawdown for many years to manage the milfoil there. Several years back we did some research with faculty researchers at Western Connecticut University looking as to what is that really controls the weed, what kills the invasive plant roots.

REP. DEMICCO (21ST): I'm gonna interrupt you for one second, my Clerk is telling me you have to state your name for the record.

LARRY MARSICANO: Oh, my apologies. Larry Marsicano Aquatic Ecosystem Research on behalf of the Town of Middlefield and Beseck Lake Environment Committee. Anyway back to the research. So we did this research looking at what it actually was that controlled the milfoil and Candlewood and what we learned was it wasn't freezing, meaning 32 degrees Fahrenheit, it had to be colder. We also learned that without you couldn't have snow or ice cover so that meant that the area that you were ring to

manage needed sometime to dewater so you didn't have that water that might freeze and pool. If it freezes then you have a layer of ice at 32 degrees insulating the roots from the temperatures that you needed which are more like 23 degrees Fahrenheit to kill the roots. So we learned that and published on that several years back and we advised the Beseck Lake folks about that which is kinda why we're looking to use the best science to modify slightly the current, the current statute. As Greg mentioned there is already statute to do this.

We also looked at local weather, historical weather. We used Bradley, their weather database and Tweed, their weather database and if you look at that, the period of time when you're really getting the temperatures we need, that 23 degrees over any consecutive period of time is January. And so as the current statute states, they have to have that six foot drawdown back up to three foot by December 30th and so we're looking to extend it out another 30 days just so they can take advantage of when you get the right conditions to manage those weeds. So that is kind of it in a nutshell. I'd be happy to answer some question.

I just do want to take one second, just one second on House Bill 97, very good idea. We've seen salt effects lakes already and people are startin to see it in their wells. So that's the Bill about having the training for the applicators of road salt, we get it, we need 'em to be safe but it's gonna have some level of training to put that stuff out.

REP. DEMICCO (21ST): Thank you and before we go to questions, I just want to ask does anybody else in your group wish to speak at this point? No. We're

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good? Okay. So thank you, Larry for that. I thank all of you for coming here. The only question that I have, I've looked through the testimony, there seems to be no opposition to doing this, at least not in the testimony that I'm looking at and this certainly, you know, there is compelling, you know, testimony as to why this should be done. My only question would be do you anticipate any possibility of anyone being inconvenienced by doing this, by extending this drawdown period?

LARRY MARSICANO: No, actually everyone that is in favor and Amy mentioned the folks that submitted testimony, they're lookin for help in anyway they can get to help manage the weed problem there, so no I don't envision this burdening anybody in that lake.

REP. DEMICCO (21ST): Thank you, I suspected that would be your answer but I wanted to ask. So I will ask the Committee members if they have questions. Senator Miner.

SENATOR MINER (30TH): Thank you, thank you all for being here today. So my only question is it seems to me that we're gonna establish another date at which the water has to be back up and should the water be drawn down and at the end of January you are required to have the water back up and then in the month of February you get that series of cold days that would have been sufficient to kill the invasive plants, my question is wouldn't we be better of leaving the end date later if it is no consequence to anyone? I'm sure we might hear from the Agency while they think it's important but, you go through a lot of effort on the frontend to

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prepare the scenario that you want and then you wait.

LARRY MARSICANO: Point well taken. Yes, I mean you will. There are unintended consequences, we all get that but filling that lake up fairly quick and the January, the focus was on January because typically that's the month where you don't have the snow cover and you don't have the ice cover. But if you don't have that going into February then obviously if you have the right 32 degree conditions they you effectively will have a better opportunity to manage the invasives, so yes.

SENATOR MINER (30TH): So maybe we could have a conversation about whether it should say by the end of February as opposed to?

LARRY MARSICANO: We gonna have that. Currently.

SENATOR MINER (30TH): But now know, we have people waiting to testify, just want to throw that out and we can have a conversation.

LARRY MARSICANO: They have to have the lake up from the three foot drawdown date by, I forget the day, by March 1st so on the alternating year they go down three foot but by March 1st they've got to have it back up. So there is plenty of time to do that.

SENATOR MINER (30TH): If we left it in January?

LARRY MARSICANO: Even if you went to six by February then you would have all of March to get it back up.

SENATOR MINER (30TH): Gotcha. Thank you.

REP. DEMICCO (21ST): Thank you, Senator. Any other questions? Representative Gucker.

REP. GUCKER (138TH): I was going to say Good Morning, Larry but we're well into the afternoon at this point. If you could, could you go into maybe the science of why it is important to do the drawdown when you do. And if I remember correctly dealing with Candlewood Lake it wasn't so much the cold but it was drawdown, allow the soil to dry out and then allow the freezing to happen for if we didn't time it correctly the soil would not dry out and hence the plant would actually insulate it and not be eradicated.

LARRY MARSICANO: Correct. So historically when they did the drawdown and Candlewood they would have that lake down at their target depth by mid-December and then they would keep it down there till roughly March 1st and that kind of changed and we started losing the effectiveness so we investigated this, actually cultured the stuff, the milfoil in the labs at West Conn and then treated it to freezing, to subfreezing, to freezing with snow cover, a those kinds of variables and that's where we learned what the conditions were that were effective at killing the roots and that's where that all came from. So to get those best conditions, we're looking at kinda match that with what goes on in, you know, outdoors in the wintertime and the temperatures that we get. So that was the research that they published in a lake and reservoir management science journal back in 2016.

REP. DEMICCO (21ST): Thank you, Representative. Representative Gresko.

REP. GRESKO (121ST): Thank you, Mr. Chair. Would the legislation, or would you be open to the legislation being permissive in that it doesn't

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mandate the drawdown, but let's say you have a drought here and, you know, it gives you the wiggle room to say, you know, we're in a drought so we are not going to do it this year although the legislation says we can, doesn't necessarily mean you will?

LARRY MARSICANO: I can't speak for the Town of Beseck, I'm certain they would be willing to discuss that kind of option, bur right now we're talking about already, you know, a statute that's existing. So right now we're just looking to change the one date as Senator Miner mentioned but if there was, to amend it more, you know, certainly that conversation could be had.

REP. DEMICCO (21ST): Thank you, Representative. Anyone else wish to ask questions?

SENATOR ABRAMS (13TH): Can I just say one thing?

REP. DEMICCO (21ST): You certainly may, Senator.

SENATOR ABRAMS (13TH): I thank Senator Miner for your suggestion and I believe that everybody should, you know, we can have further conversations about what dates might be most opportune to get the effect we are looking to have. So thank you for bringing that up.

REP. ALTOBELLO (82ND): Thank you, Mr. Chairman and Members.

REP. DEMICCO (21ST): Thank you, sir. We appreciate your visiting the Environment Committee, come visit us anytime. Thank you very much. Appreciate it. Very good. Okay, so next on the list is Senator Hartley, Representative Napoli and Representative Butler. Are any of them in the room at this time?

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I do not see them. She is on her way over. Okay. I'll tell you wait; we will skip her and move on and then when she comes in she is certainly welcome to testify. So Senator Somers is next on the list, oop, and here is Senator Hartley, right on cue. Okay, Senator. Wow, you almost missed your chance but it wouldn't have been for long.

SENATOR HARTLEY (15TH): I should know that and I am also awaiting other members of my delegation, so you might see them kind of pop-in. So, Mr. Chair, and Senator Miner, Representative Harding, Members of the Environment Committee for the record my name is Joan Hartley and I represent the 15th Senatorial District, that's Waterbury, Nagatuck and Middlebury and I am here to testify on Item Number 6 on your Agenda, House Bill 5103 and I would also just like to make some very brief comments, if I might Mr. Chair on Item Number 10, that's House Bill 5105 and I'll just start with that if I might.

We stand in strong support of Commissioner Hurlburt's proposed language and we think that it is very important that perhaps a measure of some kind of enforcement authority be provided to the department with regard to dealing with misuse of the Connecticut Grown brand which has happened and we stand in strong support of that and will try to do everything we can to ensure its integrity and also ask that maybe the Committee entertain possibly some statutory ability beyond maybe the level of citation. And then in addition, if it is possible on Sections 1 through 7 to make an effective date of July 1, 2020 because that would allow or coincide with the state of the Connecticut growing and the farmer's market seasons which we, as you know have a

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very robust farmer's market in the Waterbury area to allow chicken eggs would be a great add on.

I appear before you all also with regard to House Bill 5103 AN ACT REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL JUSTICE LAW. And I beg your indulgence because I happen to have been before you all last year but if it were not for the fact that we feel this is such an important conversation we would not take up the time on your agenda which I know is probably very compressed during this short session.

Let me just start by saying that in 2008, the State of Connecticut enacted an Environmental Justice Law and essentially what they did was define an EJ Community and basically two triggers. One is distressed municipality or secondly if at least one census block that has at least 30 percent of a population living below 200 percent of the federal poverty level. This law applies to applicants who are seeking an expansion or a siting of what they call an affecting facility in that particular area and those affecting facilities are typically electric generation facilities, solid waste incinerators, sewage treatment plants, processing centers and things of the like. If an applicant for an expansion or a new facility fits within either of those criteria, then our law the EJ Law requires that the applicant must put together what they term a "meaningful public participation plan." That is essentially a public notice and public hearing. Then they must also consult with the local official about the need for developing a community benefit agreement.

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So that's it. And let me just frame this conversation by saying that since this existed in 2008 never has there been a permit for an expansion or siting in an effected community by such a facility been denied, ever, zero, once. So essentially what we have is a, I'm trying to be kind here, a glorified public participation process. But let me tell you about one EJ, one Environmental Justice community in the State of Connecticut and that is in my hometown in Waterbury. It's in the south end of Waterbury, it's a very densely populated community. It is dominated by three decker housing, pre-World War II housing, there is only on the street parking, very densely populated. It is the poorest community in our city and the last time I checked and Representative Reyes who represents that district so well in the House can correct me if I'm wrong, but the last time I checked the unemployment rate was 23 percent. It's a community of immigrants, dayworkers, it's multiracial, with a very large and growing Hispanic population and particularly after the series of natural disasters that happened in Puerto Rico so the community continues to grow. It is home to numerous small businesses, bodegas, little grocery stores. There are at least four turn of the century churches and then all other smaller faith based communities there. We have four schools in this area, last census check, one magnet school, numerous Latino family daycare operations and this particular zip code accounts for ten percent of the State's pollution in the area. We have the highest number of school age cases of asthma, actually in the city I think we're probably the highest as well but this same community, there are and once again I checked with our authority on this and that' Representative

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Reyes just to make sure our number was right, there are 18 affecting facilities, 18. This is including a sewer treatment plant, an electric generation facility, a processing center, gas storage facility, recycling which just recently got expanded and that's one of the reasons that brought me here last year and again this year. There was a processing center that sought a permit for expansion to bring in municipal solid waste adding 77 trucks coming in on a daily basis. They were granted and permitted.

We had this conversation about Environmental Justice. We were given our perfunctory Public Hearing and it is now up and running. It also frequently leeches a lot of debris because it sits on the top of the bank of the Nagatuck River. But I won't get off on that tangent. So, I'm here before the Environment Committee to ask on behalf of my delegation and on behalf of my community and every Environmental Justice Community in this State. What is the tipping point? Where is enough, enough in any one community? What is the saturation point? Should there be a saturation point when a community just cannot absorb any more affecting facilities? On this matter our Environmental Justice Law is silent. It gives us these two provisions and after that, that's the long and the short of it and the history is that there never has been once a permit that was denied based upon the fact that it was an EJ Community. So what we're here to suggest is that there become, and recognizing, you know, the environment in which we live and, you know, our constraints on the budget side and many of my colleagues also sit on the Appropriations Committee and we know the challenges there. We're looking to try to do something that's meaningful that we could

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actually accomplish and that brings a little bit of equilibrium here and that is to establish a metric, a definitive number, by which if there is sited facilities in a particular community and we chose the number six, if there are six sited facilities, sewage waste, gas treatment, power plants and the like, six not even in the city, but in the census tract by which we define EJ Communities then it would not be permitted to go forward unless there was an affirmative vote by the local legislative body. Because perhaps maybe there is a situation in where there is an area that could in these circumstance that they have beyond six facilities, absorb another facility. Let that be a decision by the local legislative body.

And, you know, the effects would be that we put real meaning in our Environmental Justice Law in this State and we would ensure that the health of our children, their parents, their grandparents, their health would not be determined by where they live or by their zip code. And so I thank you very much for listening to us again. I look forward to your comments.

SENATOR COHEN (12TH): Thank you, Senator. I appreciate your testimony and I know you are passionate about this along with Representative Reyes and I'm sure you certainly have a question as well. Do you, I recall that there were some amendments and I hear in your testimony now that perhaps we could be doing a little bit more than what we have drafter as the potential language. Are there specifics that you want to mention as far as what you would like to see the language?

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SENATOR HARTLEY (15TH): Thank you very much, Senator for your question. Yes, I think what is perhaps represented in 5103 is language that we worked with last year and we were, last year as we are this year asking to try to identify some definite metric and so that would be, you know, six facilities, that's a number that we just, there's nothing formulaic about it, it's just six seemed like, you know, that could be a saturation point and if so then immediately, any permit would not be granted but for an affirmative vote of that local legislative body.

SENATOR COHEN (12TH): Oh, I appreciate that and Representative Reyes did you have a comment or question on this?

REP. REYES (75th): Thank you, Madam Chair. Thank you, Senator for your testimony here. This Environmental Justice Law quite honestly, quite frankly, I believe failed my district and the great City of Waterbury and Greater Waterbury because poor quality air doesn't stay in a zip code. But I believe that this is the starting point if you will for strengthening Environmental Justice Laws here in the State of Connecticut. The Senator quite eloquently painted a picture of the region that we're in unfortunately for the quality of life and quality of air that we have there is very, very polluted and we said years ago that enough is enough. And I would like to remind most of my colleagues that were here with us last year in Environmental that I thank everybody for voting this Bill out of this Committee last year and thank everybody for the support and actually thank my colleagues in the House. This also was passed in the House with a pretty good ratio so I would ask

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for the same support this year. Greater Waterbury is not the only municipality that is distressed area that is getting overused with polluters and I'm sure there are many other examples in some of the larger cities but this would be applicable to anywhere. I think this is an ongoing issue right here in Hartford as we speak about Environmental Justice so, you know, this is something I feel very passionate about. Like I said, it's hitting home literally, and I think at the end of the day, the Environment Committee has a responsibility to all citizens in this great State of Connecticut. And my quick question for the Senator is the Bill has been in place since 2008 and as you stated, no one has every had a permit denied and I saw the Commissioner from DEEP earlier and I was just interested in seeing if I believe that Waterbury was the only one that appealed this, is that your understanding?

SENATOR HARTLEY (15TH): If I went back and looked at the testimony on that last application I think that is correct that there was actually some surprise at the fact that there was an effort to try to appeal under the basis of Environmental Justice. Previous to this time, I think, you know, the format has been okay, let's make sure we give adequate public notice. Public notice ought to be representative of the population in which the facility is seeking to be sited if it is predominately Hispanic, it should be appropriate language and then, you know, this option to put together a community benefit agreement in conjunction with the chief elected official. So that's basically, you know, what it appeared that the staff, you know, was accustomed to.

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REP. REYES (75th): Thank you, Senator. And through the Chair, just a quick question and I'm wondering if we should be reaching a little further because there is nothing after an Appeal. I'm just wondering if we should be lookin a little deeper in that area as well.

SENATOR HARTLEY (15TH): You know, I think it is a conversation worth having but I think as a baseline if we define some parameters by which, you know, there is a designation recognizing that there is a saturation point that you reach.

REP. REYES (75th): Thank you, Senator. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Yes, Representative. Oh, I'm sorry, Representative Michel had his hand up first and then Representative Palm.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you, Senator for coming to testify. Just trying to understand the Bill a little bit better. So if a plant that would cause pollution wanted to open in this specific area that would impact a community they would have to pay a sum of money or something like this in order to be able to open that facility? And then my second question would be, if my understanding is correct of course, but then my second question would be if our goal, isn't our goal to actually stop pollution because I mean, well I'll keep it at that?

SENATOR HARTLEY (15TH): Well I'll start with your last question, Representative Michel and thank you very much for your question. Obviously I think, you know, it is imperative on this collective body to

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deal with the issue of air quality and pollution, that is, I think and overall arching goal and something, you know, to be incrementally worked on, strategized for.

But with regard to your first question, this is really not about any money right now. So a facility and I named, there were kinda eight categories electric generation, a recycling plant, those kinds of what they define as Affecting Facilities, these are facilities that, you know, are you know, typically emitting facilities, so anyone of those classifications is applying to either do a new facility or an expanded facility and if the second criteria is met, that is they are in a distressed municipality or a census block that is, you know, 200 percent of federal poverty level then, if in that particular community, that would be then defined as an Environmental Justice Community so in an Environmental Justice Community they are seeking such a permit, and they have to go through, you know, whatever the normal permitting process is so that is really not about that and we put the number six, if there are six existing affecting facilities in that community then there will not be the ability to have another such affecting facility permitted there but for an affirmative vote of the local legislative body to ensure that perhaps if it is an area that may accommodate something more than the six, in our instance, we are way over that number, then, you know, we don't want to prohibit that but what we are trying to strive to do is to identify what the saturation point is. At what point is there no capacity, air quality, standard of life, all of the ancillary things that effect when something of this nature is sited, no longer the

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ability to absorb those in the community without incredibly detrimental harm on the residents of that community.

REP. MICHEL (146TH): Okay so, and so then if an Environmental Justice Community has more than six industries already this Bill would not curb that or would not.

SENATOR HARTLEY (15TH): No what it would say if there was yet another application and we just had one two years ago, that they could not be permitted unless the local legislative board, our Board of Aldermen in this example, affirmatively voted to say, yes this can be accommodated in this particular area.

REP. MICHEL (146TH): Okay, I think I have a partial answer and then maybe I can take this conversation out of the Public Hearing at this point. Thank you very much. Thank you, Madam Chair.

SENATOR HARTLEY (15TH): I would be please to continue talking with you, Representative.

SENATOR COHEN (12TH): Yes, Representative Palm.

REP. PALM (36TH): Thank you, Madam Chair. Good Afternoon, Senator. Do you see this Bill as a way of empowering local communities?

SENATOR HARTLEY (15TH): Oh, I think that it certainly does help to bring a voice and to provide an additional tool to what is designated as Environment Communities. We have 25 distressed municipalities in this State, they are one population of this criteria.

REP. PALM (36TH): So are Sited Facilities that already exist, are they grandfathered in.

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SENATOR HARTLEY (15TH): They build caps, capped where it is.

REP. PALM (36TH): And your preferred number is six and then anything beyond that is up to the municipality to vote for, is that correct?

SENATOR HARTLEY (15TH): Yes, Representative.

REP. PALM (36TH): So as somebody who represents four towns on the Connecticut River that have, you know, virtually none of these, if very few, I think it is terribly important for my colleagues who represent districts like mine to be aware of the disproportionate affect on districts like yours and my esteemed colleague to my left. And I wonder if you can, and perhaps we can talk about this another time, but I would like all of us to find ways to get our own constituents to understand that polluted air and polluted water do not respect districts and boundaries and labels on a map. And that these toxin migrate and that we are all ultimately at risk but that it starts with people in the urban centers, primarily people of color and I think it behooves all of us to be really aware of the greater problem that this represents and to that end, I would say and at the risk of feeling like I'm putting you on the spot, cause I'm very much in favor of this Bill, what do we say to polluting facilities that say, well we have to exist somewhere and if not in downtown Waterbury then I'm gonna move to, you know, leafy suburb X and leafy suburb X says well we don't want you either, where do those facilities go and is the real object here maybe this is part of what Representative Michel is getting at too, how do we change the practice so that these places don't pollute in the first place and so their affect is

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less onerous on communities whether urban or rural or suburban?

SENATOR HARTLEY (15TH): So thank you very much, Representative Palm and yes indeed, I clearly agree with both of the Representatives have been saying. This is a global issue and the State of Connecticut as small as we are, you know, have inherited the bad practices that have come clear across the country and you are a resident along the northeast, you know, corridor. So it's a massive conversation and we need to understand that it affects all of us and what this particular proposal is really about is saying and yes, we recognize this and we have to all engage in this unbelievable challenge. But it's also at the same time about instilling equilibrium. There is a point beyond which there isn't the capacity and many different ways to accommodate further expansion of such facilities.

SENATOR COHEN (12TH): Thank you, Representative. Yes, Representative Michel for the second time.

REP. MICHEL (146TH): Thank you, Madam Chair. Just to circle back, did this Bill existing legislation did this actually prevent an industry from opening?

SENATOR HARTLEY (15TH): Never once, there has never been a denial based on this legislation entitled Environmental Justice. So we have this on the books and really essentially what it's history has been is I guess establishing that there should be meaningful public hearings which is important and that there is the opportunity to meet with the chief elected official to assess, it doesn't even require, to assess the possibility of developing a community benefits agreement.

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REP. MICHEL (146TH): I see, thank you very much. So would you say that we would need to broaden the Bill?

SENATOR HARTLEY (15TH): Clearly.

REP. MICHEL (146TH): Thank you.

SENATOR COHEN (12TH): Thank you, Senator. Any other questions or comments for Senator Hartley? Seeing none, thank you so much for being here.

SENATOR HARTLEY (15TH): Thank you, so very much for listening so attentively. Thank you.

SENATOR COHEN (12TH): So we have gone past our hour mark which means I will now be alternating between members of the public and our public officials. So the first on that list is Nathan Frohling of The Nature Conservancy on House Joint Resolution Number 1, the Long Island Sound Blue Plan. Welcome Mr. Frohling.

NATHAN FROHLING: It's a delight to be here Members and Leaders of the Environment Committee. It is a pleasure to testify on behalf of and support of House Joint Resolution 1, The Blue Plan which we think should be approved. I am Nathan Frohling and I am the Director of External Affairs for The Nature Conservancy and I am also a member of the Blue Plan Advisory Committee.

I think we probably all know and agree that we love Long Island Sound, we love it's amazing ecological wonders. We know how much we depend on that and we also realize that so many people use, make their livelihoods, enjoy the recreation from Long Island Sound. So I think we all agree it's an incredibly important resource. What we may know less of is

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that it is vulnerable and it took some of the big proposals like Broadwater several years ago to make us realize that we really didn't have any way to collectively plan and assure that all of these things that we love so much are gonna be protected into the future. And so, The Blue Plan, that's what it's all about. It is assuring that these things we care about are gonna be protected despite change whether they are from new electric transmission cables or things we care about like seaweed farms. We want to make sure that these new uses take place in ways that don't interrupt or interfere with the things that we love.

So at its heart, The Blue Plan is informational resources that we've never had before. We can say we love all these things but what actually are they? Let's be definitive, let's list all of what they are and find out everything we need to know about them and particularly exciting where do they take place, where do they take place in Long Island Sound and the same goes true for the environmental resources. So we now, through the Blue Plan have 29 Significant Human Uses Areas that have never been identified before that have been identified and mapped and are easily accessible by the public to see where they are. And the same for the ecosystem. We have 14 "Ecologically Significant Areas" that have been identified and mapped. And along with this are polices that help establish clear direction and guidance for State decision making.

So, for the first time the State of Connecticut with the Blue Plan will know what is it we care about, where is it located and have guidance in making decision so that when a new use comes in we have a

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foundation from which to use to assure we are making the right decision on behalf of what we love.

So I am very proud and also want to mention that the process of preparing this, and I think as you heard from the Commissioner stem from Public Act 1566. It has been a very thorough process with extensive stakeholder engagement. It has been delivered on time to you. There is no fiscal note. There will be no fiscal note. So we are very proud of the process and I am happy to answer any questions you may have.

REP. DEMICCO (21ST): Thank you very much. I'll ask Committee Members if they have questions. Senator Haskell.

SENATOR HASKELL (26TH): Thank you very much, Mr. Chair. First of all I just want to thank you for your tremendous work. The Blue Plan is just an immensely popular thing in my neck of the woods in Westport especially bordering the Long Island Sound. I was just hoping you could provide, it seems to me something that is thoroughly lacking in controversy and not lacking at all in detail and for through. Can you explain to me some of the state holders who gathered to participate in the planning process for The Blue Plan?

NATHAN FROHLING: Absolutely, well basically the stakeholders ran the gambit from the electric industry, the electric generation industry to fishermen and whether recreational fishermen or commercial fishermen, the Connecticut Marine Trade Association has been very, very helpful to us in improving the Blue Plan whether it is marinas or boatyards, or shipyards and then many of the folks like you and me who use the recreational

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opportunities we now have sailboat racing mapped we never had before in Long Island Sound, you can now see where all those races take place. Those are really significant areas. People take those waters for granted but they shouldn't because no one knew they were there before, well now they do. Shell fishermen, I mean anyone who is using the Sound and then the Maritime Commerce folks, the pilots, the captains who are driving those vessels that we see out in Long Island Sound. So the list goes on and on and on with those who have been involved in this process.

SENATOR HASKELL (26TH): Thank you so much for your work, I look forward to supporting his legislation. Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Senator. Anyone else? Representative Michel.

REP. MICHEL (146TH): Thank you, Mr. Chair. Thank you, Mr. Frohling for testifying today. Just a quick question, I just had one presentation on this so I am a little rusty on this, but it doesn't address existing, it doesn't go back in time. It doesn't address any or offer criticism, or changes or barriers with existing businesses or activities. Is that correct?

NATHAN FROHLING: That is a really good point and I'm glad you're drawing attention to it. Some folks may not like that because it wants us to sort of go back to other issues that happened and resolved. The Blue Plan is all about the future. It is trying to protect existing uses and existing resources. It is not able to and is not trying to go back and re-adjudicate or redecide other conflicts that may exist in the past. It is really trying to say

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basically we love what we have. As things are now we would be very happy if in 50 years if the Long Island Sound is a good then as it is today. So as we look to the future we are trying to put in place what we need in order to ensure that positive outcome. But no, it doesn't go back and try to reassemble. It protects what's there already.

REP. MICHEL (146TH): So, quoting you, "It protects existing activity" even if the activities would be deemed as maybe not so environmentally friendly?

NATHAN FROHLING: I wouldn't put it that way. I would say that it cares for example that recreational fishing and it says that these are the areas that are so important for those recreational fishermen to be able to continue to be assured they are not gonna find something in the place of that favorite hole that they go to. It's proactive in that kind of way, it doesn't get into the kind of detail of what you're trying. I'm not actually aware of conflicts, maybe you could mention one specific.

REP. MICHEL (146TH): Sure, our marine life is in constant changes, particularly the changes in the water temperatures and so their food or fish or fish food is in constant movement currently probably either following specific current, also staying in certain temperatures. So say that we were fishing cod, I'm not an expert fisherman [Laughs] I'm actually not a fisherman at all. [Laughs} sorry but say that a certain fish would be lacking in numbers currently due to current activity, that activity would not be protected by the Blue Water Plan.

NATHAN FROHLING: You know, that is a good example because it helps again to distinguish between what

this is and what it isn't. Those kind of issue are handled by the Fisheries Management Counsels, there is much attention being paid to those critical issues of the balance and what the quotas are and the Blue Plan does not get into that kind of area nor should it. It's really trying to say spatially in particular where these places that matter so much, we don't want to see something get on top of it that's gonna be harmful to what we know is important, like commercial fishing or recreational fishing. So it doesn't get into the question of whether there is too many fish or not enough of that fish, that is a very important question but it is a different jurisdiction if you will.

REP. MICHEL (146TH): Okay, so and I don't mean to expend too much on this.

NATHAN FROHLING: But it's an important.

REP. MICHEL (146TH): I think its like a crossover of things in here on that level. So if the fish are moving to a different area and that are being fished, you know, fishermen go to a specific area, they like to go in that area and find that particular type of fish, that fish is moving out of that area and going to another area that would be considered a new activity?

NATHAN FROHLING: Let me make sure I'm following you. What we've identified are the important recreational fishing areas and those have enduring properties like hard bottom or tidal currents that make those places really important. Now the other thing that is very important is the need to continually update the ecological information that have gone into identifying where those ecological hotspots are and so it is fully recognized inside

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the Blue Plan that we've started out with a really wonderful foundation but it's constantly changing and evolving. And as you've noted because of the changes in temperature particularly we've been seeing changes in the patterns of fish and the places that are most important to them. So the Blue Plan is a great starting point and we have information we've never had before but built into that process, built into the Blue Plan are annual changes, annual updates of new scientific information and the need to update the plan no more than five year.

REP. MICHEL (146TH): So like a live document.

NATHAN FROHLING: So one of the things we studied were where are the places for that fish, submerge bottom living fish are most persistent over 30 years of data and, you know, so it is really good to know where those places are. So we need to know that. We also need to know those places are changing, so I know there is sorta maybe not clear black and white answers but hopefully that helps.

REP. MICHEL (146TH): And so the Blue Plan can interfere with future activities if they were to interfere with an ecological hotspot?

NATHAN FROHLING: I don't look at it as interfering, I look at it as providing greater information and insight. Right now we already provide permits for the things that people want to do on Long Island Sound but there is a lot of blindness as far as what actually is out there that we care about, as much in the human uses as it is for those environmental resources. Everybody has the responsibility to find them and for those things to be deliberated. But it would be much easier now for all parties to see,

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this is the information that we have. We might need to get more information, all of it is toward making a more intelligent and informed decision and so I think at the end of the day, the Blue Plan is not picking winners and losers, the Blue Plan is saying let's bring as much information to the table as possible and know that when we have an area that is really important for certain part of the ecology or a certain human use, we want to make sure that is fully factored into the decision that is made about what happens there.

REP. MICHEL (146TH): Okay, so it's more in the counsel or suggestion basis but to the DEEP, to the industries, to everybody too?

NATHAN FROHLING: The way the statute was written requires that the policies of the Blue Plan must be, shall be considered in pertinent decisions or decision making. So it does not mandate that the policies are literally followed in every care, it provides a certain necessary flexibility but it also makes very clear what that direction and guidance is and you will find in the Blue Plan policies siting performance standards that are a part of those policies. So it does, I think the best you can do on being both very clear and specific and providing the necessary flexibility that is needed to make the right decision.

REP. MICHEL (146TH): And is the permitting agency involved in the group?

NATHAN FROHLING: There are four State authorities that are responsible for considering the Blue Plan policies and information, the Department of Energy and Environmental Protection, Department of

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Agriculture, the Connecticut Siting Council and local shellfish commissions.

REP. MICHEL (146TH): Okay are they involved in the building process of the Blue Plan and updating?

NATHAN FROHLING: If I've heard you they have been involved on the Blue Plan Advisory Committee absolutely.

REP. MICHEL (146TH): Thank you, Mr. Frohling, I appreciate it. Thank you.

NATHAN FROHLING: Thank you for your questions.

REP. DEMICCO (21ST): Thank you, Representative. So any other Committee members have any questions for Mr. Frohling. Okay, I will just say, I will echo Senator Haskell, I really appreciate the hard work that you've done for a long time on really a very ambitious project, so thank you. And thank you for coming and testifying.

NATHAN FROHLING: My pleasure.

REP. DEMICCO (21ST): All right, so we are alternating and so now we go to Senator Somers.

SENATOR SOMERS (18TH): Hi, how are you.

REP. DEMICCO (21ST): Welcome back to Environment Committee.

SENATOR SOMERS (18TH): I know, thanks for having me. I think I like this Committee a little better than our 22 hour Public Hearings in Public Health [Laughter] but it's great to be here. So I have with me a few constituents but I wanted to start by giving some testimony on SB 1 very quickly which is the Blue Plan.

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This plan, first of all I want to thank you for all your hard work. I think this is an amazing effort of so many different interests that have come together and something that will really help our environment and our future generations. And I do have a few concerns. And one of the concerns I would like the Committee to weigh is just really just a document that is something that you can refer to, it's advisory, it's something that you can rely on during the permitting process so I would for you to consider how much weight it's gonna have versus other interests. And the reason that I bring that to you is because whether you know it or not, I was appointed to the Environmental Standards Committee for the Windfarm and we got together with a group of us, all different interests over the Fourth of July weekend, we all worked very hard to come up with standards that we thought should be set within the RFP for the next wind procurement. We never really got to see what was sent out. Some of our recommendations were not included in that RFP from what we understand, actually Representative Michel was on there also. Now that the bid has been awarded we have been told that once the contract is signed normally all those documents become public but the environmental portion of that bid will be considered confidential. That does not give me a warm, fuzzy that our environmental requirements or our conditions, or standards that we had set forth and spent a lot of time on were truly considered. So that is why I hope the Blue Plan will have more weight in some of the things going forward and what kind of weight will it have versus other interests that may be being pushed in our waterways. So that is one of the concerns I have, I'm just putting it out there, but other than that, I think it is a

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great plan. I know that our local shellfish commission all along my towns are very happy they played an active role. There was a lot of meetings with a lot of public input. So I support the Bill but I'd just have you consider that going forward.

Second today I am here with my constituents that I will yield most of my time to on SB 96 and that has to really concerns farmland under the water. It has to do with an update to PA-490 which has to do with how shellfish beds are assessed through the local assessor. And what we have now is we have a thriving shellfish industry here in Connecticut. I know in Groton, Connecticut when I was mayor we started one, now it is an absolutely thriving business. It contributes close to \$40 million dollars in the State of Connecticut and has an opportunity to grow but it is being held back by a small change that I think we could make to our current statute that will ease the shellfish industry and be fair as far as the burden across all shellfish and lobstering assessments that are done on the local municipality. So I am going to turn it over to Lauren Gauthier and Jim Bloom who actually have a business in my district and they can explain to you what the issue is in greater detail than I can and I would yield my time to you.

LAUREN GAUTHIER: Hello, thank you. So I submitted some written testimony along with some of our other shellfish producers along the coast and this Bill is really.

REP. DEMICCO (21ST): Excuse me, did you identify yourself?

LAUREN GAUTHIER: Lauren Gauthier from Norm Bloom & Son. So really just quickly this Bill is just

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closing a loophole in two parts. First in the shellfish farmland classification, so we are considered aquaculture and shellfishing is considered agriculture under law already and this is just transferring to the PA-490 Act so that we have some consistency year-over-year with out land evaluations. I think this past year we had one bed triple in it's assessment. We spend a lot of time going to different assessment appeals boards trying to educate the folks about what we do and how we're different that your typical residential waterfront property but unfortunately that doesn't work all the time, so we're just really trying to be treated like the rest of the agricultural community here in Connecticut.

The second part on the Maritime Heritage Land, essentially as we all know unfortunately the lobstering industry is on the decline whereas our shellfishing industry is quite blossoming and this is just helping us tie into the same facilities that we've been using in the past. I leave it to questions.

REP. DEMICCO (21ST): Thank you. This is Jim Bloom, he operates Norm Bloom & Son in Norwalk, Connecticut. Did you wish to speak at all, or?

SENATOR SOMERS (18TH):

JIM BLOOM: My name is Jimmy Bloom from Bloom & Son. Yeah, like Lauren said, our biggest issue has been with municipal assessors and educating them on what shellfish beds actually are. We have the rights to cultivate shellfish on some grounds as what we own and that is all we have, is the right to cultivate shellfish. We can't build condos, we can't mine gravel, we can't tell you, you can't anchor your

boat and go fishing on our property. So it's a shared resource. I would like to get that point across that goes along with what was said about the Blue Plan is that our industry is, allows for a shared resource for sail boating races and all that sort of stuff. And a lot of times with dealing with the assessors they don't understand that and it takes a lot of our time and energy to explain what shellfish beds actually are. So, thank you.

SENATOR SOMERS (18TH): I think to make this easier, some of the assessors are assessing their shellfish beds as waterfront property, not as an agricultural shellfish bed if that makes sense. And this is the one area that was left out of that act for other folks that are farming have this caveat under the assessment where they don't, so they spend a lot of time especially not in my end of the Connecticut but towards the other end of Connecticut there is issues, so they are being assessed as prime waterfront property for underwater shell fish beds that are a shared resource and that they are growing oysters on. That is the *Readers Digest* version of what is happening.

REP. DEMICCO (21ST): And I appreciate that Senator. I am going to ask you a question about that in just a minute but I am going to let Representative Gresko go. Did you want to speak or ask questions, no that's fine. I am going to formulate my question [Laughs].

REP. GRESKO (121ST): Thank you, Mr. Chair. My question is in the instances where you've needed to appear before your assessor or your Board of Assessment Appeals on multiple occasions, what has been your batting averages as far as getting the

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assessments once it is understood what the situation is, do they adjust the appeal, the assessment, excuse me?

LAUREN GATHIER: So typically, no they do not. Personally I have only had one successful when I was able to educate the assessors enough to bring it down to a reasonable level. PA-490 provides formulas to use for different types of farmland, unfortunately because shellfish isn't specifically called out it is difficult to really have that understanding as to where we would fall under those valuations and this change would allow the Department of Agriculture to develop a formula for an assessment that valued shellfish beds and that would help the assessors go a long way to understanding how we fit in into the grand scheme of things as far as agricultural assessments go.

REP. GRESKO (121ST): And from an assessors point of view, obviously they are going to assess you at a higher value in order to try to make as much money as they can so for the municipality so you are probably going to be anticipating a pushback from their group and probably even the group of municipalities but when they object what is your response?

LAUREN GAUTHIER: So I do believe that CCM has submitted testimony against this Bill. We've read through it; they don't really address the change in classification for shellfish beds as underwater farms. They do address the tax exemption for the Maritime Heritage Land. Our response would be we are an agricultural commodity and as a agricultural business and as such we should be treated as every other agricultural business in the State of

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Connecticut. That would be our first response from the shellfish classifications. As to the Maritime Heritage Land, they do point to the fact that we have a very small group of produces, I believe the number is about 45 and to that response I would say, you know, we're trying to grow here, we have very slim margins as every other agricultural business has and its, you want to help with economic development with providing fresh seafood, it would be a very small impact to the municipality in order to have a huge gain of helping this business effort.

REP. GRESKO (121ST): How small?

LAUREN GAUTHIER: I can't give you numbers.

REP. GRESKO (121ST): Thank you, Mr. Chair.

REP. DEMICCO (21ST): Thank you, Representative. So I'm looking as was referenced, I'm looking at the testimony of CCM and they suggest that if we make this change, that we're goin to disproportionately place the burden of subsidizing your industry on certain particular communities when actually the benefit is actually to the whole State of Connecticut, and I am paraphrasing, but they are suggesting why should we have just these communities subsidize the benefits for everybody else. So I guess that is a little different version or kind of an extension of the question that Representative Gresko asked and I'm not sure, I'm not sure that I quite understand the response.

SENATOR SOMERS (18TH): If I could respond to that, you could also say that for subsidies for farmland, why should some communities have a farmland exemption where others don't. This is really a Bill about fairness across the industry. This has been a

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loophole that they were left out. There are other, shellfishing is farming under the water. We are not building docks, we're not building swimming holes, it is under the water farming. So they should be classified in the same as any other farmland and that argument could go to, you know, the tobacco fields we have, the cow dairy farm, those particular municipalities get, or have a reduction in what the farm is taxed at so it's no different. Just because it is under the water it should really be considered farming which it is.

REP. DEMICCO (21ST): Fair enough. I just wanted to give you an opportunity to.

SENATOR SOMERS (18TH): And I believe the Department of Agriculture is supportive of this Bill. They understand that shellfishing has become an amazing industry, you know, where 15 years ago it wasn't nearly as large as it is now. I can speak to the fact that in Groton, its probably 15 or 17 years ago, maybe it's longer, we started a coop in an old UConn building we bought for a dollar and everyone thought we were crazy trying to start a shellfish cooperative. We had no oysters in the Mystic River that you could actually use. There's over 50 million oysters in the Mystic River and our water quality has never been cleaner. We have created over 300 jobs and this industry is thriving but it should be considered on the same playing field as every other farming industry so we can help it. That is one thing that Connecticut could do, this is the perfect example that we have here in the State of Connecticut especially if you look at what happened in Groton, how a local municipality can work with a state agency to create a business that helps the environment. It's like the perfect model

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of what can be done and I would like to see that expanded. Thank you.

REP. DEMICCO (21ST): Fair enough, Thank you, Senator. I think Representative Michel would like to ask a question or two. Please go ahead.

REP. MICHEL (146TH): Thank you, Mr. Chair. Thank you Senator Somers and your guests for testifying. So I am going through the Bill and I have like two questions that are pinpointing to the same. First thing, can this Bill also be addressing fish farming because I see agriculture and I am not super familiar with the definition of the term and then I will have another question?

LAUREN GAUTHIER: Yes, so I believe one of the comments from the Commissioner was he was concerned this wouldn't reach to the fish farming that is happening solely land based, that is something that can be addressed in the final formulation of the language where we can include in our definition land based agriculture which also would include not just fish farming but sprouts and greenhouses, that sort of thing as well.

REP. MICHEL (146TH): So I have some sort of background I marine ecology and so my worry is when for example, fish farming for example with the salmon on northwest the disappearing of the wild salmon because the fish farms are basically creating very strong either parasites disease and that extends to the wild population, is such things, is this a potential problem with shellfish, I mean is there maybe a good practice and maybe bad practice where it could spread parasites or anything of this sort, I think you understand my question?

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LAUREN GAUTHIER: I think I do; however I don't think that this Bill would address that issue. You know, we already are considered an agricultural business as far as best practices. That is a separate issue we are already dealing with, with our regulatory agencies and we do have measures in place to reduce the spread of different pathogens and.

REP. MICHEL (146TH): Right, but this Bill would promote that kind of aquaculture the shellfish farming or potentially fish farming and I am worried that just like with any agricultural some people are more responsible than others and this would have a potential to, or is there any history with shellfishing where in the shellfish farm there was some ecological issues that came from the farm?

LAUREN GAUTHIER: Not necessarily here, we haven't seen that here at south but as much as this will produce aquaculture it will be on regulators to determine best management practices for us to follow.

REP. MICHEL (146TH): And such things were done with fish farming and it still became a catastrophe, and environmental catastrophe. I just want to make sure that we are doing our due diligence on these issues. Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chair. Thank you for coming in. First off I just wanted to follow up on Representative Michel's comments. It is my understanding that shellfish typically clean the water as opposed to making it dirtier. Am I correct?

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LAUREN GAUTHIER: Yes, so as filter feeders an adult oyster can filter about 100 gallons of water per day at the right temperatures.

REP. DUBITSKY (47TH): One oyster can filter 100 gallons of water a day, so does that mean that waters with shellfish in them tend to be cleaner than those without?

LAUREN GAUTHIER: That is an argument that could be made, yes.

REP. DUBITSKY (47TH): Okay and you're not aware of any instance where a shellfish bed somehow created pollution of some sort in Long Island Sound are you?

LAUREN GAUTHIER: No.

REP. DUBITSKY (47TH): So that would be considerably different than other types of for example, the salmon farming in confined cages that I believe Representative Michele was just discussing?

LAUREN GAUTHIER: Right, and as mentioned that would be an issue for our regulators to help whatever business that is doing that fish farming to develop best management practices to reduce pollution.

REP. DUBITSKY (47TH): Thank you for that. Typically who owns the land that we're talking about?

LAUREN GAUTHIER: So in this particular case these beds are deeded grounds that are owned by the individual shellfish farmers. We have these deeds, some deeds going all the way to the King of England. So the grounds are owned by the individuals, however it is not a simple title so while we have the right to cultivate we do not have the right to develop, we

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cannot put docks, moorings. We can't prevent people from swimming or boating on top, in the water above the grounds.

REP. DUBITSKY (47TH): So the actual title owner is the farmer or is it or do they have some type of lease that, from the sovereign?

LAUREN GAUTHIER: So there are, there is a mechanism to lease beds, this assessment that we are dealing with right now is just deeded bed that are owned by the farmer.

REP. DUBITSKY (47TH): Okay, so it would be very similar to farmland on land, right?

LAUREN GAUTHIER: Yes.

REP. DUBITSKY (47TH): However on a deeded leased bed there is still opportunity for other people, even the public to use the land, the water above the beds, right?

LAUREN GAUTHIER: Yes, that's correct.

REP. DUBITSKY (47TH): So in fact whereas a farm, if I own a farm I put up a fence I keep everybody off.

LAUREN GAUTHIER: The only thing that we can prevent people from doing is taking the shellfish product that we place on the beds.

REP. DUBITSKY (47TH): Okay, so in fact the shellfish beds and the lands under them is actually being also used by the public, and the State and anybody else who wants to use it and all you are asking for is to have similar tax treatment on the land underneath the water, right.

LAUREN GAUTHIER: Yes, absolutely. We are not asking for an exemption on our shellfish beds

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taxation, just to be treated equally as other agricultural businesses. This is Gary Salsy, he is another shellfish farmer here in the State.

REP. DUBITSKY (47TH): Hi, Gary. So am I correct to ask whoever can answer the question, am I correct to, in my interpretation that even though your land is available for virtually anybody in the general public to use, you're still being taxed at full essentially real estate waterfront rates?

GARY SALSY: Real estate, we're being taxed at a real estate rate right now on, [clears throat] excuse me. I am Gary Salsy, from J&B Shellfish. I've been in the business for about 47 years. I'm probably one of the oldest seed men out there that catches seed out of the Housatonic River. The problem we're having now, I'm representing, I do sublease some ground also from some people who do own ground, and I'm up in Branford on a lot, lot 10, that I work in conjunction. I try to work with the public, the people that own homes around there and I've been working with them for the last few years because some of 'em, they are not happy to see a boat in there sometimes cause it's like a cove, but I've worked with them. I've met with Senator Kennedy and other of your constituents and I seem to keep everybody pretty happy there now as to what I've done to work with the public.

But like you're talking about this is actually a public trust, the State, it's a public trust with the State, our grounds. We do not own the ground; we lease the ground. As long as we pay our leases we can maintain them for as long as we are alive or our family is alive. If you do not pay your leases, they revert back to the State and we have a policy

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where has now everything's changed. I started out when it was a mom and pop basically operation. Now it seems the new lease agreements have been taken out of New York City's context, the New York over Long Island in New York and they have used all of that language to redo all our leases cause they've had some problems with different people out there. They've also implicated now a device now that goes on everyone of our boats.

REP. DUBITSKY (47TH): I don't mean to cut you off but I think you're going into issues that are not.

GARY SALSY: Yeah, I just wanted to familiarize what the [cross talking].

REP. DUBITSKY (47TH): No, I understand, but I think you've given an answer that was slightly different. You're saying that the State owns the land and that you just have a lease on it whereas I just got an answer that the fisherman, the shellfish farmer actually owns the land, so I've two different answers if somebody could clarify that I'd appreciate it.

SENATOR SOMERS (18TH): They are not all the same. Some own them, some are leased from the State, some are leased from the town and so you have different make-ups of how shellfish beds are used. In the Town of Groton, we lease the beds. Norm Bloom owns some of his own beds, you clearly have a lease from the State of Connecticut they have grounds, towns have grounds, and then some people own them so I wanted to clear that up. It's not consistent. It is a mixed bad. However, Town of Groton, we don't assess shellfish beds the way they do in other areas of town. That's why putting the shellfish beds which are underwater farming, the only thing you don't

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want to do, I'm just warning anybody, is don't take an oyster off a shellfish bed that's not yours, it is not a good thing. The oysterman gets very upset. So you can swim in the water, you can put your anchor down, you know, so it's farming and it's not fair to be assessed as waterfront property on something that you can't build on. In this case it is actually leased by the State of Connecticut or leased by the town or privately owned because you are farming. You are producing food in the State of Connecticut. They are great for the water, they clean up the water and that is really what this conversation is about, consistency and fairness.

REP. DUBITSKY (47TH): Got it, so but PA-490 generally goes to, the tax benefits go to the title owner of the land. So in an instance where the shellfish farmer is leasing land would this be, would this be applicable or is it only applicable in instances where the shellfish farmer actually owns the land?

LAUREN GAUTHIER: This is only applicable where the shellfish farmer owns the land.

REP. DUBITSKY (47TH): Okay, I appreciate you're clarifying. Thank you very much and thank you for coming in.

REP. DEMICCO (21ST): Thank you, Representative. We're all set. I will just ask anyone else, any questions? No, okay. Thank you very much, appreciate it. Thank you. So we are alternating between public officials and members of the public, so now we go to House Joint Resolution 1 and it is Dr. Peter Auster is the next person to testify. There he is. Welcome, thank you for your patience.

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DR. PETER AUSTER: Sorry, I'm usually loud enough to hear my voice reverberating off the walls anyway [Laughter]. My mother always said I could be a radio announcer and not need an actual station. My wife brings that up to occasionally [Laughter]. I'll try to use my inside voice. But what I would like to do is just highlight a few points from my testimony for your consideration.

First is that the Blue Plan is really a first stop resource to inform stakeholders and decision makers about the risks and benefits, the trade-offs in addressing different types of development activities offshore in Long Island Sound. It does a great job of integrating the natural resource availability with the existing regulatory regime.

I was part of both work on the natural resource inventory and the development of the ecologically significant areas in the plan, myself and many, many colleagues. And the products were developed with an eye towards application and for public use in the regulatory process. It was trying to get, you know, 15 scientists in a room to agree to anything is usually a problematic activity, but in this case with the focus on being able to utilize the products that were developed for in this context, we came to remarkable consensus across a wide range of issues.

Now to that end, obviously the maps don't represent perfect knowledge of many things, but the plan helps navigate those kinds of pitfalls. And we certainly know enough to develop, use this information to develop reasonable alternatives and make informed decisions at least facilitate and form discussions again of the tradeoffs and where, how and what we use the Long Island Sound for.

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Across human history our uses have had profound, devastating and often unanticipated effects on marine and costal resources. But we also continue to learn from those experiences and indeed the plan helps us better navigate where the guardrails ought to be planted and so we can make better informed decisions coming from a common foundation of understanding rather than everybody entering the arena in different corners with different sets of facts.

So thank you for considering my comments today and I'm happy to answer any questions.

REP. DEMICCO (21ST): Thank you, sir that was well said. I'll ask Committee members if they have any questions for you. So I just have one quick question, what do you see. Well I guess you answered it in your testimony. I was goin to say the major benefit to this that we are lacking right now, I guess would be my question but what are we lacking now in the absence of this?

DR. PETER AUSTER: IN the absence of this, you know, and I kinda go back to I was involved in discussions about Broadwater and at the time testified for the Governor's with natural gas taskforce, and everybody came to this from different sets using different sets of information for either advocating for against the plan. Same with lots of conflicts about pipelines and power cables and things across the Sound where with the Blue Plan everybody ideally comes to the table with at least the same set of information and again in any kind of permitting process or discussion about public use this again is first-stop shopping not one-stop shopping and so new information will always help better inform

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discussions but everybody comes with a foundation, a similar foundation which hasn't been my experience as a case in the past.

REP. DEMICCO (21ST): All right, thank you. I appreciate that. And I anticipated that Representative Michel would have a question [Laughter].

DR. PETER AUSTER: I was actually surprised that there wasn't going to be.

REP. MICHEL (146TH): Well thank you [Laughs], thank you, Mr. Chair. And thank you Mr. Auster nice to see you again by the way and thank you for the participation in the Commission for Environmental Standards and the Offshore Wind Commission, wow I was able to say that in a sentence. So I think, and I've made a point, I think somewhat of a point earlier, maybe in half French, but I'll try to make it in English this time, but are we looking at, I mean we're gathering so much data, I mean shouldn't we not use it in a broader manner or, you know?

DR. PETER AUSTER: Well, I think we can. I think again, the Blue Plan as both the Commissioner and Nathan had articulated is a source of information and coalescing the existing regulatory framework and a pathway for how to apply that information there. It doesn't preclude any type of emergent activities, new legislation, sets of new societal goals as you suggested and in can indeed help inform in that process. But the Plan itself doesn't do that and it doesn't add any additional regulation into the existing permitting.

REP. MICHEL (146TH): So what would you like to see additional in this, in the language?

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DR. PETER AUSTER: Something that builds out of the, so again adopting of, adoption of the plan as is. I guess if I wasn't clear initially, I am here to encourage you to vote yes for adopting the resolution. I would actually like to see in the future and this should facilitate even as it is, you know, better dealing with the issues of a void, minimize or mitigate effects of impacts to the waters and on the seafloor habitats of Long Island Sound. We can do a better job of protecting those that are most vulnerable. This plan points those kinds of things out and encourages collection of new information to do that. I mean the idea is to both conserve and sustainable use our public commons. I think we can do that with more and better information.

REP. MICHEL (146TH): Thank you, MR. Auster. I'm sure we'll see each other again throughout the session. Thank you.

REP. DEMICCO (21ST): Thank you, sir. All set everyone? No other questions? Thank you very much. So Representative Meskers you are very patient. Welcome. Representative Meskers you have that radio voice as well, but the microphone is better, thank you [Laughter].

REP. MESKERS (150TH): People often say inside voice when I start speaking, I'll work on it. I want to thank both the public for attending what has been a lengthy meeting. I myself now knows what it feels like having arrived at nine o'clock to get on the sign-up list. So I appreciate everyone's participation here and I stand in broad support of the Blue Plan. I expect I will be voting for the Blue Plan in our upcoming term when it is presented

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in front of the legislature. I recommend to all of you to support the Blue Plan.

I submitted testimony from my Harbor Management Commission. There are things Senator Cohen heard when we met at the Costal Caucus. There are certain concerns about clarify of the plan being advisory versus the Harbor Management Plan that there is no infringement on responsibilities. We've had conversations with Mr. Albus at DEEP. We've been assured of those. I plan when the Legislation is read into the record, I will read a statement to that effect establishing the advisory nature and that it doesn't supersede the Harbor Management plans with the respective jurisdictions. So those are the most important points.

Two observations or three observations I'd like to make about the plan. The first being I think that the anticipation is that reviews and amendments should be going out five years after the plan is presented. I would recommend that the first amendments to the Blue Plan once we enacted be at a shorter tenure of about 12 to 18 months because I think the feedback from the Harbor Management Shellfish Commission about whatever dissatisfaction would probably more manifest itself once the legislation is enacted so I would prefer to see that done. I think the second point I'd like to make is that as we're moving forward with windfarms and we are doing some studies which will involve cables and laying of high electric cables, high voltage cables on the seabed floor that we encourage the various departments and committees to make sure that whatever industries are interested, if you will, dredging in our Sound to lay that cable that we collocate, I understand that our policy DEEP is to

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collocate but I'm not sure our business entities will be advised that we're opening up a trench, this is the time whether it is related to the telecommunications industry or anything else, this is the time we prefer to see you working in conjunction once we start dredging or trenching through the Sound for high voltage electric cable. So I would like to see us think proactively and maybe back through DEEP and through the Office of the Blue Plan and encourage that business activities that there be an attempt to proactively seek that there is a coordination of anything that is going to disturb the quality of the water, the quality of the Sound so it's more protective and those would be the principle concerns that I would have. That in no way would influence my willingness to vote for this but those are things I'd like to see conditioned or looked at.

REP. DEMICCO (21ST): Thank you. Did you yourself submit the written testimony or was it just the Harbor Management Commission.

REP. MESKERS (150TH): It was the letter from our Harbor Management Committee listing three points, the point related to the Economic Development is something I just presented you and I have not submitted that in written form. If it would be helpful I will summarize in a letter to you as well.

REP. DEMICCO (21ST): It couldn't hurt. Just for, you know, for clarity and for bookkeeping purposes and so forth.

REP. MESKERS (150TH): Yes, thank you. Consider that, I'll post tomorrow.

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REP. DEMICCO (21ST): Okay, thank you.
Representative Michel.

REP. MICHEL (146TH): Thank you, Mr. Chair. Thank you, Representative Meskers. Just a quick question, you mention you would like to see some language in the future about the trenching for electrical power lines from the Offshore Wind, I believe.

REP. MESKERS (150TH): I'm anticipating, no not that I want to see. What I'm anticipating is that there will be economic activity that disturbs the Sound, possibly potentially the high voltage cables when the windfarms get installed, that economic activity I would like to bring the responsibility out to DEEP to, on a forward looking basis, to seek out the various telecommunications, the various industries that might have use so that we know if we're putting these cables in there is a two or three year planning process that we're out soliciting so that we can collocate but proactively solicit the if people need to do something in the Sound that is a one time activity in trenching versus we get the application a year after we've done it for one type of business activity. Got to be more wholesome in terms of the development.

REP. MICHEL (146TH): You mentioned telecoms, I'm pretty sensitive on 5G so when I hear telecoms, I "ep".

REP. MESKERS (150TH): Well those will be satellites; they are not typically located under water.

REP. MICHEL (146TH): Okay [Laughs].

REP. MESKERS (150TH): I'd be looking a fiberoptic there.

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REP. MICHEL (146TH): Okay, thank you very much, Representative Meskers. Thank you, Mr. Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions? Representative, I just have, I know that we've had conversations through the Costal Caucus, you had the opportunity to sort of ask some of the Advisory Council for the Blue Plan as well as the Department of Energy and Environment Protection about some of these things and as you stated, you know, the DEEP and the Advisory Council had clarified for you, you know, in terms of how this fit in with the structure of Harbor Management Plan. Is it your understanding that at this point there would be no further input from Harbor Management Councils on you know, or committees in various towns towards, you know, because this is a fluid plan obviously and will need, will require updates as you said every several years and so I just wonder what your understanding is of your ability to provide that input to the DEEP or the Advisor Council?

REP. MESKERS (150TH): Well, I can tell you that the DEEP has been incredibly support of the commentaries we've engaged in so there is no criticism of where we stand today. The concern in any clarifications or amendments or changes are that the document is sealed as is to the process of approval or not approval when it gets to the legislature and then the process of amendment anticipation now, I understood to be out to close to five years for a subsequent review since it is only advisory. But as it comes into play, my thought is once the rules are written and published, you will have better focus from the Shellfish Commission, the economic interests from the Sound and the Harbor Management Commission and I would recommend that the first

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process be abbreviated and whether that is 12 months or 18 months from now that they consider to be willing to open it up for whatever amendment and then take a longer cycle if they feel it is necessary. But I just think the first time we enact the Bill is the time the focus goes on how the advisory plan is gonna be carried out. And so the first suggestion and the most attention will be at the onset. So I would shorten that period of amendment, that is my suggestion.

SENATOR COHEN (12TH): Okay, thank you, Representative. Any other questions or comments? Thank you so much, appreciate it. Okay, next up is Bill Lucey on the same topic, House Joint Resolution 1, the Long Island Sound Blue Plan. Welcome, Mr. Lucey.

BILL LUCEY: Thank you and thanks to the Environment Committee for the opportunity to testify. There is actually several water related Bills in the Public Hearing that I would like to address, so I'm gonna go fairly fast. And you heard a lot about the Blue Plan, that's the first one. We fully support it. Bill Lucey, I'm with the Save the Sound, it's a sound keeper and for full disclosure I was part of the Blue Plan Council Planning Process. I came in towards the end of it and I won't go into the details you have already heard.

But I used to be a costal planner and this is up in Alaska and I wish I had one of these plans at that time. So when someone wanted to do a new fishery or put in a fuel dock, I had a lot of knowledge about the existing uses where there were people long-lining, gill netting, where the rare birds, the special habitats were so I could help through pre-

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consultation meeting to avoid any conflicts before any permitting process took place cause there is nothing more frustrating to a developer or anyone trying to do something and get halfway through a permit process and have it stopped dead after they've spent a bunch of money on consultants. So this plan I see it as one-stop shopping for that. I think it will elevate a lot of conflicts; it will be full transparency for anyone who wanted to do something on the Sound.

I also want to talk on Senate Bills 95 and 96, the two shellfish Bills. I support the comments that were made earlier. We really want to get into creating oyster reefs as part of our shoreline protection and it's been difficult. If we have a shell collection system, a new method for getting large quantities of that, we can hopefully get into the restoration business which has been somewhat restricted and having been a commercial fisherman in the past and understanding all the different rules and regulations to be able to include shellfish beds and I would also say the facilities on shore. In 490 they reduce their tax burden, that gives us a chance to save what little bit we have left of the working waterfront in the State of Connecticut. We create a lot of jobs with sustainable fisheries.

I also want to talk very quickly to the road salt training. There is no real alternative to putting salt on the roads but I understand Connecticut DOT has been applying some of these best management practices to reduce the salt. Salt is a terrible thing. It moves heavy metals, it gets into lakes, it creates oxygen dead zones when the water won't flip over. Anything we can do to reduce the road salt is fantastic.

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Last thing is we really support the Styrofoam Bill as well. Thank you.

SENATOR COHEN (12TH): Thank you, Bill. Any questions or comments from the Committee? Thank you, have a good day. And we have, let's see whose, next? Representative Fishbein. Is he here? I don't see him. We will move on. I don't see actually Representative Steinberg. Representative Altobello although I think he probably came already. Representative Comey. Representative Dathan. All right, we've moving back to the public. Lou Burch. Louis Rosado Burch. Is he in here? I don't see him either. You're up! [Laughter]

LOU BURCH: Good Afternoon, Senator Cohen, Esteemed Committee Members. My name is Louis Rosado Burch, I am the Connecticut Program Director for Citizens Campaign for the Environment. I appreciate the opportunity to testify today in support of House Resolution 1, Senate Bill 99, and House Bill 5103.

On Long Island Sound Blue Plan I will keep it simple. This is spatial planning document, minimizes potential conflicts over the appropriate uses of the Sound and helps to inform future development in a way that is consistent with existing values and uses of Long Island Sound. We think this is a good Bill and ought to pass.

Senate Bill 99, AN ACT CONCERNING THE USE AND DISTRIBUTION OF POLYSTYRENE PRODUCTS. We know polystyrene is a significant contributor to the plastic pollution, choking our marine environment. It's also made of styrene. Styrene is probably a human carcinogen which can migrate into food when exposed to heat and fatty foods. We believe that our morning coffee should contain milk and sugar and

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not toxic cancer causing styrene. We also know polystyrene is notoriously difficult and expensive to recycle. There are currently no municipalities in Connecticut engaged in polystyrene recycling and as cities and towns across Connecticut continue to seek opportunities to reduce waste, EPS foam is an obvious choice for elimination. We strongly support phasing it out, phasing out the use of polystyrene food service containers and lunch trays. We do have a number of recommendations of how to strengthen that buildup that we've included in our written comments and so I would urge you to refer to that.

Finally in support of House Bill 5103, updates to Connecticut's Environmental Justice Law, EJ communities are disproportionately affected by climate change impacts, sea level rise as well as toxic air and water pollution. They often find themselves home to large polluting facilities without the resources or the representation to intervene or to organize in favor of stipulations. This Bill would simply require developers to require meaningful public opportunities for public participation in the siting of polluting facilities in designated Environmental Justice Communities as a prerequisite of having their permits approved. We think that makes sense. Simply provides a little bit of teeth to policy that is already in place that we think makes a lot of sense for a lot of different reasons so we strongly support that legislation. Those are my comments and I am happy to take any questions that you may have.

SENATOR COHEN (12TH): Thank you so much for your testimony. Representative Mushinsky.

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REP. MUSHINSKY (85TH): Thank you, Senator. Lou I wanted to ask about the Environmental Justice Bill. I have one of those zones in my district with multiple boating industries and as my friend does here in Waterbury, and I was thinking in some cases a new industry could come into one of these zones and replace, we could ask them to replace an existing boating industry or existing polluting fleet of trucks or whatever so that there is a net gain in pollution reduction in that district. What are your thoughts on that idea?

LOU BURCH: Well the way, my understanding of the way that this law is written is that it would only apply to a facility if it was, if it fell under the category of affecting facility. So those are polluting facilities that would include fossil fuel burning power plants, waste incinerators, sewage sludge incinerators those types of things. So you're talking about an industry that would not have that type of impact on public health or the environment, it would not be based on my reading be subject to the terms of this law.

REP. MUSHINSKY (85TH): No, I'm saying, so supposing there was someone wanted to come in and wanted to put a transfer station in and we would say, if we change the language of this Bill to say, you can come in and if you buy out and get rid of the polluting aspects of this other facility that is already there so that the net result is a lowered emissions for that neighborhood.

LOU BURCH: We take all of these development projects on a case-by-case basis but I would suspect that if there was an opportunity to replace one

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polluting facility with a non-polluting facility that we would generally speaking support that.

REP. MUSHINSKY (85TH): Okay, I can think of a case like a new transfer station comes in or a new compositing facility comes in and they as part of their permit they have to replace all of the diesel trucks for another facility that is in that same neighborhood. The next result would be cleaner air for the people who live there.

LOU BURCH: Right and again, my understanding from reading the Law is that would not necessarily preclude any facilities regarding if it was an affected facilities or something along those lines so long as the developer followed the letter of the law providing those meaningful opportunities bilingual were necessary, a certain number of days in advance of the permit application and so this is just simply a means to increase transparency to promote equity in the siting of these type of facilities and to make sure we're keeping a keen eye to the needs of those vulnerable communities.

REP. MUSHINSKY (85TH): Okay, thank you, Lou.

SENATOR COHEN (12TH): Representative Reyes.

REP. REYES (75th): Thank you, Madam Chair. Good Afternoon Mr. Rosado Burch, how are you, sir. Thank you very much for advocacy for all the items that you testified on today in particular the Environmental Justice piece my colleague, Representative Mushinsky just referenced to. Just a question, the conversation will eventually get to the conditions that we're gonna be saying "not in my backyard" and Senator Hartley actually painted the picture probably better than I could when she talked

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about the saturation point and enough is enough. Typically I gather a lot of these industrial zones were created because of these, these clusters were created simply to keep everybody together so is fighting an industry in your opinion, is this fighting an industrial park or an industrial parkway in anyway shape or form the Environmental Justice Bill?

LOU BURCH: Can you, I'm sorry, can you just rephrase that last?

REP. REYES (75th): So, like my question is at some point if you can't expand in an area that will have six according to the proposed language of the Environmental Justice Bill as we're proposing today, the alternative is the industrial parks. So I guess is the, what are your thoughts on the saturation point or how much is too much in an industrial park?

LOU BURCH: Again, I think that matters is what kind of pollution it is, what type of population you have in the surrounding area. I mean that air pollution travels and just some stats from the Department of Public Health the cities of Hartford, Waterbury, New Haven and Bridgeport have the highest rates of asthma related ER visits in the State. And in fact residents from Connecticut's five largest cities account for something like 18 percent of Connecticut's total population and yet they make up approximately 44 percent of all the costs related to health related impacts in 2018. So what we're trying to get across here is that there is a disproportionate impact in members of low income, underserved communities. I believe that part of what drives that is the fact that as opposed to what you suggested before about trying to keep all these

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things together, but our experience has been that communities that have resources have had a heightened ability to intervene to oppose these types of projects, these types of things and I think that is why we see these clusters. This is sometimes referred to as environmental racism and so to me it is not enough to simply say, you know, keep all of this development in one area. If you're not taking a careful look at the impacts that it is having in those communities around. So if you have an industrial park that is already an Environmental Justice community I think it should be held to the same standard as any other type of polluting facility in an Environmental Justice community.

REP. REYES (75th): Well thank you very much for that feedback and, you know, I'm just interested because I'm playing devil's advocate in my own head, you know. We want to say, and I like the way you framed that because I think it is environmental racism myself, but I think that at some point the State of Connecticut also does not want to be viewed as antibusiness or antibusiness friendly so I think that is why this dialogue is important and healthy for both sides, so thank you very much. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you, Lou for testifying, Mr. Burch.

LOU BURCH: Thank you, sir.

REP. MICHEL (146TH): I particularly appreciate your comments. In my own district in the City of Stamford which is one of the largest cities in New

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England, we had in the same area, in my district, a transfer station, waste treatment facility, junk yards, rock crushing companies, stone yards and smells of coal tar from developers who are doing their ground fill remediation, they are pulling out toxic soil out of the ground and to put it back and be capped but when they put it on the side, they don't cover it with tarps and all that. Would you consider that this would also address developers?

LOU BURCH: Well my understanding is that this would not act retroactively so it wouldn't put any barriers to any existing uses of that community but only future uses.

REP. MICHEL (146TH): If it would be ongoing development, building one building and they have all these other buildings they are about to build and putting toxic soil there and how would that be, how could that be interpreted?

LOU BURCH: That is a good question, I'm not an attorney. You might want to check with your attorneys on that question.

REP. MICHEL (146TH): I'm surprised that you're not an attorney [Laughs]. All right, well thank you for testifying today. Thank you very much. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? Seeing none, thank you so much.

LOU BURCH: Thank you for the opportunity to testify. Good Afternoon.

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SENATOR COHEN (12TH): Okay, try this again. Representative Fishbein is not here, Representative Steinberg left, so Representative Comey, you are up.

REP. COMEY (102ND): Thank you. Don't tell Steinberg. I think Representative Steinberg, I think he is right outside those doors [Laughter]. Got to get home to the kids.

Thank you very much Chairman Cohen, Chairman Demicco, Vice Chair Gresko, Vice Chair Kushner, Ranking Member Harding, Ranking Member Miner, distinguished members of the Environment Committee, for the record my name is Robin Comey, State Representative of Branford for the 102nd District.

I am here to offer testimony on H.J. 1 and thank you for having me, that is the adoption of the Long Island Sound Blue Plan. I represent a district that has about 20 miles of shoreline along the Long Island Sound. Our community depends on the good health of our Shoreline and the Long Island Sound. Many of our businesses and economic strength is contingent to environmental well-being and coastal development of not only our shoreline but the Long Island Sound.

I am in support of HJ1 PROPOSING THE ADOPTION OF THE LONG ISLAND SOUND BLUE PLAN. Many of the issues that I hear from my constituents are about their environmental concerns mainly involving our proximity to the Sound. We also have an above average number of commissions and committees whose focuses are the shoreline and other environmental concerns. We have had situations over the years where we, as a community, have faced the threats of offshore development such as a liquefied natural gas facility, a 1,200 foot-long, 82-foot-high terminal

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proposed to be located only 11 miles off Branford's shoreline.

In fact, my predecessor the former wonderful Representative Lonnie Reed was instrumental in building cross state support with New York, to fight the building of this re-gasification and storage barge. We spent considerable local efforts to fight it over a five-year period. The Long Island Sound is within 50 miles of over 23 million Connecticut residents and generates \$5.5 billion dollars in revenue for the shoreline region annually. My district, and surrounding towns where my constituents frequent, depend on the overall well-being and smart management of the Long Island Sound. I believe that having this comprehensive document, the Long Island Sound Blue Plan, would be a tool to utilize and to guide us with management of our deep-water resources in the area.

On a personal note, I am a member of the caucus, the Shoreline Caucus and I have visited the website after seeing the presentation and was struck at how user friendly and thorough it is especially with the Blue Plan Viewer, that was also mentioned earlier. I support vehemently the goals of the Long Island Sound Blue Plan to identify and protect places of ecological significance, manage human use of it and reduce potential human conflicts for the betterment of not only the residents of Branford but for the entire State.

I commend the years of work that went into this plan by DEEP, The Nature Conservancy, UConn Sea Grant, and of course cooperation, I'm sure from many of our local communities stakeholders. I am encouraged that this plan will help guide the future of how to

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approach management of our natural resources in the Long Island Sound and how we support and we balance commercial use, recreation and tourism, and future energy management. And additionally, The Plan can address any proposed off-shore energy generation such as wind that was mentioned earlier, aquaculture, and algae farming and will be, I hope, a well-utilized tool for our communities. I support H.J. 1 and I thank you for allowing me the opportunity to submit public testimony here today.

SENATOR COHEN (12TH): Thank you, Representative and as somebody who share the same district, represents the same area as you I share some of those concerns about some of the potential development and some of the same excitement that you have over the Blue Plan and its potential and, you know, the discovery of so many great areas of ecological significance which I would venture to say you and I both knew were wonderful areas to begin with but now we know they are even better. Any other questions or comments from the Committee for Representative Comey? Seeing none, thank you.

REP. COMEY (102ND): and I would say I was listing to comments in my office and I did hear that Representative Meskers said that a possible more frequent review maybe after a couple of years rather than the five year review may be good practice and I would probably agree with that as well.

SENATOR COHEN (12TH): Thank you for your input Representative. Okay, next up is Angel Serrano. Welcome.

ANGEL SERRANO: Hi, thank you so much for having me. Representative Demicco, he's not here, but Senator Cohen and other members of the Committee. My name

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is Angel Serrano, Legislative Chair of the Sierra Club in Connecticut. Thank you for the opportunity to testify in person today. We have also provided detailed written testimony.

Sierra Club Connecticut strongly supports HJ 1, HB 5103, SB 99, HB 5104. Regarding HJ1 to adopt the Long Island Blue Plan, this plan is a resource that everyone can use to help good decisions about the Sound. This approach promotes communication between project proponents and existing users so that mutually beneficial outcomes maybe found and conflict can be avoided. Sierra Club supports this Bill.

Sierra Club Connecticut also supports HB 5103 for an EVALUATION OF THE ENVIRONMENTAL JUSTICE LAW. As a resident our Environmental Justice Communities should have a voice on the permitting of pollution emitting projects in their neighborhoods. Environmental Justice Communities are disproportionately exposed to and impacted by emissions in our State. Minority and low income communities are impacted by air pollution from facilities like energy and solid waste infrastructure and pollution create health disparities in our cities including childhood asthma rates and other health outcomes. It is critical that Connecticut take action to address this and take a step in the right direction. Sierra Club Connecticut supports all changes proposed in 5013.

The Sierra Club also supports SB 99 to reduce the USE AND DISTRIBUTION OF POLYSTYRENE, a ban of polystyrene. Food service items address and impact these products on human health and health of our environment. Polystyrene is a neurotoxin and non-

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biodegradable. It is one of the biggest sources of litter on the U.S. shorelines and we must do everything we can and eliminate this product from our waste stream.

For HB 5104 Sierra Club supports the Bill. We also support the wildlife Bill; we don't like the exemption of the ivory. So I just wanted to note that. Thank you.

SENATOR COHEN (12TH): Thank you, Angel. Any questions or comments? I see Representative Harding.

REP. HARDING (107TH): You got cut and you were in the middle of your discussion.

ANGEL SERRANO: Yeah, this is my first time testifying so I didn't anticipate the time.

REP. HARDING (107TH): So, you did a nice job. So I wanted to give you some more time if you wanted to finish up what you said. Yeah.

ANGEL SERRANO: Great, yeah. Thank you. Just, sorry. So yeah, so just on the HB 5104 the Big Six animals, we support this Bill. We want to do everything we can to help to save these animals but we are concerned about the grandfathering clause and the exemption for ivory. We think this undermines the goal and we know that this is just a starting point and we look forward to working with the Committee on this Bill to make sure it can achieve the goal of protecting and preserving these Big Six African animals. Ah!

SENATOR COHEN (12TH): Thank you, Mr. Serrano, good job, good job. And thank you, Representative for stepping in there. Any questions or comments from

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the Committee? Okay thank you. Okay, Representative Steinberg. I don't believe Representative Fishbein is here.

REP. STEINBERG (136TH): Good Afternoon Chairs, Ranking Members, Members of the Environment Committee. I am before you today to testify in support of the Resolution to ratify the Long Island Sound Blue Plan. As you heard from others who testified today, this is the culmination of a lot of work by a lot of people. And what I really appreciate and admired about the process as I attended a number of their meetings over the past couple of years is their not only intention but their success in reaching out to the stakeholders across the board. Many of those who will be directly affected by some of the criteria they put out there that will be used in the future for decision making.

This is indeed an incredibly practical and useful document which will have impact on decision making with regard to that important resource for Connecticut for many years to come. It's really a model of how we ought to go about analyzing precious resources and their uses so that we can preserve them for everybody's benefit. The people who have been involved I think were incredibly, not only thoughtful, but respectful of everybody's points of view and it really imbue this document with an understanding of some of the challenges and the conflicts inherent in sharing such an important body of water. So many of our communities as many of you know border Long Island Sound or are affected by Long Island Sound on some fashion or another. It's not simply a matter of when we have a major storm and we have shoreline damage that we should be

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paying attention to this. Long Island Sound is really a part of our State, you know, if not legally in its waters in terms of its impact on our communities.

So I strongly encourage you not simply to, you know, hit the right button at the right time on a resolution but to invest some of your time to go to the website, to try out some of it's interactive features because it's really indicative of how it can help not only the legislators but planning and zoning directors, conservation directors, planners of all sorts. Those who use the Long Island Sound for a variety of uses will find it useful as well. It's the kind of document that should be living document and I also agree with the thought that it should be considered periodically as things change. You know, I joke, I live about three miles from the beach but eventually I'll have waterfront property, so it's important that it remains updated as it needs to be. Resolutions don't always seem to rise to the level of being as important as laws but I would say in this case, this is as important as any work the Environment Committee can do. Thank you for your consideration.

SENATOR COHEN (12TH): I would have to agree with you, Representative. Thank you for your testimony. Any comments or questions from the Committee? No, Thank you so much. Okay, next we have Joe Gilbert, followed by Representative Fishbein.

JOE GILBERT: I'm Joseph Gilbert. I represent the Collation of Shellfishers. Thank you, Chairman Cohen and Chairman Demicco for this opportunity and to the Learned Members of this Committee.

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I see, well thank you for the opportunity to testify. I see many of my friends and colleagues in the room who worked very hard on the Blue Plan. I applaud their efforts and I respect the work they did. However at this time I do not oppose but cannot support House Joint Resolution 1, PROPOSING THE ADOPTION OF THE LONG ISLAND SOUND BLUE PLAN.

I started out a proponent of the Blue Plan. As I do support the stated purpose of the Plan to protect ecological resources, traditional uses such as fishing, minimize conflicts, maximize compatibility now and in the future. However, based on my recent experience as a member on the Commission on Environmental Standards the CES, for the first offshore wind procurement, I am now skeptical of how the Blue Plan will be used.

If the Blue Plan is adopted such plan will be considered as merely a factor in the review of applications pursuant to a lot of legislature, I'll spare reciting them all, and Section 401 of the Federal Water Pollution Control Act.

Similar to the Blue Plan, the CES was tasked with providing input on best practices for avoiding, minimizing and mitigating any impacts to wildlife, natural resources, ecosystems and traditional existing water-dependent uses, including, but not limited to, commercial fishing, during the construction and operation of offshore wind.

However, DEEP only considered the final recommendations of the Commission as a factor in finalizing and awarding the first RFP. The members of the CES still have no idea how their requirements and recommendations were used in the selection process and to what degree the winning bid

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incorporated the CES's work into their bid. It is uncertain whether the recommendations were even considered at all or if they were simply outweighed by other factors DEEP considers in the process, such as the cost of the project and the rates passed on to consumers.

Likewise, the Blue Plan has no real teeth to protect the environment and the natural resources. It will merely be considered a factor of applications. For the Blue Plan to work I would like to know to what extent will the information and policies of the Blue Plan will be considered as a factor when reviewing applications and other factors may outweigh it. For instance, we were on a 75/25 breakdown for energy procurement versus environmental protection. May I continue.

Perhaps, the real problem here is that the citizens of Connecticut are relying on a conflicted department to protect their important public trust resources. The Department of Energy and Environmental Protection seemingly serves two masters, its one that requires they protect the environment and one that requires they fulfill the needs for energy generation. These two goals are not always compatible and when push comes to shove it appears energy always wins at the expense of the environment and fisheries.

The important ecological resources and traditional uses of the Sound may be better protected in the long run under a dedicated agency focused primarily on protecting the environment and not energy procurement contracts. The Blue Plan alone is not a replacement for a true Department of Environmental Protection. For instance, a recent press reports

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regarding offshore wind energy transmission lines have quoted Anabaric's president of Connecticut OceanGrid, Peter Shattuck saying that, "The biggest risk in cost and developing wind energy is the transmission piece. This would bring down the risk and the cost on a long-term basis, which would benefit ratepayers and states who are subsidizing this.

SENATOR COHEN (12TH): Mr. Gilbert, are you almost? Okay would just ask you to wrap it up. Thank you.

JOE GILBERT: Yes, ma'am one paragraph. If these transmission lines in Long Island Sound are necessary to keep prices down for developers, how will their impact on the natural resources and human uses there be weighed against the need for cheap energy? How will the Blue Plan be factored in when conflicts cannot be avoided or minimized to any meaningful extent? These are the questions I would like answers to before I can support the adoption of the Plan. Thank you.

SENATOR COHEN (12TH): Thank you, Mr. Gilbert, I appreciate your testimony and your concerns. Any questions or comments? Yes, Representative Michel followed by Representative Arconti.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you, Mr. Gilbert for coming. By the way I should also thank you for the work and the efforts that you have done in the Offshore Wind Commission for Environmental Standards. And I agree with you, on my side the creation of the Commission was for lack of accepting amendments on the floor, on the Energy Bill and so the idea behind the Commission was to actually have an impact and not only to just suggest environmental standards so that they would at least

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consider in part some of those standards which was like, I think you described it 75/25 quite accurately. I think we all agree that the Blue Plan is great work and I think that a lot of the value that you bring to the Blue Plan is, if I'm understanding you correctly, you would like it to be broader, more inclusive and I think that brings a lot of, that actually is complementing the Blue Plan. So can you please elaborate on maybe?

JOE GILBERT: I do compliment the Blue Plan. A lot of time was taken to catalogue the natural resources and uses of the Sound. However, the problem with it is just that when we come down to looking at those catalogued resources and weigh them against a development project, my concern is what will the weighting be. In my past experience its 75 for energy 25 for environment and the Blue Plan itself may actually work against me at some point. We may have a resource map that is a document and resources change and with the one year review, a five year review the Blue Plan could actually, a developer could say to me, no there is no resource there, the Blue Plan says so if the Blue Plan is not updated or fluid enough. So by itself it's a tool, its one tool but we need to have a strong Department of Environmental Protection to use this tool and then do the right things for our environment. And in my recent experience they went exactly the other direction. Thank you.

REP. MICHEL (146TH): Thank you, Mr. Gilbert and Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Representative Arconti.

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REP. ARCONTI (109TH): Thank you, Madam Chair. Thank you Joe for your testimony. So you were a member of the Environmental Impact Commission, correct? For the Offshore Wind.

JOE GILBERT: Yes, the Commission on Environmental Standards yes, sir.

REP. ARCONTI (109TH): Environmental Standards and one of the recommendations from the Commission was some sort of mitigation fund?

JOE GILBERT: Correct.

REP. ARCONTI (109TH): Okay so I do have, you know, the RFP up in front of me and part in the organization proposal section, DEEP asked eligible bidders to organize their proposal in a certain way and number 11 was Environmental Assessment Per Acquisition Plan and Class 1 Certification and Environmental and Fisheries Mitigation Plan. Vineyard ended up winning the bid, it was awarded the bid for 104 megawatts in November, December and I believe they included a mitigation fund, correct in their proposal?

JOE GILBERT: No, sir the results of that have not been disclosed to us. We have not idea what they included. So currently I am unable to engage with this Legislature to make anything better because before they release that we don't know what to respond to. So effectively I'm taken out of this year's Legislature because of the way that RFP has been executed.

REP. ARCONTI (109TH): Okay, and it's my understanding that Vineyard plans on organizing the Environmental Standards Commission on a quarterly basis, is that your understanding as well?

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JOE GILBERT: I'm not sure that's what Vineyard has planned or if that was the DEEP plan but I can tell you I worked with Vineyard at the national level, also at the federal level. They have nothing in place, I don't know what they've offered to Connecticut but from where I sit at the next level up, they're not talking.

REP. ARCONTI (109TH): Okay, thank you. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions? Yes, Representative.

REP. KENNEDY (119TH): Thank you, Madam Chairman. I just wanted to thank you Joe for being here today and sharing your concerns and hopefully we will be listening. But thank you so much, Joe.

JOE GILBERT: Thank you and perhaps we can work on a Bill for upgrading these chairs [Laughter] because if you sat here for any length of time.

SENATOR COHEN (12TH): They are pretty noisy too. Okay, thank you MR. Gilbert. Representative Fishbein.

REP. FISHBEIN (90TH): Should know that by now. Good Afternoon Co-Chairs Cohen and Demicco, Vice-Chair Gresko and Distinguished Members of the Environment Committee.

I am here to speak on behalf of and in support of House Bill Number 5102, AN ACT AUTHORIZING THE USE OF PINK BLAZE CLOTHING FOR HUNTING. I'll tell you that I have been up in my office, having meetings, I've been in Committee meetings there today and I wasn't going to come down here and then everybody has been texting me saying you've been calling for

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me [Laughter] so I'm going to be really, really brief.

I just want to thank you. Last session you did, I believe unanimously vote this Bill out of Committee. Unfortunately when it got to the House floor it did pass, but a few handful of people did vote against it, I don't know why they did, but they did. I especially want to thank Representative Gresko because we haven't discussed much in this building, we don't share any Committees together but he has been very attentive to where this Bill has been and where this Bill is going. And I hope that you will support it, it's a commonsense Bill, you know, perhaps save somebody, perhaps be a benefit of economic development and I hope you will find favor and it gets called in the Senate this time and we can move forward. So, I thank you.

SENATOR COHEN (12TH): Thank you, Representative. And I see you wore your pink tie in honor of pink blaze clothing. Any comments or questions? Yes, Representative Dubitsky.

REP. FISHBEIN (90TH): I knew it was comin [Laughter].

REP. DUBITSKY (47TH): I can't give up the opportunity to have a little fun at your expense. Could you just tell me why we need this Bill?

REP. FISHBEIN (90TH): Well, its an alternative. It's an option. There's certainly I've had a hunting license for many years but I never get the opportunity to hunt, I'm with hunters quite frequently. You know, blaze orange is a safety situation, you know, cause deer can't see it but other hunters can see it. Pink, I learned, is of

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similar, you know, deer can't see it but hunters can see it and the problem that other states have run into, the reason why I think five other states have passed this is that blaze orange can look like the dying leaves of autumn. That leaves in the autumn are sometimes blaze orange and can be potentially can be a safety hazard. Certainly to my knowledge, no leaves become pink blaze and therefore it's a viable alternative for people to actually be able to determine especially what I hear about is hats. Hats that hunters wear. Somebody can viably determine that something is a hunter or something is not a hunter and perhaps not shoot at something, so thank you.

REP. DUBITSKY (47TH): Do you know if there are any companies that currently make blaze pink camo commercially.

REP. FISHBEIN (90TH): I believe so, I believe in my closet that I have a [Laughter].

REP. DUBITSKY (47TH): That would not surprise me at all [Laughter].

REP. FISHBEIN (90TH): I think I have a blaze pink vest from Under Armour so, yes I do believe and I know since I believe five other states have passed this that I am sure that there are more than one manufacturer that is making these products.

REP. DUBITSKY (47TH): Is it your feeling that having this alternative will bring new and more diverse populations into the hunting community?

REP. FISHBEIN (90TH): Well, that's my hope. That is certainly not the intent, you know, I think when I originally brought this out last year, there was, you know, some people mentioned well, you know, I

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don't want to go hunting with my wife. I would like to go hunting with my wife quite frankly. You know, and maybe that would be a good thing so hopefully, you know, anytime you expand the ability for people, you give them options, you open up more people to possibly doing something. You know, over the past ten years we've had firearms that have been made that are pink, you know, so yes I believe so.

REP. DUBITSKY (47TH): Are there any other colors that you feel will be added to the list of permissible camo colors in the future?

REP. FISHBEIN (90TH): The only other color that I looked at when I was looking at what other states had done was yellow. But my understanding is that yellow, blaze yellow, people that are colorblind have difficulty with blaze orange and blaze pink at a minor level but people that are colorblind have a very large difficulty with blaze yellow. So that's the only other one that has been considered that I perhaps looked at. I would not in favor of that, so as I sit here today, no.

REP. DUBITSKY (47TH): Well, I appreciate you're coming in and at some point I look forward to seeing the fashion show. Thank you.

SENATOR COHEN (12TH): Thank you, Representative. Representative Gresko.

REP. GRESKO (121ST): Thank you, Madam Chair. On the House Floor last year, I had said that if the Bill passed we would need you to model, I officially relieve you of that obligation [Laughter], thank you.

REP. FISHBEIN (90TH): I will officially say that if this Bill passes and the Governor is going to sign it, I will wear pink camo to the signing. I make

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that promise, you know, this is not a big deal here. So we talk about a lot of big things in his building and this is just a commonsense sort of thing, so I thank you.

SENATOR COHEN (12TH): Thank you, Representative. Representative Palm.

REP. PALM (36TH): Thank you. Good Afternoon, Representative. I have a feeling that I am missing the real intent of this Bill. Can you help me, I mean my good colleague Dubitsky asked a similar question, was it at the root of this Bill? Is it to encourage women to become hunters or is it to encourage safety among all hunters? I'm confused by it.

REP. FISHBEIN (90TH): It's to encourage safety by all hunters. You know, certainly I wear a pink tie, you know, if I go hunting I want to have the option of maybe wear pink camo. But ultimately the problem that has been recognized in other states is that when somebody wears blaze orange when they are hunting, they're sometimes at a distance and an identification thing where the individual was unable to, where another hunter is unable to tell whether or not that in the distance is a hunter or it is a leaf. And I cannot tell you of any actual very tragic incident as a result of that, but as other states have looked at that, they have said, well this is a color that can't be realistically misidentified as a leaf or a human being and therefor that is the root of this, is safety, totally safety.

REP. PALM (36TH): Thank you for that answer. And not being a hunter, I'm just asking this, is the

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amount of the color on clothing is like the entire garb made of the color or is it just a piece of it?

REP. FISHBEIN (90TH): So under our statute we are required as hunters to wear at least 400 square inches of the color. How we chose to do that is our choice. So while we might wear something that is camouflage currently under the law it is blaze orange, so camouflage would have more than just blaze orange on it. In order to be in compliance I would have to have actual physical 400 inches of blaze orange comprising what I was wearing. Of course if I wore a hat and it was just blaze orange than that would meet the requirement it that answers your questions. There is a certain amount you have to wear.

REP. PALM (36TH): Yes, it does perfectly. Thank you very much and my only last comment is I'm all in favor of anything that will increase safety. I do for the record want to say that I think we should, as a society move beyond the stereotyping of gender by color and that is not a compelling reason for me so that is why I wanted you to clarify it because if it is really about safety sometimes orange leaves are a little bit on the pinkish side but yes, you are quite right, more often they are orange and if it is really about saving lives, I think that is a very valid thing to be doing. If it's a subconscious way of appealing to women under the pretext that we like pink, I would object to that. thank you.

REP. FISHBEIN (90TH): I thank you and I do note that I wear, and you will see me around the building, I wear pink all the time so I don't identify gender with color, so thank you.

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SENATOR COHEN (12TH): Thank you, Representative and I appreciate you saying that as well as with my 12-year-old daughter who tells me that she does not like pink and her favorite color is actually orange. So just a little anecdote for everybody. Representative Michel did you have a comment?

REP. MICHEL (146TH): Thank you, Madam Chair. What would be the problem with wearing blue or a short blue?

REP. FISHBEIN (90TH): A short blue?

REP. MICHEL (146TH): Yep.

REP. FISHBEIN (90TH): Okay, so my understanding is the reason why these particular colors are used is that the deer particularly are unable to see certain colors. So when a hunter is in a tree stand for instance and they are wearing orange that naturally camouflages their presence from the deer. If they were to wear blue then they would be out there, the deer would be able to see them, that is the purpose of using certain colors.

REP. MICHEL (146TH): Well all right. I guess sometimes because I am not a hunter obviously I am curious is that real sportsmanship or is it about the killing, or the sitting in the tree waiting for the animal to come right underneath or within shooting distance. So I was just wondering, I was curious cause I prefer blue by the way, but I do like pink as well and I just think why not let them see you if there is a question of sportsmanship in hunting. That was just a comment. I appreciate it. Thank you.

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SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? Thank you, Representative.

REP. FISHBEIN (90TH): Thank you, thank you all.

SENATOR COHEN (12TH): Nancy Balcom. Welcome.

NANCY BALCOM: Thank you very much Committee Leadership and Members to allow me to come and testify. I'm Nancy Balcom, I am the Associate Director of Connecticut Sea Grant which is based a University of Connecticut and I am actually here just to highlight some of the submitted testimony by my Director Sylvain De Guise who had a very active role in the Blue Plan as did other members of our program but particular he stood as Chair of the Inventory and Science sub-committee as designated through the Statute that someone from UConn could.

Sea Grant is a science-based organization that aims to share objective information to support better informed decision making that balances economic benefits with the conservation of ecosystems and natural resources. We are not an advocate, or regulatory enforcement agency. We strive to serve as an "impartial broker" that often also involves convening parties to discuss difficult issues. And it is in that spirit that in 2010 we flew in an international expert to talk with stakeholders we convened in Connecticut about this new concept Marine Spatial Planning which we thought might be a very useful tool for our very busy estuary Long Island Sound.

And so I just want to read one of the paragraphs that he put in his testimony because a lot has been said today. So the guiding principles that were

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agreed upon for this were "sound science and an open and inclusive transparent process" In addition to that process to collect information the Blue Plan Team made every effort to make such information easily accessible and so by engaging experts and stakeholders to review and distill a huge amount of information into maps that would display the special places to be recognized and protected, ecologically significant areas and significant human use areas.

We were able to bring in resources that enabled our experts at the UConn Center for Land Use Education and Research, (known as CLEAR) to incorporate these maps into a user-friendly and engaging, point and click viewer that makes the information easily and broadly available and usable. He states, "One of the most important outcomes of the Blue Plan tool is to level the playing field and providing easy access to the same science-based information to those who would apply for a permit, engaged citizens wishing to comment on an application, and the agencies who would review such permits." Thank you for the opportunity to share his testimony.

SENATOR COHEN (12TH): Thank you for your testimony. Any questions or comments? Thank you so much. Representative Dathan. Oh, she is here. Hello, Representative you're up. Welcome.

REP. DATHAN (142ND): Hello, Environment Committee. I am here to present to Senator Cohen, Representative Demicco who has stepped out, Senator Miner who has also stepped out, Representative Harding and Members of the Environment Committee. I am here to testify. Oh, excuse me. This is my first time, like rusty from not doing this in a year. I am Representative Lucy Dathan, I represent

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Norwalk and New Canaan in the 147th District. I am here to testify on two Bills the first is House Bill 5104 - AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES. And I am here today wearing my animal print to show you that you indeed can have synthetic animal prints and not necessarily need to import these from Africa.

I first was inspired about this Bill last year when I heard about it in Committee. Especially after Cecil the lion was killed in 2015 by an American dentist who killed this animal for sport. This animal was in charge of his pride. He was studied in his own environment by scientists all over the world and he was a really neat attraction in Zimbabwe in the park he was residing in.

Trophy Tourism as this is known as, is really been increasing over the last several years and it is upsetting to me that we are killing animals unnecessarily and doing it for sport. I wanted to just let you know that from 2005 to 2016, Connecticut residents killed 39 lions and one giraffe and imported these as trophies. So this does affect our State. I am asking the Committee to please consider raising this Bill and voting it out of Committee.

I did also want to stress that this Bill does not criminalize museums or any other residents how have in current possession or have had in possession in the past these items. So I was pleased that those are carved out of this Bill and this is really just stopping it from going forward.

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So I encourage you all to vote in favor of this Bill and move to the next stage of the legislative process.

The second Bill I wanted to testify on was Senate Bill 99 AN ACT CONCERNING THE USE AND DISTRIBUTION OF POLYSTYRENE PRODUCTS. It is very hard to go anywhere in the State of Connecticut these days, to a beach, to an open park or any sort of open space and not find any trash consisting of polystyrene containers or cups. And in the U.S. polystyrene waste accounts for approximately 30 percent of the landfill waste and as you probably have heard this material does not degrade well. It is very difficult to recycle and in the State of Connecticut there are currently no recycling centers which can accept this waste. In its production it releases a huge amount of greenhouse gases and it's just not good for the environment.

In addition, these products also contain styrene and benzene chemicals, which are known carcinogens and when heated these can leach on your food products, your coffee and other things and potentially putting you in contact with these dangerous toxins.

In a country where we have so many alternative to polystyrene it just seems sensible that we eliminate the use of these products. In San Francisco where I lived for a very long time, in the Bay Area, within three years after the ban on polystyrene products there was a 41 percent decrease in polystyrene waste going into landfills. I think it is imperative that we stop putting this into our landfills focusing on products that are recyclable because we only have so much space to do this stuff with.

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So I am urging the Committee to vote in favor of this ban and to please let it go through the rest of the process. If you have any questions I am happy to answer them.

SENATOR COHEN (12TH): Thanks for your thoughtful testimony, Representative. Any questions or comments? Yes, Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you to the good Representative and neighbor Representative Dathan. I do want to thank you for your testimony on SB 99. I been using as shop vac in wetlands to suck up broken polystyrene particles which is not fun. So thank you for your support on that Bill and regarding the Bill on the Big Fives, are you in support also for the ivory to be exempted from that ban?

REP. DATHAN (142ND): That is a real difficult thing for me to answer. But I would be in support of it to be, I would rather have it included but if this is what it is going to take to be a compromise I really feel that it is a good step. The sad thing is, you know, with ivory the only way that you can get ivory from an animal is to kill it and so what's even as much tragic as this, I've seen videos, I mean I haven't been to African and haven't experienced this myself but there are hunters that go and will shoot and kill an elephant only to take its ivory and then leave it there.

REP. MICHEL (146TH): So not trophy hunting by definition but the same act comes for a business or a trophy in any case a trophy of ivory. Okay and you know, just remark regarding your clothing, I really appreciated that also that also remark because we did have a proposal to have some fur ban

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in the State so, that was kind of lined up with that and I just wanted to remind people that outside of animals being killed in Africa we also have animals killed here in the U.S. everyday. That's it. Thank you for your time. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Representative Gresko, did you have a question?

REP. GRESKO (121ST): Thank you, Madam Chair. I gotta say I am in favor of the Bill as it is but let me ask you, what would you say if letting the market continue to go down the road that it is going, a lot of organizations, a lot of companies through mainly customer pressure are making the change themselves while not just let that keep going on its course and leave the State out of it?

REP. DATHAN (142ND): I mean I think that's an interesting observation but sometimes the State does need to intervene or the government needs to intervene whether it is something like seatbelts in cars, we want to encourage having, you know, good behavior for things that are for public safety. This obviously doesn't help public safety so to speak but it is also in terms of encouraging respecting our environment and respecting animals and I think the sort of environmentalist in me thinks it's the right thing to do. These countries get a lot more money from people who come to see these animals in their wild environments and their natural environments and then they do make trophy hunting. And so I would encourage, like to encourage that sort of tourism rather than hunting tourism and I think if we can do this as a State to limit the want and the need for people to go out and

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hunt these sort of things then I think it is a good place for us to start.

REP. GRESKO (121ST): Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions? Thanks so much. Next is Christine Nelson. Welcome. That's okay, we used to that.

CHRISTINE NELSON: Thank you for the opportunity to present testimony regarding, excuse me, House Joint Resolution No. 1. My name is Christine Nelson. I am the town planner for Old Saybrook which is one of 24 municipalities bordering Long Island Sound, and among another dozen communities along the tidal rivers including the Housatonic, Quinnipiac, the Connecticut and Thames Rivers. I was involved with the development of the Blue Plan, as one of two Governor Appointees representing municipal interests as member of the Advisory Committee the other was Alicia Mozian from Westport.

The Blue Plan helps coastal municipalities with much more information than we have had previously for decision-making about for facility planning and activity programming. Municipalities will be using it as a companion to inform the municipal plan for conservation and development, our municipal coastal plan, and our harbor management plans. The Blue Plan will most directly improve our ability to manage our municipal shellfish beds and other activities, recreational activities such as sailing which you have heard a lot about today.

As a professional, it was a real treat to be a part of one of the most dynamic, and most far-reaching and inclusive planning processes that I've seen in

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my career. Although I will note that the SHPO recently did something terrific and was a part of this process, that is not included in my written testimony, sorry. The Long Island Sound Map Viewer contains the more incredible depth and breadth of spatial planning that we have yet in the State available to us. It is very cutting edge and as good as it is, this is just the beginning of getting it going. This could only have been done in partnership with individuals, organizations and businesses who will enhance the data through continued use.

So one of the most important aspects of this initiative is happening here today as member of the Advisory Committee to the Commissioner of DEEP, I would like to urge you to recommend this adoption of this Resolution. It is important to adopt this framework, the framework of the Blue Plan now.

SENATOR COHEN (12TH): You can wrap it up.

CHRISTINE NELSON: Oh, okay. Now so the momentum and partnerships built over the last 5 years can continue. Thank you.

SENATOR COHEN (12TH): Thank you, Ms. Nelson. Does anybody have any questions or comments? Yes, Representative Mac Lachlan.

REP. MAC LACHLAN (35TH): Thank you, Madam Chair. Just wanted to thank you Ms. Nelson for being here as one of your neighbors from the shoreline in Westbrook. We appreciate your efforts and the time you put in to help conserve our natural resources. Thank you.

SENATOR COHEN (12TH): Representative Demicco.

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REP. DEMICCO (21ST): Thank you, Senator. Thank you Ms. Nelson again for the work that you did and for coming here to testify. I just have to ask, the only criticism we've heard so far that I recall and I was out of the room a couple of times, the only criticism I heard of the Blue Plan was that it will not be given enough as a potential but it won't be given enough weight in decision making processes. Would you care to comment on that or would you have a response to that?

CHRISTINE NELSON: Sure, I guess I would draw a distinction between planning and regulating. This is a plan; it is an inventory and an analysis of the data that has been collected so far and it supports the various uses that will be proposed going forward. Those uses as they will be proposed and regulated will still be regulated under the existing statutes and regulations.

REP. DEMICCO (21ST): Thank you.

SENATOR COHEN (12TH): Any other questions or comments? Seeing none, thank you so much for your testimony. I don't see Representative Hennessey but I do see Senator Anwar. Thank you for joining us, Senator.

SENATOR ANWAR (3RD): Good Afternoon Honorable Members of the Environment Committee Chairman, Senator Cohen and Representative Demicco and the Ranking Members Senator Miner and Representative Harding and all the Members. I am here, my name is Saud Anwar. I am a State Senator representing the Third Senatorial District which includes East Hartford, South Windsor, Ellington and East Windsor. I am here in support of SB 97 which is about training standards for road salt applications.

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What we have seen in the recent many years is that there are more and more homes with private wells where the sodium and the chloride content is increased to the point that it is unsafe to or unable to be used for any purpose for the water in those homes and that is actually impacting the value of the homes but also the health of the individuals directly because of the consumption of the salt amount.

This is preventable. This is a program that has been created out of New Hampshire which is the Green SnowPro Program and it has show results where the application of the snow removal and snow management has resulted in this problem. UConn has done a study which is actually shown that this is reproducible in the State of Connecticut and there are some towns which have actually shown benefit of this and one of my towns, South Windsor, has show excellent results with the Green SnowPro Program which allows to reduce the environmental impact in the water supply in the private and public wells with the sodium and chloride content. And this is something that we are hoping that we can bring this to the rest of the State because prevention is better than cure. Once the wells are impacted it is far more expensive to fix them and it's a significant impact on the value of the homes and the lives of the individuals impacted. So if we bring this program with the help of DEEP as well as the Department of Transportation we would be in a better shape and prevent more people from being impacted.

It is my understanding the last five years there has been a gradual to now a significant increase in the number of homes that have been impacted, up to a couple of months ago it was up to 130 homes in the

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State of Connecticut in different parts of our state that have had this problem. So that is my testimony and I want to thank you for your time for this.

SENATOR COHEN (12TH): Thank you, Senator and as somebody who participated in your informational hearing some months ago, you know, I understand the impacts of sodium chloride a little bit better and a little bit more concerned than I had been previously. So thank you for bringing this issue to light. Yes, Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair and thank you for coming in. I'm looking at the text of this Bill and it is hard for me to tell whether or not this is intended for municipalities or the State or both. Can you tell me who is supposed to be trained by this and is it mandatory?

SENATOR ANWAR (3RD): So it would be both but also beyond. In other words the Department of Transportation members have to go through this training, the municipalities have to go through this training but the real challenge we have is that almost 50 percent of the people who clear the snow are private contractors. They would also have to undergo this training. The training is something that can be done, part of it can be done online, that can be provided and we have instructors within the Department of Transportation. It would be done by the Department of Transportation.

REP. DUBITSKY (47TH): You said people who clear snow, so anybody who plows snow needs to be trained?

SENATOR ANWAR (3RD): Which are the contractors for our municipalities as well as for the State. Private contractors as well.

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REP. DUBITSKY (47TH): Does this apply to people who clear snow or people who apply salt or both?

SENATOR ANWAR (3RD): Apply salt.

REP. DUBITSKY (47TH): Okay, so if your just plow snow, you don't have to do this.

SENATOR ANWAR (3RD): Most of the time it's the same group, but no you do not.

REP. DUBITSKY (47TH): Okay. And how about if you're like plowing peoples driveways or you're applying salt on driveways.

SENATOR ANWAR (3RD): This for municipal roads as well as State roads.

REP. DUBITSKY (47TH): Okay. All right, great. Thank you cause I know in a lot of towns at least in my area they use very little salt at all and most of the salt run off and pollution in the town comes from the State and I just wanted to make sure that this was not just for municipalities but also the State. All right, well thank you very much. I'll watch this as it goes forward.

SENATOR ANWAR (3RD): Thank you.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? Seeing none, Thank you, Senator.

SENATOR ANWAR (3RD): Thank you so much for your time.

SENATOR COHEN (12TH): Next David Southerland. Welcome, David.

DAVID SOUTHERLAND: Good Afternoon. Thanks very much. I'm David Southerland with the Nature

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Conservancy. You've already heard from my colleague Nathan Frohling so I just want to get up here to primarily to thank the Committee on and for all the time you've spent with us talking about this, and meetings and as a Committee and thank you for raising it and to thank you and your predecessors, those of you who were here five years ago cause this is the Committee that got this whole process started and we are very grateful.

And two of the related themes that we've heard about as we've been talking with people, we've heard a lot of different themes but two of them, I think we've heard today. One is that there are some people who are concerned that the Blue Plan might be more onerous than it really is or might, you know, restrict development for than it really is intended to do. On the other side there are folks that really wish it had more teeth and wish that it was gonna be stronger against certain types of development and its not intended to hit either of those extremes. Five years ago the Legislature, we spent a lot of time with some of you and your colleagues back then and the Legislature really wanted to kind of go down a middle road with this to provide a lot more information, to provide more information in the regulatory process, not to create new regulations but to have better informed regulatory processes and I think the advisory Committee has done an amazing job of hueing that middle ground with this and its not gonna be as onerous as some people fear, and its not gonna, its not gonna have as much teeth as some people would like to see it have, or its not gonna apply to certain situations people would like to see it apply

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to. So thank you again very much and we're always available for questions or suggestions.

SENATOR COHEN (12TH): Thank you, David. Any questions or comments from the Committee? Okay, you're all set [Laughs]. Thanks so much. Is Representative Hennessey here? No, okay. If you're listening Representative come on down any time. All right, Holly Prinkus, welcome.

HOLLY Good Afternoon, I'm actually Holly Drinkuth. I am the Connecticut Co-Chair for the Long Island Sound Study Citizens' Advisory Committee. The Committee has submitted testimony but I would like to just highlight a couple of points from that and share some of the support HJ-1 from the Long Island Study Citizens' Advisory Committee.

So the Long Island Study is of course a partnership between EPA and the States of Connecticut and New York. And the Citizens' Advisory Committee is made up of groups of municipalities, organizations, businesses that represent a diversity of interests in the natural, cultural and commercial resources the Long Island Sound provides. The CCMP put forth a vision for the Sound. And our role is to provide advise to the Long Island Sound Study Management Committee and also to promote the goals of the Comprehensive Conservation and Management Plan held by the EPA and the Management Committee of the Long Island Sound Study.

So I just wanted to share that the Citizens' Advisory Committee members have been very supportive and stand in great support of the Long Island Sound, the Long Island Blue Plan, excuse me, the Long Island Sound Blue Plane and in particular because it meets the vision that our CCMP holds of the Sound

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for an abundant and diverse wildlife, flourishing commercial fisheries, of harbors accessible to the boating community and a regional consciousness and a way of life that protects and sustains the ecosystem.

So we're very pleased to support and urge you to support this Resolution for both the communities here in Connecticut as well as around the Sound into New York and we really appreciate the process that was used to develop this information with stakeholders all around Long Island Sound . Thank you.

SENATOR COHEN (12TH): Thank you, Ms. Drinkuth. I got it right that time. Any questions or comments? Well thank you, I really appreciate your testimony and your work on this. Okay we will go to Tessa Getchis. Tessa? Tom McCormick, no. All right. We are going to move on to the next Bill and I will check in periodically. SB-95 which is AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM AND THE CONNECTICUT SEAFOOD ADVISORY COUNCIL. Up first is Joan Nichols of the Connecticut Farm Bureau. Welcome, Joan.

JOAN NICHOLS: So, Good Afternoon Representative Demicco, Senator Cohen and Members of the Environment Committee. It is my pleasure to be here. My name is Joan Nichols, I am the Executive Director for Connecticut Farm Bureau Association. I am here actually to submit testimony in support of three Bills.

The first is Senate Bill 96 AN ACT CONCERNING THE TAX ASSESSEMENT OF CERTAIN AQUACULTURE PROPERTIES. The Connecticut shellfish industry generates over \$300 million dollars in farmgate sales annually,

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provides over 300 jobs statewide and farms more than 70,000 acres of Connecticut's coastal waters. The shellfish industry is the only sector of Connecticut agriculture that does not benefit from current our use assessment law Public Act 490 for Farmland, Forest Land, Open Space and Maritime Heritage.

Connecticut Farm Bureau seeks your support of Senate Bill 95 to expand the farmland tax classification to include underwater farmland and to expand the Maritime Heritage Land classification currently afforded to the lobstering, shellfishing industry.

I'd also like to lend support to the Department of Agriculture Agency Bills. We support Senate Bill 95 which enhances the shellfish restoration and reinvigorates the Connecticut Seafood Council. We'd also like to lend support to HB 5105. Our farmers are strongly in support of any initiative to enhance the Connecticut Grown Program and we applaud the efforts of the Department of Agriculture to meet those requests. I did provide additional information on SB-96 in my written testimony and I'd also like to offer that I am considered one of the leading experts on Public Act 490 in the State of Connecticut, so I am happy to answer any questions related specifically SB-96. Thank you.

SENATOR COHEN (12TH): Thanks, Joan. I appreciate your testimony. Any questions or comments from the Committee? Yes, Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair and thank you for coming in, Joan. I just, if you wouldn't mind, just for the record. I think there was a little bit of confusion with one of the other people who came in and testified about what this SB-96, what type of land it covers, who owns it,

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whether it also encompasses houses and boats and things like that. If you would just make it clear on the record what kind of land this covers, who owns it and that type of thing?

JOAN NICHOLS: Sure, I'd be happy to do that. Thank you very much. I think the easiest way to explain this is to equate this to farmland which we all know that farmland is the land. So it is my understanding in speaking to the shellfish industry that there are basically three types of shellfish grounds that are owned, owned shellfish grounds. The shellfish grounds that are actually owned by the State of Connecticut and then leased to the shellfish industry and obviously those are not susceptible to real estate taxes. There are municipally held shellfish beds which are leased to the shellfish industry, those are not susceptible to taxes but then there are privately held shellfish grounds that our shellfishermen own up and down the coast. No different than our farmland. We have state owned farmland, we have municipally owned farmland and then the vast majority our farmland is privately held. Public Act 490 currently allows a current use assessment law for privately owned farmland. All we are doing is taking that exact same equation and transferring it to our aquaculture land so that the privately held aquaculture land is assessed as underwater farmland just like our privately owned farmland is assessed as farmland as underneath Public Act 490.

The current problem we have is because it is the land under the water. Assessors have no way of assessing this privately held underwater land so as we heard from our shellfishermen earlier today, there is a very unequal way of assessing this land.

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Sometimes they take the commercial waterfront value and apply it to underwater farmland which doesn't make any sense, so we're basically doing the exact same thing for our underwater farmland as we do for our land based farmland. I hope that answers the question.

REP. DUBITSKY (47TH): That certainly did, thank you. I appreciate that. Now but it only applies to land, right? We're not talking about equipment, or buildings or anything like that?

JOAN NICHOLS: The Maritime, so there's two parts of the law. The farmland classification addresses the underwater farmland. Then we have a classification under Public Act 490 which is the real estate, the land along the waterfront that lobstermen currently can benefit from a reduced tax that the tax assessment on. All we want to do is expand that what is currently beneficial to the lobster industry and expand it to out shellfish industry. And actually ten years ago when I started working on Public Act 490 and increasing the amount of education materials that came out of the Connecticut Farm Bureau, the first thing I did when I looked at Maritime Heritage I just assumed it was for shellfish ground. Why wouldn't you? Indeed we found out in speaking to the Department of Agriculture that it was just for lobster. So this is sort of again, amending an existing law just to expand it to a sector of agriculture that does not currently benefit from 490 as all of the other sectors do.

REP. DUBITSKY (47TH): Okay and that second piece, the piece that applies to the land and buildings that is also in 96?

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JOAN NICHOLS: Yes.

REP. DUBITSKY (47TH): And its in this Bill.

JOAN NICHOLS: Yes it is and its no different than our land based farmland where we have our farms have the land but they also have the buildings and infrastructure to support the agricultural operation. Shellfish is no different. It's difficult because you can't see it. You see the boats and you see the land base part of it but you don't see the land under the water.

REP. DUBITSKY (47TH): Okay, well thank you very much. I appreciate it.

JOAN NICHOLS: You're welcome. Thank you.

REP. DUBITSKY (47TH): Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? Thank you so much Joan. Appreciate it. Just checking to see, no Representative. Okay, Jennifer Siskind. Welcome.

JENNIFER SISKIND: Hi, Jennifer Siskind and I am here in support of several Bills, specifically the Raised Bills, Senate Bills 95 and 99, House Bills 5102, 5103, 5104.

First with regard to Senate Bill 95, the Shellfish restoration program, I am suggesting an amendment to this. Would you please consider adding the wording to line 71 specifically, "conserving and restoring shellfish reefs?" The current language refers solely to seafood production which could be limited to commercial development. Restoration and conversation of oyster reefs helps expand the growth of salt marsh grasses seaward and our State is certainly in need of natural breakwaters sand wave

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energy dampeners as we continue to face the impacts of rising sea level and sea temperature. This amendment will allow steps to privately fundraise for these conservation measures which might not be readily available.

Concerning House Bill 5102, pink blaze clothing for hunting, I am in support of that specifically because perversely all of my appreciation for the environment comes from my father's hobby of hunting and fly fishing. And the only reason why orange is currently the dominate color was because of something that the State of Massachusetts did in 1958 or 59. The pink is just as readily prevalent in the environment to be seen for safety measures so I see no reason to restrict it. And, you know, real men look great in pink and I think Senator Miner and the legislator who testified earlier would look terrific in pink [Laughter]. I see no reason to oppose that.

And regarding Senate Bill 99 AN ACT CONCERNING THE USE AND DISTRIBUTION OF POLYSTYRENE PRODUCTS. It was hiking along these streams that my father fished in that gave me an appreciation for clean water, clear surface drinking waters and fish that is not toxic to eat. I live in Glastonbury about a mile from a trout stream and a property conserved by the Nature Conservancy. Every time I walk there I bring a bag to pick up single use items. It is impossible to pick up the Styrofoam cups and containers that have been crushed by either a car tire or by the weight of snow from the snowplow that comes along during the months of winter. So thank you for your time today and I will be submitting additional written testimony.

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SENATOR COHEN (12TH): Thank you, Jennifer. Any questions or comments from the Committee? Oh, Representative.

REP. DEMICCO (21ST): Thank you, Senator. Thank you, Jennifer. I just wanted to make sure I heard you correctly. So Bill Number 95, the shellfish restoration, you wanted to add to line 71, "shellfish reefs" is that right?

JENNIFER SISKIND: Well the current language give the duties of the council specifically actions that deal with seafood production. Now if seafood production is confined to commercial development, then we don't have an opportunity to fundraise privately for preservation and conservation of oyster beds. And we are going to need preserved area oyster beds to expand seagrass to help us mitigate the problems with wave action as climate change continues to become a crisis. So, you know, we're not gonna be able to rely just on concrete storm walls, we're also gonna need areas just off the shore, healthy productive salt marshes. And it has been shown in other states that when you install oyster beds within a few years that salt marsh, if they are left undisturbed and not harvested within a few years that salt marsh will expand further out into the sea because the oyster beds allow a sedimentation to develop and you develop more landmass and then salt marsh grasses can grow.

So as Commissioner Dykes had testified, the first Bill that was on the agenda today, doesn't deal with any inshore fishing whatsoever. So anything that has to do with conservation of inshore areas, if you can consider an amendment to the language then it would allow Sea Grant, possibly DEEP, maybe towns

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working through Sea Grant and DEEP to fundraise, you could even to crowd sourcing, you could do, you know, carbon offset funding, you know, it's kind of the sky is the limit. But a fairly easy change in the language would allow preserved areas to expand if the State and towns are interested in doing that.

REP. DEMICCO (21ST): Thank you.

SENATOR COHEN (12TH): Thank you. Any other questions or comments. No. Thank you so much. Thanks, Jennifer. Okay, just circle back and make sure that Tessa Getchis or Tom McCormick join us again. No. Okay, the next person or the next Bill will be AN ACT CONCERNING TRAINING STANDARDS FOR ROAD SALT APPLICATORS and first up is Lori Vitagliano. Hello, Lori welcome.

LORI VITAGLIANO: Good Afternoon Senator Cohen, Representative Demicco, Senator Miner, Representative Gresko, Representative Harding and Members of the Environment Committee. My name is Lori Vitagliano and I am from the South Central Connecticut Regional Water Authority. We are a nonprofit public corporation and political subdivision of the State and our mission is to provide customers with high quality at a reasonable cost. We provide approximately 45 million gallons of water per day to some 430,000 customers in 15 communities. And we appreciate the opportunity today to support AN ACT CONCERNING TRAINING STANDARDS FOR ROAD SALT APPLICATORS.

We support the creation of this program because it will provide valuable information about how to minimize overuse of road salt and avoid pollution. The Bill is a positive and necessary step towards protecting Connecticut's drinking water supplies and

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aquatic ecosystems from possible salt contamination. To underscore our commitment to mitigating the impacts of road salt overuse, the Regional Water Authority actually recently hired the UConn Training and Technical Assistance Center to conduct the Green SnowPro Sustainable Winter Operations Training workshop for our employees. It was well-received and it will ensure that anti-icing practices used at Regional Water Authority appropriately balances the employee safety, water quality and environmental impacts.

Participants in the workshop learned about how overuse of salt can cause potential environmental and water quality impacts, corrosion of equipment and infrastructure and best management practices, storage and applications. The hands-on session provided equipment training for how to calibrate the equipment properly and the valuable techniques to ensure that the rate of salt application is limited to the necessary amount needed to achieve the objectives.

Our employees better understand the adverse effects and again this was something we felt really strongly about and stepped forward to do this. So I am here enthusiastically supporting this Bill and it will ultimately benefit all state water resources so we felt it was important and let you know about what we have been doing and how it really should be duplicated throughout the State.

SENATOR COHEN (12TH): Appreciate that, Lori. You know, you speak on behalf of the Regional Water Authority. Any questions or comments from the Committee? No. Thank you so much. Ed Tremblay. Welcome.

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ED TREMBLAY: My name is Ed Tremblay. I am a resident of Tolland and I am here today again to talk about the road salt issue and I would just like to share my personal story. I have shared this Dan Champagne and he has asked me to come.

Back in the spring of 2019 we saw a new segment on NBC 30 regarding the high levels of chloride in private wells in Tolland and realized our home may have the same issue. We built our home in Tolland in late 2011 and have a 500 foot deep well approximately 30 feet from the curb where the storm sewer is located. The water tested before we moved in for the CO had a chloride level of about 178 mg/liter and a sodium level of 95 mg/liter. These levels are high but below the CT Department of Public Health recommendation of 250 ml. We had a water softening system installed and the iron staining in the bathroom fixtures over the last seven years has been not an issue. But we have had significant corrosion of our plumbing fixtures and fitting and are now on our third hot water tank in seven years.

The first tank was stainless steel tank that developed an exterior tank leak in April 2014 and the manufacturer said it failed because of high chlorides. A replacement tank was installed and was made by ad different manufacturer and was glass lined and that tank was supposed to not be affected by high chlorides. Unfortunately the tank failed in December 2018. The domestic hot water coil developed within the tank developed a small leak that allowed the water from the boiler water circuit to turn over the pressurized, I'm sorry. The domestic hot water heating coil developed a small leak that allowed the water into the boiler circuit

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and in turn pressured the circuit causing a relief valve to lead and flooded by cellar floor. The same type of tank was installed under warranty but again we were responsible for a \$1,000 dollar installation charge.

Due to this failure we decided to have the water tested and the results indicated a significant high chloride and sodium levels from the last test in 2011. I have a test report dated December 13, 2018 that indicated that the chloride levels are now at 409 ml/liter. Can I continue?

SENATOR COHEN (12TH): Just briefly.

ED TREMBLAY: We contacted Eastern Highland's District; they basically did conclude that the results were very high. So I am just here to say that there was an op-ed, Senator Anwar was here, the same thing, "Excess sodium levels in water may be a big threat to home and crumbling foundations." Well we really have a problem here with a lot of private wells, people don't even know it, it affects their health and something should be done about it.

SENATOR COHEN (12TH): Thank you so much for being here today, Mr. Tremblay. I know you waited a long time to testify and I really appreciate it. Your story is an awful one and so familiar to many people across the state, so I appreciate you taking the time to share your story with us. Any questions or comments from Committee Members?

ED TREMBLAY: Can I just say we did look into remediation and we're looking at the only thing that will get rid of it a reverse osmosis system and that is in the neighborhood of \$12 to \$14 to \$18,000 dollars. I've got three quotes and I don't think I

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should you know, we're drinking bottled water, that's it.

SENATOR COHEN (12TH): Right, yeah. Okay, thank you so much. Okay moving on to House Bill 5103, the Environmental Justice Law and first up is Robert LaFrance. Hi, Robert. Welcome.

ROBERT LAFRANCE: Good Afternoon, Senator Cohen, Representative Demicco, Chairs of the Committee as well as Ranking Members Miner and Harding as well as Co-Chair Gresko. Thank you for having me. I am here today to speak [Clears throat], excuse me, I am here today to speak in favor of the House Bill Number 5103 AN ACT REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL JUSTICE LAW.

I was actually the Legislative Liaison for Commissioner Gina McCarthy when the law first passed in 2008. I also see Kristin Miller over there who actually did a wonderful job on putting together an LCO Report on the Environmental Justice Law that currently is in place. I would encourage folks to take a look at it if they haven't to allow them to reflect on what the Bill actually did and how it was supposedly put together.

But what we're looking at today is a strengthening of that Law through a couple of provisions. The way this Law was really designed to work, was designed to be a public discussion place where folks could meet with and talk with individuals who are bringing a new affecting facility into an Environmental Justice Community. The idea was to get a dialogue moving and allow for something called an environmental benefit agreement that could be negotiated between the parties. That's happened. There has been some successes with that in the

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various cities and the towns in the State and my hope now in our discussions with Representative Reyes and Senator Joan Hartley is to actually try to look to strengthen that. Some of the strengthening of that law is to start to take a look at what level, how many affecting facilities are really needed before you sort of tip the balance into a problem area for Environmental Justice Communities.

I want to also point out that the Environmental Justice Community movement is expanding throughout the country. New York has just recently passed a relatively expansive program for Environmental Justice as well as the governor, Governor Lamont has included it in his Executive Order Number 3, to make certain Environmental Justice is included in some of the climate changes things, climate change issues we're working on.

I think there is potentially some additional language that needs to be worked out in the Bill. I am happy to work with the Committee and others and that's why I'm here and happy to take any questions.

SENATOR COHEN (12TH): Thank you, Robert. Any questions or comments for Mr. LaFrance. Yes, Representative Mushinsky.

REP. MUSHINSKY (85TH): Robert, same question I asked the previous witness which is could we use Environmental Justice to have a new company come in that's cleaner and they would buy out or replace the trucks or something of one of the existing polluting companies so that the neighborhood would be improved?

ROBERT LAFRANCE: So part of the current law is supposed to allow for this Environmental Justice

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Agreement that the municipal agreement is supposed to help do that. I think some of what's happening in New York and other places and certainly what the Governor's Executive Order is now looking into is to start to take a look at that. So for example in things like mitigation for example on air quality, it might make a lot of sense to make that one of the recommendations that the Executive Order specifically calls out the concept of Environmental Justice as a mechanism through which we could maybe help on the climate side. That's what the New York Law did, it actually setup a little bit more of an elaborate structure where they are actually pulling together a number of different folks to take a look at those communities but I don't see why not. I mean, I think again it is not in the law as you see it, you would have to make an amendment to the law and maybe it's something as the title of this Bill indicates, it something that maybe you want to take a look in terms of evaluating that but that is not really the law itself but adjusting the existing current law in some specific ways.

REP. MUSHINSKY (85TH): Okay, if you have folks that would help us write that.

ROBERT LAFRANCE: Mary, you know, I'll always happily work with all members of the Committee anytime on any of these issues, 100 percent.

REP. MUSHINSKY (85TH): Okay cause I see it as an opportunity of maybe cleaning up some existing neighborhoods. Great, thanks.

SENATOR COHEN (12TH): Thank you, Representative. Representative Reyes did you have a questions?

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REP. REYES (75th): Thank you, Madam Chair. Robert, thank you for your testimony. And a couple of questions. You referred the New York law which goes into effect when, sir?

ROBERT LAFRANCE: It just was just enacted. It is in my written testimony, it's entitled it's the *New York, it's the Climate and Leadership Community Protection Act* and I believe it was signed earlier this year.

REP. REYES (75th): No, thank you, that's awesome. Thank you for that background information. And just wondering if there's with the, with that particular law, was there amount defined in monetary fines for communities that violated this?

ROBERT LAFRANCE: So fortunately or unfortunately it's a set-up of a process. There is a process that is supposedly to actually set-up kinda of, I'll call it a Commission. It's gonna start to take a look at it. Some of the actual implementation of how that is gonna work out in New York has not really worked itself through. I think quite frankly the New York folks looked at our Environmental Justice Law, thought it was an important element to put in that law but now they need to work a little bit harder and kind of pull those ideas together, so there is some elements in the statute that are set out and I'm happy to share those specific with you.

REP. REYES (75th): Well, Robert, thank you very much for your testimony tonight and for your advocacy. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Representative Gresko you have a question?

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REP. GRESKO (121ST): Yes, thanks Madam Chair. you know, I was sitting here thinking if you recall last year, or maybe 18 months ago, we had Opportunity Zones awarded by the Federal Government and I think Connecticut got 70 plus/minus and the vast majority of them were in the urban area and I'm thinking that if memory serves, affordable housing but also energy production are some of the allowed uses and to take advantage of this and I'm thinking if an Environmental Justice Bill was passed by this State, if it would be smart to use or say something to the effect if somebody wants to come in and is using that opportunity zone tax incentive on the federal level that they have to adhere to our Environmental Justice Law and whether or not it get superseded anyway because it a federal tax incentive. You know, what I envision happening is that I take advantage of the Opportunity Zone tax credit and then I put something that would qualify as a non-desirable use in an already zoned district that permits this type of use and we get trumped kind of thing [Laughing] just a Friday afternoon [Cross-talking].

ROBERT LAFRANCE: It's a really good point. I think one of the things when you take a look at the definition of Environmental Justice Community it does parallel at some level with our Distressed Municipalities and in many ways what you have described also sort of parallels with that so I think your concept is a good one. I think the question is what incented by those specific urban federal grants and how those actually lineup with what we describe as an affecting facility. So unfortunately it might be one where you kinda have

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to compare the two definitions to find out what the overlap is but it's an excellent concept.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? No. Thank you so much. Katherine Lange. Did I get that right? Welcome.

KATHERINE LANGE: Chairs Cohen and Demicco, Vice-Chair Gresko, Ranking Members Miner and Harding, Members of the Environment Committee thank you. My name is Katherine Lange, I am here on behalf of Save The Sound Connecticut Fund for the Environment. You heard from one of my colleagues earlier today. I am here to support HB 5103.

Connecticut Funds for the Environment Save the Sound strongly supports HB 5103 as it looks to strengthen the original act from an aspirational statute into one that has teeth and can potentially, actually help marginalized communities have a voice and given them avenues of redress. Of course environmental justice are a national problem, and Connecticut is no exception we have plenty of example unfortunately in our State where this is true. A lot of our wealth concentrated in suburban areas and so our rural and urban communities are often left without a voice in this choice making process in their own communities. For example, we have Killingly in the northeastern corner of our State who is looking to be faced with another polluting power plant right down the road from an existing facility. They already have high asthma rates and don't deserve to be put any higher. Residents in the greater Hartford area, right here, are looking to be subjected to decades more of raw sewage being dumped into their local waterways as the MDC proposes to

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extend their 30-year Long Term Control Plan. Hartford might be faced with the continued burden of being home to a waste incinerator facility, as the old facility ages out and plans for a new and bigger facility are under discussion as we speak. New Haven, is still grappling with the contamination left behind by the now closed English Station.

The passage of the Environmental Justice Act in 2008 was a critical first step and that was really important for our State overall. However it was not enough as you've seen. History has proven that the good will of product developers to involve local community is unfortunately not enough to really involve them in a meaningful way. HB 5103 hopefully will add essential updates to this act that will rectify that and provide redress. Most notably this Bill makes public meeting notice mandatory not voluntary like the current act. The Bill would also require a community environmental benefit agreement where there are five or more "affecting facilities" within a municipality as you've heard earlier today by other speakers. Overall CFE Save the Sound strongly supports this passage of this Act and any efforts in this Committee and in the large CGA to support Environmental Justice and we would welcome discussion on this issue later in the session and in years to come. Thank you very much.

SENATOR COHEN (12TH): Thank you so much, Katherine. Perfect timing, look at that. You had it down and didn't even have it all written down. Any questions or comments from the Committee? Representative.

REP. DEMICCO (21ST): Thank you, Senator. Katherine, thank you for coming and testifying. So I will just give you an opportunity to enlighten us

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if you think, is there anything missing that you would like to see in this. Some people say it doesn't go far enough. Are there other, you know, practical things that we should be doing to enhance this Bill?

KATHERINE LANGE: Thank you, Representative Demicco. It think if and when and hopefully this Bill is passed that we will have to look to the communities who are affected by this and see how they are interacting with the Bill and if these avenues of redress are actually working for them and are accessible and hopefully be the enforcement mechanism within this act is accessible to those communities and they can actually use it to defend their communities. So I think I would defer to Representative Reyes if he has anything to add there.

SENATOR COHEN (12TH): Do you have a question, Representative?

REP. REYES (75th): I actually was going to ask a question but I think she's still workin with Representative Demicco.

REP. DEMICCO (21ST): I'm all set, thank you.

SENATOR COHEN (12TH): Go ahead, Representative.

REP. REYES (75th): Thank you for your testimony and I'm just listening and its well thought out how you methodically brought that in. My question for you is you've given great examples of great, it's a cross between the larger cities and some of the suburbs if you will and you reference I believe the town of Killingly and that particular area where the occurrence is happening in the Town of Killingly how

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many pollutants are in that particular area? I mean how many, is it ten?

KATHERINE LANGE: How many facilities?

REP. REYES (75th): Yes.

KATHERINE LANGE: I don't believe it is ten.

REP. REYES (75th): Five?

KATHERINE LANGE: I'm not sure at the moment.

REP. REYES (75th): Interesting. That's interesting because we're talking about one of those smaller towns. Typically we're talking about the larger municipalities which have half a dozen and the Waterbury example is over 18 entities in one little cluster there, so it is interesting and is there water, a body of water nearby as well?

KATHERINE LANGE: Not sure about that either. We are not only looking at the quantity of the facilities but also the quality of them so the amount of pollutants they are producing and emitting and also the proximity to communities, how close-by they are to how many people, if there are schools, if there are other things. So I would encourage us not to look at only the number of facilities but the range and scope of impact each one is emitting.

REP. REYES (75th): Thank you for that answer and through the Chair, it's great that you bring the perspective this is not only a large city problem. So thank you for the advocacy and thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you. Thank you, Representative. Any other questions or comments? All right, seeing none, thanks so much Katherine.

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Next is Alex Rodriguez. Good to see you again, welcome.

ALEX RODRIGUEZ: Thank you, Madam Chair for the opportunity to speak today. I thank you, Representative Demicco and Distinguished Members of the Committee. I am Alex Rodriguez and I am a community organizer with the Connecticut League of Conservation Voters and so I am here today to testify in support of HB 5103AN ACT REQUIRING AN EVALUATION OF THE STATE'S ENVIRONMENTAL JUSTICE LAW. I want to thank Senator Hartley and Representative Reyes and my colleagues before for their advocacy today. I will try my best not to say too many of the points that they have already brought forth.

But it is important to note that our State is doing a lot when it comes to the environmental and I thank this for passing the Environmental Justice Bill last year but I must join my colleagues in asking for more teeth, so to speak in terms of this legislation.

Connecticut is known as nationwide leader in the fight against climate change. However, we are not doing enough to address environmental injustices. Minority communities and low-income communities are disproportionately impacted by climate change, pollution, and other environmental threats. In 2008, Connecticut signed its first environmental justice legislation into law. And although imperfect, it was a step in the right direction. However as Senator Hartley stated earlier that there have, since the passing of that law, every new project, every new company seeking a permit to establish or expand a facility has been approved since that date and so I don't think our State is

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doing enough to address those injustices and so those facilities are responsible for disproportionately high rates of asthma and other respiratory diseases among low-income communities and communities of color. The American Lung Association has given Connecticut a failing grade in air quality in all eight counties and so there is a lot more that we can be doing to strengthen our Environmental Justice law in this respect.

House Bill 5103 is necessary because environmental racism still impacts communities across our State. A study released in March 2019 by researchers at Clark University found that air pollution disproportionately impacted, disproportionately caused by white Americans' consumption of goods and services, impacted the disproportionately the population of by black and Hispanic Americans. The study found that, on average, Latinos inhale 63 percent more of the pollution that leads to heart and breathing deaths than they produce and for African-Americans, that figure is 56 percent .

REP. DEMICCO (21ST): I'm going to have you to wrap it up.

ALEX ROGRIGUEZ: Yes, absolutely Representative Demicco.

And so in summary, I think when it comes to strengthening our environmental justice law, we should look at the following: We should be looking at reducing health burdens.

REP. DEMICCO (21ST): I'll tell you what. Just to make it official, I am going to ask the question. Are there ways we can make this even stronger? So take it from there.

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ALEX ROGRIGUEZ: Absolutely, we can look at the review process and make sure that we're making a conscious effort to reduce health burdens on minority communities and low-income communities. We can be taking a more active approach at lowering greenhouse gas emissions, mandating notification to municipal residents, city commissions and neighbor revitalization zones of potential commercial and industrial interests and we must ensure that outreach be done in a multilingual approach because as stated in Waterbury, that expansion of the F&G facility was unjust because the community members nearby weren't engaged in their predominately Spanish language and so we by strengthening this law we will be protecting clean air and clear water for people and wildlife.

REP. DEMICCO (21ST): Great, thank you. Anybody have any questions? Senator Miner.

SENATOR MINER (30TH): Thank you, Mr. Chairman. So I am trying to imagine how we can balance the effects of industrialization with an opportunity for employment. We can certainly strengthen the restrictions; we can put in place financial thresholds and I promise you corporations will take jobs somewhere else. So it is a balancing act. I'm not saying people should be negatively impacted just for the sake of negatively impacting them but I remember just in the district that I serve in Torrington for instance, when we made wheel bearings, we made components for engines, we made parts for doors and those were excellent employment opportunities. We made seats for airplanes, we made switches for refrigerators and those jobs were all gone. And so all the people that had an opportunity to work making those things that could walk to

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stores, could take their children to school, those opportunities have left. And so how do we balance an industry's willingness to look at Connecticut and perhaps create jobs against some of the thresholds that I think you and others may be looking for where they might say, look I can go to Texas. *Stanley, Black & Decker*, we don't have to build crescent wrenches here in Connecticut, we can take our business somewhere else. Question through you, Mr. Chairman.

ALEX ROGRIGUEZ: So, Senator Miner, I admire the, you know, careful consideration that you have about this legislation and its important that the communities that contain these hazardous facilities are also empowered so they can communicate their reservations about having these facilities in their backyard. It is important to state that, you know, our organization and many of the advocates that have spoken up today, we are not by any means antilabor. We are just looking for a careful, careful economic development consideration. We are looking for empowerment of communities that have historically been overburdened by these hazardous facilities, and we're looking for clean, green jobs that we can provide these communities with, energy efficiency and clean energy jobs for example. That is some, that is some of the best things that we could do for these communities. But careful consideration a very well thought out review process when it comes to these facilities in historically overburdened communities is the route that we need to take.

SENATOR MINER (30TH): Thank you, Mr. Chairman. And so maybe at some point in the next week or so, you wouldn't mind we can sit down and kind of flush this out a little future because, I do take an interest

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in this. I think I get where you and others would like us to go. I'm just not, I'm worried let me put it to you that way. So I'm happy to sit down and have a conversation.

ALEX ROGRIGUEZ: Thank you, Senator Miner. I'm happy to discuss that with you more.

REP. DEMICCO (21ST): Thank you, Senator. Anyone else? Representative Palm, I don't know who was first, was it your or was it Representative Mushinsky?

REP. PALM (36TH): Thank you, Mr. Chair. I Alex it's good to see you. I just wanted to say thank you for all your wonderful advocacy and the wonderful you communicate the issues and how hard you work at it. In your estimation, do young people understand the difference between facilities that are inherently detrimental to the environment, in other words pollute versus opportunity for clean manufacturing and good jobs? I mean I am hearing you draw the distinction which I think is very valid. Do you think other young people understand that when they are thinking about their own careers, do they have a sense of resignation about their immediate environment or do they see the potential for green jobs and being part of the solution?

ALEX ROGRIGUEZ: I think that is something that we need a lot more education on, Representative Palm. I think, I think there are a lot of youth who are able to make that distinction of what is considered a clean facility and what is a detrimental facility and I know that young people, we do want jobs, but we also are very conscious of what may lie in our future. I think that we can have a clean future and

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a future where we are engaging in the workforce that contributes to society in a healthy way.

REP. PALM (36TH): Thank you.

REP. DEMICCO (21ST): Thank you, Representative. Representative Mushinsky.

REP. MUSHINSKY (85TH): Thanks, Mr. Chairman. Alex I wanted to ask you the same question again that I asked the other witnesses which is can we use this to leverage the cleanup of existing site? For example when a company came to my district and added facility and they said we will give a donation to your Trails and Parks as part of our application, which is nice but even better would be, if they said we're gonna come in and we're gonna drop the diesel emissions by 50 percent as part of our coming into your district and, you know, something like that would be even more remarkable and more welcome than giving money for a park or a trail.

ALEX ROGRIGUEZ: Representative Muchinsky that is a good question. I don't have an immediate answer for at the moment. I recognize that the Governor has executed an Executive Order to meet carbon neutrality by 2040, that is important to consider when we talk about green jobs and environmental justice and so I think that that universe is something that we all need to tie together.

REP. DEMICCO (21ST): Representative, are you all set?

REP. MUSHINSKY (85TH): Yeah, I'm not making myself clear but as a condition of coming into a site that already has "X" number of polluting industries, what I am suggesting is that instead of giving out recreational benefits to the community instead we

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would say, you can only come into this district if you, in your application, you purchase existing polluting facilities and take them out or take out their trucking or change their trucks to non-diesel trucks, something that improve the air and the water of the neighborhood and then we would let them come in rather than adding to the problem they would be tasked with reducing the problem before they are allowed to come in. I don't know how to write this yes, just a content.

ALEX ROGRIGUEZ: I think on that question, it would be worth a reconvening on because I don't have an immediate answer on that although I do believe green procurement is very important in this conversation and we should be taking a conscious look at remediating carbon emissions and so we want to be careful of what kind of industry we have replacing "X" industry.

REP. DEMICCO (21ST): Thank you, Representative. Representative Reyes, did you have a question?

REP. REYES (75th): Thank you, Mr. Chair. Just wanted to make a comment and Mr. Rodriguez thank you for your advocacy and to the CHISPA Organization for always supporting these initiatives and just continued success to you young man. Thank you, Mr. Chair.

ALEX ROGRIGUEZ: Thank you, Representative Reyes. It's been an absolute delight organizing with the Connecticut League of Conservation voters and the people that I work to organize in communities such as Hartford and Middletown and Waterbury in the past has been very fulfilling to me and I want to make sure that we're taking a conscious look at paving

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the way for sustainability and good jobs for everyone.

REP. DEMICCO (21ST): Thank you. Thank you, Representative. Any other questions for Alex? Okay, thank you, sir.

ALEX ROGRIGUEZ: Representative Demicco thank you, it's always a pleasure.

REP. DEMICCO (21ST): Likewise. Let's see we are moving on to House Bill 5104, and Nicole Rivard is the next person on the list. There she is.

NICOLE RIVARD: Good Afternoon, I am Nicole Rivard from Friends of Animals. I just want to share on behalf of our 6,000 members how grateful we are for you raising this Bill and for actually passing it out of Committee last year.

So I just wanted to share a quick story and to reiterate why this is still so important. So the story is that you might not have heard is Zimbabwe's beloved lion Cecil was actually poached or hunted illegally in July of 2015, even though Walter Palmer had a permit from U.S. Fish and Wildlife Service. A minimum age limit for hunting lions is set at six years old by wildlife authorities in Zimbabwe. Of the five lions legally hunted in 2014 four were under the age of six of the penalty there was no lions on license for 2015. And if you hunt in Zimbabwe with a bow, you need a park's ranger with you and Walter Palmer didn't have one. This story demonstrates that with the high degree of corruption in countries like Zimbabwe dedicated and well-managed conservation is not a priority and that is why Connecticut needs to pass the Big Five African

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Trophies Act. It would ban the importation of elephants, leopards, lions, giraffes and rhinos.

Connecticut should not be providing customers to an industry that has perpetuated the myth that without its money there would be no funds for conservation in Africa. U.S. Fish and Wildlife Service claims it gives trophy hunter like Walter Palmer permits to slaughter species listed as threatened and endangered under the Endangered Species Act under the assumption that it will enhance the species survival and because the animals are killed in countries that have sound management programs.

But you know what they say about assumptions. Cecil's tragic story revealed Fish and Wildlife Service will never be able to vet trophy hunting or monitor so called conservation programs abroad.

African lion populations have declined by 43 percent in the last 20 years. Elephants have declined by 90 percent in the past century. Giraffes have undergone a 40 percent decline in population over the last 30 years. Please, let's not assume that the Federal Government will protect Africa's Big Five by banning trophy hunting anytime soon although a Federal ban has been introduced. Instead Connecticut should be the first state to step-up and protect the planet and it's most vulnerable species. Not only is that the kind of State we should all want to live in, these animal's lives and the ecosystems they call home depend on it. Thank you.

SENATOR COHEN (12TH): Oh, that was perfect. Good job, Nicole. Any questions? Yes, Senator Haskell.

SENATOR HASKELL (26TH): Thank you so much for your advocacy. I was a supporter of the Bill in the last

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session and I look forward to supporting this again. When I go to my constituents and talk about this Bill, many are surprised to hear that this sort of behavior is actually practiced by folks in Connecticut. Could you provide some, the counterpoint that this in fact a problem here even in our own communities?

NICOLE RIVARD: Yes, I'll try to be quick. So we've done Freedom of Information Act requests to find out how many people are getting permits. So we found out that from 2005 to 2015, 59 trophy hunting permits were issued to Connecticut residents to kill leopards for their trophies, six additional permits were provided to Connecticut residents to kill African elephants in Botswana, Tanzania and Zimbabwe and then from 2005 to 2016 Connecticut residents killed 39 lions and one giraffe and imported their trophies. And I also have the list of communities that have been issued the most permits for trophy hunting and that would be Greenwich, North Haven, Norwalk, Berlin, Stamford, Westport, Westin, Eastin, Southington and Middletown.

SENATOR HASKELL (26TH): Thank you so much for that answer. It's pretty astounding. I'm sad to here two of the towns I represent are on that list and look forward to supporting this Bill. Thank you so much. Thank you, Mr. Chair.

SENATOR COHEN (12TH): Those are disheartening numbers for sure. Any questions or comments? Thanks so much. Good to see you. Next is Amy Mallardi. Welcome.

AMY MILLARDI: Thank you. Thank you so much for the Public Hearing. My name is Amy Millardi, I am a lifetime Connecticut resident and I live in Oxford.

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I am not here to represent any special interest group at all whatsoever, just myself. I care about animals and I believe that Connecticut can play a part in protecting these species from exploitation.

I also, Representative Haskell, was really horrified to learn that permits to trophy hunt in Africa had been issued to residents in cities and towns in Connecticut. I simply just didn't fathom someone would seek to hunt and kill majestic animals for sport let alone animals that are classified as near threatened, vulnerable or critically endangered as the animals are that this 5104 seeks to protect.

I've come to learn that black rhinos have made a tremendous comeback from near extinction but was sad to learn that this comeback still means that they are critically endangered with only 5,500 rhinos existing today. I was also outraged to know that only two Northern African rhinos exist, they are both female, they are both protected 24 hours from poachers and hunters. Like all animals, African elephants both savannah and forest elephants play an important role in maintaining habitats for other species. We certainly don't need to be experts to understand this concept. We are all interconnected and to lose species from the earth has a direct impact on other animals, humans, and our environment. The African elephants are vulnerable species. Lions, leopards, giraffes are also classified as vulnerable species.

In my opinion conservation never equals hunting especially a species that the International Union for Conservation of Nature itself classifies as critically endangered. I'd like to offer you Damien Mander founder and CEO of the International Poaching

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Foundation as an example of a true conservationist. His operation protects over six million acres of wilderness in Africa. His story is featured in a documentary called, *The Game Changers*. As an Animal lover who sees no need to hunt animals for trophies, for sport or for any other senseless reason that may be given. I ask the Committee to support HB 5104. As a mother who's concerned about the future of our planet, I ask the Environment Committee to do their part to help maintain the biological diversity in this planet. Animals that never existed in life in Connecticut have no business returning to us in death. Thank you.

SENATOR COHEN (12TH): Thank you, Ms. Mallardi. Any questions or comments from the Committee? No. Thank you for your testimony. Tiffany Bourgeois.

TIFFANY BOURGEOIS: Good Afternoon or Good Evening at this point. My name is Tiffany Bourgeois and I live in New Haven. I am here today to lend my voice in support of HB 5104 and encourage each of you to do the same.

As previously mentioned everyone remembers Cecil the lion. He was killed in Zimbabwe in 2015 by the dentist from Minnesota. You might also remember the outrage that it sparked. Public opinion on the issue of trophy hunting largely swings toward the protection of these disappearing species.

UK Parliament is currently considering a similar ban to this one and last month a South African Environmental Economist Dr. Ross Harvey delivered a research report to Parliament where he had this to say about trophy hunting in Africa, "It perpetuates a colonial and apartheid area master/slave dynamic and it is the very opposite of community empowerment

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which nonconsumptive tourism is better to accomplish." No one is better suited to speak to Dr. Harvey's last comment than my friend Andrew Malleti who is the Director of a Safari Company in Kenya and a fierce animal advocate. Andrew has seen firsthand that the revenue that hunters claim goes to African Governments for conservation effort and to aid local populations is negligible. Through tourism and travel industry, schools and hospitals have been built and lives have been improved. Andrew believes that African wildlife is their heritage and he says trophy hunters are not welcome and they are encouraging other African countries to follow Kenya and ban this practice.

Aside from the effects on the people of Africa the animals obviously suffer as well. As the name implies trophy hunting targets the largest and most impressive animals causing the gene pool to waken because these traits are no longer passed on to future generations and can also destabilize prides and herds as it knocks the hierarchy out of balance. I only have a little bit left.

SENATOR COHEN (12TH): You can just quickly wrap-up.

TIFFANY BOURGEOIS: So what does the well-being of an elephant in Zimbabwe or the livelihood of someone living in a village in Namibia have to do with Connecticut? Why should we really care. The public is becoming much more aware of the fallacy of so called conservation hunting and the damage it causes both to people and animals. The majority of the people in this State do not support this cruelty as a pastime no matter how the hunter's organizations like the Safari Club try to rationalize and sanitize their narrative. They never call it what it is,

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they use euphuisms like harvesting or taking but never killing or in Cecil's case shot with an arrow and left to struggle along for 350 meters over the course of ten hours until the final kill shot was delivered. So when other countries are steps to protect these endangered animals and the public is clearly on their side, do we really want to send the message that Connecticut is concerned with wealth and status but indifferent to true conservation. Thank you very much.

SENATOR COHEN (12TH): Thank you so much, Tiffany. Any comments or questions from the Committee? Appreciate your test. Thank you. Okay Senate Bill 99 which is AN ACT CONCERNING THE USE AND DISTRIBUTION OF POLYSTYRENE PRODUCTS. First on the list is Omar Terrie. Welcome.

OMAR TERRIE: Good Afternoon Mr. and Ms. Chairman, members of the Committee. I will be brief because there is a reception I think we all need to get to [Laughter] so, you know, don't want to stand in between Members of the Committee and myself and some wine. My name is Omar Terrie. I am the Director of the Plastic Food Service Packaging Group with the American Chemistry Council. Thank you so much for your time. I am here to respectfully oppose SB-99 which would be a ban on expanded polystyrene foam for use in school districts as well as restaurants.

You know, I know this is a very sensitive topic and there are a lot of concerns around the product that I am so happy that this Committee is actually trying to address the issue but I am concerned that it might be doing so in the wrong manner by imposing a ban.

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I know one of the concerns people have is when it comes to health. A lot of people are throwing out this term "probable carcinogen" right. So let me address that first. In 2018 the International Association of Research on Cancer put out a report stating that styrene was a possible of probable carcinogen. What people and what members of this Committee need to understand is that when they made that determination they are stopping at the first step of a two-step process. The first step is a hazard assessment and that is basically establishing is something a hazard. Under that part of an assessment, water would be considered a hazard to the human body cause as well all know if you drink too much water you can kill yourself. So that would be considered a hazard. So what the majority of regulatory bodies have moved to is a two-step process which incorporates both the hazardous assessment as well as the second step which is a risk assessment. At what point does something become a hazard and a majority of regulatory bodies throughout the world has stated that polystyrene and the base from which it is derived styrene are safe. And because of that determination there is no concern that this body needs to be concerned when it comes to health.

Also keep in mind that the U.S.'s own FDA has stated that polystyrene, specifically is safe for the past 50 years. So there is no concern on that front.

So let's switch to the environment. Recyclability. Oh man, that's three minutes. Oooh, okay. Real quick, polystyrene is not allowed to be recycled in Connecticut but we do have some solutions. One allow us to recycle polystyrene in the State and you will see those numbers go up and two, we would like

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to suggest a pilot program here in conjunction with schools, restaurants and industry to help showcase to you all that not only is it recyclable as I am sure you all know but to that it can be recycled in Connecticut if you will allow us to do so. And finally we have a company that is interested in working at the state level or what jurisdiction locality buying back polystyrene as an end market and turning that back into polystyrene foam cups and anything and everything that polystyrene is used to make. So my three minutes is up, I will stop there and answer any questions if there are any.

SENATOR COHEN (12TH): Thank you, Mr. Terrie. Can you tell me are there other states that are involved with the recycling of polystyrene and what the process is to recycle the material?

OMAR TERRIE: Oh, excellent question. Thank you so much. A really good example, I've got two. In Tigard, Oregon and a colleague of mine who is coming up to talk to this process there is a company named *Agilyx* which is using a process that I tried to describe to the Committee last year called unadvanced recycling where it takes any type of polystyrene product and changes it from a solid into a liquid and separates out the contaminant. So for our specific case with this Bill when it comes to food service, if you have a polystyrene foam clamshell with *General Tao's* chicken, having that type of dirty polystyrene will no longer be an issue, it is able to take it, densify it which basically shrinks it down to a brick and then through a process called pyrolysis it is able to separate out the contaminant which is the *General Tao* sauce from the polystyrene and turn it back into that styrene monomers from which it just arrived and

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then that styrene monomers becomes polystyrene again. So that becomes that closed circular loop.

The key part here is that it does it in an enclosed environmentally safe process because there is no oxygen used, so there is no incineration, there is no burning, it is separating. I can share a one-pager with you if you are interested that will visualize that as well as a video that can showcase the process to you if you are so inclined to see that.

In Illinois the Illinois Legislature passed some incentive language which to bring advanced recycling technology into the State and they did that last year. Because of that a polystyrene recycling company is now building a 150 ton per day recycling plant in Shanahan, Illinois. And so all of the polystyrene that is waste either postconsumer or post-food service will be going to this plant to be recycled to the point of 150 tons per day. So those are two examples. I do know there is companies that are looking into Virginia and there is another company that I think is building an advanced recycling plant in South Carolina. Does that answer your question?

SENATOR COHEN (12TH): So as of now, the only state on the whole that participates in polystyrene recycling is Illinois. Is that correct?

OMAR TERRIE: No, Oregon is doing it right now.

SENATOR COHEN (12TH): Oregon as a state, they recycle polystyrene?

OMAR TERRIE: Well they have the capacity, there is a company there that is doing it.

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SENATOR COHEN (12TH): So there is a company that it is doing it but they don't necessarily recycle the products, is that correct? I mean is there any requirement for them to recycle polystyrene in these states.

OMAR TERRIE: No, there is not a requirement. What they've done is, I'm not sure if there is a lot of other states like Connecticut that have mandatory recycling laws if that is what you're getting to. Typically my experience has been that recycling happens at the locality level so it is jurisdiction by jurisdiction that determines what gets recycled but in these states what they've decided to do, at least thus far, is step-away from a ban and allow this technology to move forward with progression. Admittedly the entire United States is behind Europe when it comes to advanced recycling technology and they have several locations there in Europe that are doing it. But here, we have a major plant going up in Illinois because it is an incentive language from the legislature and the *Agilyx* site in Oregon has been working for some time now and there are more coming up every day. Oh, oh, I'm so sorry there is another one now. Shell signed an agreement with a company called *Nexus Energy* out of Atlanta where they are taking not only polystyrene but all types of plastics and they are changing them back into all types of chemical feed stocks and feeding that back into the chemical ecosystem so to speak. So it is a diversion technology from having to drill for natural gas, or oil, or anything else. So we are diverting from taking anything from the earth and also recycling plastic bags, polystyrene foam, your milk jug so to speak. But there is no mandatory regulation by the state.

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SENATOR COHEN (12TH): Okay, I might venture to say that might be useful for states if they are presented with the opportunity to recycle polystyrene that it would be a good thing to mandate it because there might not be serving the purpose of getting polystyrene out of the waste stream, you know, or having it potentially incinerated which can be a problem, but any other questions? Yes, Representative Piscopo.

REP. PISCOPO (76TH): Thank you. I was wondering what are the end uses of after it is recycled, is there a market for that or is there, do you know any of the end use?

OMAR TERRIE: It depends on the type of recycling that is utilized with the end use, right. So if we utilize mechanical recycling which is when you collect it, chop it up, wash it which is typically what is done now, the end use is all typically for crown moldings, for picture frames or to go into the durable goods such as cement or some building construction. Right now there is a company in New York that utilizes that form of recycling to also take food service and any type of polystyrene and put it into insulation foam. If you use advanced recycling then the end markets for that are endless because you can take a clamshell and you can turn it into a picture frame or you can take the clamshell and you can turn it into whatever you might utilize polystyrene for. We all have polystyrene in our computers, in our cellphones, in building and construction and so with advanced recycling you can take that, the food service or postconsumer and you can shift it where ever you want because it is able to separate out the contaminant and turn it back

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into its base material in order for it to, in order for it to be utilized again.

REP. PISCOPO (76TH): Thank you and I would be interested in that whitepaper Madam Chair and maybe the video, Madam Chair. If you could provide that.

OMAR TERRIE: Yes. My question to that is it easier to send it to each individual member of just send it to one of the Chairs?

SENATOR COHEN (12TH): You can go ahead and send it to our Clerk Robin Rumpin and he will disseminate the information to the Committee.

REP. PISCOPO (76TH): Thank you, Madam Chair. Thank you for your answers.

SENATOR COHEN (12TH): Any other comments or questions? Yes, Representative Mushinsky.

REP. MUSHINSKY (85TH): Thanks for coming and every year I go to the Connecticut Recycling Conference and every year they tell me all the vendors and municipalities tell me yeah, you can recycle it but it is not economical to do it. You can chemically do it but it is not economical, it is loser. So how do you respond to that?

OMAR TERRIE: Excellent question, thank you. First in Connecticut that is not totally fair because we are not even allowed to recycle it right? To Senator Cohen's point Connecticut has a mandatory recycling that you have here and it is not part of the system so we can't even be allowed to play. So my first response would be if you allowed up to play then you could actually collect some data in order to be more attuned to actually how it is recycled and what numbers it could be recycled at. From to

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the other part about the end market, I think polystyrene has had some difficulties when it comes to the mechanical recycling portion specifically in the food service market, right because of contamination. And we see that not just with polystyrene but you see that with cardboard or any other type of food service that has been contaminated and isn't washed right. So you need to be able to clean it out. With polystyrene that it being so white is an issue. However with the advanced recycling technology that I will disseminate to the Clerk, that is no longer an issue.

You can recycle it continuously, close loop and turn it into anything and everything that you want. Case in point Illinois you would not have a company spending tens of millions of dollars to build a polystyrene recycling plant if they did not have end markets. And so they can take polystyrene from all the types of markets, so postconsumer and industrial to specifically food service which this Bill gets at and return that into a new product in an environmentally safe method and so because of the companies that make the product wanting to close the loop, they become the end market and they're willing to work with localities or a state if that is the case to buy back what you all consider waster, to them it is called feed stock and be that end market. So I think specifically it depends on the type of recycling that is utilized but if you utilize the right now, there is definitely end market for it. And my final point is let's be cognizant of the fact that material recycling facilities were built to handle paper and were built to handle metal, right especially in the 70s and 80s. So, you know,

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regardless of any material when the infrastructure is built to only handle two and our technology has advanced to where we are now making composite materials of so many different types of things, the issue of recyclability as far as an end market and where a MERF can handle it goes beyond polystyrene with respect. Does that answer your question?

REP. MUSHINSKY (85TH): I am a skeptic on this and will have to be convinced.

OMAR TERRIE: That's perfectly fair. I think that it is fair to say that this industry is a little late to the game. Our European colleagues are, they are beating us when it comes to advanced recycling. However, now that we are interested and we are investing in this, I think you would be very, very amazed with the technology and what it can do. Rhode Island is actually going to be convening a summit with some of their Representatives and a colleague of mine in March to discuss if there is gonna be a facility built there. So there is a lot of new advances and a lot of new possibilities but in order for us to be able to show that to you, respectfully the Committee and the people have to be willing to see it and listen.

REP. MUSHINSKY (85TH): Okay and then you probably should come to the conference and make a presentation to all these folks that deal everyday with, I think somebody just volunteered to sign you up, but if you make the presentation to all these folks that work in the field every day at the municipal level that would perhaps explain your process better and you might get more support.

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OMAR TERRIE: Okay, well I will touch base with my friend back there after we're done and see if we can make that work. Thank you.

SENATOR COHEN (12TH): Thank you, Representative. Senator Miner, did you have a - you're good. Anybody? Oh, Representative Kennedy.

REP. KENNEDY (119TH): Thank you, Madam Chair. Thank you, sir for your testimony today, a lot of valuable information. You had mentioned on schools and of course restaurants who other than those are the biggest customers of the polystyrene product?

OMAR TERRIE: It depend on the market which polystyrene, when it comes to food service schools, restaurants, food trucks really anyone in food service are the ones that are the ones that are like the largest part of the market, right. But polystyrene plays in so many different other markets. You have building and construction, you have automotive technology, you have, I mean it plays in every market. But specifically when it comes to food service, you know, restaurants for to-go containers, food trucks and schools are predominately a large portion of it.

REP. KENNEDY (119TH): Thank you, Madam. Madam Chair a followup please? So when you mention schools we were specifically talking at one point trays. Are there other products that the schools use that they will have to change out besides the trays or is it just specific to trays, like is there any containers that they use with the food like hot soup, hot vegetables?

OMAR TERRIE: So it would depend on all of the food service that the school is contractually taking from

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a vendor, right. But you can make, you know, cups, cutlery, trays, lids, you know, clamshells the entire food service, you know, array can be made out of polystyrene in one way, shape or form. So if a school has contracted to get their entire food service made from polystyrene then this Bill specifically I think only targets food trays when it comes to the schools. So I think the rest of it would be safe. However, if you start one ban where does it end.

REP. KENNEDY (119TH): Thank you. I just have one other question, I suppose. So my other question is now in the schools in my district they have either already moved away from the trays or are in the process of doing so. But I notice in the reading of the language in this proposed statute that it says that "a plan should be in place by July 2021." If someone is going to be reviewing that plan, I'm not sure it's a question for you but is that plan going to be submitted to someone for like an approval or I'm not sure?

OMAR TERRIE: So I don't think I am the right person to answer that. I think the School Nutritionist Association is interested in this legislation and I think they would be better suited to handle that. I'm happy to talk about the product but I will defer to them.

REP. KENNEDY (119TH): Thank you, so I appreciate all your responses. And Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions, comments? Okay, thank you Mr. Terrie. Hope you are enjoying the background music here [Laughs].

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OMAR TERRIE: You guys make it exciting for us.

SENATOR COHEN (12TH): Yeah. Steve Lake is next. Welcome.

STEVE LAKE: Good Afternoon. I would like to thank the Committee for this time to talk about my plant which is in Allyn's Point, Connecticut and my company AmSty. And I want to talk about the recycling and our circular economy we're workin on.

My name is Steve Lake and I am the Plant Manager for the Allyn's Point. It is in Gales Ferry, Connecticut. Some of you if you know manufacturing might realize that was the old Dow Chemical Facility. We are the last facility left in that site. So at Allyn's Point we make around eight multipurpose polystyrene pellets. We make the pellets; we do not make the single use components but we sell to those that do.

My company, and I've been with this joint venture since 2008 and what I've known about my company is that we are committed to sustainability, always have been and we're committed to a circular economy.

And how we demonstrate that commitment is that we're producing three products that contain up to 25% Post Consumer Recycle (PCR). So this is a product that the pellets that we make and this is a tray that contains those pellets. This is the raw material; this is our PCR - Post Consumer Recycle flake. And so since 2014, we have used 15.5 million pounds of this flake. So we've taken 15.5 million pounds of material that would have normally gone to a landfill and we put it back into a product.

Allyn's Point reworks transitional off-spec material, so this is what we call Post Industrial

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Recycle (PIR). So if I draw a circle around Allyn's Point there is no pellets or anything that is related to polystyrene that is going in our trash dumpster. It goes somewhere. We either recycle it, we recycle it internally.

SENATOR COHEN (12TH): Find a way to wrap it up.

STEVE LAKE: Okay, so I would say the other piece I want to hit on and talked about a little bit earlier is this idea of advanced recycling. We do have AmSty which is my company is using a company, we've got a joint-venture. We are doing this recycling. So early stages, you know, we're still developing. It's pretty small scale at this point but they have demonstrated that and have taken material probably over 250,000 pounds of this material and processed it back into pure styrene monomer.

I'm gonna jump to the end and say that at Allyn's Point we have 32 employees that are working there every day. They support their local communities. They are in their local communities. We use our budget to support salaries and basically buy parts and equipment, and etc. like that and we spend that in the local area. So we do have a lot of impact on the local economy in Southeastern Connecticut. Thank you very much.

SENATOR COHEN (12TH): Thank you, Mr. Lake. Any comments or questions? Yes, Representative Dubitsky followed by Representative Kennedy.

REP. DUBITSKY (47TH): Thank you for coming in. I very much appreciate it. Where is your plant?

STEVE LAKE: We are in Gales Ferry, Connecticut. It is in Ledyard.

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REP. DUBITSKY (47TH): Gales and Ledyard.

STEVE LAKE: Yeah.

REP. DUBITSKY (47TH): Okay, and is the only thing that you make is polystyrene?

STEVE LAKE: Correct.

REP. DUBITSKY (47TH): And what is the raw material of polystyrene. Now you make the pellets.

STEVE LAKE: I make the pellets. So the raw material is styrene.

REP. DUBITSKY (47TH): Okay and where does that raw material come from?

STEVE LAKE: It comes from our plant in St. James, Louisiana.

REP. DUBITSKY (47TH): Okay, and you make how many different products?

STEVE LAKE: Normally it is about, normal rotation about eight.

REP. DUBITSKY (47TH): Eight products, okay and they all come, all made from this one resource.

STEVE LAKE: I would say it is different grades per se not different products, but different grades.

REP. DUBITSKY (47TH): So you ship this stuff in from where?

STEVE LAKE: Louisiana.

REP. DUBITSKY (47TH): Louisiana and then you make pellets. Where does the recycling aspect of that come into play?

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STEVE LAKE: We receive this, what we call polystyrene or postconsumer.

REP. DUBITSKY (47TH): I'd ask if you'd get a little closer to your mic cause when the music plays it a little hard to hear 'ya.

STEVE LAKE: We get the flake, it's a dedicated stream of materials. We get the flake in by truck and we process it one of our production trains. We have two production trains.

REP. DUBITSKY (47TH): And where do those trucks come from?

STEVE LAKE: North Carolina.

REP. DUBITSKY (47TH): So you take, is that postconsumer, post-industrial or?

STEVE LAKE: Postconsumer recycle is what we're using. We also do post-industrial but I think most important part is postconsumer.

REP. DUBITSKY (47TH): So you've got stuff coming from Louisiana and then you've got a separate deliveries of postconsumer product, cause the stuff from Louisiana is, I assume, virgin new material?

STEVE LAKE: Yes.

REP. DUBITSKY (47TH): So, then you have this postconsumer trucks that come in and that is added directly into the same stream or is it that used for different product?

STEVE LAKE: No, it gets mixed in with the virgin stream.

REP. DUBITSKY (47TH): And that is used to produce pellets that you sell?

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STEVE LAKE: Right.

REP. DUBITSKY (47TH): And the products, the pellets that you sell, to whom do you sell them?

STEVE LAKE: We sell them to manufactures who make something like this, or the clamshells or the meat trays.

REP. DUBITSKY (47TH): Can you hold up that first one again? Okay, that looks like clear plastic to me.

STEVE LAKE: That is the general purpose polystyrene is really clear so you will see this material here is very clear and it is used, a lot of it, in medical, you know, as a place to put tests in there so they can read it underneath with IR and UV. So we sell a lot of the medical area as well.

REP. DUBITSKY (47TH): So those are the little Styrofoam balls do not just make food trays and things like that they make other products as well?

STEVE LAKE: Correct.

REP. DUBITSKY (47TH): What other products, cause I had no idea that you make clear plastic out of polystyrene balls?

STEVE LAKE: You can make cups, pipettes, petri dishes, a lot of it is medical, you know, very clear medical. A lot of food service materials.

REP. DUBITSKY (47TH): Other than the white kind of Styrofoam that we are all used to and the plastic, the clear plastic that you've just held up, are there any other forms in which this product take, which your balls can be made into?

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STEVE LAKE: Well yeah, there is a lot of different products that you can make with polystyrene. So they would take these materials, extrude 'em in and we can make the plastic forks, that's another big one for polystyrene, so even the ones that look like they are tarnished metal or shiny chrome, that is polystyrene.

REP. DUBITSKY (47TH): So when I would buy a salad and it comes in a Styrofoam tray and I get a plastic fork with it, those two things are made out of the same little balls that come from your factory?

STEVE LAKE: Could be. If you look at the back and see that it has a "6" in the recycle then it would be.

REP. DUBITSKY (47TH): Okay, and what is your understanding of this Bill that it would ban, what products? Okay, just those trays. Okay so the other products that you sell would not be affected to your understanding? Any of the other products that are made with your polystyrene balls?

STEVE LAKE: Right, as I understand it, it is just about the foam.

REP. DUBITSKY (47TH): Okay and is there any. And now talking about those trays in particular, are those trays, how do those trays get back into the stream of manufacture. You say you have trucks coming from down south with postconsumer product. If I bought a salad with Styrofoam tray how would I get that back into the manufacturing stream?

STEVE LAKE: Well I would say that our PCR flake is, because we are doin the recycle into the kind of products we make. This has to be a fairly unique stream so these are actually chipped hangers from

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Walmart. So that is how the stream we put in. So as Omar was talking about, the contamination on something like a meat tray would make that pretty touch to bring into our without having a lot of processing on it. So that is why when you get the trays that have the contamination on it, you know, the advanced recycling is really how you can manage through that. You are not so concerned about little bits of contamination.

REP. DUBITSKY (47TH): Do you know of any other location, any other state or municipality who has that type of recycling capacity?

STEVE LAKE: This type where it's mechanical or are you talking about the?

REP. DUBITSKY (47TH): Like the postconsumer, like my salad tray. It's got, you know, pieces of food and salad dressing on it.

STEVE LAKE: No, I think what Tigard is doing, what we're doing with that Agilyx and Regenex which is our joint venture is pretty new onto the scene for doing this. I think there is other technologies out there that will try to do the same thing but, you know, this is the one that we're working on to try to get postconsumer materials back into to try to get that circular economy going around polystyrene.

REP. DUBITSKY (47TH): So your plant that manufactures new and uses some postconsumer material, you're working on technology to take the salad tray and turn it back into the system?

STEVE LAKE: My company does. We have multiple facilities and across the U.S. and one in Columbia, but my company is working on technology to do just

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that. That this and turn it back, you know, take this and turn it back into styrene.

REP. DUBITSKY (47TH): Okay and that is not happening in Connecticut as far as you know?

STEVE LAKE: No, I mean the technology originated in Oregon, probably they're a little bit more advanced in their process of getting this recycled.

REP. DUBITSKY (47TH): Okay and you're here today to oppose the ban?

STEVE LAKE: Yes.

REP. DUBITSKY (47TH): What would, what is your suggestion on what we do with those products now?

STEVE LAKE: Well I think the collection of polystyrene is kind of a start. You've got, there is a place to grab it. I think there is a market, you know, at our plant there is a market for every pellet that we can't sell as prime pellets, somebody wants it. I think it is the same thing as this. It's just gotta be cleaned or we take this and we build an advanced recycling somewhere close. That is what I think of when I think of this recycling, you collect it, you get the technology to bring it back in to whichever for gets further use out of it. Bring it, with advanced recycling back into styrene is, you know, that's really closing the loop. Now you've taken the whole loop all the way around, you just keep going around.

REP. DUBITSKY (47TH): Okay, but at this point.

SENATOR COHEN (12TH): Representative, the questions need to go through the Chair with all due respect.

REP. DUBITSKY (47TH): Okay. I would be glad to do that. I am just about finished, so.

Through you, Madam Chair.

So until that technology is ripe, is finished, is available.

Through you, Madam Speaker.

Is there any way right now for us to, for us to recycle any of that?

Through you.

SENATOR COHEN (12TH): Thank you, Representative.

STEVE LAKE: I can answer. I think there is a, if you can recycle it and clean it, there is a market for it. People will take it. There is some steps in there, like anything else that you would recycle you have to have it somewhat clean. There is certain times you need it to go somewhat clean, there is other ones like the advanced recycling where it doesn't have to be as clean before you can recycle it. So I think there is multiple ways of doing that but 'ya collect it.

REP. DUBITSKY (47TH): Okay.

And through you, Madam Chair.

But there is nobody doing that right now, right.

STEVE LAKE: Well in Connecticut, there is not a mandatory. I'll just give you an example. In our company we recycle everything. So we have recycle bins and we, you know, write on the lid of the recycle bin, it says you can't recycle polystyrene so, yeah there is no opportunity to recycle that.

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REP. DUBITSKY (47TH): Okay, thank you. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Representative Kennedy.

REP. KENNEDY (119TH): Thank you, Madam Chair.

Through you to Mr. Lake.

Mr. Lake, thank you for being here. You have a company of 32 fulltime employees, is what you stated. If this Bill were to pass, what would the impact this Bill would be on your business.

Through you, Madam Chair.

STEVE LAKE: What I, because we are regional I would guess that there would be less demand for the region. The people that buy our product would buy less from it. We would go at reduced rates for a while and then it would become kind of obvious that we wouldn't be running full rates for very much. The overhead to kind of manage the facility would be too much for the process and we would probably, you know, if it kept going on would end up closing down this facility.

REP. KENNEDY (119TH): Madam Chair, I just have one follow up. Mr. Lake I believe you mentioned that you, your products go to other companies, other consumers or companies in Connecticut, would they be impacted as well?

Through you, Madam Chair.

STEVE LAKE: We sell to facilities in New York and Massachusetts but they are within an hour, hour-and-a half by truck so they are close and so there is a lot of businesses out there, you know, in the New

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York, Massachusetts area that are doing this kind of compounding. They take our pellets and make things out of them. But yes, it is regional. Shipping something like this clear across county when it is mostly air eventually going to be too expensive.

REP. KENNEDY (119TH): I'm sorry.

Madam Chair, through you.

So effectively if your company were to close because this Bill passes, you will effect the region essentially, right. So the people you sell to as you said, Massachusetts and New York they would effectively be impacted if your company closed?

Through you, Madam Chair.

STEVE LAKE: Yes, I think any, even reduced rates or partial shutdown or anything that would affect the people that work at our plant and where we spend our money which we spend it locally so it affects transportation and it affects electricity, natural gas, cryogenic nitrogen all those things are close by so we're kind of far-reaching in where we spend our money.

REP. KENNEDY (119TH): Thank you for your responses and for your testimony today. Thank you, Madam Chair.

SENATOR COHEN (12TH): Thank you, Representative. Any other questions or comments? Representative.

REP. DEMICCO (21ST): Thank you, Madam Chair. So Mr. Lake, I appreciate your coming and staying late to testify for us and I appreciate the fact that if you have over 30 employees, 32 employees, I am just not quite understanding and maybe I missed something in the dialogue between you and my colleagues. So

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phase out, which I guess would ultimately be a ban that is being contemplated here in this Bill, I am not quite understanding how this would directly effect your company. Could you explain that a little bit more because this applies to restaurants, catering facilities, and schools. So I am not sure that directly impacts the products that you sell. Again, I could have missed something so enlighten me please.

STEVE LAKE: You know when you talk about food service and single use, you're talking about the clamshells, a lot of the foam clamshells, the foam cups all those are made out of polystyrene and in this region, you know, we're probably the supplier of polystyrene. So if those go away, volumes drop a and, you know, it is regional so we don't end up shipping our product, which are these pellets, clear across country cause that is cost prohibitive. So if the region stops buyin then we start kind of that slow, you know, move toward, okay it's not financially effective to keep you in here.

REP. DEMICCO (21ST): So in other words you don't manufacture the, you don't manufacture the products that are being used in the restaurants or in the schools but you supply the companies that do that manufacturing.

STEVE LAKE: Right.

REP. DEMICCO (21ST): Okay so that's what I wasn't clear on. Okay, thank you. I appreciate that. thank you.

SENATOR COHEN (12TH): Thank you, Representative. Any other, yes. Representative Piscopo.

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REP. PISCOPO (76TH): Thank you, Madam. I was just curious, just to follow up on that, who is your customer, what are some of your better customers or biggest customers?

STEVE LAKE: Dart, Pactive, you know, the Solo Cup world, GenPact that's the one I am holding up here so this is a GenPact one. You know, it's anybody that is making a tray, anything out of polystyrene. In the Northeast we're probably supplying at least, you know, we're supplying at least a third of what they are takin.

REP. PISCOPO (76TH): I see. And I think, and another follow up to the Chairman's question, and. Through you.

I understand this through the Chair but sometimes in a Public Hearing it's better to start a dialogue with the person and have the members listen than. I understand in the Chamber, you know, when we are on the floor to control the debate, of course we go through the Chair, but this is a little bit awkward now. All of a sudden you are implementing this at this stage in the Public Hearing, this kind of rule.

SENATOR COHEN (12TH): Thank you, Representative. Some Representatives and Senators here do follow that rule and rules of order and some don't. And that conversation was going on a long time and so I just asked that the questions be routed through the Chair as customary even in a Public Hearing. So I appreciate you consideration, Representative.

REP. PISCOPO (76TH): Thank you. Thank you for your testimony and Thank you, Madam Chair for allowing me ask these questions.

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SENATOR COHEN (12TH): Any other questions or comments? Thank you so much.

STEVE LAKE: I'll just give one final comment you know, we are a manufacturing and probably in an area that you don't even know where we are or what we do, so I would like to extend, you know, a tour if anybody would like to come see it. It's a beautiful little corner of Southeast Connecticut and we would love to show it to ya.

SENATOR COHEN (12TH): I appreciate that, Mr. Lake. I myself have been trying to get to your facility and have been unable to do so. So perhaps we can get that on the calendar and I appreciate the offer being extended to the rest of the Committee. So thank you very much for your testimony. Oh, I think we have one more question. Representative Ryan.

REP. RYAN (139TH): I will prolong this just for the sake of prolonging it [Laughter]. I have to admit that I do know where you are because as I was growing up I looked across the Thames River at your facility everyday and every night being in close proximity to it. So I know exactly where you are, trust me [Laughter].

SENATOR COHEN (12TH): Okay, thanks so much. Dillon Demoura. Welcome.

DILLON DEMOURA: Hello, I am here to testify in support of SB 99 on behalf the UConn Public Interest Research Group and with the permission of the Chair I would like to ask if two of my colleagues may join me and testify tonight.

SENATOR COHEN (12TH): They may join you, you have a shared three minutes, so with that understanding, you are welcome to have them join you.

DILLON DEMOURA: Thank you.

SENATOR COHEN (12TH): Unless of course they were already on the list and then they can choose to testify separately. Okay, perfect.

LEAH PAIGE: Hi, I am Leah Paige.

SENATOR COHEN (12TH): Welcome.

BEN ALBEE: And my name is Ben Albee and although I am an Environmental Studies Major at University of Connecticut I am not unique in understanding that today more plastic pollution enters our waste stream more than ever before despite encouragements to recycle.

It is 2020 and we are no closer to solving our issues of pollution than we were 20 years ago. We seek a livable future and planet, not one for some distant grandchild of ours but for the now, for this generation, for your constituents. The climate crisis is the greatest challenge of our time, it is not some distant issue. It is happening now and it is happening because of how we manufacture and consume goods in our society. It is happening because it has become precedent for its powerful special interests to lobby our government institutions throwing away regulations on waste and plastic production for short term profits and political gain.

LEAH PAIGE: Wherever a polystyrene container or tray is made, massive amounts of water are consumed, as well as oil, adding toxic fumes and chemicals. All resulting in a perpetuation of the climate crisis and our long-term pollution of the entire globe. This is the footprint of a single polystyrene product that has an average usage of a

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mere few minutes. Our planet is in crisis and we need to tackle the consumption of throwaway products to reduce our continued overuse of natural resources. We need to protect Connecticut's waterways before it's too late.

DILLON DEMOURA: We as students that have lived in this state our lives and plan to stay here after we graduate. We want to live in a place where students can live without having to worry about garbage being burned in low-income minority communities across the State. Thousands of students at UConn at Trinity College have signed on to our petition to ban polystyrene in hopes of realizing a foam free Connecticut. We need to change now if our generation and generations of students to come are going to live, work, and raise families here in Connecticut. Thank you for the opportunity to testify. We look forward to working with you throughout this Legislative Session to pass this bill and thank you for your time.

SENATOR COHEN (12TH): Thank you, it's really a pleasure to see young people like yourselves leading the cause, you know, the charge here to, you know, better our environment. So I appreciate you being out here. Yes, Senator Haskell.

SENATOR HASKELL (26TH): Thank you very much, Madam Chair and I just want to echo your comments. I had the opportunity to speak at UConn very recently wherein my other hat is the Chair of the Higher Education Committee and I am just so inspired by the activism and the energy that you bring into this building so. I look forward to supporting the Bill and I am grateful that you are here on a Friday night testifying. Thank you, Madam Chair.

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SENATOR COHEN (12TH): Any other questions or comments from the Committee? Also glad to hear that you grew up and plan to stay in Connecticut. Okay, thanks so much for your testimony. Tom Swan. I don't think he is here. Sara Callan. Hi, Sara welcome.

SARA CALLAN: Thank you. Chairwoman Cohen and Representative Demicco and the rest of the Committee. Thank you for allowing me to speak today. My name is Sara Callan. I am the Assistant Manger of the Animal Rescue Program at Mystic Aquarium and I wanted to share our Mission at Mystic Aquarium to inspire people that care for our ocean planet through conservation, and education, and research.

As we all know plastic pollution and particularly polystyrene affects our oceans, rivers and lakes and is a serious problem and one that negatively affects marine life and ecosystems. In addition to that it also affects human health. I did some written testimony but alto today I want to speak to my personal experiences that I've had in the field.

I know there were some comments earlier about polystyrene being safe. I beg to differ with that. Expanded polystyrene is characterized for being two things, both of those things are lightly and buoyance. And in my experiences those are not safe at all for the marine life that I have to respond to and rescue on a pretty regular basis.

This buoyant material is easily picked up by the wind. It can be blown right of landfills into sewers and that ends up in the ocean which is carried by currents. It's buoyance keeps it on the

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ocean surface which is often ingested by a lot of seabirds and other forms of marine life.

I've been in this field for 11 years and I spend a lot of time doing field work all over the world particularly months on uninhabited island in Hawaii also off the New England Coastline and I can't tell you how those experiences were some of the most devastating I've had because I had to live for months among a lot of this plastic pollution and marine debris, and polystyrene objects. And it was very disheartening to live amongst all this marine debris and not be able to do anything about it. No be able to remove it. My job on these islands was primarily to do research on the animals and look at their behavior but I job quickly turned into just untangling them. In addition to that I had seabirds dying all around me and in some I found objects like scissors, plastic forks, lighters, piece of foam. There were coolers, Styrofoam cups just littered all over the beaches and these were from all over the world. It wasn't just from the area that you live in because it was carried it's so lightweight.

We do a lot of work with the Committee which I am very proud of for being able to have that platform with my job, but I think that a lot more action needs to happen. It is really easy to say that we recycle a lot of that, recycling how do we really count or monitor everyone who recycles and I think we really just need to ban this polystyrene because without that action on a legislative and State level we really aren't going to see a difference in the environment. So thank you.

SENATOR COHEN (12TH): Thank you, Sara. And just anecdotally I went on a clean-up this past summer

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and was shocked at the amount of foam that I found especially when, you know, if there is reeds and marsh around the area, it all gets caught up in there and it's really unfortunate. So I share some of your sentiments especially when I come to the shoreline. Any other questions or comments from the Committee. No, thanks so much, Sara. Is Chris Phelps here? I didn't see him. Is there anybody left here that is not on the list or maybe I missed from the list that hasn't testified? [Laughter]. All right, I think that is where everybody went. All right with that we will be adjourning the Public Hearing. Thank you everybody.