

Lee D. Hoffman
Environmental Attorney
March 10, 2023
Public Hearing Testimony
Environment Committee

Raised Bill 1145 “ An Act concerning the Establishment of Sector Specific Subtargets for Greenhouse Gas Emissions Reductions and Regulating Emissions of Small Off Road Engines”

and

Raised Bill No. 1147 “An Act Concerning the Environmental Justice Program of the Department of Energy and Environmental Protection”

Co-Chairs Lopes and Gresko, Ranking Members Harding and Callahan and members of the Environment Committee. Thank you for the opportunity to provide testimony concerning Raised Bill No. 1145 and Raised Bill No. 1147. My name is Lee Hoffman, I am an environmental attorney at Pullman & Comley, LLC and have been practicing environmental and energy law for nearly thirty years. I am the immediate past chair of the Environmental Law Section of the Connecticut Bar Association, a past chair of the CBA’s Energy, Public Utilities and Communication Section, and a member of the General Assembly’s Brownfields Working Group.

The aims of these two bills are laudable and unassailable, namely the reduction of greenhouse gas emissions and the support of environmental justice initiatives. Connecticut has long been a leader in both of these endeavors and should be justifiably proud of its legacy of fostering environmental justice and securing our future from the ravages of climate change.

No matter how well intentioned these bills may be, there are unintended consequences that must also be weighed and considered. Indeed, the bills as written have the real possibility of harming the very communities they are designed to protect and may not be of much assistance to Connecticut as it seeks to achieve its environmental goals.

First and foremost, the bills, when taken together, will have the unintended consequence of potentially stymieing the very environmental innovation that they seek. These bills affect not only new facilities, they also affect facilities that may be seeking to expand or modify their operations. Such expansions may come in the form of modernization of older facilities and concomitant improvements in emissions controls and other pollution control equipment.

While the bills make some effort to provide exceptions for such treatment, the exceptions are incomplete at best. A facility that more than doubles its capacity, for example, while only increasing its emissions by ten percent would be subject to new regulation, despite the fact that the pollution on a per unit of production basis would be approximately half of what it was before such improvements were undertaken. Similarly, a facility that undertakes improvements that would radically decrease its greenhouse gas emissions would nonetheless be subject to increased regulation if the emission of another pollutant were increased, no matter how small that increase would be.

The reaction of the regulated community to this turn of events can be reasonably predicted. The regulated community, rather than seeking to improve the environmental performance of its facilities will instead be content to continue with existing equipment, regardless of whether environmental benefits can be obtained.

Instead of fostering a culture of environmental innovation, these bills will foster the status quo, for as long as possible. The end result is just as predictable. Those who live in communities that are unduly impacted by environmental issues will continue to be impacted. Rather than provide relief, these bills will wind up harming the constituents they were designed to protect.

In addition, these bills will impact these communities in another way. The bills broaden the industries that will be impacted by their requirements, including publicly owned treatment works and bulk petroleum pipelines and storage facilities. These facilities, should they choose to go through additional permitting processes, will be forced to incur significant costs to comply. Those costs are going to manifest themselves in increased sewage fees or increased costs to heat homes or drive cars. As Connecticut moves to a zero-carbon future, it will not be the Tesla drivers that will bear the brunt of the costs of these initiatives; it will be those who live in our cities with antiquated sewage treatment plants or who cannot afford the latest in transportation technology who will suffer the most.

Finally, a more indirect, but nonetheless real, impact must be considered. The impact that these bills will have on Connecticut's electric ratepayers. As this Committee is no doubt aware, ISO-NE spent much of the first half of 2022 evaluating what will happen if the various New England states' plans for a reduced carbon future, such as Connecticut's zero carbon goal by 2040, were to come to pass. In a March 2, 2022 presentation made to the Rhode Island Senate Environment and Agriculture Committee, entitled *ISO New England Regional Overview and Outlook*, (https://www.iso-ne.com/static-assets/documents/2022/03/iso_new_england_regional_overview_and_outlook.pdf) ISO-NE noted that the end result of these zero carbon efforts would be a doubling of existing electrical demand by the year 2050.

What that means, put simply, is that as a region New England would not only have to replace its existing electric generation capability with new resources as it ages, it would have to *double* its existing generation. It would need to do so as it also *doubles* its existing electricity transmission and distribution systems while it hardens those systems against the vagaries of intermittent energy sources. All of these improvements will carry with them significant costs, and those costs will be borne by our commercial and residential ratepayers. These are the same ratepayers who are already bearing some of the highest electric costs in the country.

Connecticut needs to move towards a zero-carbon future, and it needs to ensure that none of its citizens bear a disproportionate

share of environmental burdens. As it does so, however, it must do so deliberately, thoughtfully, and with an eye towards minimizing the impacts to those who can least afford to bear those impacts. These bills, as drafted, fail to meet these goals.

Thank you for the opportunity to present this testimony to you today, I would be happy to answer any questions you may have.