



Connecticut Fund
for the Environment

Save the Sound®

June 2, 2017

Contact: Melissa Schlag 860-398-0569
mschlag@ctenvironment.org

Special Interest legislation would give corporations free pass to violate environmental and public health laws

Proposed legislation gives free a pass to first time corporate violators of laws that safeguard public health and environment

New Haven, Conn. – In response to intense lobbying by corporate special interests, state lawmakers are seeking to exempt corporations that break environmental and public health laws from paying penalties, weaken the authority of the DEEP commissioner, and potentially create expensive litigation.

Environmental advocates have come out strongly against the proposed legislation. In addition to Connecticut Fund for the Environment and its bi-state program Save the Sound, other groups speaking out include Rivers Alliance, Connecticut Chapter of the Sierra Club, Connecticut League of Conservation Voters, Citizens Campaign for the Environment, and Environment Connecticut.

Senate Bill 818 would require the Commissioner of the Department of Energy and Environmental Protection to waive fines against businesses that violate an environmental statute or regulation. It would excuse only corporations; individuals would still be required to comply fully with public health and environmental laws or face appropriate fines. Although SB 818 faced serious opposition in the Senate, it ultimately passed and is currently before the House.

“SB 818 gives a free first-time pass to corporations who pollute our air and water. Letting corporate interests off the hook for violating the law is fundamentally un-American,” **says Roger Reynolds, legal director of CFE/Save the Sound.** “Passage of this bill would show that Connecticut’s legislature is unwilling or unable to stand up to powerful, well-connected corporations even when citizens’ health and our environment are at stake.”

Another proposed bill, House Bill 7134, and an as-yet-uncalled amendment to a separate bill, *LCO 7991*, would remove authority of the commissioner of DEEP to modify or revoke a consent order without the full agreement of the other party, reducing the status of an administrative consent order to that of a private contract. No other state has a law that strips its

commissioners of authority and obviates the flexibility of a commissioner to amend an existing consent order that is no longer sufficiently protecting the environment and public health.

The proposed bill and amendment would also authorize a party to seek declaratory and injunctive relief in Superior Court regarding any dispute over an existing consent order. This proposed law would not only undercut the duty of the DEEP commissioner to protect the environment and public health, but would also overburden the court system with cumbersome and expensive legal challenges.

“These bills erode the force of Connecticut’s robust and respected environmental laws and encourage unscrupulous businesses to disregard their clear legal obligations,” **said Andrew Minikowski, legal fellow at CFE/Save the Sound.** “Connecticut needs to support the laws and agencies that protect public health and our environment, not undermine them.”

What other organizations are saying:

“These bills will make much worse a situation that is already bad,” **says Margaret Miner, executive director of Rivers Alliance.** “DEEP has almost no resources and almost no political support for enforcement of laws and regulations protecting clean water and air. We rank high among states for our environmental standards and very low on enforcement of those standards. Even when there are repeated documented cases of chronic noncompliance with health and environmental rules, DEEP is extremely cautious in pursuing any sort of action much less a fine against a violator. When DEEP does move, the violator can hold up the process for years with objections, negotiations, and appeals to the legislature for help. Contamination of groundwater is a serious statewide health issue. The legislature should respond accordingly.”

“We must not follow the reckless path of our federal government in rolling back our environmental protections,” **says Lori Brown, executive director of the Connecticut League of Conservation Voters.** “The laws we have now must be upheld, not diluted.”

“We rely on state government to vigorously protect the quality and health of our environment,” **says Martin Mador, Sierra Club Connecticut Chapter.** “This focus is even more important in times of scarce resources. SB 818 would surrender protection of the public interest with regard to corporate malfeasance with no public benefit in return. Likewise, HB 7134 would unnecessarily cripple the authority of the Commissioner of DEEP. The Sierra Club vigorously opposes both bills.”

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