



TESTIMONY IN **OPPOSITION** TO **HB 5185**
AN ACT CONCERNING CONSENT ORDERS ENTERED INTO BY THE DEPARTMENT OF
ENERGY AND ENVIRONMENTAL PROTECTION

February 13, 2019

To: Honored Chairs Sen. Cohen and Rep. Demicco and Distinguished Members of the Environment Committee

From: Lori Brown, Connecticut League of Conservation Voters

Thank you for the opportunity to testify **in OPPOSITION to HB 5185**, An Act Concerning Consent Orders Entered into by the Department of Energy and Environmental Protection.

Consent orders are an important tool that allows the Department of Energy and Environmental Protection (DEEP) to work out an agreement with violators of environmental laws so long as they adhere to conditions of the agreement. **Consent orders are a valuable incentive for offenders to remedy their actions and reduce their financial liability to the state.**

In the past, CTLCV has strongly opposed similar efforts to eliminate consent orders. Most recently, in 2018, a similar bill would have eliminated consent orders retroactively—allowing a particular bad actor to escape punishment after it entered a consent order, failed to act on the agreement, and lied about its effort to remedy its offense. Eliminating the DEEP Commissioner's ability to revoke consent orders would have allowed that polluter to escape punishment for serious wrongdoing. Fortunately, this bill died when lawmakers realized the damage it would do to DEEP's ability to enforce environmental protections and hold violators accountable.

Eliminating consent orders would make it harder to protect our air, water, and natural resources from pollution. DEEP's ability to monitor and enforce existing laws is already hampered by significant reductions to its budget and staff. Consent orders allow DEEP to work with violators on solutions to their offenses, operating more efficiently and to the benefit of all parties involved.

Consent orders are NOT contracts, but rather agreements between violators and DEEP. They are to the benefit of offenders, and their elimination would result in violators simply being slapped with heavy fines and other punishments.

HB 5185 would undermine DEEP's authority and likely lead to more legal battles in our already backlogged judiciary branch. It is a deeply misguided bill, and we at CTLCV urge you to **VOTE NO on HB 5185.**

We appreciate your effort to cast your votes with the protection of our environment in mind.

Thank you for your consideration as you deliberate on HB 5185.

Sincerely,

A handwritten signature in cursive script that reads "Lori Brown".

Lori Brown

Executive Director

CTLCV

553 Farmington Avenue, Suite 201 Hartford, CT 06105

www.ctlcv.org | ctlcv@ctlcv.org