TESTIMONY IN SUPPORT of HB 5395
AN ACT REQUIRING AN EVALUATION OF THE STATE’S ENVIRONMENTAL JUSTICE LAW

March 15, 2019

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

From: Alex Rodriguez, Chispa

Thank you for the opportunity to testify IN SUPPORT of HB 5395, An Act Requiring an Evaluation of the State’s Environmental Justice Law.

Connecticut is known as a nationwide leader in the fight against climate change, however our state has not done enough to address environmental injustice. Low-income black and Latino communities in Hartford, Waterbury, New Haven, and Bridgeport are disproportionately impacted by climate change, pollution, and other environmental threats.

In 2008, Connecticut signed its first environmental justice legislation into law. Although imperfect, it was a step in the right direction. It recognized the unjust placement of “affecting facilities” (power plants, sewage treatment plants, waste incinerators, and landfills) near low-income and minority communities. These toxic sites are responsible for disproportionately high rates of asthma and other respiratory diseases among minorities and low-income residents. The original the law ensured that affecting facilities could not be placed near these communities without meaningful public participation and input.

The bill before you today, HB 5395, proposes a number of revisions to the existing law. It would strengthen the language and expand the scope of the bill in order to provide more political power to environmental justice communities.

HB 5395 is necessary because environmental racism still impacts communities across our state. A study released last week by researchers at Clark University found that air pollution is disproportionately caused by white Americans’ consumption of goods and services, but disproportionately inhaled 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. For African-Americans, that figure is 56 percent.

Hartford is currently home to an aging, high-polluting trash incinerator that the state would like to close. This state-run incinerator serves 70 Connecticut towns and is the county's second largest air polluter. While shutting it down is laudable, the Department of Energy and Environmental Protection (DEEP) only considered three proposals to replace the incinerator—all of which involved more incineration and additional pollution. The leading proposal under consideration would keep the Hartford incinerator operating. Though emissions would be reduced, it would remain the second largest air polluter in Hartford County. Instead of relying on trash
incinerators—which tend to be dirtier than coal power plants and inefficient at energy production—true environmental justice would involve investment in waste recycling and composting services. Only then can Hartford communities breathe easier.

Waterbury communities also face significant pollution threats. In 2017, F&G LLC expanded their waste hauling operations in Waterbury from 100 tons a day to 700 tons a day. This plan increased truck trips from 138 to about 190 a day. Routes took these trips through the low-income, Hispanic community in the south end—already one of the most polluted neighborhoods in Connecticut. Residents objected to the plan, but were overruled, despite the fact that F&G did not comply with environmental justice regulations stipulated in the 2008 law. Under the regulations, F&G should have posted clearer notices of their public meetings in both English and Spanish due to the large Hispanic population in the south end. This type of injustice cannot continue.

HB 5395 would expand the scope of the existing law and strengthens its language. Rather than suggesting that developers engage in public engagement activities like notifying neighborhood and environmental groups of their plans in writing, HB 5395 these activities. Additionally, HB 5395 adds a new clause which automatically nullifies any application for an affecting facility if the applicant does not abide by the stated rules of public participation. This revision would have potentially stopped F&G’s application in Waterbury from being approved—and protected the vulnerable communities in the south end.

Under Connecticut’s original environmental justice law, municipalities, owners and developers are allowed to enter into a “community environmental benefit agreement” with affected communities to mitigate the adverse effects of pollution. The mitigation activities include environmental education, diesel pollution reduction, and support for open spaces. HB 5395 proposes additional activities such as the establishment of a wellness clinic, ongoing asthma screening, air monitoring performed by a licensed environmental professional, an ongoing traffic study and watercourse monitoring. HB 5395 also expands the criteria for a “community environmental benefit agreement” to air quality and watercourses, quality of life, and asthma rates.

Connecticut still wrestles with incidences of environmental racism and disproportionate health effects for low-income and minority communities. Strengthening the language and expanding the scope of our existing environmental justice legislation is a proactive, smart step towards achieving environmental justice. On behalf of the Connecticut League of Conservation Voters and Chispa, I urge you to VOTE YES ON HB 5395, and help position Connecticut as a national environmental justice leader.

Sincerely,

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