

# 2019 Connecticut Environmental Legislative Update No. 9

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*Welcome to our Environmental Legislative Updates.*

*Throughout Connecticut’s legislative session, these updates highlight developments concerning environmental law and policy. The author prepares updates as Legislative Liaison of the Connecticut Bar Association’s Environmental Law Section. Pullman & Comley is pleased to offer them in this format to a wider audience.*

*As the session proceeds, early updates will alert readers to proposals on a broad range of issues concerning the environment, narrowing focus over time on bills that continue to progress, and concluding with a post-session wrap-up of bills that pass as well as noteworthy also-rans. Along the way they’ll summarize and challenge arguments pro and con, examine the policy and science behind proposals, and occasionally cast a side glance at the vicissitudes and vagaries of the process. The views expressed will be the author’s own, not necessarily those of Pullman & Comley LLC.*

*Questions, comments, requests and suggestions are always welcome. Please contact one of our Environmental attorneys.*

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We appear to have reached the point in the session where all the initial proposals are on the table. Or at least that’s the sense we get from two aspects of the bill notices – they’re much shorter, and the ones of interest from the environmental perspective have a sort of “oh, I almost forgot” air about them.

For instance, doesn’t there have to be at least one proposal for a moratorium on use of recycled tire rubber at municipal and public school playgrounds? Fear not, HB 7003 is here. The hypothetical interested reader may recall that we reviewed the status of federal and state research on this subject last spring. The Connecticut Department of Public Health continues to say “additional investigation is warranted.” At the federal level, *mirabile dictu*, research by the Environmental Protection Agency in collaboration with CDC and ATSDR may soon provide more insight: a draft characterization report has been through “peer review,” comments are

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being addressed, and an initial installment may be out early this year. Perhaps in time for this bill to go somewhere?

HB 7020 proposes funding for municipalities to “integrate” EPA guidance on wastewater collection and treatment systems that goes under the rubric of CMOM, i.e. “capacity, management, operation, and maintenance.” The bill describes CMOM as a “program,” but it’s essentially a collection of best practices that forms part of the EPA “toolbox” for wastewater collection systems to minimize sewer system overflows. Considering that the EPA guidance is free for the clicking, as is a self assessment checklist that reduces the whole thing to a kind of wastewater system Cosmo Quiz, it’s not clear what costs of “integration” would have to be funded. Of course, under current conditions, we wonder if the words “funding for” will make it difficult for HB 7020 to form lasting relationships.

For a few bucks, you can get a “Greenways” license plate. What happens to them? HB 7058 says it would be a good idea to establish a “Greenways account” to ensure they go toward developing, constructing and maintaining actual greenways.

We are generally wary of leaping to the conclusion that “there oughta be a law,” but sometimes there really oughta be. HB 7019 is a case in point: its stated purpose is to prohibit making, selling or possessing “animal fighting paraphernalia.” We’re not entirely sure what that is, but we have a bad feeling about it. We’d have kept that reaction to ourselves except the bill was referred to Environment.

Legalizing production of industrial hemp: HB 7017.

And the bonus legislative update is HB 7007, which would prohibit selling energy drinks to anyone under the age of sixteen. Our experience of the under-sixteen set was that they alternate between boundless energy and immovable torpor. If reactions to nagging about chores or homework are any indication, we’d agree that torpor is best allowed to take its natural course. But why sixteen? That’s when they can get driver’s licenses. The only thing more terrifying than a post-adolescent driver is a post-adolescent driver stoked on Red Bull.

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